

Kooma People's Native Title Consent Determination

A remote sitting of the Federal Court of Australia at Bollon on 25 June 2014 will mark the successful resolution of the Kooma People's claim for native title with a consent determination hearing. This hearing will be a special sitting of the Court held on Kooma country, at the Shire Hall in Bollon, south-west Queensland.

This determination of native title will be formal recognition by the Federal Court of Australia, reached by consent of all parties, that the Kooma People hold native title rights and interests over what they have always known to be their traditional lands and waters.

Queensland South Native Title Services (QSNTS) has provided assistance to the Kooma People for their claim and QSNTS lawyer, Peter Bishop, will appear at the hearing on behalf of all Kooma People.

Kooma People's Determination Area

The Kooma People's determination spans an area approximately 2,950 square kilometres in the south-west region of Queensland, and falls within the Maranoa, Balonne, Murweh and Paroo local government regions. This determination area includes the Bendee Downs and Murra Murra pastoral properties, and other areas around Bollon. Bordering the town to of Wyandra at the north-west, spanning south to the Culgoa River, and east-west from Wideegoara Creek to Belingra.

This area is of strong cultural, spiritual and historical significance for the Kooma People, and been the focus of the Kooma People's 18 year struggle for native title recognition.

Brief Claim History

The Kooma People's first native title determination application was filed in the Federal Court of Australia in 1996, but was unfortunately dismissed. In 2007, after QSNTS took carriage of the claim, the application was split into two for administrative purposes: Part A and Part B. Part A is the area subject to the upcoming native title consent determination hearing.

The current claim was filed on 18 November 2011, and was accepted for registration by the National Native Title Tribunal on 2 April 2012. Later that year, on 20 December 2012, the State of Queensland indicated that it was prepared to proceed with negotiations towards a consent determination. The respondent parties include three Shire Councils, the State of Queensland, Telstra Corporation, and 13 pastoralists.

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Indigenous Land Use Agreements (ILUAs)

Reaching a consent determination has been a lengthy process and included negotiations with each respondent party to reach agreement on the contents of the determination. Negotiations also resulted in agreements to implement Indigenous Land Use Agreements (ILUAs), which support the co-existence of the rights and interests held by each of the parties involved.

The Applicant was not in a position to enter into ILUAs with the State and respondent pastoral parties prior to the consent determination. It was therefore decided that the Kooma People's Prescribed Body Corporate will enter into land use agreements following the consent determination.

Rights and Interests

For the Kooma People, achieving a native title determination guarantees protection of their rights and interests in their traditional land and waters. The Kooma People will be formally recognised for all time as the Traditional Owners of the area, and their traditional native title rights will be recognised and protected.

This determination will protect both exclusive (Kooma People only) and non-exclusive rights (where the land may be used by different parties on agreed terms). The nature and extent of the rights and interests contained within the Kooma People's NTDA include the following exclusive and non-exclusive rights:

Murra Murra and Bendee Downs Pastoral Stations - The exclusive rights to (other than in relation to Water):

- possession, occupation, use and enjoyment of the area to the exclusion of all others.

Murra Murra and Bendee Downs Pastoral Stations - In relation to Water, the non-exclusive rights to:

- hunt, fish and gather from the water of the area;
- take and use the natural resources of the water in the area; and
- take and use the water of the area,
- for personal, domestic and non-commercial communal purposes.

A determination granting exclusive rights to these Pastoral Stations to the Kooma People bestows the significance of their being both native title holders and owners of these pastoral properties, which were previously held in trust on their behalf. This enables the opportunity to create and provide their own economic opportunities.

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Areas other than Murra Murra and Bendee Downs Pastoral Stations - The non-exclusive rights to:

- access, be present on, move about on and travel over the area;
- camp, and live temporarily on the area as part of camping, and for that purpose build temporary shelters;
- hunt, fish, and gather on the land and waters of the area for personal, domestic and non-commercial communal purposes;
- take and use Natural Resources from the land and waters of the area for personal, domestic and non-commercial communal purposes;
- take and use the Water of the area for personal, domestic and non-commercial communal purposes;
- conduct ceremonies on the area;
- be buried and bury native title holders within the area;
- 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;
- teach on the area the physical and spiritual attributes of the area;
- hold meetings on the area; and
- light fires on the area for domestic purposes including cooking, but not for the purpose of hunting or cleaning vegetation.

Final Note

For the Kooma People the recognition of native title is testament to their enduring efforts over the last 18 years. This achievement has been welcomed and celebrated widely throughout the community.

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