

NQLC respectfully warns Aboriginal and Torres Strait Islander People that this material may contain images of people that have passed. The NQLC wish to honour and acknowledge these individuals for their contributions to their People and communities through native title.

Q2 | JULY 2022



Message Stick



Pictured: Director Danny Hooligan, Interim CEO, Rhonda Jacobsen, Director Angie Akee, Chairperson Richard Hoolihan and Director Gary Mooney.

BOARD UPDATE

Written by: **Richard Hoolihan, Chairperson**

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

Welcome to the second edition of Message Stick for 2022.

NQLC BOARD MEETINGS

At the time of writing, the Board of Directors had two meetings, both held over video conference, on 12 April 2022 and 5 May 2022. In addition to the standing business items, the key objectives of these meetings were to address the director vacancy within the Tully Ward, allocate representatives for 2022 AIATSIS Summit in the Sunshine Coast and the celebration being held for the 30-year anniversary of the Mabo Decision in Townsville.

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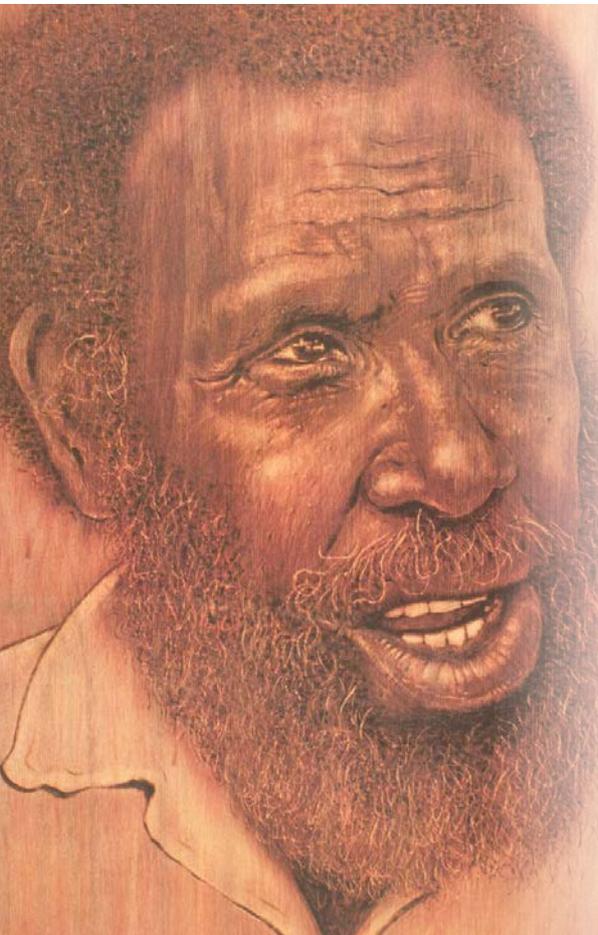
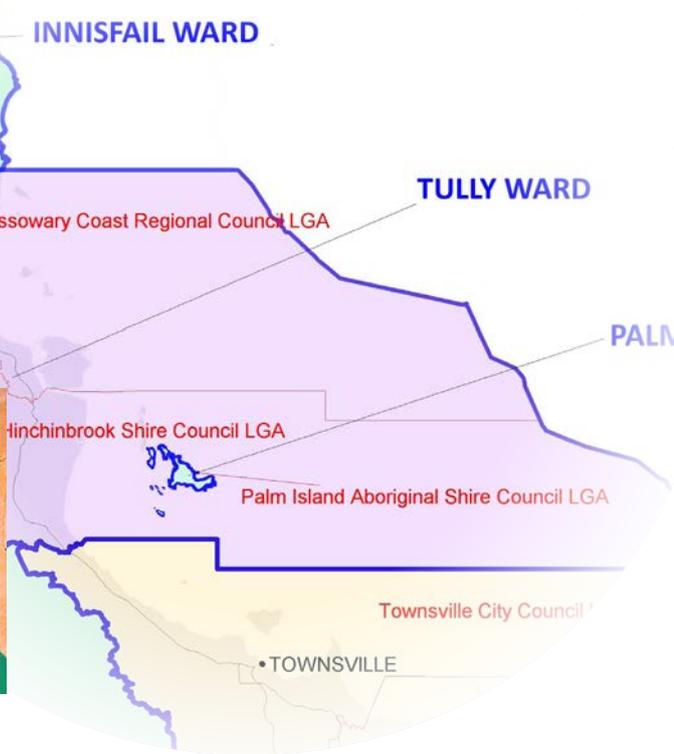


Pictured: Director Gary Mooney at the Mabo Day celebration.

TULLY WARD VACANCY FILLED

On behalf of the Board, I am very pleased to confirm that Nicole Huxley (pictured) was appointed Director of the Tully Ward. Nicole comes to us with a wealth of knowledge of the Tully/Ingham region, having grown up in the area and retaining her connection into her adult years. Nicole is also across the processes of pre and post native title and currently represents her family group on the Ngragoonda RNTBC Board in Charters Towers. Congratulations, Nicole.

If you would like to contact your relevant Ward Representative, please phone the NQLC office and they will put you in touch with us.



30 YEAR ANNIVERSARY OF THE MABO DECISION

The 3rd of June 2022 marked 30 years since the High Court judgments of Mabo v Queensland (No.2), the landmark decision that overturned the myth that at the time of colonisation Australia was 'terra nullius' or land belonging to no one. Importantly it was these High Court judgments that inserted native title into Australian law.

NQLC would like to formally recognise the plaintiffs in the Mabo v Queensland (No.2) case, Eddie Koiki Mabo, Father David Passi, Sam Passi, Celuia Mapoo Salee and James Rice. We also wish to acknowledge their legal representatives Greg McIntyre SC, Ron Castan AM QC, and Dr Bryan Keon-Cohen AM QC. We also pay our respects to the families and communities of all the above-mentioned people who must also be recognised for their own work, dedication and support during those years.

Interim CEO, Rhonda Jacobsen and our Townsville staff attended celebrations held over the week, also hosting an NQLC stand on the final day near the Mabo Memorial Monument in Central Park. You can read more about the event in the executive update, but I would like to thank Jake and the NQLC staff for their efforts during the celebration. A special mention also to fellow director Angie Akee and her team at ABIS for their hard work pulling the events of the week together.



