



# Message Stick



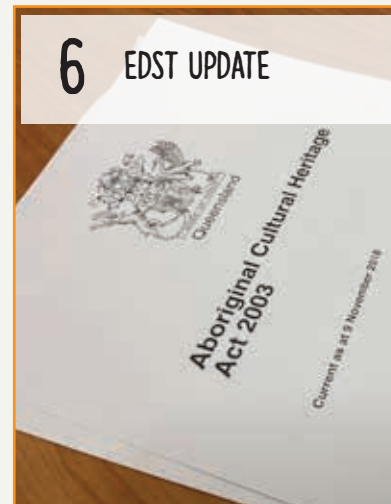
March 2020



Your way forward



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## Message from the Chair

Firstly, I would like to acknowledge the Traditional Owners of country throughout NQLC's representative footprint, and recognise their continuing connection to land, sea, waters and culture. I pay my respects to Elders past, present and emerging.

Some will know from recent communication that the NQLC Board are working toward a restructure of NQLC's current governance model and corporate structure. This is in order to accommodate the long term goals of the Board, which is to form a new economic development and community service function for the NQLC. With NQLC assisting 53 native title consent determinations in the last 22 years, it seems only fitting for the Land Council to move in this direction.

Over recent months NQLC's Executive Committee have been holding community engagement meetings ('roadshows') throughout the representative region. During the roadshows the Executive Committee consistently received overwhelming support for a restructure and name change of the NQLC, and for the members to be involved in the co-development of the new structure.

For that reason the NQLC intend to host Land Summits in both Cairns and Townsville in April/May of this year for its members. These Summits give the NQLC Board the opportunity to present its proposed structure and governance model for discussion and feedback with the members. Once feedback is obtained, we as the board will present the final proposed restructure and



**IMAGE DESCRIPTIONS:**  
 TOP (L-R): Gary Mooney, George Tonga, Angie Akee and Dennis Mooney, Yuwibara Native Title Consent Determination.  
 BOTTOM RIGHT: Angie Akee giving a speech at the Yuwibara Native Title Consent Determination.

governance model (and accompanying Rule Book, Policy Manual and Strategic Plan changes) for endorsement by the NQLC membership at a Special General Meeting. This is to be held toward the end of June 2020, prior to the NQLC's Annual General Meeting.

Lastly, I would like to acknowledge the Yuwibara People on their recent Native Title Consent Determination. On Tuesday 25 February 2020, at a Federal Court Hearing held in Mackay, the Yuwibara People were rightfully recognised as the traditional owners of their lands in the Mackay region. I was honoured to have been present for this immense achievement and on behalf of the Board, wish to congratulate the Yuwibara People. I would also like to acknowledge the NQLC staff who worked on the claim, particularly Nigel Hales (previous Acting Principal Legal Officer), Greg Bell (Legal Officer), Pheobe Mawby-Smart (Legal Officer), Kelly Stewart (Staff Anthropologist), Dr Charles Wilde (Staff Anthropologist) and Lotu Kimiia (Project Officer). North Queensland Land Council is proud to be able to play a small part in helping traditional owners achieve the recognition they deserve.

I hope you thoroughly enjoy this edition of Message Stick.

- Angie Akee  
Chair NQLC



**IMAGE DESCRIPTION:**  
Angie Akee pictured with the Program Manager of My105FM following their radio interview. My105FM is owned and operated by Mackay District Aboriginal & Islander Media Association Ltd. They broadcasted their Tuesday morning show live from the Yuwibara Native Title Consent Determination.

## update from the CEO



Welcome readers to the first edition of NQLC's Message Stick for 2020. I hope it finds you well.

The first quarter of 2020 has seen our Research and Legal units hard at work on our priority claims, with updates as follows:

**Yuwibara:** I am very pleased to report that the Yuwibara People celebrated their Native Title Consent Determination on the 25th of February in Mackay. With their application being filed in late 2013, this day has been a long time coming. I would like to extend my warm congratulations to the Yuwibara People on having their native title rights and interests recognised and we look forward to offering the NQLC's assistance to the PBC going forward. Refer to page 10 to read about the determination and

see some snaps taken on the day.

