

## **MEDIA BACKGROUNDER: Kullilli Native Title Consent Determination**

On Wednesday 2 July 2014, the Federal Court of Australia will hold an on country sitting at Thargomindah to mark the successful resolution of the Kullilli People's claim for native title with a consent determination hearing. It will provide formal recognition by the Federal Court of Australia that the Kullilli People hold native title rights and interests in an area around Thargomindah, south-west Queensland.

The day's proceedings will commence at 11:00 am. Mr Tony McAvoy, Counsel for the claim's Applicant and also a Kullilli man, will appear at the hearing on behalf of the Kullilli People. Also in attendance will be the Mayor of Bulloo Regional Council, representatives of the State of Queensland, the Queensland South Native Title Services Board of Directors.

### **Brief Claim History**

The Kullilli claim area covers approximately 32, 200 km<sup>2</sup> of country in south-west Queensland around Thargomindah. This claim was originally filed in 2009, and was accepted for registration by the National Native Title Tribunal that same year.

An on country expedition in 2012 of Kullilli Elders and representatives of the State of Queensland aided in securing the State's acceptance of the Kullilli People's connection to the land. It is a credit to the unity and endurance of the Kullilli People that their native title claim will be resolved within such a short time frame.

### **Indigenous Land Use Agreements (ILUAs)**

Reaching a consent determination can be a lengthy process, and includes many negotiations with respondent parties to reach an agreement. Negotiations can also result in Indigenous Land Use Agreements (ILUAs), which are generally required to support the co-existence of the rights and interests held by each of the parties.

There are 30 respondent parties to the Kullilli claim, all of whom are consenting to a native title determination. Apart from the two local governments (Bulloo Regional Council and Quilpie Regional Council) and Ergon Energy (providing electricity), the respondents are all pastoralists.

The pastoralists will benefit from the determination from the certainty their Agreements give them around their tenure and the defining of how shared use might take place on their properties' The determination will assist a push for funding from the Federal "Caring for our Country" program that will allow Kullilli people to work with pastoralists to maintain and improve the natural environment on pastoral properties.

Previously registered ILUAs relating to mining interests, while not part of the formal determination of native title, remain in place with full force and effect.

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## Rights and Interests

For the Kullilli People, achieving a native title determination provides legal recognition of their rights and interests in the land and waters on which they, their Elders and their Ancestors have lived for thousands of years. It provides recognition of who the Traditional Owners are, as well as the nature and extent of the rights and interests. The determination will also clarify the extent to which the land or waters are subject to non-exclusive agricultural or pastoral leases. This helps ensure equitable use and enjoyment of the claim area.

Rights and interests of the Kullilli People will be recognised and protected by their determination of native title and include the following exclusive and non-exclusive rights:

- To access, be present on and travel over the area.
- To camp on the area and for that purpose, erect temporary shelters on the area.
- To take and use natural resources from the land and waters of the area for personal, domestic and non-commercial communal purposes.
- To take and use the water of the area for personal, domestic and non-commercial communal purposes.
- To hold ceremonies in the area.
- To be buried or buy native title holders on the area.
- To share and exchange natural resources from the land and waters of the area for personal, domestic, and non-commercial communal purposes.
- To main places of importance and areas of significance to the native title holders under their traditional laws and customs and protect those places and areas from physical harm.
- To teach on the area the physical and spiritual attributes of the area.
- To hunt and fish.

## Special Features

- Entertainment following the determination will include Mr Chad Morgan, 82 year old country music legend and proud Kullilli man, Also performing will be the band Mop and the Dropouts, who boast strong Kullilli membership, and have enjoyed success throughout Australia with their song "Brisbane Blacks".
- Kullilli People intend to establish an arts and crafts shop and a cafe in Thargomindah to encourage people into the town and support tourism.

## Final Note

For the Kullilli People, this recognition of native title is testament to their enduring efforts over the last five years. There had been other claims commencing in the mid-1990s they were dismissed as being defective. The area claimed is of substantial cultural, spiritual and historical significance and their connection to this land has formed the foundation of their fight for native title recognition. This achievement has been welcomed, and will be celebrated widely throughout the Kullilli community.

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