2022 AIATSIS SUMMIT (30 MAY - 3 JUNE 2022)

The 2022 AIATSIS Summit was convened in partnership with Queensland South Native Title Services (QSNTS) and was hosted by the Kabi Kabi people on their Country on the Sunshine Coast, Queensland. 'Navigating the spaces in between' was this year's theme. Tablelands Director Kaylene Malthouse and I attended, representing the NQLC.

The annual AIATSIS Summit provides a unique forum for Aboriginal and Torres Strait Islander people, academics, native title stakeholders, legal experts, community and cultural sectors and government about current and future challenges relating to culture, knowledge, governance and more. It's a great opportunity to network and interact with people from all over and provides the opportunity to explore similar challenges being faced and how other groups have overcome them. The AIATSIS Summit combines what was known previously as the National Native Title and National Indigenous Research conferences.

This year's conference provided a kaleidoscope of issues across all aspects of the spectrum. With lots of good presentations and feedback sessions where people could ask questions and have panels provide answers to the questions asked. I found the presentations very informative but was disappointed that the forums highlighted lots of issues, which if you have been in Indigenous affairs for a long time - you would have heard all the standards. Some were new developments and very interesting such as the citizenship one. Below are some of the topics covered throughout the conference:

- Education and how it does not work for our mob
- Justice system; inequities and injustices; legal status of different cases; citizenship - could an Indigenous person be deported under laws to extradite criminals because they have dual parentage?
- Sovereign and constitutional issues, High Court issues and outcomes of different cases
- Repatriation issues - from returning ancestors, skeletal remains, artifacts etc (this is something I've been involved in with the return of ancestral remains from Germany and I know many of our groups want to know about their remains held overseas)
- Trauma, healing, and suicide issues
- Language revival
- Accessing historical records
- Walking tracks (like the one I'm representing on as Gugu Badhun with the Paluma to Wallaman development)
- Native title rights and economic use including renewable energy and carbon credits (Indigenous participation - in my view this is an important development for post-determination economic opportunity, and it is part of my vision for what I can bring to the Land Council's work)
- Protecting intellectual property
- Sea Country
- Governance - ORIC, NIAA, new rule book changes.



2022 AIATSIS Native Title Summit (Image credit: AIATSIS)

I appreciate that as more groups across Australia deal with these kinds of issues, we learn more ways and better ways of how to deal with them ourselves. What I would have liked to see with the people who had gathered was action groups being formed and issues dealt with to a better space. People could have been part of solutions to move forward.

I appreciated meeting lots of new people, Directors Malthouse and Schmitter introducing me as Chairperson and networking during the breaks. I met Kado Muir of the National Native Title Council, Cape York Land Council staff, NSW Aboriginal Land Council and South Australia Native Title Representative Body.

Kado made a point of saying he'll be in contact with me given NQLC's membership of the First Nations Heritage Protection Alliance, so this is most welcome. Murandoo Yanner from Carpentaria Land Council and I also took the opportunity to meet, connecting on our work in the Rural Fire Service and traditional burning.

I took note of how QSNTS support Traditional Owners, providing native title services and enhancing their capability to achieve self-determination through exercising native title rights and interests. QSNTS also talk about advocating for reform and improving the native title system, an important pursuit and something I hope for us to be more involved in.

With the new government and their vocal support for First Nations people, there's a lot of hope for change through cultural heritage and recognition, the Uluru Statement from the Heart and the Indigenous Voice to Parliament. I refer you to an article in the National Indigenous Times which I was asked to contribute to: 'What Aboriginal land councils want out of Anthony Albanese's Labor government' by Giovanni Torre (<https://www.nit.com.au/what-aboriginal-land-councils-want-out-of-anthony-albaneses-labor-government/>).



BOARD PRIORITIES

As we commence the second half of 2022, the Board will be focusing on the corporation's strategic plan for the coming five years. We will also be looking at what opportunities are out there for NQLC, with particular attention to renewable energies, indigenous land use agreements and other economic development prospects.

This concludes the Board Update for the second quarter of 2022. I look forward to providing our next update in September 2022.

Regards, Richard



Richard Hoolihan
Chairperson
North Queensland Land Council



EXECUTIVE UPDATE

By Rhonda Jacobsen, Interim Chief Executive Officer

Pictured: Interim CEO, Rhonda Jacobsen, Corporate Services Officer Brian Cahill; Chief Financial Officer, Annette King; Director Angie Akee and FAME Legal Officer, Paula Barry at NQLC's Mabo Day stand.

Welcome to the second edition of Message Stick for 2022.

30 YEAR ANNIVERSARY OF THE MABO DECISION

Friday 3 June 2022 marked 30 years since the landmark decision by the High Court of Australia to overturn the doctrine of terra nullius and establish the legal principle of native title into Australian law.

Mabo v Queensland No. 2 (1992) was mounted by five Meriam people: Eddie Koiki Mabo, Reverend David Passi, Sam Passi, James Rice and one Meriam woman, Celuia Mapo Sale. Eddie Koiki Mabo was the first named plaintiff, and the case became known as the 'Mabo Case'.

The Mabo Case paved the way for hundreds of First Nations People to be recognised by the Court as the custodians of their traditional lands. It acknowledged that Indigenous peoples had indeed lived in Australia for thousands of years in accordance with their own traditional laws and customs.

Since the Mabo Decision on 3 June 1992 and the passing of the Native Title Act 1993 (Cth) the following year, Australia has had 556 native title determinations. Sixty four of those being in the North Queensland region and 54 represented by the North Queensland Land Council.

To celebrate this occasion NQLC took part in celebrations in Townsville, a location that Eddie Mabo spent much of his life campaigning for land rights. I was privileged to be invited to the Mabo Corporate Dinner with many esteemed guests, including the plaintiffs' counsel, Dr Bryan Keon-Cohen AM QC. Dr Keon-Cohen presented a keynote speech which reflected on the



Pictured: Mabo Celebration Day march.



Pictured: Directors Gary Mooney (L) and Danny Hooligan (R) at the Mabo Celebration Day.

“ Since the Mabo Decision on 3 June 1992 Australia has had 556 native title determinations ”



history of the case and considered the future for native title. Other guest speakers included NQLC Director for the Townsville Ward, Angie Akee, and myself.