**Cairns Regional Inquiry:** The referees in the Cairns Regional Inquiry have provided their draft report addressing the question, "what group/groups had interests in the Cairns area pre-sovereignty?". The claim groups involved (inc. Cairns Regional) have provided submissions in response to the draft and these will be considered by the referees in their final report due on 6 March.

**Wakaman:** As previously reported, Wakaman is due to go to trial in June



**IMAGE DESCRIPTION:**  
Yuwibara Applicants and nominated Community Members celebrating after receiving a copy of the Yuwibara Native Title Consent Determination. (25 February 2020).



of this year. As we progress into the year our Legal and Research Units will be working closely with the Wakaman People and the Court to prepare for this trial.

**Gugu Badhun #3:** This claim was authorised at the end of November 2019 and it is anticipated the NNTT will deliver their decision on the registration test in early March 2020.

**Gurambilbarra Wulgurukaba, Bindal, Jirrbal # 4 and Warrgamay:** Steady progress continues to be made in each of these matters.

Research continues on future claims for Manbarra (Palm Island), Proserpine/Whitsundays, the 'South Central' region, the northern area inland from Mossman, and a regional sea claim in the area between Townsville and Innisfail.

The NQLC's Engagement and Development Support Team (Future Act Mining and Exploration and PBC Support) has had a busy start to the year. The FAME Unit continued working over most of the holiday period to provide advice and representation to many of our

client groups relating to future act notifications, negotiations and implementation of agreements. FAME is receiving an increasing number of requests for assistance relating to cultural heritage, which NQLC assists many groups with within our region. FAME can provide facilitation and legal assistance in negotiating Cultural Heritage Management Agreements and Cultural Heritage Management Plans, so if your PBC requires any assistance with these matters, I encourage you to contact the FAME Unit.

The PBC Support Unit hosted a successful compensation information workshop last December and is now working toward a Corporate Governance and Compliance workshop with Shane Carroll in the coming months. I refer you to page six for further updates on EDST.

Many of you will be familiar with the landmark High Court ruling of the Timber Creek case last year. It was the first time the High Court has considered the monetary value of native title and its associated compensation for the removal of

native title rights. This decision has sparked many discussions about future compensation claims, particularly given we now have some (albeit limited) clarity on how the court may quantify native title compensation. The National Indigenous Australians Agency (NIAA) has allocated funding to the National Native Title Council and Native Title Representative Bodies to assist with the preliminary preparatory work. With this I am pleased to welcome Ms Susan Walsh to the NQLC as a Senior Legal Officer, focusing exclusively on native title compensation. I will continue to update members on our progress with this.

I also wish to advise that the Registrar of Indigenous Corporations has accepted the NQLC Board's request for a further extension of time to hold its 2019 Annual General Meeting. The AGM must now be held no later than 30 June 2020. I refer you to Madam Chair's report for more details.

- Steve Dicksbury  
CEO, NQLC

# ENGAGEMENT & DEVELOPMENT SUPPORT TEAM UPDATE

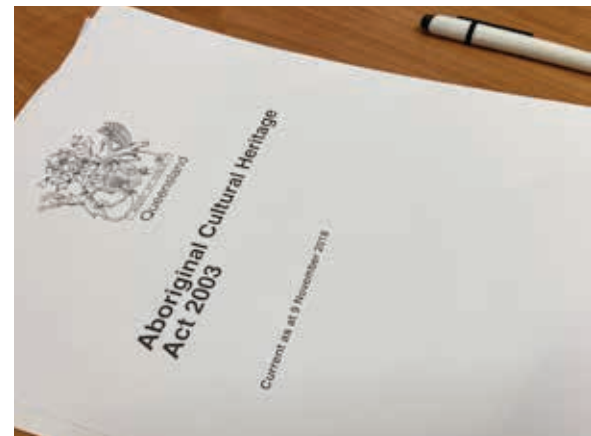
The Engagement and Development Support Team (EDST) has had a very busy workload over the last couple of months and things will not be slowing down in the coming months. Below the FAME and PBC Support Units give an overview of the work they have been doing.

