



# Message Stick

September 2018



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## MESSAGE STICK

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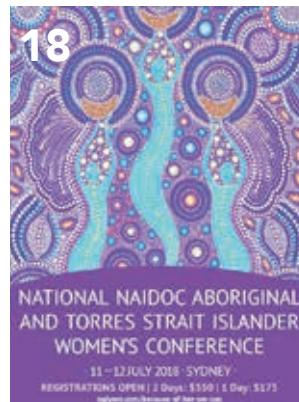
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Message from

# Madam Chair

Welcome to the first edition of Message Stick for 2018. I'd like to start by acknowledging the traditional custodians of the lands on which the NQLC represents, their elders, past, present and emerging. I would also like to acknowledge the passing of our peoples in our footprint and their contribution and input into their families, clans, tribe and organisations. Ensuring the legacy lives on, through the foundations they have laid in Native Title and their determined lands. One such Elder, colleague and respected member of my Community, was Mrs Catherine 'Nola' Joseph. Nola was well known in the Tablelands Community and in the greater northern region. Nola was an approachable person who I thought fondly of as a storyteller and who enjoyed a yarn. Nola shared her knowledge when people were seeking information. Nola was born and raised on the Atherton Tablelands where she raised her family. Nola will be sadly missed by our Tablelands community. When our elders pass on so does our history, or parts thereof. It is our business to become the holder of their knowledge. This is the case with young Abidiah Hudson. Abidiah, a 2-year old Jirrbal dancer. Abidiah recently danced with the Jirrbal Dancers at the St Bernard's NAIDOC Day celebrations in Herberton.

Culture lives on through our young people, keeping culture alive.



Abidiah Hudson, Jirrbal Dancer.

We have had good wins since our last Message Stick, with the native title consent determinations of Barrum Rivers and Bar Barrum People #9 in December 2017; and more recently the determinations of Nywaigi in April 2018 and Girramay #2 in August 2018. It gave me a great sense of joy to see these great achievements for our People, and I was humbled to have been invited to attend and speak at both the Nywaigi and Girramay #2 determinations this year. My

warmest congratulations to the Bar Barrum People, Nywaigi People and Girramay People.

In June this year, Board members attended the 2018 National Native Title Conference, which was co-convened by AIATSIS and the Kimberley Land Council and hosted by the Yawuru people on their traditional lands in Broome, North Western Australia. This years theme Many Laws, One Land: legal and political co-existence, acknowledged that at any one place in Australia, different systems of law exist. I enjoyed two local speakers from the Yawuru peoples. Peter Yu and Nineilia Mills both gave outstanding presentations. Peter Yu's paper 'Roadmap for Yawuru strategic investment and ultimately, their ongoing economic sustainability', Nineilia Mills's paper was "Culture is the foundation of our identity", this drew a standing ovation from the Conference goers.

Other presenters of interest were NQLC's Terry O'Shane, Alwyn Lyall, and Professor Megan Davis' presentation on a Voice to the Parliament (see page 8 for an overview); the Gerringun Chair Patricia Hoolihan and fellow directors' paper on 'Adaptability: Legal and political co-existence for an alliance of 9 tribal groups'; and Gerringun Executive Officer



Girramay Elders Mr Abraham Muriata and Mr Claude Beeron with NQLC Chair Lady Kaylene Malthouse at the Girramay #2 Native Title Consent Determination.

Mr Phil Rist's presentation on 'Process Unity'.

Myself and three female directors attended the 'Because of Her we can', conference in Sydney in July this year. We joined around 500 other Aboriginal and Torres Strait Island sisters from around the country and were inspired, rejuvenated and encouraged to continue on by our female leaders leading out front. It was a privilege and an honour to listen to the stories of Pat Anderson AO, Commissioner June Oscar AO, Dr. Jackie Huggins, Kerry Tims, Samantha Oui, Terry Jenke and others. To celebrate their successes and understand the journey of their leadership as women and Aboriginal and Torres Strait Island women, in the past and



NQLC Staff and Chair Lady at the Nywaigi Native Title Consent Determination. L-R: Kelly Stewart (NQLC Anthropologist), Lotu Kimiia (Project Officer Coordinator), Kaylene Malthouse (NQLC Chair), Cheryl Thomson (NQLC Legal Officer) and Laura Burton (NQLC Legal Administration)

current landscape. We would not be here doing what we do if it had not been for our foremothers, be it family, kin or friend.

I take this opportunity to pay homage to the strong women in my life who lead without the skills we enjoy today, be it numeracy or literacy, work in offices rather than the potato paddock/bean patch/onion patch/tomatoes.... Who stood strong alongside our forefathers. My first line of work was picking up the seed potatoes in the potato paddock for the senior women. They had to work well into their seventies and eighties and they didn't receive the pension. My grandmother Jemima Ambrum nee Lifu, my mother Grace-Mary Davis nee Ambrum, my sisters Lillian Clubb nee Davis and Lorraine Muckan nee Davis, and I have worked side by side until better jobs and better conditions came our way. My grandmother on my paternal side was Lilly Langdon who died many years ago. Grandma Lilly and her surviving daughters Aunty Daisy Herbert nee Davis and Aunty Grace Woodleigh nee Davis were strong women who led by example. Because of these women I can.

I hope you enjoy this edition of Message Stick and I look forward to working with you over the coming months.

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Kaylene Malthouse

# Update from the chief executive officer

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Welcome to the September 2018 edition of Message Stick. September? Crikey, that went fast.