The official celebration day on the 3rd of June at the Mabo Memorial Monument commenced with a march from Perfume Garden Park, giving us the opportunity to debut our new NQLC banner (see image inset). NQLC's stand at the event gave Directors Angie Akee, Gary Mooney (Mackay Ward), Danny Hooligan (Mt Garnet Ward), some of our Cairns and Townsville staff and me a chance to meet the local community, answer questions about native title and showcase the 54 native title determinations achieved by NQLC in a short video. You can view this on our YouTube channel here: <https://youtu.be/OwZJ3Sbvril>.

A big thanks to the NQLC staff that assisted on the day and to Director Akee and her team at ABIS for inviting the NQLC to participate in the week of celebrations.

STAFFING

As reported in our last update, Nigel Hales of Miller Harris Lawyers stepped into the role of Acting Principal Legal Officer (PLO) while we undertook recruitment for the permanent position. Like many other native title representative bodies and service providers, securing a suitably qualified candidate to fill this specialised role is proving to be challenging.

Nigel has recently returned to his own practice, and we would like to thank him for his assistance over the last four months. It is not easy to manage your own practice whilst also supporting another corporation, and Nigel's contribution to the management of claims and research matters has been invaluable.

We are pleased to advise that Kevin Murphy has accepted a 3 month contract for the Acting PLO role, commencing Monday 27 June 2022. Some of you may know Kevin in his previous capacity as the PLO of Carpentaria Land Council (CLCAC) before his retirement in March 2022. Before CLCAC, Kevin was also PLO for the Kimberly Land Council, a role he went into after his time working at the Queensland State government.

NQLC are very pleased to have Kevin's expertise lead the Claims Team as we continue the search for a permanent PLO. Rest assured that the Claims Team are dedicated



Pictured: Director Angie Akee addressing the crowd at the Mabo Day celebration.



Pictured: Interim CEO Rhonda Jacobsen and Director Angie Akee at NQLC's Mabo Day stand.



Pictured: Pimlico Stars holding NQLC's banner during the Mabo Day march

INTRODUCING:



Kevin Murphy
Acting Principal Legal Officer



to ensuring that all native title claims remain on track and progressing as planned.

With the recent internal promotion of John Cecchi to Senior Legal Officer, Future Acts Mining and Exploration (FAME) Unit, NQLC is now seeking to fill the vacated Legal Officer role. If you would like to know more about this Cairns based role, please head over to the careers page on the NQLC website for further details. Congratulations John, on your promotion.

In May, we were pleased to welcome Jennifer Joyce to our Claims Team on a 4 month contract as Project Officer. Jenny has had a long relationship with the NQLC as a Mamu Traditional Owner working through Mamu's native title claim process, and also post determination through Mamu RNTBC. We are very happy to have Jenny on board with us.

The Board are continuing their efforts to recruit for a permanent CEO and as such time as they do, I will continue performing the role on an interim arrangement. I would like to thank Jules Taylor for stepping into my substantive role of Manager, Engagement and Development Support Team (EDST) during this time.

OPERATIONS

As always, these last 3 months has been a very busy period for the Claims Team and EDST and I refer you to the their respective updates for information regarding our native title claims, research, future acts and PBC progress.

Kind regards

Jake

INTRODUCING:



Jennifer Joyce
Claims Team Project Officer



Rhonda M Jacobsen
Interim Chief Executive Officer
North Queensland Land Council



ENGAGEMENT & DEVELOPMENT SUPPORT TEAM UPDATE

By Julia (Jules) Taylor, Senior Legal Officer - Acting Manager, EDST

As the EDST has previously reported, the changes to the Native Title Act and CATSI Act in March 2021 have led to significant work being undertaken. This is largely the PBC Support Unit (working with ORIC) to develop a best practice rule book for PBCs to consider, to meet these legislative changes. Reviewing the PBCs' rule books brought with it the opportunity to discuss their future needs and build these into not just their rule books, but their negotiated agreements and overall governance structures.

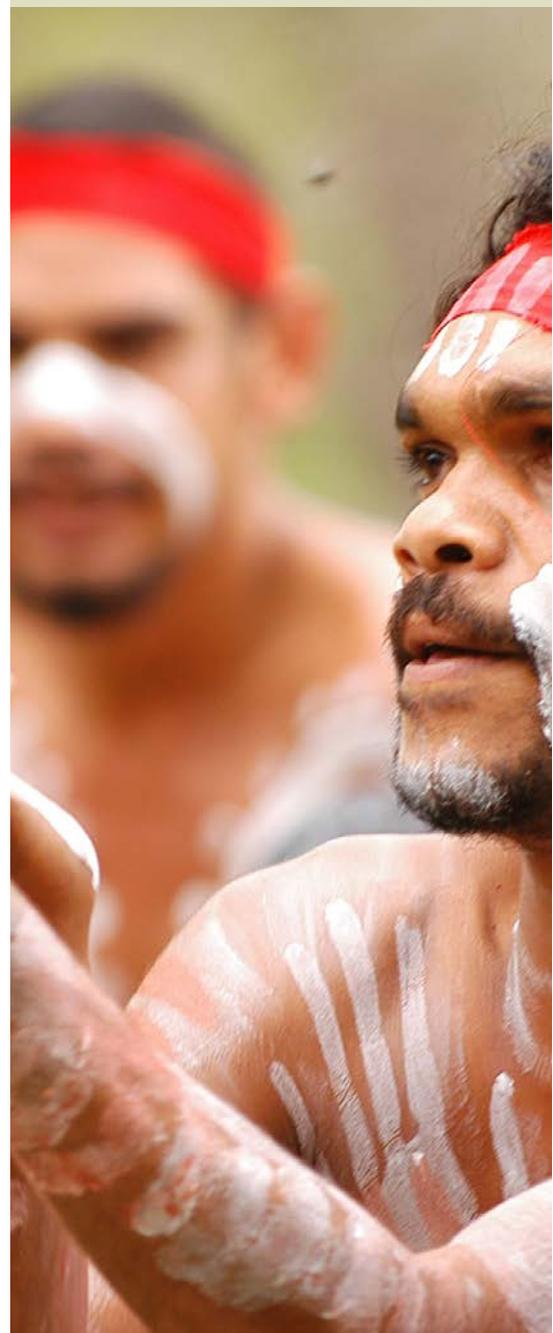
The hybrid of virtual and face to face meetings to suit the nature and substantive content of the meetings with clients has continued, despite the restrictions flowing from COVID having been lifted. EDST is seeing many PBCs structuring their business with regular monthly meetings held exclusively on a virtual platform and some PBCs have also adopted this as a preferred platform for negotiations, utilising virtual breakout rooms and other strategies for best practice negotiations. EDST is still reviewing the suitability of regional workshops/forums that we can deliver in the second half of next year.

