

27 October 2015

MEDIA RELEASE: Mithaka People celebrate huge Queensland native title win

In one of Queensland's largest native title determination outcomes, the Mithaka People have been formally recognised as Native Title Holders over more than 33,800km² of land and waters in Queensland's south-west corner, following a remote sitting of the Federal Court of Australia at Windorah today.

The claim area covers 33,820km² of land and waters located within the Diamantina and Barcoo Shire Councils, encompassing the small town of Betoota approximately 1,400km west of Brisbane. The area forms part of the Channel Country region, reflective of an expansive network of gullies spanning more than 150,000km² across Queensland's outback.

The Honourable Justice Darryl Rangiah granted the consent determination in a special sitting of the Federal Court held at Windorah Town Hall this morning, closing a challenging 13-year battle hard fought and won by the Mithaka People after first filing a claim of native title in November 2002.

"Today's outcome is a significant accomplishment for the Mithaka People who have demonstrated unwavering diligence, determination and commitment to country to overcome each challenge presented during the recognition process," Queensland South Native Title Services chief executive officer Kevin Smith says.

"Channel Country is a beautiful part of the Australian landscape and the Mithaka People form an essential and important part of its history. To the Mithaka People, this has always been their country, but today's ceremony ensures their rights and interests as the Traditional Owners of this part of Australia are formally recognised by the Australian legal system.

"It is a proud moment for the Mithaka People and another win for Australia's Indigenous people."

Mithaka Elder and Applicant Scott Gorringe says the milestone achievement opens new doors that will empower Indigenous communities across the region.

"The recognition of native title means a job well-done, and many fantastic people over a 13-year period have dedicated many hours of work and copious amounts of emotional energy to reach this point," Mr Gorringe says.

"This achievement now presents Mithaka with a strong social and economic footing from which to continue our cultural obligations and responsibilities, and it strongly positions Mithaka at the table with decision makers on protection and development of this country.

"This recognition presents a time of 'renewal' for Mithaka, where Mithaka can now pursue the dreams and aspirations of our people while remaining connected to our obligations to each other, and to country."

Media contact: Jasmin Michiels, QSNTS – 07 3224 1200 or 0147 157 567

MEDIA BACKGROUND – MITHAKA PEOPLE

The Mithaka People are described as the descendants of one or more of the following persons:

- (i) Nangkaliya (alternatively spelled 'Nuncleer');
- (ii) Katie/Kitty Wallerina (also known as Kathleen Mallyer and Kathleen Thompson);
- (iii) Njira Taffy;
- (iv) Mingelli Joe (also known as Joe St Clair / Mentuli / Minchoolie / Mintulee / Joe the Rainmaker);
- (v) Maggie (sister of Mingelli Joe);
- (vi) Donald Morney;
- (vii) Bunbili;
- (viii) Jacky Frew;
- (ix) Pantya-Wanku-Ngawiranha;
- (x) Tyuka-Putali;
- (xi) Cameron Downs;
- (xii) Puthi (also known as Frank);
- (xiii) Natkillie Billy; and
- (xiv) Warinyawarinyi (also known as Jacky).

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

- (i) The State of Queensland;
- (ii) Barcoo and Diamantina Shire Councils;
- (iii) Ergon Energy;
- (iv) Santos Limited;
- (v) Origin Energy;
- (vi) Telstra; and
- (vii) Various pastoralists (including S Kidman & Co Ltd, North Australian Pastoral Company Pty Ltd, AA Company Pty Ltd and Arrabury Pastoral Company Pty Ltd).

The Mithaka People first filed their native title claim with the Federal Court of Australia on 28 November 2002, which was later registered by the National Native Title Tribunal on 24 December 2002.

Between June 2010 and January 2014, extensive anthropological research was undertaken in support of the Mithaka People's connection to country. Expert reports were completed by Dr Paul Gorecki, Dr Kevin Murphy, and court-appointed expert Professor David Trigger.