A lot has happened since we last reported so I will try and squeeze it into a few brief paragraphs, so you can get on to reading the articles in this stellar edition of Message Stick.

I'm very pleased to announce that in July of this year, the Minister for Indigenous Affairs advised NQLC that he will continue the NQLC's recognition as a Native Title Representative Body (NTRB) for another three years, until 30 June 2021. A three year re-recognition is good news for the NQLC and a positive endorsement of the great work being done so I'd like to congratulate the Board and Staff on this great achievement. Following that period, an assessment of the NQLC's progress with remaining claims will be undertaken, with a view to a further recognition period.

Congratulations are also in order for the Bar Barrum People, the Nywaigi People and the Girramay People on

their recent native title consent determinations. In December of last year, Bar Barrum Rivers and Bar Barrum #9 were both determined at the Federal Court in Brisbane. In April of this year, Nywaigi People received their first native title consent determination at a hearing held on their country at Mungalla Station. Most recently, the Girramay People received their second native title consent determination (the Girramay #2 claim) at a hearing held in Cardwell. Congratulations to all of the Traditional Owners and also the staff who were involved in these claims. I'm very pleased to report that the NQLC's Ms Cheryl Thomson in particular and the NQLC generally, were given a special mention by Justice Rangiah at the Girramay #2 hearing, with His Honour congratulating Cheryl and the NQLC on the way the claim had been conducted. It is great to see that many claims are now achieving consent determinations at a far more efficient pace than in previous years.

Widi #1 is due to go to determination on 2 November

2018 and we are expecting Gulngay to reach determination by end March 2019. Having said that there is the downside of the State slowing down in assessment of connection material. This has been ongoing for some years now and effects the speed with which native title matters can proceed. In addition it seems that the State wants to raise the bar in terms of evidence needed to satisfy them for negotiating claims.

I'm also pleased to announce that the installation of our new Electronic Document & Records Management System (knowns ELO) is coming closer to completion, with the system "going live" in the EDST Unit (as Stage One) as this Message Stick goes to print. ELO will deliver extensive savings to the NQLC's administration costs through efficiencies in document processing and storage and will provide us with a (almost) paperless operating environment. My thanks go to the EDST Unit Project Team for their long and hard work in working with the supplier to bring the system to the point of implementation. Their work will ease the burden on our Corporate Services, Legal & Research Units as we move next to their implementation stages.

By the time you read this, you may already know about the closure of our Mackay office,

which takes place in mid-September. With the majority of claims being in the north and centre of NQLC's region, the NQLC Board endorsed a proposal to close our Mackay Office. The closure of the Mackay office enables us to relocate resources closer to the active and proposed native title claims of our region and make some budgetary savings. You'll be very relieved to hear though that Trish Holding (FAME Senior Legal Officer and now our only Mackay staff member) is staying with us and will continue her great work in the FAME Unit.

To further assist the FAME Unit, we have two new FAME Legal Officers in our Townsville office, Ms Paula Barry and Mr David Jesudason. Paula has qualifications in Law and Geology and brings to us extensive experience in the mining industry both in Australia and internationally. David is also a Solicitor and comes to us after an internship at First Nations Legal & Research in Victoria (previously NTSV).

In addition to the staffing changes in the FAME Unit, the PBC Support Unit is also pleased to welcome their new staff. Joining as the PBCSU Coordinator is Leah Saltner who is based in our Townsville office and has extensive experience in working with native title

groups in our region. Long-time employee, Joanne Chapman, has moved from supporting claims as a Project Officer to the PBCSU as Support Officer based in Cairns. See the article on pages 14-17 for an update on the work both FAME and PBC Support Units have been undertaking.

I'm very pleased to announce that the NQLC's Cairns Office has recently finished the final stages of its renovations and I have to say I'm pretty chuffed with how it turned out. I must give my sincere thanks to the Cairns staff for their continued dedication to their work despite the noise of power tools and contractors around the place (why is it that tradies think they can sing?). Our work area is now fresh and modern and I'm confident that the works have added extensive value to the NQLC's asset.

That's enough from me. I hope you enjoy this edition of Message Stick and please look out for the next edition, due out in December.

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Steve Ducksbury.

# *Catherine Meda 'Nola' Joseph*

The Board and Staff of the North Queensland Land Council would like to express our deepest sympathies to the family of Mrs Catherine Meda Nola Joseph.

Mrs Joseph was a member of the North Queensland Land Council for 24 years, and served as a Director for five years before retiring from the Board in 2013.