FAME Unit is also developing a FAME Toolkit and together with PBCSU, are developing a tailored training delivery method for both the toolkit and PBC governance training, which can be delivered both face to face and virtually.

The pilot project to assist PBCs to respond to all their future act notices reported on in 2021 has continued with 5 PBCs and is going well. We are now looking to streamline this process and ensure there is access for all PBCs during the next financial year. Stage two of this project will be looking at converting it to an online tool for access by PBCs. Discussions have commenced with other representative bodies as well to assess their online systems and how these two projects could be integrated.

We look forward to continuing to work with you throughout 2022 in whatever format that may be!

“ EDST is seeing many PBCs structuring their business with regular monthly meetings held exclusively on a virtual platform...”





Future Acts, Mining and Exploration Unit

2022 is continuing to provide for some very diverse projects across the NQLC region, including those detailed below, which are anticipated to provide some real commercial opportunities for PBCs. Some of these agreements have now reached agreement in principle stage and FAME Unit will be proceeding with authorisation meetings over the next few months to finalise these matters, others have recently been authorised.

One of the key agreements reached was for a co-management agreement with Queensland Parks and Wildlife Service (QPWS) which was registered in May 2022. The Native Title landscape for national parks and conservation parks that were created post-Wik will, over time, all require ILUAs as the State cannot rely on the other sections of the future act regime which are often critical to park management. Where there are older parks some other PBCs have also settled on co-management agreement terms without the need for an ILUA. These relationships and engagement with QPWS are already seeing real opportunities for some PBCs to subsequently be successful for land and sea funding.

FNQ and NQLC's statutory region is turning into the city of wind and sun for the Queensland Government's move toward 100% renewable energy by 2030. The FAME Unit has seen three windfarms through to ILUA authorisation so far in 2022 and have multiple other renewable and large infrastructure projects that are in various stages of negotiations. The size of these kinds of agreements have had NQLC working closely with PBCs to provide assistance to ensure that they are ready for implementation. As noted in the PBC update, tailored business planning is being undertaken and external advice is also being provided where groups are having to consider setting up operational arms and in some instances trusts. Considerable work is also being undertaken in assisting with the development of governance and operational policies and procedures to ensure that there are processes in place for the PBCs to grow with.

“FNQ and NQLC's statutory region is turning into the city of wind and sun for the Queensland Government's move toward 100% renewable energy by 2030.”





It should also be noted that currently the CATSI Act is not flexible enough to be able to have an operational arm as a subsidiary of the PBC under the CATSI Act however, this was one of the 72 changes noted in the PBC report below which may in the future mean that corporations will have the choice as to whether to set up operational arms under the CATSI Act rather than ASIC and navigate two sets of rules. Unfortunately, this legislation did not pass before caretaker mode and we are now waiting to see what happens with the new Labour Government. This timing means that some of the PBCs working with these large agreements will be navigating between the CATSI Act, Corporations Act and Australian Charities and Not-for-profit Commission to ensure that PBCs have structures in place to protect their assets and their People.

The FAME Unit has also been incredibly busy with respect to future acts and other cultural heritage matters. Many future act notices only give claim groups and PBCs the rights to comment under the Native Title Act, but the activity that will be permitted under the future acts will have a large impact on cultural heritage, or where there are no native title rights (i.e. freehold). This leads to the negotiation for comprehensive cultural heritage management agreements and plans. Some of the large-scale projects that don't give rise to a right to negotiate have also included benefits within the cultural heritage management agreements themselves as community benefits for the impacts of the various projects.

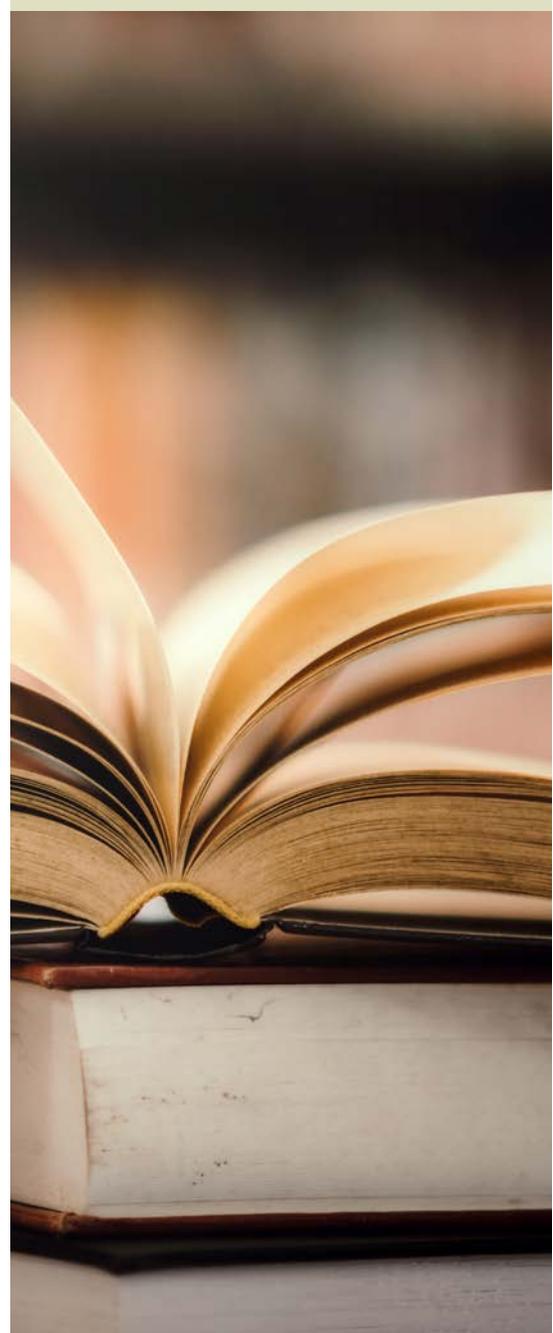
Please continue to contact us directly at fameunit@nqlc.com.au for any assistance.

