



National  
Native Title  
Tribunal



*Cape York Land Council Legal Officer Simon Downing (left), with traditional owners for Strathgordon, May Bally and John Shortjoe, at Thaa-Nguigarr, the old Strathgordon station.*

# Strathgordon Mob native title determination

Far north Queensland  
26 July 2007

# Strathgordon Mob's native title rights are recognised

On 26 July 2007 the Federal Court of Australia recognised the Strathgordon Mob's exclusive native title rights and interests over the Strathgordon Pastoral Lease, located 415km north-west of Cairns and 56km east of Pormpuraaw, in far north Queensland.

It is the first time the group's native title rights have been recognised under Australian law. The consent determination finalises the Strathgordon Mob's native title claim over the area through agreements reached with respondent parties about their native title rights and interests.

## How it all started

The Cape York Land Council lodged the native title claim with the Federal Court on 29 May 2003, on behalf of the Strathgordon Mob. The native title claim included all land and waters on the 1180sq km *Strathgordon Pastoral Lease*. The lease had been purchased by the Indigenous Land Corporation and subsequently transferred to the Poonko Strathgordon Aboriginal Corporation in late 2000.

The claim passed the National Native Title Tribunal's registration test on 31 July 2003. By passing the test the native title claimants gained certain rights, such as the right to negotiate about proposed development on the claimed land, as they worked towards achieving legal recognition of their native title rights.

The State of Queensland, Cook Shire Council and the Queensland Lapidary and Allied Craft Clubs Association became respondent parties to the claim.

## Negotiating agreements leads to native title recognition

On 18 March 2004 the Federal Court directed the Tribunal to mediate between the parties to help them reach an agreement about their rights and interests in the claimed area.

Between March 2004 and April 2007, Tribunal Member Graham Fletcher convened mediation conferences and teleconferences between the parties to assist them in developing agreements about their rights and interests.

The negotiations resulted in the parties agreeing that the Strathgordon Mob has exclusive native title rights over the area. This agreement was then affirmed through the Federal Court consent determination.

## What is a consent determination?

A native title determination is a decision by a court, or recognised state or territory body, that native title does or does not exist in an area.

The court can make the determination following an agreement between parties to a native title claim, if it is satisfied that the native title claimants have proved their continuous connection to the claimed area.

Determinations made under these circumstances are called consent determinations.

# What the Strathgordon Mob consent determination means

The Strathgordon Mob had exclusive native title rights recognised over the entire Strathgordon Pastoral Lease. The native title rights will be exercised in accordance with the traditional laws and customs that the native title holders acknowledge and observe.

The Strathgordon Mob has the right to possess, occupy, use and enjoy the land to the exclusion of all others, in accordance with Queensland and Commonwealth Government laws.

The Federal Court recognised the group's non-exclusive rights over the water to:

- hunt, fish in and gather from the water for the purpose of satisfying personal, domestic or non-commercial communal needs
- take and use water for the purpose of satisfying personal, domestic or non-commercial communal needs.

## Agreements related to the determination

During negotiations the Strathgordon Mob reached two indigenous land use agreements (ILUAs) with some of the parties.

ILUAs are agreements about the use and management of land and waters made between one or more native title groups and other people. These are among the most practical ways to resolve native title issues. An ILUA can be made instead of seeking a determination, or to accompany a determination, to set out how the parties' rights and interests will be carried out on the ground.

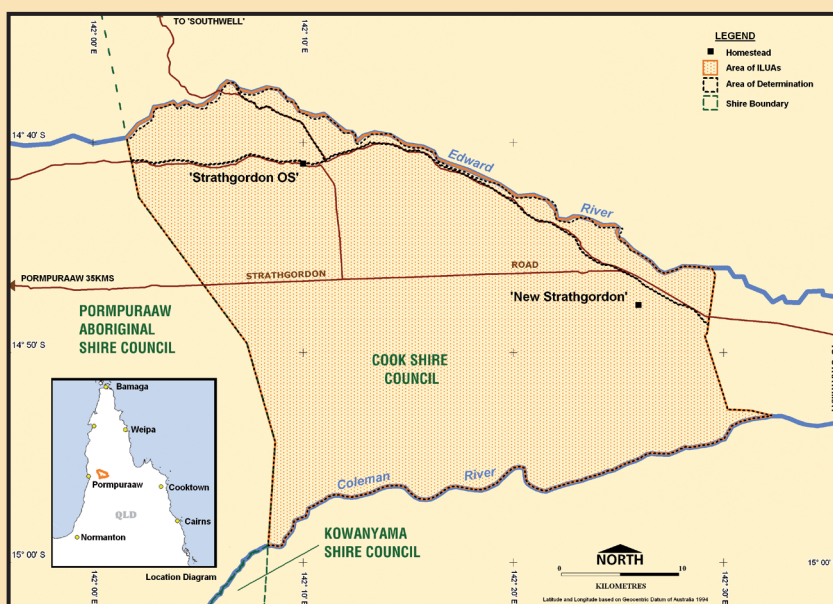
One of the ILUAs, the *Strathgordon Roads ILUA*, is between the Strathgordon Mob, Poonko Strathgordon Aboriginal Corporation, the State

Government and the Cook Shire Council regarding the opening and closing of roads to regularise the currently used road network. The agreement area covers the pastoral lease and the roads that intersect it. Under the agreement roads will be closed and others will be dedicated, but there will not be any change to the way people currently access Pormpuraaw and adjoining properties through the Strathgordon Pastoral Lease area.

The other ILUA, *Strathgordon Area ILUA*, is between the Strathgordon Mob and the Cook Shire Council. The ILUA area covers the determination area. This agreement validates council works and sets out how the Council will carry out its work in the determination area in the future.

## Relationship between the native title rights and other rights

This consent determination recognises the Strathgordon Mob's native title rights while protecting the rights of the other parties. If the other rights and interests happen to be inconsistent with the native title rights and interests, those other rights and interests take precedence—however the native title will not be affected.



Location of native title determination and ILUA area.



## National Native Title Tribunal



### *Do you need more information?*

#### **National Native Title Tribunal**

GPO Box 9973 in your capital city

Or Freecall 1800 640 501

Website [www.nntt.gov.au](http://www.nntt.gov.au)

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