



National
Native Title
Tribunal



*The Mareeba Wetlands are part of the 12 030 ha of land and waters covered by the Muluridji People's native title determinations.
Photo: Campbell Clarke – Wet Tropics Management Authority.*

Muluridji People's native title determinations

14 December 2011
Far North Queensland

Muluridji People determinations

On 14 December 2011, the Federal Court of Australia made two consent determinations recognising the Muluridji People's native title rights over country, 30km from Cairns in Far North Queensland. The combined determination areas cover about 12 030 ha of land and waters, including Hann Tableland National Park, Mareeba Tropical Savanna and Wetland Reserve Nature Refuge, unallocated state land and reserve land.

The Muluridji People negotiated with representatives of the Queensland Government, Tablelands Regional Council, Ergon Energy Corporation Limited, Wildlife Conservancy of Tropical Queensland Ltd and individuals to reach agreement about the Muluridji People's native title rights and the rights of others with interests in the claim area. The Muluridji People also negotiated three indigenous land use agreements (ILUAs) that establish how their respective rights and interests will be carried out on the ground. Agreements were reached with the assistance of the National Native Title Tribunal through mediation involving the parties.

The two determinations bring the total number of determinations made in Australia to 175 and in Queensland to 64.

The Muluridji Tribal Aboriginal Corporation has been established as the Prescribed Body Corporate to manage the native title rights on behalf of all native title holders.



Native to northern Australia, the Pandanus Palm is a versatile plant with a range of traditional uses. Photo: Campbell Clarke – Wet Tropics Management Authority.

What the consent determination means

A native title determination is a decision by the Federal Court of Australia that native title does or does not exist. If the parties to a native title claim reach agreement, and the Federal court endorses the agreement, it is called a consent determination.

Exclusive native title rights recognised

The Federal Court recognised the Muluridji People's exclusive native title rights over about 745 ha of land. The group therefore has the right to possess, occupy, use and enjoy these areas, to the exclusion of all others.

Non-exclusive native title rights recognised

The Court also recognised the group's non-exclusive rights over about 11 285 ha of land and waters in the determination area. This includes the rights to:

- access, be present on and to traverse the area
- hunt, fish and gather on the area for personal, domestic, and non-commercial communal purposes
- take, use, share and exchange natural resources from the area for personal, domestic and non-commercial communal purposes
- take, use and enjoy the water for personal, domestic and non-commercial communal purposes
- to hunt and fish in and on and gather from the water for personal, domestic, and non-commercial communal purposes
- conduct religious and spiritual activities and ceremonies on the area
- be buried and bury native title holders on the area
- maintain places and areas of importance or significance to the native title holders under their traditional laws and customs and protect those places and areas, by lawful means, from physical harm
- camp on the area but not to reside permanently or to erect permanent structures or fixtures
- teach on the area the physical and spiritual attributes of the area
- light fires on the area for domestic purposes including cooking, but not for the purpose of hunting or clearing vegetation.



*The Mareeba Tropical Savanna and Wetland Reserve Nature Refuge covers 2000 ha and supports over 200 bird and more than 20 mammal species.
Photo: Campbell Clarke – Wet Tropics Management Authority.*

Relationship between the native title rights and other rights

Both consent determinations recognise the Muluridji People's native title rights and interests while protecting the rights of the other parties, with respect to those areas where the non-exclusive rights of the native title holders have been recognised. If there is inconsistency between native title rights and interests and the valid interests of others in such areas, the other interests take precedence over the native title rights.

The group will exercise its non-exclusive rights alongside the rights of others and parts of the determination area will continue to be shared by all those with an interest in the area, including members of the public.

Agreements related to the determinations

During the mediation process conducted by the National Native Title Tribunal, the Muluridji People also negotiated ILUAs with some parties. The ILUAs set out how the parties' rights and interests will be carried out on the ground.

A Protected Area ILUA between the Muluridji People and the State Government establishes how the native title rights and interests will be exercised in parts of the national parks and reserves within the claim area.

A Local Government ILUA between the Muluridji People and Tablelands Regional Council provides for the protection of Aboriginal cultural heritage, while establishing how development in the future will proceed in the local government area.

An ILUA between Ergon Energy Corporation Limited and the Muluridji People was also finalised. It provides for continued access by Ergon to the determination area so that it can carry out its functions.

