

Native title and North Stradbroke Island

Frequently Asked Questions

What is native title?

Native title describes the rights and interests of Indigenous people under their traditional laws and customs.

Native title is protected at a State and Commonwealth level under the *Native Title (Queensland) Act 1993* and *Native Title Act 1993* (Commonwealth).

How does a native title claim commence?

The process begins under the Commonwealth *Native Title Act 1993* when a native title claim group, in this case the Quandamooka people, files an application in the Federal Court seeking a determination that recognises them as native title holders over the area claimed.

What areas do the Quandamooka people's native title consent determinations cover?

The majority of North Stradbroke Island, Peel Island, Goat Island, Bird Island, Stingaree Island, Crab Island and the surrounding waters of Moreton Bay are covered by the determinations. These areas are the result of two claims made by the Quandamooka people in 1995 and 1999, and it was on these claims that the Federal Court made its determinations.

What do the Federal Court's native title determinations mean for the Quandamooka people on North Stradbroke Island?

The determinations recognise the Quandamooka people's rights amongst others to:

- live and be present on the determination areas
- conduct traditional ceremonies
- take, use, share and exchange traditional natural resources
- conduct burial rites, teach about the physical and spiritual attributes of the area
- maintain places of importance and areas of significance.

They also recognise the Quandamooka people's exclusive native title rights and interests over approximately 2264 hectares of land; their non-exclusive native title rights and interests over approximately 22,639 hectares of land, as well as approximately 29,505 hectares of the Moreton Bay Marine Park area.

What do the terms "exclusive native title determination area" and "non exclusive native title determination area" mean?

The exercise of native title rights in exclusive use areas is subject to traditional laws and customs practised by the Quandamooka people and is also subject to all other Australian laws including the underlying land tenure and related building, planning and environmental regulations and local laws that cover North Stradbroke Island. Only some of these rights are recognised in non-exclusive native title areas.

It is important to note that land use planning studies will need to be undertaken to determine how exclusive native title rights will be exercised over particular areas of land. These studies will be undertaken over the next 1-2 years. The details of specific areas are listed in Schedule 4 to the Court Order listed on the National Native Title Tribunal website www.nntt.gov.au.

What do the Federal Court's native title determinations mean for other landholders on North Stradbroke Island?

As with all native title claims, the Quandamooka people's claims cannot cover private freehold or many types of leasehold land, so the majority of landholders on North Stradbroke Island will not be directly affected.

The expression of all native title rights and interests are subject to the laws of commonwealth, state and local governments.

Who was involved in negotiating this native title consent determination?

Like all native title applications, extensive negotiations were held in the lead up to the final consent determinations.

These determinations were reached by negotiation with the Queensland Government, the Quandamooka people, Queensland South Native Title Services, the Commonwealth of Australia, Redland City Council, Brisbane City Council, Sibelco Australia Limited and other parties with interests in infrastructure, fishing, and tourism on North Stradbroke Island.

How do the native title determinations on North Stradbroke Island relate to the Redland City community and corporate plans?

The native title determination supports the Quandamooka Country outcomes in the Council's community and corporate plans. In particular, it has negotiated Council's rights and interests with respect to native title land with the Traditional Owners of the land through an Indigenous Land Use Agreement (ILUA). For more information on these plans, go to Council's website at www.redland.qld.gov.au.

What is Redland City Council's role in the planning process?

Council's role is to carry out local area planning of the three townships and participate in State led planning investigations over the rest of the Island.

Council will also be reviewing the Redlands Planning Scheme which covers the entire city, including North Stradbroke Island, in the next two to three years.

What is contained in the State ILUA?

The ILUA provides for benefits for both the State and the Quandamooka people by delivering:

- land ownership opportunities for the Quandamooka people
- income and revenue sharing opportunities for the Quandamooka people
- the Quandamooka people's involvement in joint management of newly prescribed protected areas on North Stradbroke Island through an

Indigenous Management Agreement incorporating employment of a number of Indigenous park rangers

- consent by the Quandamooka people, as native title holders, to a significant number of "future act" land dealings—thus allowing future development on the island and relieving State agencies of the necessity for future ILUAs in respect of such developments.

What's in the Redland City Council ILUA?

The Quandamooka-Redland City Council ILUA sets out broad principles and mechanisms for how the parties will work together and meet responsibilities for mutual benefits. The ILUA establishes:

- native title consents to particular future acts, validation, consultation and compliance processes for Council's projects and activities
- a compliance process for future act dealings affecting native title interests
- a framework for other policies, programs and initiatives for the mutual benefit of parties and local community, and
- limitations on the ability to exercise some native title rights in exchange for other benefits to the Quandamooka people.

Will the ILUA and Consent Determinations allow the Quandamooka people to live on the land without restrictions?

ILUAs do not promote "unlawful occupation" of land. The Agreement works towards regulating residential occupation of land in line with the laws of commonwealth, state and local governments.

What immediate effects will the ILUAs have on the Island?

The immediate effects of the ILUAs will result in further dedication of National Park on North Stradbroke Island. There will also be parcels on the Island that will be subject to new grants of tenure. These tenures include, freehold and reserves under the *Land Act*, freehold under the *Aboriginal Land Act*, conservation park and further dedication of national park under the *Nature Conservation Act* and other land dealings on the island.

Does native title now prevent access to fishing areas around North Stradbroke Island?

No, the native title determination over parts of Moreton Bay recognises the non-exclusive rights to be present in the areas for personal, domestic, and non-commercial communal purposes (Federal Court Order 5); subject to the law and traditional customs.

Will access to beaches and foreshore areas be restricted?

The native title determination does not affect existing access to the beach and foreshore areas which are owned by the state government and recognised for significant environmental values including the Moreton Bay's dunes, wetlands, foreshores, estuaries, beaches, seagrass and mangrove habitats. Future access and use will be determined in accordance with state's national park strategy.

To keep updated on these matters go to www.derm.qld.gov.au, www.nntt.gov.au and www.redland.qld.gov.au

Sources include: *The State of Queensland (Department of Environment and Resource Management)* www.derm.qld.gov.au. *National Native Title Tribunal* www.nntt.gov.au