

Your way forward for Native Title

MESSAGE STICK



Oct 2024





NQLC acknowledges the
Traditional Owners of our
representative region.

We recognise their
continuous relationships to
the lands and waters,
and pay our respects to
Elders past, present and
emerging.

LAY EVIDENCE IN NATIVE TITLE



WHAT IS LAY EVIDENCE?

Native title claims are formally commenced by filing an application in the Federal Court. Parties who have an interest in the claim area then join as 'respondent parties' to the claim. The main respondent party is always the State Government (State). Most commonly, native title claims are resolved through a consent process, where all parties agree to a determination. Before reaching an agreement, the State must be convinced that native title exists in the area. The claim group bears the responsibility of proving this by providing "connection evidence" for assessment by the State.

There are two main types of connection evidence: expert (opinion) evidence and lay evidence.

- **Expert Evidence:** usually in the form of an expert report (connection report), prepared by an experienced and qualified independent anthropologist who is engaged to undertake desktop and field research and provide their expert opinion of the group and it's connection to the claim area.
- **Lay Evidence:** usually in the form of written statements and affidavits provided directly by Traditional Owners in their own words including information about their family history, personal experiences, activities on-country (e.g. hunting, fishing and other cultural activities), and the passing down of traditional law and custom. Lay evidence can also include videos filmed on country in the claim area.

To NQLC lawyers and anthropologists often make multiple trips to meet with Traditional Owners, ensuring their information is accurately documented. In some cases, specialist independent lawyers called 'barristers' are also involved in the process. The lay evidence is submitted to the State either alongside or supplementary to the expert connection report, though it may also be shared with other parties and filed in Court. If the State is satisfied with the connection evidence and the existence of native title, the parties will then enter into negotiations towards a consent determination. The voices of Traditional Owners are an important component of all successful native title claims, and NQLC remains dedicated to supporting its (constituents or native title claim groups?) by ensuring adequate resourcing for the collection of lay evidence.

GATHERING LAY EVIDENCE ON EASTERN KUKU YALANJI COUNTRY

Our NQLC team members recently traveled up to Mossman, Wujal Wujal and Buru (China Camp) to gather lay evidence in support of the Eastern Kuku Yalanji People #2 native title claim.

It was a meaningful two-week journey travelling across the beautiful landscapes of EKY country working alongside two barristers in support of the EKY#2 claim. The team was grateful to be guided by NQLC First Nations Engagement Officer and EKY man Desmond Tayley who generously shared some of his cultural and ecological knowledge about EKY Bama and EKY country. His local knowledge and 4WDing experience was particularly handy along a stretch of the CREB Track!



LEFT TO RIGHT: TINA JOWETT SC, LOUISE KEEPA, LUCY TOEPFER, EDMUND LEE, ANN MARIE VOLPE & DESMOND TAYLEY.

FAME UNIT STAFF UPDATE



John Cecchi - FAME Coordinator & Senior Legal Officer

We're pleased to announce that on 30 September 2024, John Cecchi, a Senior Legal Officer from the FAME Unit, was appointed as the new Coordinator of the FAME Unit. John has been with NQLC for approximately six years, bringing a wealth of legal expertise and prior management experience, making him a perfect fit for this leadership role. To support John in his new role, NQLC has promoted Karen Douglas internally to Senior Legal Officer. Her dedication and skill will further strengthen the team as she steps into this advanced position.



Gwynette Govardhan - Senior Legal Officer

Gwynette is of Indian origin and raised in Perth, Western Australia gaining her law degree at Curtin University. Gwynette is passionate about the promotion and protection of cultural heritage and has previously worked in lawyer and Legal Counsel roles at Yamatji Marlpa Aboriginal Corporation (YMAC) and Yinhawangka Aboriginal Corporation in WA before moving to Cairns to join the legal team at NQLC. Gwynette predominantly deals with future act matters and negotiating agreements with government and mining companies on behalf of Traditional Owner groups.