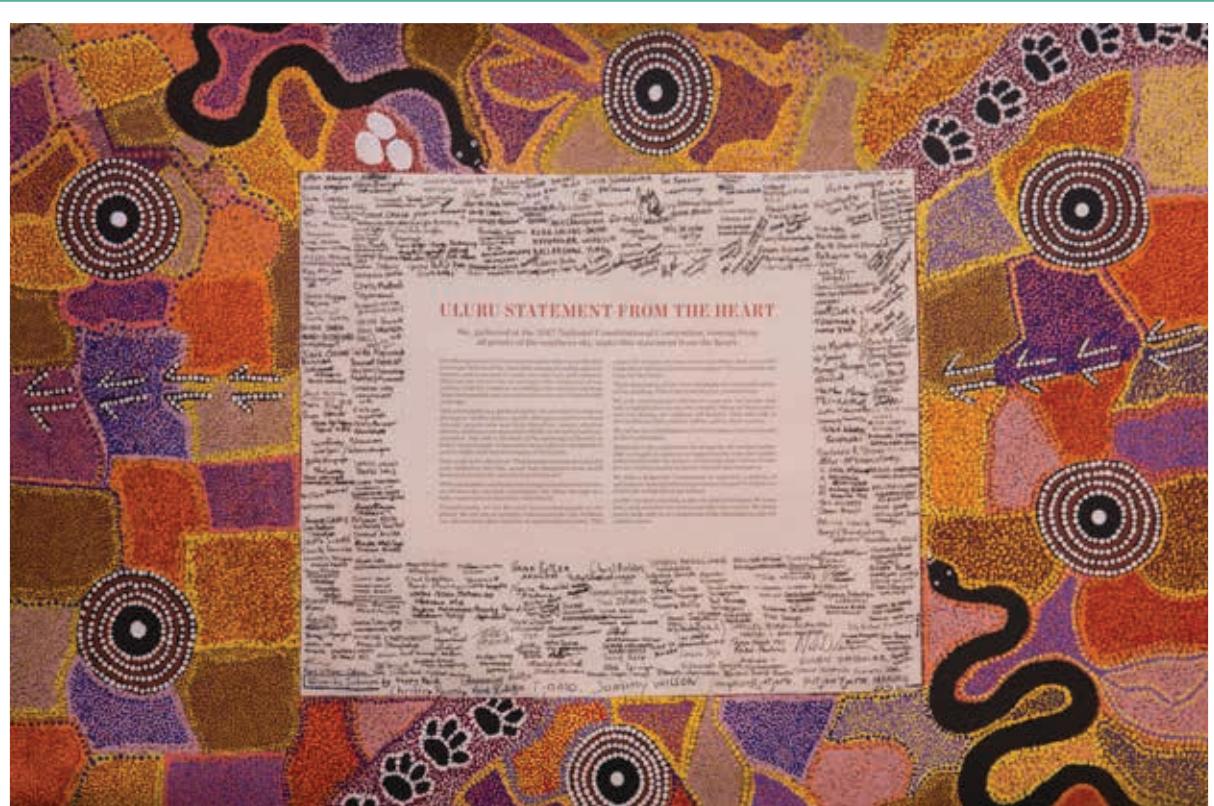
Mrs Joseph was instrumental in gaining native title for the Tableland Yidinji People, which resulted in their two native title consent determinations in 2013 after over a decade of hard work and perseverance.

Her strength, integrity and leadership will always be remembered.



NQLC Delegates presentation at the 2018 National Native Title Conference on the

# Uluru Statement from the Heart



Pictured: Uluru Statement from the Heart

The 2018 National Native Title Conference was convened by the Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS) and the Kimberley Land Council (KLC), hosted by the Yawuru people on their traditional lands in Broome, Western Australia.

The conference, titled *Many Laws, One Land: legal and political co-existence* acknowledges that at any one place in Australia, different systems of law exist. The theme marked 25 years since the passing of the Native Title Act 1993 and represented the confluence of these laws as they relate to title of land and waters.

NQLC Directors Terry O'Shane and Alwyn Lyall, along with Professor Megan Davis, gave a presentation covering the Uluru Statement from the Heart and Voice to Parliament. It is a topic that a lot of us are passionate about so for those who missed the original presentation, here is a summary along with some recent developments on the Voice to Parliament. Many thanks to Director Terry O'Shane for putting this together.



## ORDER OF PROCEEDING: Terry O'Shane, Professor Megan Davis and Alwyn Lyall

An historical overview of the struggle by First Nation Peoples in pursuit of Justice was given by the delegation, reference was made to the declaration by Captain James Cook when he “*took possession*” of Australia on behalf of the Crown of England, how Cook had used a legal doctrine that was cobbled together for reasons of colonisation, called the “Doctrine of Terra Nullius”, reference was made to how this doctrine was completely discredited in the Mabo decision 1992 when the High Court went somewhat towards recognising the historical truth of First Nations Peoples society and our associated customs, laws and traditions in finding that there was a title that existed over Australia before Captain James Cook, they called it Native Title.

In setting the scene for why First Nation People have suffered abuse of their Human Rights for the entire occupation of Australia under colonisation, it was identified that in the formation of Australia’s Constitution, those legal minds drafting the Constitution back in 1897, sought advice from the Crown of England regarding recognition of indigenous people as the Crown’s “subjects”. This was refused and First Nation Peoples became “*Persona non Grata*” (person not appreciated). This simple act by the Crown turned a people who have a history in Australia dating back possibly 65,000 years, into aliens in their own lands.

The delegation went on to express how the setting up of International Forums in recent years had led to the changing nature of Human Rights, forums like the International Labour Organisation and the United Nations had gone about developing a number of international Human Rights standards that reflected the maturity of each nation state which set in place guidelines, that when breeched, have been used to prosecute the offending nation state or person responsible.

Professor Megan Davis explained the legalities associated with The Uluru Statement from the Heart, the need for a referendum to enshrine First Nation Peoples in the Constitution and why it is fundamental to have a Voice to Parliament. Megan gave numerous examples of other countries where things like this occur and in fact pointed out that Australia is the only country that does not have a treaty or some other formal recognition of their First Nation Peoples.

