



Native title on Mulgumpin (Moreton Island)

Frequently asked questions

The Quandamooka People are First Nations custodians of lands and waters within parts of the Moreton Bay region.

This fact sheet provides information and background about Quandamooka native title on Mulgumpin (Moreton Island).

Why have the Quandamooka People sought native title over Mulgumpin?

The Quandamooka People have more than 20,000 years' association with their Country.

Similar to Minjerribah (North Stradbroke Island), Mulgumpin boasts a rich and significant cultural history. Numerous cultural sites have been recorded over the island and include shell and bone scatters, large shell middens and a stone quarry. The Quandamooka People also have strong spiritual connection to Mulgumpin.

By seeking to return the lands and waters of Mulgumpin, the Quandamooka People have aimed to honour their Ngugi ancestors while meeting their cultural obligations to future generations.

The applicant for the Quandamooka Mulgumpin claim is the deeply respected Ngugi Elder, Uncle (Dr) Robert Anderson OAM, whose grandmother was born on Mulgumpin.

What happens in the native title process?

Native title describes the pre-existing rights and interests of Indigenous people under their traditional laws and customs that may continue today.

The process begins when a native title claim group, such as the Quandamooka People, files an application in the Federal Court seeking a determination that recognises them as native title holders over the area claimed.

This is followed by extensive negotiations and determination process. Once all parties reach in-principle agreement, consent documents are drafted, signed and lodged with the National Native Title Tribunal for determination by the Court. The Court then makes its decision at a determination hearing. If there is no agreement this goes to trial.

The native title process is subject to *Native Title Act 1993* (Commonwealth) and *Native Title (Queensland) Act 1993* legislation.

Where is Quandamooka native title?

The Quandamooka People's native title was confirmed over Minjerribah (North Stradbroke Island) in 2011. This covers the majority of Minjerribah, Peel Island, Goat Island, Bird Island, Stingaree Island, Crab Island and parts of the surrounding waters of Moreton Bay.

Quandamooka native title was recognised for Mulgumpin on 27 November 2019. This covers land on Mulgumpin above the high-water mark.

What rights does native title give to Quandamooka People?

Their native title determination recognises the Quandamooka People's rights that include:

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

What does native title mean in practice for the Quandamooka People?

The Quandamooka People are consulted on decisions about land and waters of their Country.

With the majority of Mulgumpin a protected area, in practice it means a joint decision-making role with the government about how the area is managed, and increased opportunities to become involved in overall planning and operations, in a way that is consistent with the Quandamooka People's traditional customs.

This is similar to Minjerribah (North Stradbroke Island), where the national park and recreation area is jointly managed by the Quandamooka People and the government's Queensland Parks and Wildlife Service.

What benefits has native title already given to Quandamooka People on Minjerribah?

The successful Minjerribah determination shows that the native title process delivers many positive outcomes for Quandamooka People, including:

- **Respect and recognition**
Private operators, government agencies and commercial companies must consult, where required, with the Quandamooka People as the recognised custodians of traditional estate.
- **Cultural heritage protection**
Private operators, government agencies and commercial companies must ensure that they take steps to do no harm and take active steps to preserve ancient artefacts, heritage and cultural landscape.
- **Protection of lands and the natural environment**
Protected areas, which are jointly managed, preserve the natural beauty of country for future generations to enjoy.
- **Management over lands and waters**
Quandamooka Rangers manage country by protecting the environment from invasive pests and weeds, undertaking bush fire management, patrolling sea country, rescuing wildlife and more.
- **Jobs for people on Country**
On Minjerribah, ranger, tourism, hospitality, education and training, and cultural jobs provide benefits for the whole community.
- **Economic independence**
Creating jobs for Quandamooka People has seen the Quandamooka Yoolooburrabee Aboriginal Corporation (QYAC) grow its business, with nearly 80% of QYAC staff being Quandamooka People (85% Indigenous staff).

Who was involved in negotiating native title for Mulgumpin?

Like all native title applications, extensive negotiations between the parties are held in the lead up to the final consent determination.

These determinations were reached by negotiation with the Quandamooka People and the Queensland Government.

The Quandamooka People are represented by the Quandamooka Yoolooburrabee Aboriginal Corporation (QYAC).

QYAC is the registered native title body corporate to manage the recognised native title rights and interests of the Quandamooka People. The QYAC board of directors is made up of representatives of families recognised as the ancestors of Quandamooka People.

The Quandamooka People voted at authorisation meetings of the Mulgumpin native title claim for QYAC to have the authority to negotiate outcomes for Mulgumpin.

How does native title come into effect?

Native title is a pre-existing right which can survive to the present day. It is not a right that governments can 'grant'.

Claims are settled by negotiated agreements, or by trial in the Federal Court.

The Federal Court made a native title consent determination for Mulgumpin (Moreton Island) on 27 November 2019.

The consent determination was conditional on the Indigenous Land Use Agreement (ILUA) being registered by the National Native Title Tribunal. This occurred on 29 May 2020 and the consent determination is in effect.

What can Indigenous Land Use Agreements contain?

An ILUA contains details that have been negotiated about the management and use of an area of land or water.

An ILUA generally includes details like land use and management by different parties, cultural heritage considerations, opportunities for native title groups and more.

How can I find out more about Quandamooka native title claims?

Full details about existing and past native title claims can be found on the Native Title Tribunal web page www.nntt.gov.au and claims by the Quandamooka People are also available at the Quandamooka Yoolooburrabee Aboriginal Corporation web page www.qyac.net.au/NativeTitle.

Learn more about native title

Queensland Government

www.qld.gov.au/atsi/environment-land-use-native-title/native-title

Quandamooka Yoolooburrabee Aboriginal Corporation

www.qyac.net.au

National Native Title Tribunal

www.nntt.gov.au