

MEDIA RELEASE

EMBARGOED UNTIL 11:00AM

21 June 2016

Major win to advance Darumbal People's long-running native title claim

ONE of Queensland's longest-running native title claims is a step closer to resolution with the Darumbal People today expected to gain recognition as Native Title Holders over more than 14,500 sq km of land and waters throughout the Rockhampton region.

Justice Berna Collier is expected to deliver the positive native title consent determination at a special on-country hearing of the Federal Court of Australia, held at the iconic Dreamtime Cultural Centre in Rockhampton at the heart of Darumbal country.

The area to be determined during today's hearing covers approximately 14,880 sq km of land and waters in Central Queensland, spanning the Banana, Livingstone and Rockhampton Regional Councils to include significant landmarks such as the city of Rockhampton, the town centres of Yeppoon, Stanwell, Ogmoo and Gracemere, as well as the Shoalwater Bay Military Training Area.

The decision will be a milestone ruling for the Darumbal People, settling Part A of the two-part native title claim first initiated nearly two decades ago in June 1997.

"Today's determination will mark a momentous step forward for the Darumbal People, who have displayed unmatched perseverance and commitment for many years working through the long and arduous native title determination process," Queensland South Native Title Services chief executive Kevin Smith says.

"The Darumbal People have faced many challenges and sadly, many losses of cherished Elders and key members of the Darumbal community in their battle for legal recognition as this country's Traditional Owners, but their accomplishments must be applauded and remembered in honour of the Darumbal Elders, both past and present.

"Though Part B of the Darumbal People's claim area is yet to be determined, today's outcome is an accomplishment of which the Darumbal People can be proud."

Darumbal Chairman Warren Malone says the determination will uncover new opportunities for self-determination of Indigenous descendants of the Darumbal People.

"During the years spent fighting for this native title determination, we have seen how much pride our people take in our land, our language, and our culture," Mr Malone says.

"More than ever, our young people are engaging in our cultural practices and carrying on our traditions, so with recognition as the true custodians of this land, we can embrace new opportunities to advance our socio-economic outlook for the benefit of both our Elders and our kids.

"This a positive step forward for the Darumbal People both now and for many generations to come."

QSNTS congratulates the Darumbal People on today's expected accomplishment and will continue to work diligently toward resolution of Part B of the native title claim.

Media contact: For all media enquiries, please contact QSNTS Media Officer Jasmin Michiels via e-mail jasmin.michiels@qsnts.com.au or via mobile 0409 139 664. Photographs available on request.

MEDIA FACT SHEET

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The Darumbal People and Other Stakeholders

The native title holders are the Darumbal People. The Darumbal People are those people:

- a. who are descendants of the following deceased persons:
 - i. Brothers John McPherson or Harry Bauman;
 - ii. Kate Reid and James Hector;
 - iii. Clara McKenzie;
 - iv. Jack Naylor (Jnr);
 - v. Maria McKenzie;
 - vi. Clara Wallace;
 - vii. Mundabel;
 - viii. Mary Jones;
 - ix. Maggie (Mitchell);
 - x. Yorky; or
 - xi. Kitty Mulway and Pompey of Stanage; and
- b. who are recognised by the living Darumbal People according to their traditional laws and customs as Darumbal People.

Significant respondents to the claim include (but are not limited to):

- a. The State of Queensland;
- b. Banana Shire Council;
- c. Rockhampton Regional Council;
- d. Livingstone Shire Council;
- e. Ergon Energy Limited; and
- f. Various pastoralists.

Claim History

The Darumbal People's first Native Title Determination Application (NTDA) was lodged with the National Native Title Tribunal on 27 June 1997.

The Darumbal People #2 claim was filed in the Federal Court of Australia on 22 January 1999. The two claims were combined on 27 March 2013, and on 12 July 2013, the combined claim was separated into Part A and Part B, with the Part B claim area being overlapped by the Barada Kabilbara Yetimarala #2 claim.

Part A of the combined Darumbal People NTDA is set down for consent determination hearing on 21 June 2016, with a special hearing to take place on-country at the *Dreamtime Cultural Centre, Rockhampton at 11:00am*.

A number of Indigenous Land Use Agreements (ILUAs) were negotiated in the process towards a determination of native title by consent. The Darumbal People have authorised and entered into ILUAs with the State of Queensland, Rockhampton Regional Council and Livingstone Shire Council, Ergon Energy Limited, and a number of pastoralists with interests in the area covered by Part A of the Darumbal People's claim.