Stepping stones

8 July 1998

Muluridji People native title determination application filed with the Federal Court over national parks, reserves and unallocated State land. The Muluridji claim was accepted for registration by the National Native Title Tribunal on 8 July 1998.

4 October 2001

Muluridji People #2 native title determination application filed with the Federal Court over various parcels of unallocated state land. The Muluridji #2 claim was accepted for registration by the National Native Title Tribunal on 5 November 2001.

1998 - 2009

Research and compilation of connection evidence was undertaken by the North Queensland Land Council.

18 March 2010 – September 2010

Mediation convened by the National Native Title Tribunal in relation to the connection evidence for the Muluridji claims.

8 November 2010

Connection evidence agreed to by the State of Queensland on 8 November 2010; most other respondents by February 2011. Following this, the respondents entered into substantive mediation towards resolution of the matters.

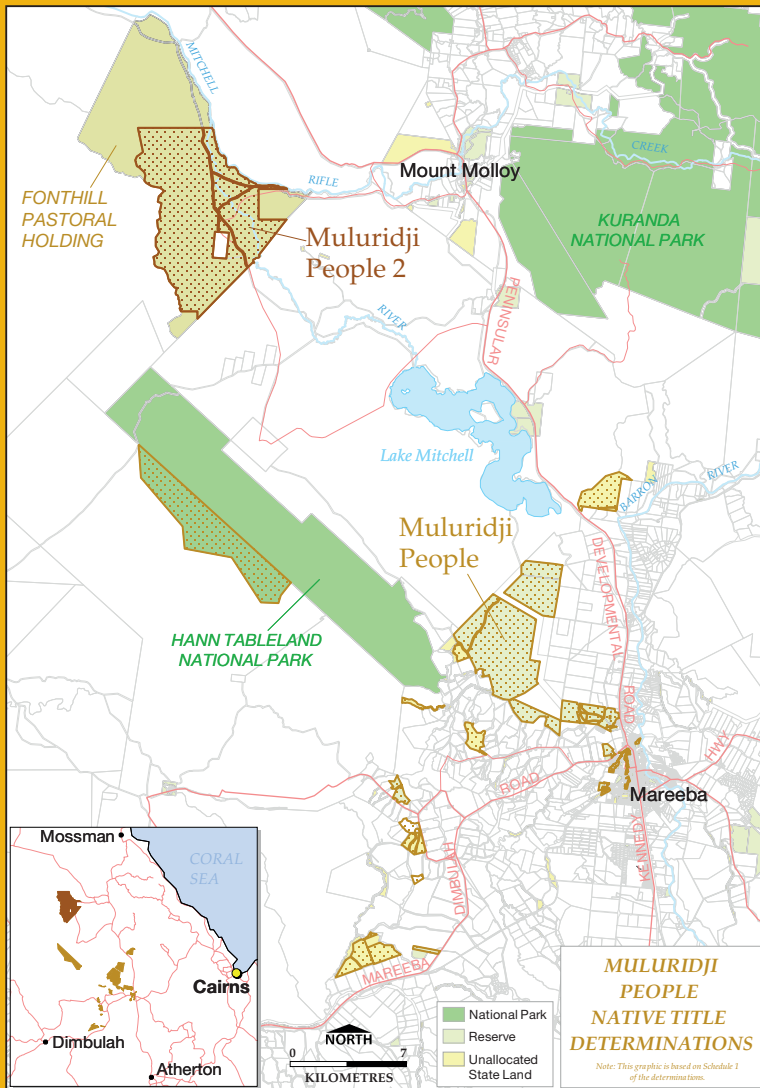
February 2011 to September 2011

The Tribunal conducted substantive mediation between the parties to assist them to reach agreement in relation to the consent determinations. The Tribunal also assisted the parties to negotiate various ILUAs

14 December 2011

Justice Logan of the Federal Court of Australia made the consent determinations at Mareeba.

Map of determination area



Copy of judgment and determinations

You can find a copy of the judgment and determination on the Federal Court of Australia's website: www.fedcourt.gov.au under the sub-heading 'Judgments'.

Further information

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The Tribunal welcomes feedback on whether this information was useful. Email the Communications unit with your comments and suggestions to enquiries@nntt.gov.au or telephone 1800 640 501.



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