PBC Support Unit

There are currently 31 PBCs in the NQLC region. With the progression of claims, we may see another 2 PBCs next financial year and PBCSU is working in with the Claims team for the development of rule books in advance of these future determinations.

The PBCSU has largely completed the PBC Support Funding process for next financial year and has successfully transitioned all but a very small number of PBCs to Standard Process Agreements. Under a Standard Process Agreement

... some of the PBCs working with these large agreements will be navigating between the CATSI Act, Corporations Act and Australian Charities and Not-for-profit Commission



responsibility for the administration and expenditure of PBC Support Funding is now in the hands of the individual PBC.

The PBCSU is also investigating grant funding options that will support the filing of applications with local governments to address the various planning constraints preventing PBCs from realising common law holder development aspirations. Without external funding or other sources of income the costs of obtaining these local government consents are generally beyond the capacity of most PBCs. Local government planning approval is a crucial step towards generating a return – whether economic, social or cultural - on appropriate land held by PBCs.

The PBCSU will continue to ‘check in’ with PBCs on an occasional basis to ensure they are functioning smoothly and discussing where NQLC can provide them with practical assistance. Officers from the PBCSU recently met with several PBCs as part of capacity building site visit. The site visit concluded with requests for regular meetings throughout the year with officers from the PBCSU to receive feedback and assistance on corporation related matters.

The PBCSU continues to offer ongoing assistance through the engagement of strategic planners, business planners and land planners to provide a framework for the management and economic development of their native title rights and interests and other assets, consistent with their communities’ aspirations and expectations.

If you have any questions in relation to your PBC please contact the PBC Support Unit at pbcsupport@nqlc.com.au.

Under a Standard Process Agreement, responsibility for the administration and expenditure of PBC Support Funding is now in the hands of the individual PBC.



Julia (Jules) Taylor
Senior Legal Officer - Acting Manager, EDST
North Queensland Land Council



Pictured: Dulabed Malanbarra Yidinji AC Ranger

CLAIMS TEAM UPDATE

By Nigel Hales, Acting Principal Legal Officer (for the reporting period) and Susan Walsh, Deputy Principal Legal Officer

Welcome to the Claims Team update for the second quarter of 2022. The Claims Team, comprising of the Legal and Anthropology Units, continue to work at maximum capacity to progress the active and proposed claims list. A detailed update on the claims work being undertaken can be found later in this article.

RESEARCH

The Claims Team, together with NQLC's independent researchers (Louise Allwood and Pascale Taplin) and independent consultant anthropologists commissioned by NQLC are working on the following research projects:

MULGRAVE RIVER RUSSELL RIVER RESEARCH PROJECT (MRRR)

Research has commenced by consultant anthropologist, Kim McCaul, with the undetermined areas to the south, west and east of Cairns where there are a number of existing determinations, including for Tableland Yidinji, Wanyur Majay, Dulabed and Malanbara Yidinji and Gunggandji and Mandingalbay Yidinji Peoples. The field work has been delayed, due to issues beyond the control of the land council but is ongoing.

PORT DOUGLAS

Research into the Port Douglas area is on hold, as Dr Kenny is prioritising the new proposed Eastern Kuku Yalanji #2 claim.

NORTHWEST REGION

This research project has been commissioned to Dr Natalie Kwok by NQLC. The research area covers a large swathe of country in the northwestern reaches of NQLC's region, where there are no current native title claims or determinations, apart from a non-claimant application by the Strathmore pastoral lease holder (Scott Harris). Natalie has undertaken some fieldwork and will continue to work on the research.

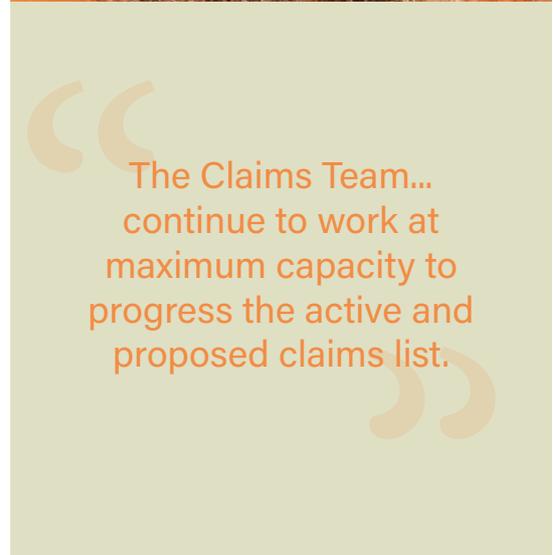
GIYA & NGARO

NQLC has commissioned its independent researcher, Pascale Taplin, to research and consider what additional materials are needed to progress a native title claim for the Giya and Ngaro Peoples in the land and waters of the Whitsunday Islands and adjacent mainland in the Proserpine region.

HELLS GATE DAM RESEARCH PROJECT

NQLC has commissioned consultant anthropologist, Kevin Mayo, and NQLC independent researcher, Louise Allwood, to research each of the Gudjala People (Kevin) and Gugu Badhun People (Louise) as to their asserted native title interests within the footprint of the Hells Gate Dam project area.

If you are a Traditional Owner who asserts native title rights within the footprint of any of the above research projects, and you have not been



The Claims Team... continue to work at maximum capacity to progress the active and proposed claims list.



contacted about the research before now, or wish to speak with us again, we welcome you contacting us, including for the purpose of us arranging for you to be interviewed by the independent consultant or NQLC researcher allocated to the particular research project in which you are interested. You can call us on 1800 814 779 (freecall) or email us at reception@nqlc.com.au.