Megan spoke to the fact that what has been proposed by the 13 Regional Dialogues around Australia by those in attendance, which culminated in the Uluru Statement, has been considered by Constitutional Lawyers who are of the opinion that what is being proposed is legally obtainable. Megan spoke of the mischief making by Prime Minister Turnbull when he said the Voice to Parliament would be like having a “third chamber in Parliament”. Turnbull’s comments are completely discredited. For a Voice to Parliament, what is required via the Uluru Statement is a Truth Telling Commission and then to bring all things together, a Treaty to be negotiated between First Nation Peoples and the Parliament of Australia. Megan spoke about the sequencing of each step so that at all times the position of First Nations are respected. She emphasised the need for the Voice to come first and once we have a Voice and we are enshrined in the Constitution we can go to a truth telling commission which then gives all Australia the facts around colonisation, while identifying those matters that need to be addressed in any Treaty that will be negotiated.

Alwyn Lyall finished off the presentation announcing the number of Native Title Determinations we have in our representative footprint, indicating the way in which the NQLC have been getting on with things as a representative body. This ability to go forward is a result of the Native Title Act. He indicated the Board’s desire to pursue economic development as the key component in lifting the economic, social and cultural well being of First Nation Communities. Alwyn spoke about the fact that we have 28 PBCs, 50 North Queensland determinations and 28 active applications in the Federal Court and that the next wave of progress is with a campaign to have a referendum to enshrine First Nation People in the Constitution.

To finish off the presentation we invited a young man from Darwin, Thomas Mayor, to present the Uluru Statement in its original form, which is a canvas that carries the text and has been painted by the Mutijulu Artists. Thomas Mayor works for the Maritime Union of Australia and is on secondment to work on the campaign for a referendum.

## Ten Points on the Voice:

1. Uluru process was endorsed unanimously
2. The constitutionally enshrined Voice to the Parliament was endorsed unanimously
3. The Voice is a FIRST NATIONS entity. How those entities organise themselves should be up to them. This is what self-determination is.
4. A key principle emerging from the dialogue was that people who are selected to the Voice have to have cultural authority to speak on behalf of their mob. Even if not part of an organisation, the right people need to speak on clan-based issues.
5. The structure of the Voice must fit the challenges it faces. Sometimes the decisions must involve larger representative groups, and at other times a smaller group might be more effective to deal with the issue. One possibility is that on some issues, a larger representative group may give a mandate to a smaller group.
6. The Voice needs to follow the right cultural protocols in consulting with the community
7. The Voice needs a strong communication strategy back to the grassroots. This could harness modern communication to reach out to large numbers of people, to feed in questions, answer questions and canvass opinions.
8. The Voice should be an advocate at local, state, national and international level, and should promote consistency across those levels. The Voice should also have a seat at COAG. People reflected on how badly the Commonwealth and State coordinate on things like infrastructure when they didn't talk to people.
9. The Voice should have control over funds earmarked for First Nations spending
10. The findings of the NQLC Cairns dialogue will be submitted to the Joint Select Parliamentary Committee.

## Recent developments on the Voice:

- The Australian Medical Association (AMA) endorsed Uluru and will have campaign material on a Voice to the Parliament in General Practitioner surgeries
- Last year, Law Council of Australia endorsed Uluru
- 10,000 organisations and individuals have signed on to the Australian Council of Social Services (ACOSS) petition
- Uluru was endorsed by the Australian Council for International Development (over 200 organisations)
- Door knock in Turnbull electorate
- The Brisbane Broncos and Queensland Rugby League had the Uluru Statement for Reconciliation Week
- An AFL team in Sydney AFL commissioned jerseys with the Uluru Statement on it and had the Uluru Statement event on the weekend
- Belvoir Theatre in Sydney has the Uluru Statement in its lobby

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Written by:  
Terry O'Shane  
Director, North Queensland Land Council

Wulgurukaba walkabout dancers.



## wulgurukaba 'Embracing our Stories' sign



The Gold Coast 2018 Commonwealth Games (GC2018) was the first event of its kind to have a Reconciliation Action Plan (RAP). This is the result of a commitment from Games Partners to deliver legacy outcomes for Aboriginal and Torres Strait Islander peoples and has been led by the Queensland Government through the Office of the Commonwealth Games (OCG) and the Gold Coast 2018 Commonwealth Games Corporation (GOLDOC).

Here are the deadly Wulgurukaba mob unveiling their "Embracing our Stories" sign as part of the Games' Action Plan legacy project. The permanent instalment is intended to increase awareness and knowledge of the Townsville's Traditional Owners.

# introducing



**Leah Saltner**  
**PBC Coordinator**

Leah is an Aboriginal and South Sea Islander woman, a local Bindal Traditional Owner from the south Townsville region and a Birriah Traditional Owner from the Collinsville region.

She has three daughters and one granddaughter, "*the blessings in my life*".

Leah has previously held Indigenous community engagement roles with the Port of Townsville, James Cook University, and North Queensland Dry Tropics and worked in both State and Federal governments in Brisbane.

Her team is the COWBOYS!! and she enjoys fishing and spending time with her family.



**Louise Allwood**  
**Senior Anthropologist**

Louise has returned to NQLC!

She studied Anthropology and Archaeology at James Cook University and graduated with Honours in Anthropology in 2005. Shortly after completing her degree she joined us here at NQLC as a junior Anthropologist. She then went on to become our Coordinating Senior Anthropologist and remained at NQLC until 2013. During these eight years she assisted with bringing many of our earlier claims to successful determinations. She has recently rejoined us in the role of Senior Anthropologist and is once again enjoying working within our region. She is looking forward to meeting everyone and helping to achieve more determinations in the NQLC.

**Paula Barry**  
**FAME Paralegal**

Paula recently joined NQLC as a paralegal for the FAME Unit. She is very excited to join the team and to work with Traditional Owners in North Queensland.