Key Dates

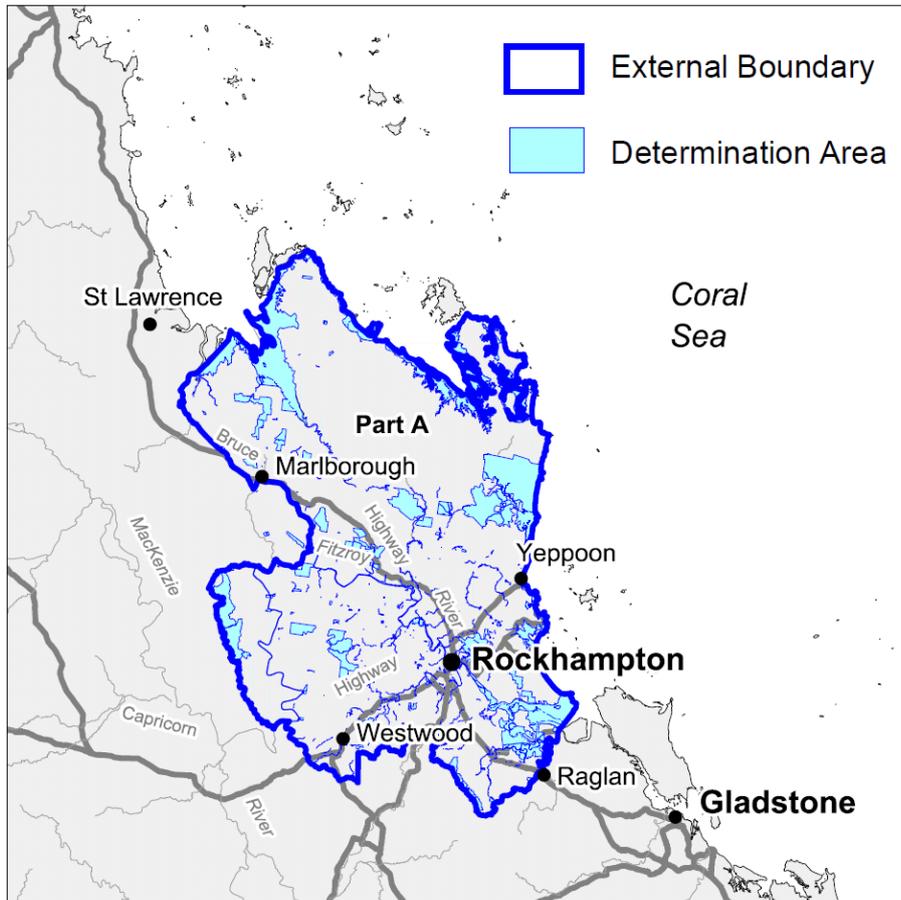
- 27 June 1997: The Darumbal People lodge their first native title claim with the National Native Title Tribunal;
- 17 March 2000: The Federal Court directs the Darumbal People to attend mediation to resolve overlapping claim disputes with the Bailai People, Gooreng Gooreng, Gangalu, Barada Kabalbara and Jetimarala, Barada Barna Kabalbara and Yetimarala, Powder Family and Gurang People.
- 21 May 2001: Some overlaps with Darumbal resolved with agreement among other groups to file a combination application, namely the Port Curtis Coral Coast People native title claim;
- 12 November 2004: Further overlaps with the BBKY and Gangulu Peoples are resolved;
- 2 October 2011: Darumbal People #2 and Jetimarala negotiate a shared country agreement;
- 26 July 2012: The Federal Court accepts an application to combine the Darumbal People's claim with Darumbal #2;
- 26 November 2012: Combined Darumbal People's native title claim accepted for registration by the National Native Title Tribunal;
- 22 November 2014: The State of Queensland and the Darumbal People agree to draft terms of a consent determination;
- 27 February 2016: ILUAs with Ergon Energy, Rockhampton Regional Council, Livingstone Shire Council and nine pastoral companies authorised;
- 21 May 2016: ILUA with the State of Queensland authorised;
- 21 June 2016: Darumbal People to be formally recognised by the Federal Court of Australia as Native Title Holders in Queensland.

Claim Area

Part A of the Darumbal People's native title claim covers an area of approximately 14,880 square kilometres in Central Queensland. The order sought involves the Court making a determination of native title, within the meaning of s 225 of the *Native Title Act 1993* (Cth), recognising the native title rights and interests held by the Darumbal people in respect of an area of land and waters along the central coast of Queensland, including the intertidal zone.

The claim area falls within the Banana Shire Council, Livingstone Shire Council, Rockhampton Regional Council and Isaac Regional Council local government areas and encompasses the lower Fitzroy River Basin and adjacent coastal regions northwards to Stannage and Shoalwater Bay. It takes in the city of Rockhampton and includes the towns of Yeppoon, Gracemere, Stanwell, Westwood, Torilla and Ogmoo.

Claim Area Map



Native Title Rights and Interests

The consent determination in respect of Part A of the claim area will grant the Darumbal People non-exclusive rights to:

- a. access, be present on, move about on and travel over the area;
- b. camp, and live temporarily on the area as part of camping, and for that purpose build temporary shelters on the area;
- c. hunt, fish and gather on the land and waters of the area for personal, domestic and non-commercial communal purposes;
- d. take, use and share Natural Resources from the land and waters of the area for personal, domestic and non-commercial communal purposes;
- e. take and use the Water of the area for personal, domestic and non-commercial communal purposes;
- f. conduct smoking, welcome and cleansing ceremonies and ceremonies associated with repatriation of remains on the area;
- g. be buried and bury native title holders within the area;
- h. maintain and protect places of importance and areas of significance to the native title holders under their traditional laws and customs;
- i. teach on the area the physical, cultural and spiritual attributes of the area;
- j. hold meetings on the area; and
- k. light fires on the area for personal and domestic purposes including cooking, but not for the purpose of hunting or clearing vegetation.

Artwork



Nullu Muringa ('Our Dreaming') by Raymond Noel Garrett

About the Artist

Artist Raymond Noel Garrett is a Darumbal man who was born and raised in Rockhampton for 19 years before moving to Ipswich, west of Brisbane. A loving husband and a father of two, Raymond began dabbling in the arts after being inspired by friend Jyi Lawton and brother Ernest Garrett. Since then, Raymond has emerged as a skilled and passionate artist with a talented eye for colour and a knack for telling stories with his artwork.

Honoured by the request from Aunty Kristina Hatfield to create the official artwork for the Darumbal People's native title consent determination on 21 June 2016, Raymond painted '*Nullu Muringa*'.

'*Nullu Muringa*' is a colourful depiction of the many Darumbal clans and the animals with which they are associated. From top-left moving clockwise, the animals represented are the sea turtle; the barraru, or green tree frog; the barramundi; the emu; the rainbow serpent; and the kangaroo. At the heart of the canvas is the Water Lilly, representing a meeting place for all the clans where the Darumbal People come together.