PREPARING FOR AUTHORISING CLAIM / AUTHORISED CLAIM / EARLY CLAIM

NQLC has two matters in the early stages of a native title claim. These are:

- **Eastern Kuku Yalanji People** have authorised an Applicant to make their second native title claim, being country that is not already determined in their Eastern Kuku Yalanji determination of 2007 or within the Cape York Land Council NTRB area; and
- For the proposed **Palm Island Manbarra** native title claim, an authorisation meeting has been scheduled over two days in Townsville in July, for Traditional Owners to consider whether to authorise an Applicant to make a native title claim on their behalf and to deal with matters arising under the Native Title Act 1993 in relation to the claim. We will be sending a copy of the notice to all the people on the NQLC Traditional Owner database with native title interests in Palm Island and will also arrange for the notice to be publicly advertised. Please keep an eye out for the notices in advance of the meeting!

CONNECTION NEGOTIATION

We have a number of native title claims at the stage of the State considering whether sufficient and credible evidence has been provided to support recognition of native title. The shorthand for this is “connection”. The term “connection” refers to a legal test in the Native Title Act which all native title claims must satisfy. Native Title recognition is given to native title groups who can show a connection to their lands and waters through the continuing acknowledgement and observance of traditional laws and customs of the Aboriginal peoples who were on the claimed lands and waters before British invasion. (I note that the Courts have said that there can be some change and adaptation over time of the traditional laws and customs now acknowledged and observed by the group or groups claiming native title recognition.)

The Native Title Act encourages the parties to native title proceedings to seek to negotiate an agreement on connection without this having to be determined at a full trial in the Federal Court and this is the stage currently occupied by the following claims:

- Djungan People #5
- Muluridji People #3
- Gugu Badhun People #3
- Cairns Regional Claim Group
- Gurambilbarra Wulgurukaba Mada (GW sea claim)

CONNECTION DISPUTED / CONTESTED HEARING MATTERS

NQLC is representing several Gudjala People Indigenous Respondents to contest the northern part of the **Jangga People #2** claim area from the Cape River to the boundary of the Gudjala #1 & 2 determinations. Negotiations and mediation about the boundary issue has not resulted in an agreement. The Jangga People #2 Applicant is represented by Dillon Bowers Lawyers.

Unfortunately, a court decision regarding one of the respondents means that the proposed determination in the **Gurambilbarra Wulgurukaba People** native title will not be proceeding this year, as we had hoped. It is likely that there will now need to be a contested hearing in the matter. Whilst this is disappointing for the applicants, it is part of the process of ensuring that those asserting rights to an area have the opportunity to make their case in court. The timetable to move the matter forward is currently being considered.

EXTINGUISHMENT ANALYSIS & CONTENT OF NATIVE TITLE RIGHTS NEGOTIATION

If the State accepts “connection”, and respondent parties also do not dispute this, the matter moves out of the “connection negotiation” stage and into the “extinguishment analysis & content of the native title rights negotiation” stage. We have one matter in this stage:

Jirrbal People #4 native title claim has been split into two parts to allow the area that is not subject to Indigenous Respondent assertions to progress separately. Negotiations are still on foot regarding where exclusive and non-exclusive native title can be recognised.

Wakaman People #3, #4 & #5 negotiations have now commenced with a view to there being a consent determination sometime next year.

That concludes the Claims Team update for the second quarter of 2022. We look forward to updating you further in our next update, due out on the 30th of September. Until then, if you have any questions regarding your claim or would like to get in touch, please call us on 1800 814 779 (freecall) or email us at reception@nqlc.com.au.



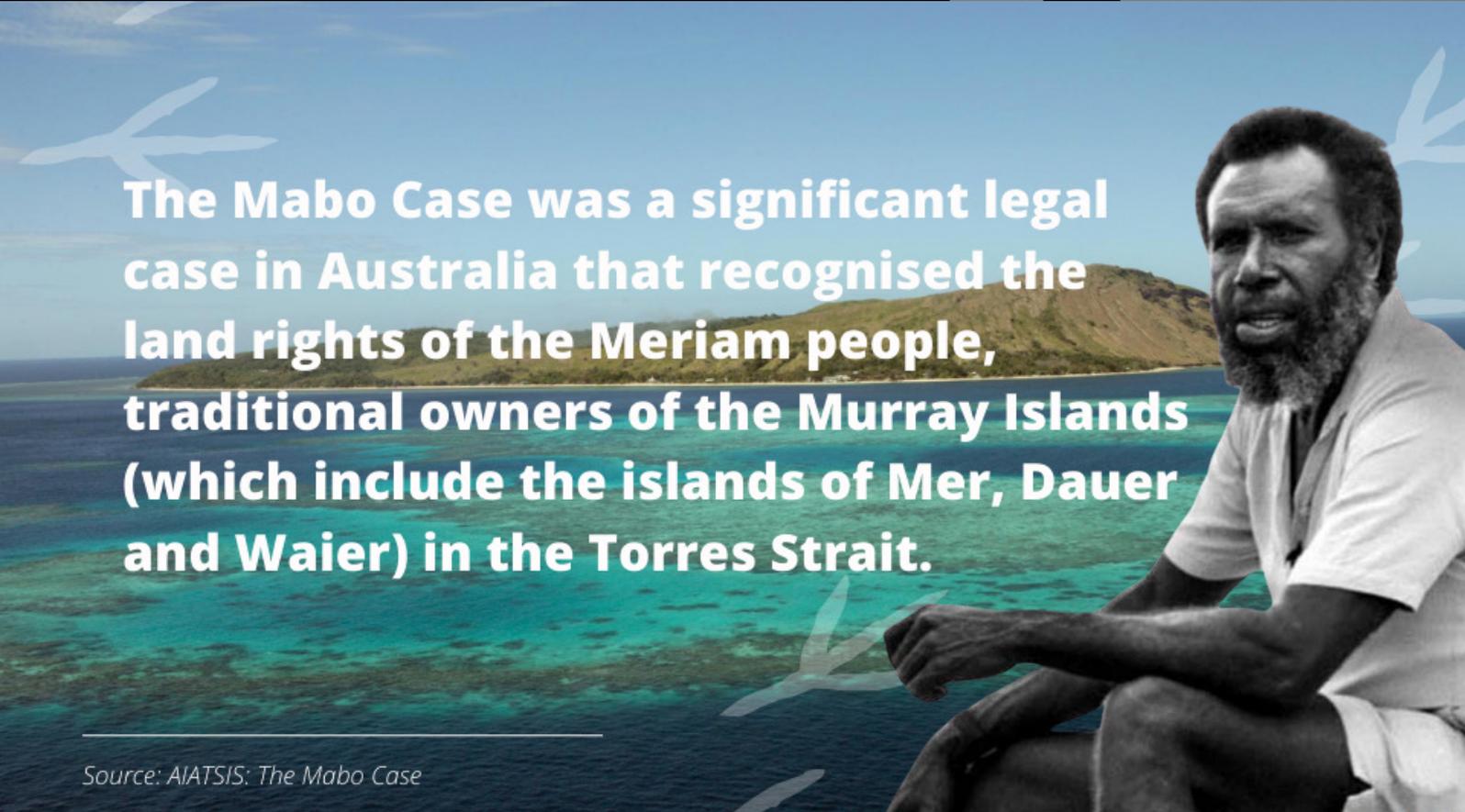
Nigel Harris
Acting Principal Legal Officer (for the reporting period)
North Queensland Land Council