Paula comes from a working class family of Irish/Australian (and some Scottish) descent. Her maternal grandmother migrated to Innisfail from Ireland after World War Two, before settling in Cairns. Paula was raised and educated in central and north Queensland, where she completed a Bachelor of Science degree before going to work as an exploration geologist and an environmental officer in Queensland, Western Australia and the Northern Territory.

After about 20 years of mostly living and working away she returned to North Queensland to be closer to family and retrained by completing a Bachelor of Laws. When she is not working she loves nature, swimming, camping, bushwalking and spending quality time with family, all simple things that don't require money or fancy technology. Paula hopes that in this role she will be able to apply her skills and experience to assist traditional owners. She is looking forward to meeting and working with new people.



**Martin Darr**  
**Project Officer**

Martin's father's Country is Yuwibara and his mother's Country is Yarrabah. He started his career in 1982 working in Townsville for the Department of Education, where he stayed for four years. He then spent nine years in the Commonwealth Public Service. After spending about 10 years being unemployed, fruit picking or being a carer, Martin relocated from Ayr to Alice Springs. After a short time with Imparja Television as their receptionist, Martin started his 15 year career with the Central Land Council (CLC). Starting out as their Native Title Administration Officer (three years) he was then promoted to Regional Services Officer of Region 1 (Alice Springs) in their Regional Services Unit. After 8 years, he was promoted again to Manager of the Regional Services Unit, where he stayed for three years. After 15 years in Alice Springs it was time for Martin to move back to Ayr.

"My time at the CLC equipped me with the skills to undertake my current role as Project Officer with the NQLC. In addition to this, I love working with Traditional Owners and having the privilege to see their beautiful Country. My family is very large, living in both rural and remote Australia. The time was right for me to return to Ayr and I enjoy being able to see my family on a very regular basis."



**David Jesudason**  
**FAME Legal Officer**

David is a recent Bachelor of Laws graduate, with a bachelor in Communications and an Advanced Diploma in Audio Engineering. He completed his legal training with First Nations Legal and Research Services after over a decade managing small businesses in the Hospitality, Events and the Entertainment Industry. Australian born, New Zealand raised to Sri Lankan and English immigrants he is a regular globe trotter, former musician of a Yiddish punk band who's hosted Australia's largest Irish festival for the past 5 years. He has just recently resettled in Townsville, from Melbourne, where he hopes to improve his knowledge of Indigenous cultures, assist Traditional Owners to protect and assert their native title rights and help remedy one of the greatest injustices of Australia's history.

# engagement & development support team

It's been a busy, and exciting, time in the Engagement and Development Support Team ("EDST") since our last Message Stick in December. There's a new electronic records management system we're currently transitioning to; we've attended two conferences; have an expanding team and have been busy with many activities across both the PBC and FAME Units. Keep reading for more details.

## New Electronic Record Management System

NQLC is embarking on a new era with our electronic record management system called ELO. The system will improve our administrative processes and provide a secure record keeping environment. EDST is excited to be the first unit to transition to the system in September, with other NQLC Units to progressively transition over to the new system after that.

The system is expected to be installed from 7-10 September, meaning EDST will not have computer access during that time and will not be able to respond by email to any matters. There may also be some initial 'teething' problems in the days immediately following the installation. By the time this edition of Message Stick is published, we expect to be fully operational.

## Conferences

The National Native Title Conference was held in Broome this year on the spectacular waterfront of Cable Beach. From the EDST, Julia (Jules) Taylor, Coordinator-FAME Unit and I attended and presented a session on the structure of EDST and the services we provide to support PBCs. As always, it was a great opportunity to meet with other representative bodies to share our experiences in supporting PBCs. We also met representatives of PBCs from around the country to learn how they are strengthening their corporate and cultural governance, and strategising to achieve financial independence and self-sufficiency as envisaged by the Department of Prime Minister and Cabinet ("PM&C").

Three EDST staff were privileged to attend the NAIDOC Women's Conference in Sydney, convened to compliment this year's NAIDOC theme 'Because of her, we can!'. See our stories on page 18.

# Staffing

We are thrilled to advise that we have recruited staff in both our PBC Support and FAME Units to strengthen our capacity to support and advise our clients. Joining us are:

