

22 March 2022

26-YEAR BATTLE FOR NATIVE TITLE ENDS IN TRIUMPH FOR THE KUNJA PEOPLE

After a challenging 26-year battle, the Kunja People have been formally recognised by the Federal Court of Australia as Native Title Holders of their traditional country in Queensland's south-west region.

Held in the Paroo Shire Hall, the Honourable SC Derrington recognised that the Kunja People hold native title rights and interests over 23,452 hectares of land located within the Shire of Paroo, extending north from the Queensland / New South Wales border to south of Wyandra and is centred around the town of Cunnamulla, including parts of the Warrego River.

Kunja Traditional Owner, Stephen Howarth said today's recognition not only is meaningful for his identity and connection, but for the Kunja People the significance of today means, "being recognised as the true custodians of our country."

Despite the impacts of colonisation and forced removal from Kunja Country, the Kunja People have maintained an unwavering connection to country and demonstrated continuity of traditional beliefs, laws and customs.

Kunja Traditional Owner, Maureen McKellar said, "our Old Kunja People have only ever wanted to be recognised as the right people for Country,"

"Recognition of native title gives our Kunja People, the right to negotiate on our Country and it is about working together with graziers and others and to build up those relationships. It is about respect for all," Ms McKellar said.

It has been over two decades since the first claims for native title were initiated making today a momentous occasion for the Kunja People who have had to make several compromises to stand where they are today.

Queensland South Native Title Services Chief Executive Officer, Kevin Smith, said today's outcome is a testament to the strength and resilience of the Kunja People who have endured a long battle to recognition.

"This is a momentous step forward for the Kunja People who have displayed resilience, perseverance and commitment for many years working through the long and arduous native title determination process,"

"Legal recognition will strengthen the Kunja People's ability to protect Country for current and future generations as well as reframe and build constructive relationships with non-Indigenous Australia based on rights and mutual respect,"

"Their Old People would be very proud of what the Kunja Claimants have achieved today," Mr Smith said.



Queensland South Native Title Services

QSNTS congratulates the Kunja People on this historic occasion as Native Title Holders of their ancestral lands and waters.

ENDS

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Photos available on request. Fact sheet below.

Fact Sheet:

Kunja (Koun-yah)

The Native Title Claim Group are the descendants from the following list of ancestors, the Kunja 'old people':

- Killamunda (including her children, Margaret Turner (Granny McKellar), Annie/Nannie Widgell and Jack Brennan)
- The unnamed Mother of Flora Maranoa
- Maria Major (including her children, Jack Oliffe, Ron Wyman, Walter Wyman and Lila Lynett)
- Jimmy Nyngan

Other Stakeholders

Significant respondents to the claim include:

- The State of Queensland (State)
- Paroo Shire Council
- Ergon Energy Corporation Limited
- Telstra Corporation Limited
- Bridgefield Proprietary Limited
- Dehli Petroleum Proprietary Limited
- Moonie Pipeline Company Proprietary Limited
- Beach Energy (Operations) Limited
- Santos Limited
- Vamgas Proprietary Limited
- Anne Elizabeth Helen Bredhauer
- Renton Mark Bredhauer
- Michael Belmore Moody

Claim History

The native title application process for the Kunja People commenced in 1996 and culminated with the current claim being filed on 17 July 2015 in the Federal Court of Australia. The Kunja Native Title Claim was registered on 19 November 2015.

The Kunja People have been involved in recording and documenting culturally significant information for many, many years. Research commissioned by QSNTS, supported by evidence from the Kunja People assisted to identify the group with rights and interests in the determination area.

After the provision of evidence from Traditional Owners and an expert anthropologist, the State of Queensland and the other respondents in the proceeding, agreed to enter into negotiations towards a native title determination by consent in June 2020.

On 22 March 2022, a consent determination hearing was held on Kunja country at Cunnamulla where the Honourable Justice SC Derrington formally recognised the Kunja People as Native Title Holders.

