

MEDIA RELEASE

28 November 2017

20-year struggle ends in victory for Gladstone's Traditional Owners

THE long road to recognition has today resulted in victory for the Bailai, Gurang, Gooreng Gooreng and Taribelang Bunda People after the Federal Court of Australia handed down a positive native title determination over approximately 420,594 hectares of traditional lands and waters in the Gladstone and Bundaberg regions.

At a special hearing held on country at the Gladstone Entertainment Convention Centre, Justice John Dowsett delivered the positive consent determination before a jubilant crowd of more than 250 Traditional Owners, together celebrating formal recognition some 20 years after first claims of native title were made in 1997.

The claim area boundary extends from south of Bundaberg up to Raglan Creek in the north, and from Monto in the west to the eastern coastline, spanning parts of the Bundaberg, North Burnett and Gladstone Regional Councils.

With the cities of Gladstone and Bundaberg encompassed within the claim area, the Bailai, Gurang, Gooreng Gooreng and Taribelang Bunda People's native title outcome on the doorstep of regional metropolitan centres is a rare occurrence within the native title sector nationally, a feat QSNTS chief executive Kevin Smith says should be applauded.

"The very existence of towns and cities is proof of the 200-year colonisation process that has impacted the lives of Traditional Owners who have lived on and cared for their Country since time immemorial," Mr Smith says.

"This process has caused widespread extinguishment of native title in urban development areas like the Gladstone and Bundaberg regions, but this court determination today recognises the Traditional Owners' unbroken continuity of connection to their traditional lands and waters in an ever changing landscape.

"This is a tremendous outcome for the Bailai, Gurang, Gooreng Gooreng and Taribelang Bunda People, serving as a testament to the community's tenacity and commitment to their country and culture, regardless of the trials they have faced throughout history. Strengthened by that powerful legacy and today's legal recognition, a bright future awaits these Native Title Holders.

"The 20-year struggle for native title recognition has been marred by many challenges and sadly, many losses of cherished Elders and other members of the community, but today's outcome must be celebrated in honour of the Bailai, Gurang, Gooreng Gooreng and Taribelang Bunda Elders both past and present."

QSNTS congratulates the Bailai, Gurang, Gooreng Gooreng and Taribelang Bunda People on gaining formal recognition as Native Title Holders for the area.

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MEDIA FACT SHEET

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The Bailai, Gurang, Gooreng Gooreng and Taribelang Bunda People and Other Stakeholders

The Native Title Holders are the Bailai, Gurang, Gooreng Gooreng and Taribelang Bunda People. The Bailai, Gurang, Gooreng Gooreng, Taribelang Bunda People are the descendants of one or more of the following people:

- i. Dina;
- ii. Jessie;
- iii. Dolly (mother of Johnson Matemate and George Swain);
- iv. Molly Jones;
- v. Dulhu/Doolan;
- vi. Buller Tolsen (Norman Buller);
- vii. Nellie Murray (also known as Nellie Watcho and Alice Murray);
- viii. Jane;
- ix. Betsy;
- x. Rosie;
- xi. Maggie Little;
- xii. Rosie Blackman;
- xiii. Emma Jones (wife of John Broom/e);
- xiv. John Hill ("Pig Pig");
- xv. Elizabeth Tan Watt/Daniels;
- xvi. Kitty of Gladstone; or
- xvii. Margaret Grant.

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

- i. The State of Queensland as the principal respondent;
- ii. Bundaberg Regional Council;
- iii. Gladstone Regional Council;
- iv. North Burnett Regional Council;
- v. Various pastoralists including Monte Christo Pty Ltd;
- vi. Jemena Queensland Gas Pipeline;
- vii. Rio Tinto Aluminium Limited; and
- viii. Telstra Corporation Limited.