## PBC Support Unit (PBCSU)

**Leah Saltner, Coordinator:** Leah joined us in May and is based in our Townsville office; and

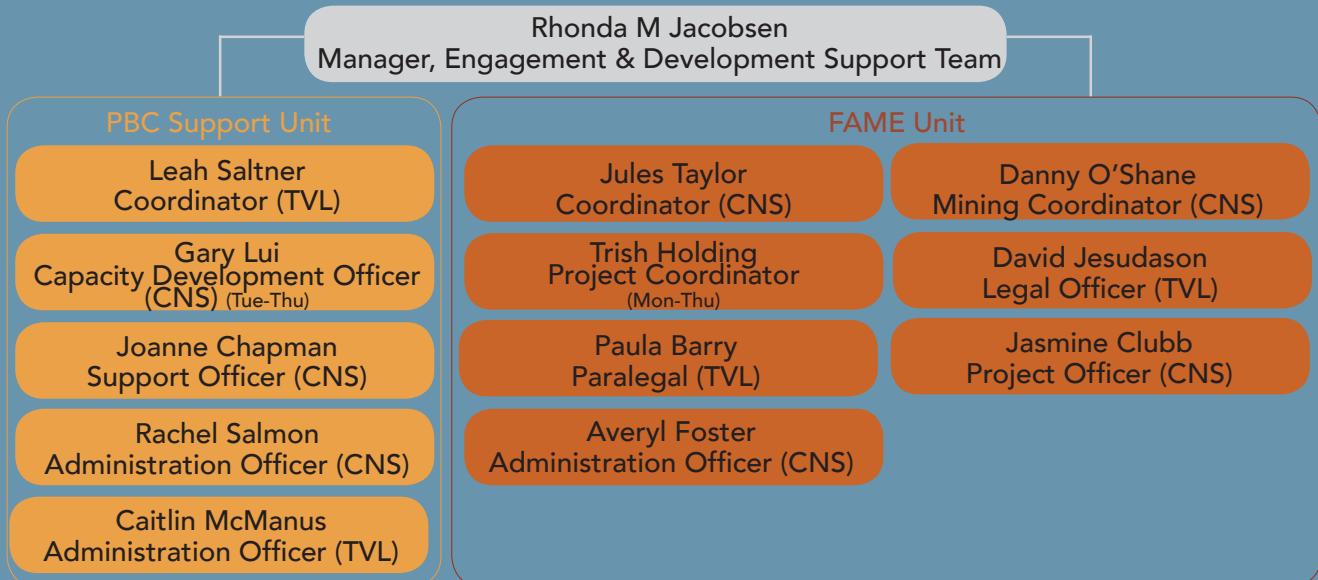
**Jo Chapman, PBC Support Officer:** Jo is a long term employee of NQLC, most recently as a Project Officer with claims, joined us in May.

## FAME Unit

**Paula Barry, Paralegal:** Paula joined us in July and is based in our Townsville office; and

**David Jesudason, Legal Officer:** David also joined us in July and is based in our Townsville office.

Below is our new EDST staffing chart:



Find out a bit more about Leah, Paula and David by reading their profiles on page 12.

## PBC Support Unit Activities

The period of April to August is traditionally a busy time for the PBCSU as we work with PBCs in respect of their PBC Support Funding applications, acquittals and new funding releases with Process Agreements. This year is no different however, thankfully there were no major changes to the PBC Support Funding program as last year.

As many of us know, the Department of Prime Minister and Cabinet ("PM&C") administers the PBC Support Funding program and last year they announced a new approach to the program that included:

- all Support Funding applications must be made through the Native Title Representative Body/Service Provider for the region;
- the previous cap of a maximum of \$50,000 funding no longer applied, but the criteria of 'critical needs' continued to be applied; and
- a new cap of four (4) years funding was to be applied from the 2017/18 financial year period, with the expectation that PBCs would achieve financial self-sufficiency during that period.

PM&C announced in April that invitations to submit PBC Support Funding applications for this 2018/19 financial year period, were to be submitted in May 2018. All PBCs who submitted an application were successful however, PM&C did not approve all funding amounts applied for. Individual PBCs have been advised of their funding approvals and the PBCSU is working with them to finalise acquittals for the 2017/18 period and offering Process Agreements for the release of 2018/19 approved funding.

Also, Leah and her team have been reviewing the support services offered by the PBCSU, including training forums in respect of corporate governance, submission writing and business development. The PBCSU will shortly be releasing a tentative schedule of training forums to our PBCs.

## FAME Unit Activities

The core function of the FAME Unit is to process future act notifications and in the 2017/18 period, they received and processed a total of 2,105 notices – of which 124 were related to exploration or mining. Already in the first two months of this financial year we have received 399 notices which required 768 letters to be sent to affected groups, only 28 of which were related to exploration or mining. The future act notices prompt a range of varied requests for legal advice and representation in dealing with the future act proponent, which the FAME Unit readily responds to. Paula and David are becoming very well acquainted with our work in dealing with future act notifications.

The FAME Unit also assists PBCs and native title claim groups implement and secure proponent compliance with future act agreements and the Native Title Protection Conditions (NTPCs). There has been a marked increase of requests for cultural heritage inspections under the NTPCs which the FAME Unit is also providing additional support to some groups for.

Apart from advising and representing PBCs and native title claim groups on future acts specifically affecting them,

## FAME Unit Activities (continued)

the FAME Unit is also leading a number of projects, including:

**Small Scale Mining (SSM) ILUA negotiations:** Dates have been tentatively set with the State for the commencement of the small scale miners ILUA negotiations in late September with three groups whose SSM ILUA either has expired or is due to expire shortly. Negotiations will be commencing in late September.

**Wet Tropics Management Authority (WTMA):** WTMA has commenced meetings with the Traditional Owner Leadership Group (TOLG) for the review of the Regional Agreement and three meetings of that group have occurred to date. The TOLG and NQLC are working with WTMA in relation to Phase Two consultation for the WTMA statutory plan review which is due to commence in late 2018.

## PBC Development Plan Activities

As we have previously reported, the PBCSU and FAME Unit work closely to design and deliver services to support PBCs to achieve self-sufficiency, particularly in the areas of governance and enterprise development. Whilst we have not been able to deliver our Governance and Planning Project in the timeframes initially anticipated, we are confident that we will get well underway in the coming months.

In addition to the larger scale project work, EDST responds to a number of requests to address specific matters and guide the Board on governance requirements. For example: reviews of Rule Books and requirements relating to the conduct of Board meetings. To further assist PBCs, both Units are currently reviewing and otherwise drafting template documents that will be made available to PBCs.

As all PBCs will know, ORIC require all Aboriginal Corporations to conduct their Annual General Meeting (AGM) and lodge their General Report by **30 November**. Last year EDST received requests from nine PBCs in November for assistance with holding their AGMs. We encourage all PBCs to prepare now for their AGMs and to hold them well before the deadline of 30 November.