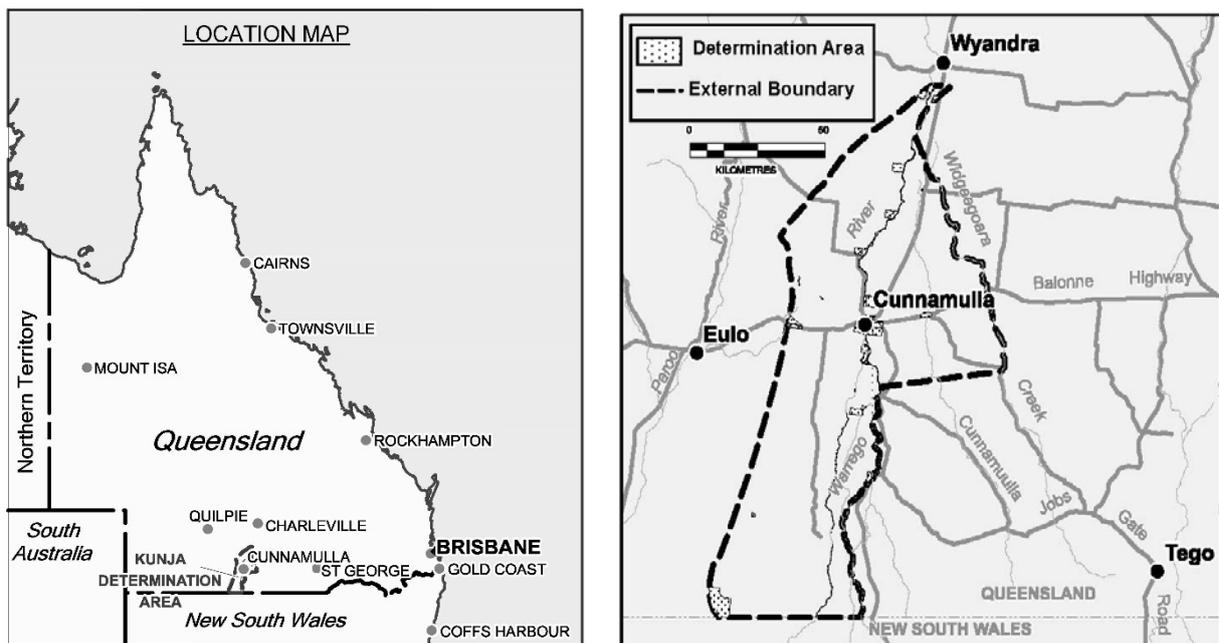
The Kunja People, despite the impacts of colonisation and forced removal from Kunja Country, have demonstrated continuity of traditional beliefs, laws and customs and have maintained an unwavering connection to their traditional country.

The native title journey has not been an easy one for the Kunja People, with several compromises having to be made, in order to deal with Indigenous respondents resulting in a reduced area being proposed for inclusion in the consent determination orders. The Kunja People have had to make pragmatic decisions to finalise this long battle for recognition.

Native Title Determination Area

The Kunja People’s native title determination covers an area of approximately 23,452 hectares located in south-west Queensland within the Shire of Paroo, extending north from the Queensland / New South Wales border to south of Wyandra and is centred around the town of Cunnamulla and includes parts of the Warrego River.

Native Title Determination Map



Native Title Rights and Interests

The evidence demonstrates, and as expected her Honour has recognised that the Kunja People possess exclusive rights and interests over approximately 310 hectares within the determination area. Exclusive native title recognises the inherent right of the Kunja People to protect and control access to their lands and waters. In the remaining 23,142 hectares over which exclusive native title rights and interests are not capable of recognition, a set of non-exclusive native title rights and interests have been recognised, allowing the Kunja People’s traditional interests to coexistence with other interests over the land.



Queensland South Native Title Services

A comprehensive list of the native title rights and interests is listed below.

Over a limited area:

- (a) other than in relation to Water, the right to possession, occupation, use and enjoyment of the area to the exclusion of all others

Over the remaining area

(b) in relation to Water, the non-exclusive rights to:

- (i) hunt, fish and gather from the Water of the area;
- (ii) take the Natural Resources of the Water in the area; and
- (iii) take the Water of the area, for personal, domestic and non-commercial communal purposes.

(c) access, be present on, move about on and travel over the area;

(d) camp, and live temporarily on the area as part of camping, and for that purpose build temporary shelters on the area;

(e) hunt, fish and gather on the land and waters of the area for personal, domestic and non-commercial communal purposes;

(f) take Natural Resources from the land and waters of the area for personal, domestic and non-commercial communal purposes;

(g) take the Water of the area for personal, domestic and non-commercial communal purposes;

(h) conduct ceremonies on the area;

(i) bury Native Title Holders within the area;

(j) 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;

(k) teach on the area the physical, cultural and spiritual attributes of the area;

(l) hold meetings on the area; and

(m) light fires on the area for domestic purposes including cooking, but not for the purpose of hunting or clearing vegetation

The Court has also noted the Kunja People's intention to pursue an agreement with the State to disregard the prior extinguishment of their native title rights and interest over Binya National Park, pursuant to s47C of the Native Title Act. The Kunja people will seek to have this matter resolved, at a later date, and if successful in reaching a beneficial agreement, it is hoped Binya National Park will be a recognised as part of the Kunja People's traditional estate.