This is the first time in a long time that the FAME Unit has almost have a full complement of legal officers, with only one vacant position for a legal officer, and we look forward to continuing the work that the FAME Unit does for you as our clients. These staff changes strengthen the broader Engagement and Development Support Team and I look forward to working with John in this new role.



LEFT TO RIGHT: CEO Leon Yeatman, Anthropologist Kara Dunn, FAME Coordinator & Senior Legal Officer John Cecchi, FAME Paralegal Bujimulla Yanner & Legal Intern Mariah Mills.

PRESERVING YOUR PRIVATE COLLECTIONS



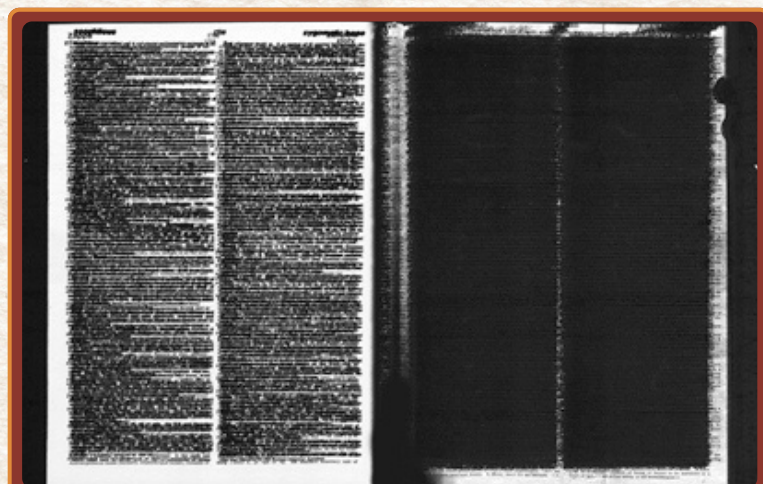
TIPS FOR PRESERVING MY MATERIALS

As we approach the wet season, the increased humidity, rainfall, and hotter temperatures in North Queensland can be particularly harsh on family records and historical documents. Tropical conditions create the perfect environment for moisture-related damage, including mould growth, fading, and degradation of paper and photos. Here are some key ways to protect these precious materials during the wet season:

1. **Keep Papers Dry and Mould-Free:** Moisture is a major risk for documents. Use polyethylene bags to protect items from dust, pollution, and humidity.
2. **Sealed Storage for Long-Term Preservation:** Airtight, waterproof slips are ideal for long-term storage. For regular access, plastic tubs work well; however, items inside should still be wrapped for extra protection as tubs may not be fully airtight.
3. **Clean and Dry Documents Thoroughly:** Any leftover moisture or dirt can lead to mould, even in sealed containers. Ensure all items are as clean and dry as possible.
4. **Use Non-Corrosive Fasteners:** Standard staples and metal clips can rust in humid climates. Plastic-coated clips or copper staples are safer alternatives, or try using letter files to keep documents organized without damage.
5. **Digitise Important Documents:** Digitising ensures records last. Use a document scanner or take clear photos with a smartphone. Store these files securely, backing them up on USB drives or cloud storage (e.g., Google Drive, Dropbox) for easy access and safety.



Avoid using metal clips or staples, as they can corrode and damage your documents over time.



This is a repeated photocopy of a document often becomes faded and unreadable, showing how quality diminishes with each copy. In contrast, scanning the original (or even a clean copy) electronically preserves its quality, allowing unlimited reprints without any loss of clarity.

PRIVATE COLLECTIONS WITH NQLC

NQLC offers a secure solution for Traditional Owners who wish to protect family records for the future. Members and Traditional Owners can safely store copies of family records at NQLC's climate-controlled facility in Cairns. Access is restricted to the original contributor and NQLC anthropologists. Each document is carefully scanned, catalogued, and preserved, and contributors receive a detailed receipt listing all archived items. NQLC is honoured to protect these invaluable archives family histories for Traditional Owners in our region. For more information on storing private collections with NQLC, please contact Shelique in the Research Unit.



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