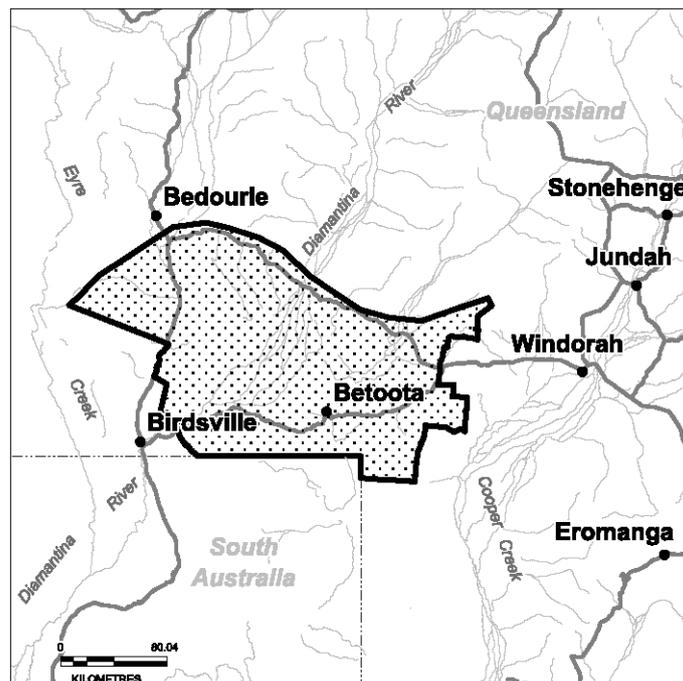
On 6 May 2012, the matter was set down for trial. However, in February 2015, the State of Queensland announced it was prepared to enter into negotiations for a native title determination by consent, and various matters were resolved following a series of authorisation meetings held in September 2015.

On 27 October 2015, Justice Darryl Rangiah of the Federal Court of Australia formally recognised the Mithaka People as Native Title Holders by consent determination.

Key Dates

- 28 November 2002: Native title determination application filed in the Federal Court;
- 24 December 2002: Native title claim entered on register by National Native Title Tribunal;
- June 2010: Expert anthropological reports of Dr Paul Gorecki finalised;
- 2 December 2013: Expert anthropological reports of Dr Kevin Murphy finalised;
- 22 January 2014: Report of court-appointed expert Professor David Trigger finalised;
- 6 May 2014: Matter set down for trial;
- August 2014: Commenced gathering additional evidence in preparation for trial;
- February 2015: State of Queensland advised it was prepared to enter into negotiations toward a consent determination of the claim, subject to resolution of some matters;
- 5-6 September 2015: Four claim group authorisation meetings were held in Toowoomba, including one held for the purpose of authorising seven Indigenous Land Use Agreements (ILUAs) with pastoralist parties;
- 23 September 2015: Mithaka Aboriginal Corporate registered with the Office of Registrar of Indigenous Corporations;
- 27 October 2015: Consent determination hearing held at Windorah before Justice Rangiah of the Federal Court of Australia and determination made that Mithaka People have native title.

Claim Area Map:



Connection to Country:

The Mithaka People's claim area falls within the Diamantina and Barcoo Shire Councils near the Queensland and South Australian border in south-west Queensland. It covers 33,820km² of land and waters forming part of the Channel Country region, and encompasses the small town of Betoota approximately 1,400km west of Brisbane.

The Rainbow Serpent

Mithaka legend tells the story of the Rainbow Serpent, said to have swallowed up all the water and then spurted it across the landscape, creating mounts, valleys, water catchments and waterholes across the country, creating habitats for wildlife and helping plants grow. It is said to have travelled down the river to settle in Lake Eyre.

The Mithaka Totem

An important custom among the Mithaka People is recognition and rules associated with their totem, the hawk, or *Tjimpa*. It is against cultural law to kill or consume the Mithaka totem, and descendants are known to leave bread for hawks while walking on country. According to Mithaka man Max Gorringe:

"The hawk is our animal, which means it is special to us and is out there to protect and look after us."

Permission to Visit on Country

In 2005, approximately 12 months prior to his passing, Steve Irwin is said to have sought permission from the Mithaka People to go on to Mithaka country in search of snakes, goannas and spiders. It is tradition among Mithaka People and neighbouring communities to seek the permission of Mithaka Elders before going on country, and the Mithaka People are known for their expertise about best camping and fishing spots in the Mithaka claim area.

Native Title Rights and Interests:

The rights and interests recognised by the Mithaka People's consent determination include:

- (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;
- (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 and exchange 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 ceremonies;

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- (g) hold meetings on the area;
 - (h) teach on the area the physical and spiritual attributes of the area;
 - (i) maintain 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;
 - (j) light fires on the area for domestic purposes including cooking, but not for the purpose of hunting or clearing vegetation;
 - (k) to be buried and to bury native title holder on the area; and
 - (l) be accompanied onto the area by certain non-Mithaka People, being:
 - (i) immediate family of the native title holders, pursuant to the exercise of traditional laws acknowledged and customs observed by the native title holders; and
 - (ii) people required under the traditional laws acknowledged and customs observed by the native title holders for the performance of, or participation in, ceremonies.