All enquiries to the EDST should be directed to:

PBCSU: [PBCSupport@nqlc.com.au](mailto:PBCSupport@nqlc.com.au)

FAME Unit: [FAMEUnit@nqlc.com.au](mailto:FAMEUnit@nqlc.com.au)

Rhonda M Jacobsen

**Manager, Engagement and Development Support Team**



The National NAIDOC Aboriginal and Torres Strait Islander Women's Conference celebrated the invaluable contributions that Aboriginal and Torres Strait Islander women have made, and continue to make, within their communities, families, history and to our nation. All of the Speakers and Workshop Presenters were Aboriginal or Torres Strait Islander woman who are leaders, trailblazers, politicians, activists and social change advocates. These women fought and continue to fight, for justice, equal rights, rights to country, for law and justice, access to education, employment and to maintain and celebrate culture, language, music and art.

Some of our own women were fortunate enough to attend this conference, and here's some of what they had to say....

### Rhonda M Jacobsen Manager, Engagement and Development Support Team

This year's NAIDOC theme "Because of Her, We Can!" garnered a great deal of attention this year, and seemed to capture the attention of the wider Australian community more than others of recent years. Ngiyani Pty Ltd harnessed the energy the theme created and convened a two day National Woman's Conference in Sydney during NAIDOC week. The program comprised plenary sessions in the morning and workshops in the afternoon. The topics of the plenary and workshop sessions were incredibly broad, ranging from arts, politics, working in the public sector, establishing a business, life as a sportsperson and everything in between.

It was an amazing conference full of inspirational, resilient women and it was a privilege to bear witness to it and engage with women of all ages from all over the country, each with their own powerful story of life.

For me though, it was the younger women who particularly impressed me. Paying respect to their elders, admiring the influence of the women in their lives and seeing a future for themselves that is grounded in cultural strength, integrity and dignity. I'm excited for our future being shaped by our next generation.

Rhonda Jacobsen with the brilliant Maminydjama Magnolia Maymuru. Miss Maymuru, from Yirrkala Country, made history for being the first Aboriginal woman to reach the finals of the Miss World Australia pageant (2016).



Araluen Hoolihan

**Araluen Hoolihan****Receptionist/Administration Support, Townsville Office**

I was honoured to attend the 2018 NAIDOC Aboriginal and Torres Strait Islander Women's Conference, put together by Ngiyani Pty Ltd. What an educational, empowering and inspirational two days it was. I cannot believe I was there in person to hear the most inspiring speeches. I got to spend time interacting with very strong and influential Aboriginal and Torres Strait Islander women. Day one was excellent connecting and reconnecting, such positive energy and emotions. Our women are simply amazing. Their wisdom and resilience strengthens all of us.

**Sharon Charger****Project Officer, Townsville Office**

I am very grateful to have been given the opportunity to attend the National NAIDOC "Because of Her, We Can" Women's Conference in Sydney. The opening and the Welcome to Country ceremony was beautiful, with speeches and traditional dancing. Listening to all the deadly women telling their story on how they started out and where they are today, it was so amazing. It was very empowering and inspirational, just knowing that there are so many of our deadly powerful women who are in professional roles and have their own business. The workshops that I attended were very interesting. I was very proud to be present at this particular conference. It was a great experience.



Sharon Charger



Averyl Foster and Jo Chapman with THE Danny Glover,  
American actor and vocal supporter of constitutional reform  
for Aboriginal and Torres Strait Islander People.

**Joanne Chapman****PBC Support Officer, Cairns Office**

I had the pleasure of attending the NAIDOC conference "Because of her, we can". The speakers at the conference, all of whom are strong Aboriginal and Torres Strait Islander women, covered topics from deaths in custody, healing through art, fashion, politics and health, the list goes on. Listening to their stories and their journeys along the way, how they have paved the way for our younger generations through roles such as mothers and grandmothers, to the carers of our families, was a real inspiration to me. It has inspired me in my personal life to be the best wife, mother and grandmother I can possibly be. It is "Because of her, we can".

**Averyl Foster****FAME Administration Officer, Cairns Office**

After attending the NAIDOC conference "Because of her, we can", I felt mixed emotions. Sad, but also empowered, happy and thankful. Listening to all the stories of these strong Indigenous women, I am very thankful that I did not grow up in the world and time that some of them did. We all know about the history, but it's actually a different feeling when someone is standing in front of you and you're hearing about how their life was growing up, and comparing to how yours is today. Some of the journeys these women have endured, really shows just how strong they really are. Family remains to be and always will be everything to me, as things can change in the blink of an eye. We don't always know another person's story, so always be kind and smile and treat others how you would want to be treated. It's never too late to achieve your goals. Perseverance and dedication does pay off over time and I feel that the younger generation of Indigenous women are very educated, strong and confident with bigger dreams and are going to make a big difference in the future.



native title consent determination

# nywaigi

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The Nywaigi native title application was authorised on 14 December 2014, and was filed with the Federal Court of Australia on 10 April 2015 and registered with the National Native Title Tribunal on 5 June 2015. The native title application then entered a period of notification, which ran from 12 August to 11 November 2015. Once the State accepted connection, the claim progressed very quickly to consent determination.

The Nywaigi People's native title consent determination took place on 20 April 2018. The Federal Court of Australia hearing, which was presided over by His Honour Justice Robertson, was held at Mungalla Station, which is some 12 kilometres from Ingham heading towards Forest Beach.