Susan Walsh
Deputy Principal Legal Officer
North Queensland Land Council



Celebrating 30 years since the Mabo Decision



The Mabo Case was a significant legal case in Australia that recognised the land rights of the Meriam people, traditional owners of the Murray Islands (which include the islands of Mer, Dauer and Waier) in the Torres Strait.

Source: AIATSIS: The Mabo Case



The Mabo Case was successful in overturning the myth that at the time of colonisation Australia was 'terra nullius' or land belonging to no one.

Source: AIATSIS: The Mabo Case

The High Court recognised the fact that Indigenous peoples had lived in Australia for thousands of years and enjoyed rights to their land according to their own laws and customs. Twelve months later the *Native Title Act 1993 (Cth)* was passed

Source: AIATSIS: The Mabo Case



The five Meriam people who mounted the case were **Eddie Koiki Mabo, Reverend David Passi, Sam Passi, James Rice** and one Meriam woman, **Celuia Mapo Sale.**

Eddie Koiki Mabo was the first named plaintiff and the case became known as the **Mabo Case.**

Source: AIATSIS: The Mabo Case



On 3 June 1992, six of the seven High Court 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.**'

In **Mabo v. Queensland (No. 2)**, judgments of the High Court inserted the legal doctrine of **native title into Australian law.**

Since the Mabo Decision on 3 June 1992, Australia has had

556

native title determinations made by a court or other recognised body

Source: National Native Title Tribunal, Statistics (as at 12/05/2022)



Since the Mabo Decision on 3 June 1992, the North Queensland region has had

64

native title determinations

Source: National Native Title Tribunal, Statistics (as at 12/05/2022)

Since the Mabo Decision on 3 June 1992, the **North Queensland Land Council** has had

54

native title determinations

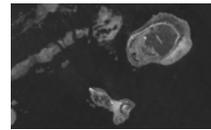


The Mabo Decision: Timeline Of Events

1936

29 June 1936

Eddie (Koiki) Mabo born on Mer (Murray) Island in the Torres Strait.



1957

Eddie Mabo left Mer Island and moved to mainland Australia at the age of 21.



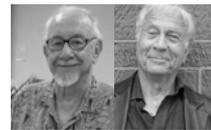
1967

Eddie Mabo took a job as a gardener with James Cook University (JCU) in Townsville. He had a thirst for knowledge and made good use of the JCU library. He spoke with many of the academic staff.



1974

After speaking with JCU historians Noel Loos and Henry Reynolds, Mabo was made aware that under Queensland law he did not have ownership of his native lands.



1981

Following a land rights conference at which Eddie spoke about the Traditional Islander ownership system, the decision to go to Court was made. Greg McIntyre who had been a solicitor in Townsville but by then was based in Perth, agreed to take the case and he proceeded to assemble a team led by Barristers Ron Castan [now deceased] and Bryan Keon-Cohen.



1982

20 May 1982

Eddie and his co-plaintiffs, Reverend David Passi, Celuia Mapo Salee, Sam Passi and James Rice lodge a case in the High Court of Australia.



1985

In an attempt to pre-empt the case, the Bjelke-Petersen government, in one of the biggest acts of bastardry, passes the *Queensland Coast Islands Declaratory Act (1985)* to extinguish the native title rights of the Meriam people to the Murray Islands in the Torres Strait.



1986

17 November 1986

Supreme Court proceedings adjourned to allow challenge in the High Court to the validity of the *Queensland Coast Islands Declaratory Act (1985)*.

27th February 1986

The High Court refers the case to the Queensland Supreme Court to take evidence, examine and make findings of fact



1988

8 December 1988

The High Court ruled in *Mabo v Qld (No.1)* that the *Queensland Coast Islands Declaratory Act 1985 (Qld)* was incompatible with the *Racial Discrimination Act 1975 (Cth)* and therefore invalid.



1989

2 May 1989

The Supreme Court hearing re-commences.

6 September 1989

The Supreme Court hearing concludes.



1990

16 November 1990

The Supreme Court findings are published and the matter sent back to the High Court.



1992

21 January 1992

Sadly Eddie Koiki Mabo passed away, five months before the High Court delivered its now famous judgment.