## Future Act Mining and Exploration Unit

**Written by: Julia (Jules) Taylor**  
**Senior Legal Officer-Coordinator, FAME Unit**

The FAME Unit had a busy start to 2020 with no real break over the holiday period in receiving future act notices and continuing to provide direct advice and representation to many of our client groups in respect of these future act notifications, negotiations and implementation of agreements.

FAME has received an increasing number of requests for assistance relating to cultural heritage. When assessing future act notices it is often the activity that has the biggest impact and not the legal interest created by the future act. Under the *Aboriginal Cultural Heritage Act 2003 (Qld)* (**ACHA**) a person carrying out an act (such as this future act) must take all reasonable and practicable measures to ensure the activity does not harm cultural heritage. This is called the 'cultural heritage duty of care'. NQLC assists many groups within our region to provide facilitation and legal assistance in negotiating Cultural Heritage and Management Agreements (**CHMA**) or Cultural Heritage Management Plans (**CHMP**). If there is anything that your PBC receives that you think would require a cultural heritage agreement under the ACHA, we encourage you to contact the FAME Unit at [fameunit@nqlc.com.au](mailto:fameunit@nqlc.com.au).



FAME Unit are also beginning to see requests come through for exploration programs for the 2020 period. For those groups that have ongoing programs with explorers, we recommend you to contact them for an upcoming schedule.

In the December edition of the Message Stick there was an article about Queensland Parks and Wildlife Services' (**QPWS**) proposed park management planning. QPWS has been in contact with a number of groups within our region to develop the park management plan and statement for various parks within our region. NQLC has been providing assistance with many groups. If you require assistance in relation to the process for park planning, please contact us.

We hope you all had a great break over the festive season and look forward to continuing to work with you all in 2020.



## PBC Support Unit

**Written by: Julian Santamaria**  
**Coordinator, PBC Support Unit**

The PBC Support Unit (**PBCSU**) has come back fresh after the Christmas/New Year period and are keen to crack on with supporting PBCs to achieve their goals. Here are a few highlights of the activities of the work we have been doing.

### **NATIVE TITLE COMPENSATION INFORMATION WORKSHOP – 12 DECEMBER 2019**

The National Native Title Council (**NNTC**)'s Native Title Compensation Information Workshop in Townsville on 12 December 2019 was a great success. The presentations gave insight into native title compensation, the Timber Creek case, the State's perspective and NQLC's strategic approach to resolving native title compensation in the region. Watch out for continuing developments in this area.

### **CORPORATE GOVERNANCE AND COMPLIANCE WORKSHOP – 21-23 APRIL 2020**

PBCSU will again be providing Corporate Governance and Compliance Workshops with Shane Carroll in 2020. This is a great opportunity to learn more about the role and requirements of a corporation and its directors. More information will be going out to PBCs shortly.

Other great places to look for governance information or training include: ORIC, Institute of Community Directors Australia, Australian Institute of Company Directors (scholarships for training are often available through the Australian Scholarships Foundation), Justice Connect's Not-for-profit Law and the Australian Indigenous Governance Institute.

Good governance and administration are the important foundations for any corporation to build other activities from.

### **PBC SUPPORT FUNDING**

Before you know it, applications for 2020/21 PBC Support Funding from the National Indigenous Australians Agency (**NIAA**) will be open. Now is a great time to start to consider what your PBC's critical needs are for the financial year and review what expenditure needs to take place before the end of the financial year. PBCSU will contact PBCs with applications, funding guidelines and further information when received from NIAA.

Thank you to all the PBCs who have submitted their acquittal of the July to December period.

The PBCSU is looking forward to working closely with PBCs in 2020 to deliver outcomes for their communities.

# 2020

## DATES TO REMEMBER

### JANUARY

26 JANUARY – SURVIVAL DAY

An important time to celebrate the resilience of Aboriginal and Torres Strait Islander peoples. To acknowledge and reinforce the past, present and the future of Aboriginal and Torres Strait Islander cultures.