Claim History

The Bailai, Gurang, Gooreng Gooreng, Taribelang Bunda People's native title claim was initially lodged as five individual claims between 14 August 1997 and 11 June 1999. On 17 August 2001, the claims were combined and given the name, Port Curtis Coral Coast (PCCC) Claim, which was accepted for registration by the National Native Title Tribunal in February 2002.

QSNTS took carriage of the PCCC Claim in August 2008 and commenced research to establish evidence of connection to country and resolve questions around right people for right country. Between 2008 and 2016, a total of 15 expert anthropological reports were filed in support of the PCCC native title claim, and in May 2016, the State of Queensland finally accepted the PCCC Applicant's evidence of connection to country.

After all tenure matters were resolved, the PCCC People amended their native title claim, and the Federal Court of Australia set the matter for a consent determination hearing on 28 November 2017.

Key Dates

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| 14 August 1997: | Bailai People Native Title Determination Application lodged with the National Native Title Tribunal. |
| 15 September 1997: | Gooreng Gooreng People #1 Native Title Determination Application filed with the Federal Court of Australia. |
| 22 September 1997: | Taribelang Bunda People Native Title Determination Application filed with the Federal Court. |
| 10 June 1999: | Gooreng Gooreng People #2 Native Title Determination Application filed with the Federal Court. |
| 11 June 1999: | Gurang People Native Title Determination Application filed with the Federal Court. |
| 17 August 2001: | The Bailai, Gooreng Gooreng, Taribelang Bunda and Gurang Peoples' claims were combined and amended to become the Port Curtis Coral Coast claim. |
| August 2008: | QSNTS receives instruction to represent the PCCC Applicant and claim group in their native title determination application |
| 31 May 2016: | The State of Queensland and the PCCC Applicant reach agreement on the question of connection to country. |
| August 2017: | Remaining tenure disputes are resolved by agreement with other parties. |
| 4 September 2017: | An amended Claimant Application is filed to reflect the final claim boundary, determination areas, and title of the claim to become the Bailai, Gurang, Gooreng Gooreng, Taribelang Bunda People Native Title Determination Application. |
| 28 November 2017: | The Bailai, Gurang, Gooreng Gooreng, Taribelang Bunda People are formally recognised by the Federal Court as Native Title Holders by consent determination. |

Claim Area

The external boundary of the claim covers areas extending roughly from south of Bundaberg, to Raglan Creek in the north, and from Monto in the west to the coastline in the east. The claim area includes the cities of Gladstone and Bundaberg (see map attached).

Native Title Rights and Interests Recognised

The nature and extent of the native title rights and interests in relation to the determined land and waters are the non-exclusive rights to:

- a. access, be present on, move about on and travel over the area;
- b. camp 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 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. participate in cultural activities on the area;
- g. hold meetings on the area;
- h. maintain places of importance and areas of significance to the native title holders under their traditional laws and customs and to protect those places and areas from physical harm;
- i. teach on the area the physical and spiritual attributes of the area;
- j. light fires on the area for domestic purposes including cooking, but not for the purposes of hunting or clearing vegetation;
- k. be buried and bury native title holders within the area;
- l. be accompanied onto the area by those persons who, though not native title holders, are:
 - i. spouses or partners of native title holders;
 - ii. people who are members of the immediate family of a spouse or partner of a native title holder;
or
 - iii. people reasonably required by the native title holders under traditional law and custom for the performance of cultural activities on the area.

QUD6026/2001 Bailai, Gurang, Gooreng Gooreng, Taribelang Bunda People

Native Title Determination

 External Boundary

 Area subject to Determination

Map prepared by: Queensland South Native Title Services (17 August 2017).

External application boundary sourced from the State of Queensland, DNR&M (August 2017).

Cadastral data sourced from State of Queensland, DNR&M (March 2014).

Topographic raster data is © Commonwealth of Australia (Geoscience Australia) 2008.

NOTE: Topographic images should be used as a guide only.


NORTH

0 25 50

KILOMETRES

Latitude and Longitude based on Geodetic Datum of Australia 1994
Non Projected