At the conclusion of the proceedings each of the Applicants were handed a copy of the determination booklet by his Honour Justice Robertson. There followed an afternoon of celebration, kicked off by speeches from various dignitaries. His

Honour Justice Robertson was presented with a traditional shield made, designed and painted by Nywaigi Traditional Owner Phillip Rist and his son Emmett Rist, on behalf of the Nywaigi People.

The determination area covers approximately 830 square kilometres, which runs from Taylors Beach in the north to

says Mr Rist. He also goes on to say that the determination would help "restore balance" to the land.

I would like to thank the Applicants, Roberta Lightning, John Anderson, Gerald Berry, Victor Bligh, Victor Cassady, Phillip Rist, Evelyn Noble (who was later replaced by her sister Bernice Dwyer as

*"Now more than ever before our land needs its people. For me, not only do I have a relationship between me and my Country, but there is a significant relationship between my Country and me. In part, this reciprocal relationship will be assured through our native title consent determination."*

-Mr Phillip Rist, Nywaigi Traditional Owner

Rollingstone in the south and westwards to the Paluma and Seaview Ranges.

The area covered by the determination contains a number of culturally and spiritually significant sites. "Spiritually, this land knows who its people are through its intimate connection of harmony and balance over thousands of years. This is land on which we have told stories, we have fished, we have grown up on and it is land on which Nywaigi legends have been formed",

the family representative) and Vanessa Oui. Their guidance and knowledge were integral to such a timely completion of the Nywaigi native title application.

It was a great team effort on behalf of NQLC, so a big thank you to project officers, Sharon Charger and Lotu Kimia and legal administration Laura Burton.

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Written by:  
Cheryl Thomson  
LEGAL OFFICER









# girramay

native title consent determination

The Girramay #2 (Murray Falls) native title application was filed with the Federal Court of Australia on 21 August 2015. It was then registered with the National Native Title Tribunal on 3 November 2015 and notification ran from 30 December 2015 to 29 March 2016.

The State of Queensland entered into substantive negotiations in 2016 and the native title application progressed smoothly to consent determination on 1 August 2018. The claim area covers approximately 1250 square kilometres, taking in the Murray Falls and Jumbun community.

The consent determination took place on 1 August at Cardwell. The Federal Court of Australia hearing was presided over by His Honour Justice Rangiah. At the conclusion of the hearing His Honour presented the Applicants, Mr Claude Beeron and Mr Abraham Muriata with a copy of the Consent Determination booklet. Senior Girramay members Miss Marcia Jerry, Mr Neil Leo and Mr Samuel Muriata also received a copy of the booklet.

The Federal Court formally recognised exclusive native title over approximately 1200ha and non-exclusive native title rights

and interests over about 94,700 ha of land around Cardwell, along the coast up to Tully Heads.

Girramay artist presented His Honour Justice Rangiah with a traditional fighting sword. There

*"In modern times, we are treating this land in the same regard as our ancestors did – hunting, fishing and gathering, holding meetings and teaching younger generations about their country and the need to maintain places of importance and significance".*

-Abraham Muriata, Girramay Elder

Girramay elder Abraham Muriata said the determination formally recognised his people's native title rights and interests in accordance with traditional laws and customs. *"The land and its waters have shaped our innate cultural values and have been of great significance to the Girramay people and recognises we are the rightful and traditional owners – and traditional custodians of this land"*. Mr Muriata also said the land had been historically used as a primary food source where families had managed flora and fauna.

After the formalities of the hearing were concluded, the Girramay people and their guests moved to the football oval next door and the celebrations commenced. Mr Abraham Muriata, a well known

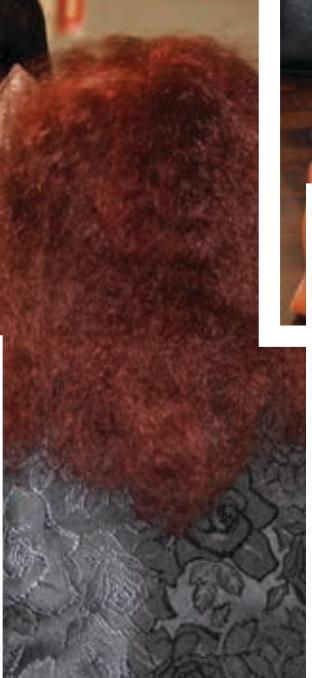
followed speeches from various dignitaries and Girramay people and then lunch. The day was capped off with Abraham Muriata and Claude Beeron cutting the cake which bore the image of Murray Falls.

I would like to thank the Applicants Mr Claude Beeron and Mr Abraham Muriata, and also Miss Marcia Jerry and Mr Neil Leo for their assistance.

As always it was a team effort on behalf of NQLC, so thank you to Kara Dunn (in house anthropologist), Lotu Kimiia and Marty Darr project officers and Laura Burton, legal administration.

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By CHERYL THOMSON  
Legal Officer, Townsville Office









## Wiyi Yani U Thangani

Women's Voices  
SECURING OUR RIGHTS  
SECURING OUR FUTURE



## June Oscar AO

Aboriginal and Torres Strait Islander  
Social Justice Commissioner



We want to hear from all Aboriginal and Torres Strait Islander women and girls about what is important to you

Come have your say!

Cairns - Friday 28 September 2018

Venue and time details will be shared shortly

Register your interest via email [wiyyaniuthangani@humanrights.gov.au](mailto:wiyyaniuthangani@humanrights.gov.au) or call 02 9284 9600



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