### FEBRUARY

13 FEBRUARY – NATIONAL APOLOGY ANNIVERSARY

Anniversary of the formal apology made on 13 February 2008 by the Government and the Parliament of Australia to Australia's Aboriginal and Torres Strait Islander people in particular to the Stolen Generations.

### MARCH

19 MARCH – NATIONAL CLOSE THE GAP DAY

The day gives people the opportunity to show their support for closing the life expectancy gap between Aboriginal and Torres Strait Islander people and other Australians.

### APRIL

21-23 APRIL – PBC CORPORATE GOVERNANCE & PLANNING WORKSHOP 

PBCSU will again be providing Corporate Governance and Compliance Workshops with Shane Carroll in 2020. This is a great opportunity to learn more about the role and requirements of a corporation and its directors. More information will be going out to PBCs shortly.

### MAY

25-27 MAY – NATIONAL NATIVE TITLE CONFERENCE

The National Native Title Conference 2020 is being convened by AIATSIS and NTSCORP, hosted by the Minjungbal Bundjalung people on their Country in Tweed Heads, New South Wales.

The conference, titled **Bumalehn Balang – Fight Strong!**, acknowledges the past 250 years of colonisation and creates a space for ideas and discussion about decolonisation of Aboriginal and Torres Strait Islander land, waters and resources.

The conference themes invite critical reflection on the native title system and innovative thinking about the future of Aboriginal and Torres Strait Islander land and water ownership and leadership: Acknowledge, Empower, Innovate.

26 MAY – NATIONAL SORRY DAY

National Sorry Day is held on 26 May each year. It is especially significant for those Aboriginal and Torres Strait Islander children who were forcibly removed from their families, communities and cultural identity to assimilate. Past government policies of forced removal remained in place until the early 1970s. The children, who were taken from their families, are known as the Stolen Generation.

National Sorry Day was a key recommendation in the *Bringing Them Home* report produced from the *National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their Families*.



# JUNE

## 27 MAY TO 3 JUNE - NATIONAL RECONCILIATION WEEK

National Reconciliation Week (NRW) is celebrated across Australia every year from 27 May to 3 June. NRW was established by the Council for Aboriginal Reconciliation as a time for all Australians to learn about shared histories, cultures and achievements and a call to action to participate in national reconciliation.

These dates commemorate two significant milestones in the Nation's reconciliation journey – the anniversaries of the successful 1967 Referendum and the High Court Mabo decision.

## 3 JUNE - MABO DAY

On this day in 1992 the High Court of Australia delivered a landmark decision which recognised the traditional rights of the Meriam people to their Mer (Murray) Island in the Torres Strait.

Six of the seven judges upheld the claim and ruled that the lands of this continent were not terra nullius (or land belonging to no-one) when European settlement occurred, and that the Meriam people were 'entitled as against the whole world to possession, occupation, use and enjoyment of (most of) the lands of the Murray Islands.'

# JULY

## 3-5 JULY - LAURA ABORIGINAL DANCE FESTIVAL

Now returning to its rightful Traditional Owners, Ang-Gnarra Aboriginal Corporation will conduct and manage the Laura Aboriginal Dance Festival in July 2020. The Laura Dance Festival provides opportunities that are based on the preservation, promotion and protection of Indigenous Language, Artefacts and Culture.

## 8-15 JULY - NATIONAL NAIDOC WEEK

NAIDOC Week is held in the first full week of July each year and celebrates the history, culture and achievements of Aboriginal and Torres Strait Islander peoples - the first Australians and the oldest surviving culture in the world. At the end of the week, Aboriginal and Torres Strait Islander peoples' contribution and achievements are recognised through the annual national NAIDOC Awards ceremony.

NAIDOC stands for the National Aborigines and Islanders Day Observance Committee. Its origins go back to the 1920s with groups like the Australian Aboriginal Progressive Association that worked to increase awareness about the lack of citizenship rights and the poor living conditions of Aboriginal and Torres Strait Islander peoples.

# AUGUST

## 4 AUGUST - NATIONAL ABORIGINAL AND TORRES STRAIT ISLANDER CHILDREN'S DAY

National Aboriginal and Torres Strait Islander Children's Day was established by the Secretariat of National Aboriginal and Islander Child Care (SNAICC) in 1988.