3 June 1992

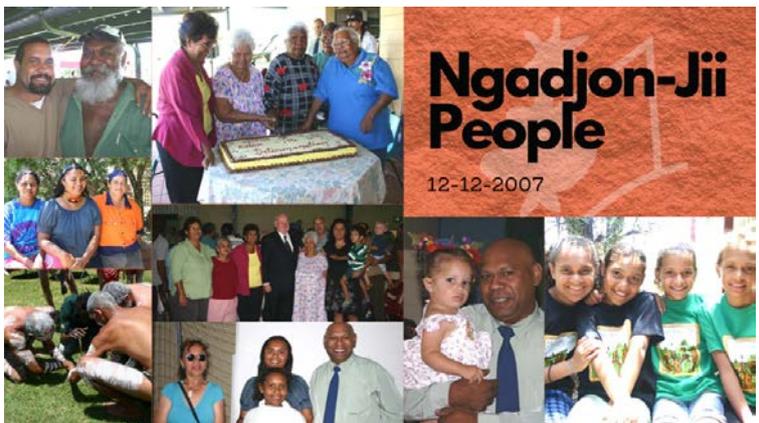
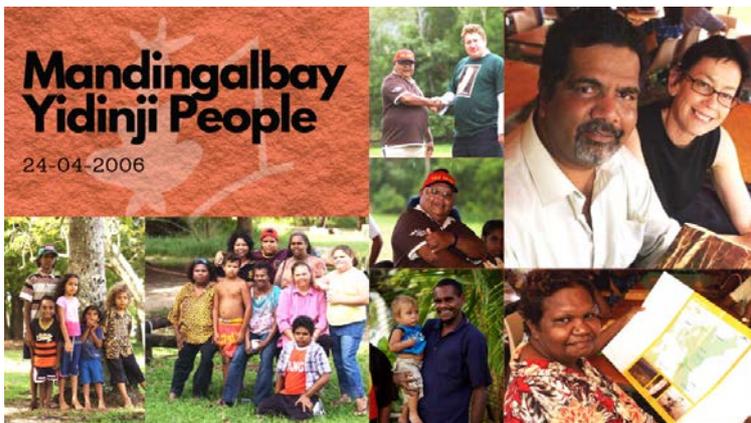
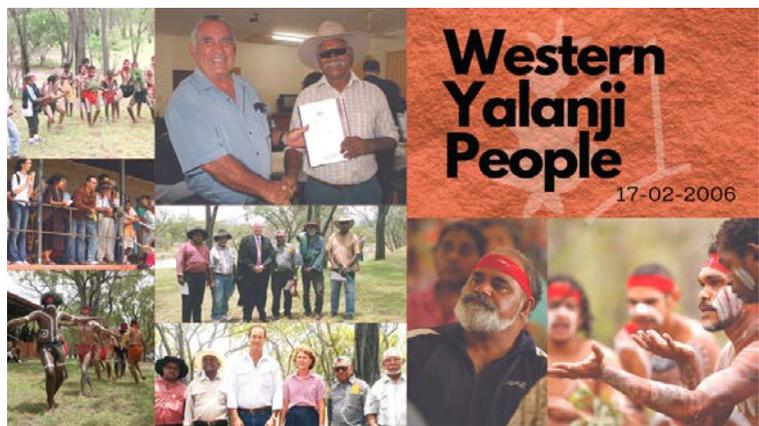
The High Court overturned the legal doctrine of terra nullius 'land belonging to nothing, no one' delivering a verdict in favour of the Murray Islanders in *Mabo v Qld (No. 2)*.



Celebrating 30 years since the Mabo Decision

NQLC proudly celebrates the 30 year anniversary of the Mabo decision, the 28 years since its own incorporation in 1996 and importantly, the hundreds of traditional owners we have had the honour to assist in achieving the recognition of their native title rights and interests in Australian law. It is a privilege and an honour held by the NQLC Board of Directors and all staff.

Take a trip down memory lane at the 54 determinations achieved over the years. It's a wonderful reminder of how far we have come, and the remarkable people we have met along the way...



Girramay People

10/12/2009



Combined Dulabed & Malanbarra Yidinji

17-12-2009



Jirrbal People #1, #2, #3

08/10/2010



Juru (Cape Upstart) People

26/07/2011



Wanyurr Majay People

08/10/2010



Djiru People #2 & #3

1-09-2011



Muluridji People #1 & #2

14/11/2011



Combined Gunggandji

19-12-2011



Gugu Badhun People #2

1-08-2012



Djungan People #1#2#3 & #4

2-08-2012



Combined Mandingalbay Yidinji - Gunggandji

21-09-2012



Jangga People

9-10-2012



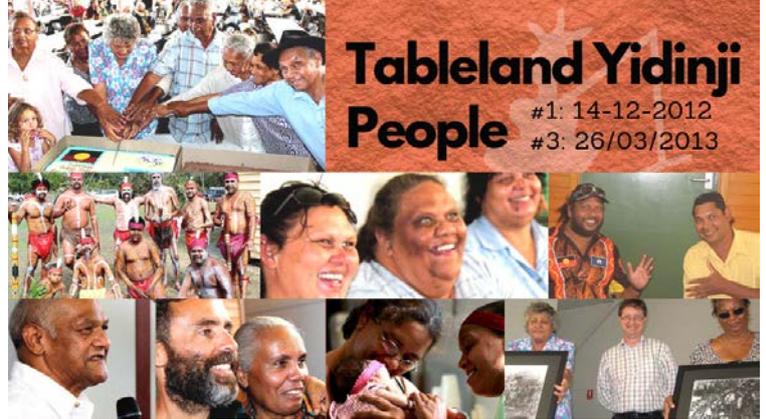
Tagalaka People #1 & #2

10-12-2012



Tableland Yidinji People

#1: 14-12-2012
#3: 26/03/2013



Warrungu People #2

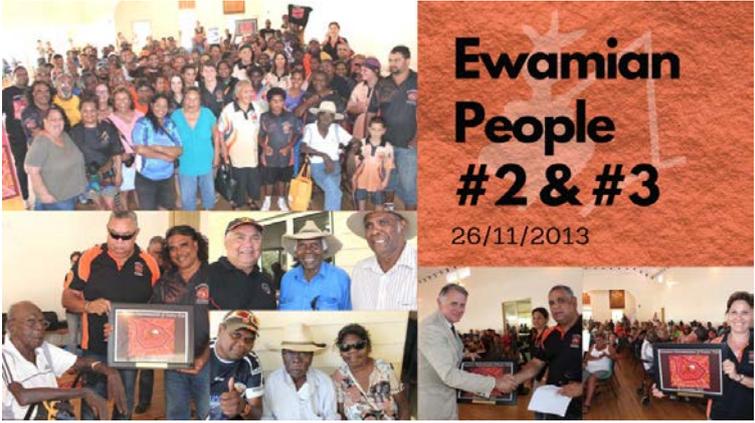
23-09-2013



Western Yalanji #4 & Combined #5 & #7

24-09-2013





**Bar Barrum
People #9 &
#10 (Rivers)**
12-12-2017

**Nywaigi
People**
20-04-2018



**Girramay
People #2**
01-08-2018

**Gulngay
People**
04/04/2019



**Yuwibara
People**
25-02-2020

**Warrgamay
People**
18-08-2021



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