## 9 AUGUST - INTERNATIONAL DAY OF THE WORLD'S INDIGENOUS PEOPLE

The United Nations' International Day of the World's Indigenous People is observed on 9 August each year to promote and protect the rights of the World's Indigenous population. This event also recognises the achievements and contributions that Indigenous people make to improve world issues such as environmental protection.

## 17 JULY - EOFY PBC SUPPORT FUNDING ACQUITTALS

End of Financial Year (EOFY) PBC Support Funding acquittals are due 17 July 2020.

# SEPTEMBER

## 5 SEPTEMBER - INDIGENOUS LITERACY DAY

Indigenous Literacy Day is held to raise literacy levels and improve the lives and opportunities of Indigenous Australians living in remote and isolated regions.

# NOVEMBER

## 30 NOVEMBER - PBCs MUST HAVE AGM

As per the *Corporations (Aboriginal Torres Strait Islander) Act 2006* (CATSI Act), all PBCs must have had their Annual General Meeting by 30 November 2020.

# DECEMBER

## 31 DECEMBER - PBCs MUST LODGE GENERAL REPORT

All Aboriginal and Torres Strait Islander corporations must lodge a General Report by 31 December each year. Failure to lodge this information with the Office of the Registrar of Indigenous Corporations (ORIC) is a breach of the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (CATSI Act).



# YUWIBARA PEOPLE

## NATIVE TITLE CONSENT DETERMINATION

25 FEBRUARY 2020

### CONGRATULATIONS TO THE YUWIBARA PEOPLE.

On Tuesday 25 February 2020, the native title rights and interests of the Yuwibara People were officially recognised by the Federal Court of Australia.

The day commenced with a traditional smoking ceremony, officially welcoming over 200 people to the native title consent determination. Justice Alan Robertson presided over the native title proceedings which were held on Yuwibara country at the Surf Lifesaving Supporters Club in Mackay.

The long awaited determination acknowledged the Yuwibara People's traditional connection to approximately 6,540 square kilometres of lands and waters in the Mackay region. Justice Robertson stated "I find that the Yuwibara People have continuously maintained a traditional, physical and spiritual

connection to their lands and water since sovereignty, and possessed native title rights and interests in accordance with observed and acknowledged traditional law and custom....".

Although lodged in 2013, Applicant and Yuwibara Elder Gary Mooney said it had been 22 years in the making, *"I'm looking forward to putting my focus toward the PBC now, and creating more opportunities for our people within the region"*. Fellow Applicant Jenifer Darr said *"this determination will help the Yuwi people to preserve and promote our rich and vibrant culture for generations to come.... We will pass down our skills and our knowledge and we will work to re-ignite and to preserve the Yuwibara language"*.

Applicants Gary Mooney, Jenifer Darr and Melanie Kemp made the native title application on behalf of the Yuwibara People, whose claim group is comprised of the descendants of one or more of the ancestors: Peter







Nolan; Jane Morris (mother of Peter Smith and Frank Morris); Molly (mother of Bill Bargo (aka Bill Tonga) and Annie Bargo (aka Annie Tonga)); Johanna Hazeldean; Mungo (King of Hamilton, father of Spoonbill); Jerry McDonald; or Janie (McDonald).

The North Queensland Land Council were privileged to support the Yuwibara People in their journey of native title recognition and we look forward to offering our assistance to their PBC, the Yuwi Aboriginal Corporation.

In closing, we have included the words of Applicant Jenifer Darr, who was one of many Yuwi People who delivered speeches at the celebration following the Yuwibara Native Title Consent Determination. Many thanks to Ms Darr for granting us permission to print her words. We are sure you will enjoy them as much as we did.



*Good Afternoon,*

*First, I give thanks and honour to my maker and Sovereign God. Without his guiding and nurturing hand on me during this seven year journey things would have been more treacherous – Thankyou Father God. He knitted me together in utter seclusion in my mother's womb and placed me in the biological family He placed me in. I am the product of flawed and discriminatory federal and state government policy.*

*My birthright is Aboriginal and Vanuatu, a heritage of this rich fabric I am woven from. I stand here today a very proud Yuwi/Vanuatu woman.*

*I acknowledge and pay honour to our foremothers and forefathers both sides of our heritage who paid a great sacrifice, so that we have access to a better life, increased wellbeing, prosperity and unprecedented abundance. It is on their shoulders "We Stand".*

*I acknowledge the many dignitaries here today*

*celebrating this once in a lifetime occasion with Yuwi.*

*My siblings and I hail from a long line of trailblazers and legacy builders. Our maternal (Vanuatu), parents owned a cane farm in the days when Aboriginal people were not recognised as Australian citizens – in the mid 1930's.*

*My Father and his siblings were raised on the largest Aboriginal reserve here in Mackay – Bakers Creek owned by the Catholic Church (established in 1870 with 14,080 acres set aside as a reserve for Aborigines), with his Mother (Grannie Annie) and Grandmother (Grandma Molly). Grannie Annie was used by many station owners to break in their horses – a masterful Stockwoman. Our Father left school at the age of 10. He walked from cattle station to cattle station on this country with his saddle on his back looking for work to help support his family. He drove cattle from northern NSW through to the Northern Territory. In our formative years our father enthralled us with many stories of his droving days.*

*Our parents (Percy and Olive Darr) had a strong social justice agenda and worked to help those who were less fortunate. A trait of their Christian values. Our parents, along with other family started Burdel housing society in Ayr in 1978. Eleven years after the 1967 referendum. Today, 42 years later, it is the largest real estate agent in the Burdekin area. Burdel is their legacy to the Aboriginal, Torres Strait and South Sea Islander community then, now and in the future.*

*Today is an historic occasion for Yuwi and a process that has not been without its challenges.*

*For us as Yuwi, consent determination allows us to take what was our parents ceiling and make it our floor on which to start the next chapter to our legacy building.*

*Determination is our opportunity to take what successive government policy meant for evil and turn it into a resounding positive with multiple success stories. Determination is acknowledgement of Yuwi as custodians of country and gives Yuwi considerable leverage and a solid platform to negotiate from. It is the chronometer for Yuwi to reset the navigational instruments and assume pole position in determining a prosperous future. This reset allows us to review our priorities and partner with organisations who are of the same ilk to bring our aspirations to life.*

*Consent Determination is the long awaited gift that entrusts our title as custodians of country and acknowledges this country is Yuwi's. Always was, Always will be!*

*Determination coupled with the “Treaty” conversation gives us great hope.*

*I believe and decree that Australia is on the tipping point of seeing the rights of First Nation people recognised and enshrined in Australian law. We have for over 60,000 years evolved as a people group. Before the takeover, we managed this continent, by moving in harmony with the land, and its sea, by watching weather patterns, listening to the hum of the environment and interpreting the subtle changes that call in the commencement of new seasons. A continued practice we aim to revitalise over time in recording and understanding the heart of country as it moves with the seasons.*

*Acknowledgement of Yuwi as custodians establishes a new benchmark to how Yuwi, view, operate, manage and build sustainable businesses from our natural resources. A recipe premised on true self determination in action operating from the lens of known cultural practices and ways of being for Yuwi people to lead in this space.*

*Yuwi welcomes the support of those like-minded organisation who share the same views and who are keen to walk softly beside us and are a value add to our vision.*

*I am an avid reader and learned of a term used in leadership, known as Activator. These are people who lead at the forefront of change. The strength of an Activator is described as the ones who make things happen. One of the most recognisable behaviours is their ability to turn thoughts, ideas and concepts into action. The noted strength of an Activator in the text was best described as “action”.*

*I put this question to Kin and Clan. Are there any among you who are activators and are willing to be the agent of change you were predestined to be?*

*In closing and on a personal note, I hark back to my previous statement of hailing from a family of generational trailblazers. With our parents ceiling, now being the floor, which is our launchpad, then for us as Yuwi, the sky is the limit as we continue the legacy building. It is time to soar!*

*Jehovah Shammah.*

- The speech of Yuwibara Applicant, Jenifer Darr, given at the Yuwibara Native Title Consent Determination on 25 February 2020.











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