

3 December 2021

Woppaburra People recognised as Native Title Holders over Keppel Islands

In a special on-country hearing on Konomie, also known as North Keppel Island, the Honourable Justice Rangiah of the Federal Court of Australia has recognised the Woppaburra People as Native Title Holders over land and waters off the eastern coast of Queensland.

The journey to recognition has concluded for the Woppaburra People with native title rights and interests over 567 square kilometres of traditional country that comprises of the Keppel Islands including Woppa and Konomie, known as Great Keppel and North Keppel respectively.

Applicant and Woppaburra Traditional Owner, Lesley Barney said today's native title determination is a step in the right direction for the Woppaburra People of past, present and future.

"Despite being removed we have survived as a group and maintained family connection... [It's a] step towards healing the trauma of the past and provide a new sense of pride to young people.

"It's been 117 years between removal, to recognition of our rights. We have maintained our identity and connection despite these hardships. Our Elders and ancestors who have passed will be with us in spirit on this day," Ms Barney said.

Over many years the Woppaburra People have maintained an unwavering connection to their traditional country despite the very real effects of colonisation and the long term residence away from their homelands as a result of forced removals from the Keppel Islands. This connection was shown through the deep knowledge and belief in the Mugga Mugga (the humpback whale), an important totem to the Woppaburra People as it represents their deep relationship with the sea. In addition, the Woppaburra People have continued to observe laws and customs that relate to their ancestral spirits, sacred sites, food and resources and kinship networks.

Queensland South Native Title Services Principal Legal Officer, Tim Wishart said, "This determination and recognition of native title by the Federal Court is highly significant. It is made in the historical context of the removal of the Woppaburra from their traditional homeland as part of government policy in the wake of brutal treatment and repression of the traditional owners by European occupiers.

"Determination and resilience have been the hallmarks of the Woppaburra People after that removal and throughout their struggle for formal recognition of their native title. While that recognition was formalised today, knowledge of country and maintenance of law and custom associated with country have always been part of the fabric of the Woppaburra.

“The Woppaburra People have been assisted in that struggle by some very talented, focussed and determined lawyers. I particularly acknowledge the work of barrister, Andrew Preston who assisted the Queensland South Native Title Service legal team which has been led by Sheree Sharma with Laura Shepherd most recently assisting her,” Mr Wishart said.

With today’s recognition of exclusive and non-exclusive native title rights, the Woppaburra People have rights to, other than in relation to water: possess, occupy, use and enjoy parts of the area to the exclusion of all others, and the non-exclusive rights to hunt, fish and gather from the water of the area, take natural resources of the water in the area and take the water of the area, for personal domestic and non-commercial communal purposes.

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

ENDS

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Fact Sheet:

The Native Title Claim Group are the descendants from the following list of ancestors:

- Yulowa “Weerobilling”
- Nellie “Ooroong-ooran”
- Oyster Maggie
- Fanny Lohse/Singh

Other Stakeholders

Respondents to the claim include:

- The State of Queensland (State)
- The Commonwealth of Australia (Commonwealth)
- Michael Robert Fikus
- Francis Valentine Hayward
- Ted Loveday
- Gary Sikes
- Sojourn Properties Pty Ltd
- Livingstone Shire Council

Claim History

The native title application for the Woppaburra People was first filed 6 November 2013 in the Federal Court of Australia. The Woppaburra People were originally included as a part of the Darumbal native title claim, but their laws and customs over the Keppel Islands distinguished them from the Darumbal People on the mainland. The Woppaburra Native Title claim was registered on 7 March 2014.



Queensland South Native Title Services

Research for the Woppaburra native title application commenced in early 2014 to establish the group with rights and interests for the Keppel Islands. In 2018, the native title claim became subject to a contested hearing by Orders made by the Honourable Justice Darryl Rangiah.

After the provision of evidence from several traditional owners and expert anthropologists, the State of Queensland, the Commonwealth of Australia and the other respondents in the proceeding, agreed to enter into negotiations towards a native title determination by consent in June 2020.

On 3 December 2021, a Consent Determination Hearing was held on country on North Keppel Island where the Honourable Justice Darryl Rangiah will formally recognised the Woppaburra People as Native Title Holders.

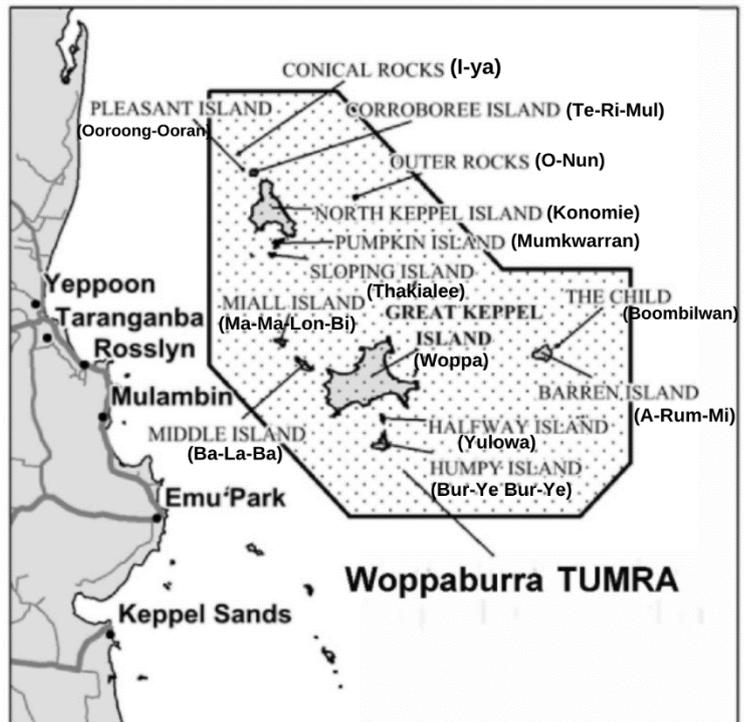
Native Title Determination Area

The Woppaburra People's native title determination area covers the lands and waters off the eastern coast of Queensland.

The external boundary of the determination area encompasses approximately 567 square kilometres. It comprises the lands and waters within the Woppaburra Traditional Use of Marine Resources Agreement (TUMRA) and the Keppel Islands which include 13 islands and prominent rocky outcrops. The two largest islands are Wop-pa and Ko-no-mie, known as Great Keppel and North Keppel respectively. The native title determination area is slightly larger than the size of Guam, an island in Micronesia.

The Mugga Mugga

The Mugga Mugga or the humpback whale is an important totem for the Woppaburra People as it represents their deep relationship with the sea. The knowledge and stories of the Mugga Mugga passed down through generations demonstrate the Woppaburra People's continued practice of laws and customs over the land and sea in the Keppel Islands. Many of these stories were passed down to the current generation of Woppaburra people, away from their homelands as a result of forced removals from the Keppel Islands. In addition to a deep knowledge and belief in the Mugga Mugga, the Woppaburra People have continued to observe laws and customs that relate to their ancestral spirits, sacred sites, food and resources and kinship networks. That is, despite the very real effects of colonisation and the long term residence of many Woppaburra People away from their homelands, the Woppaburra People have managed to maintain an unwavering connection to their traditional country.



Native Title Rights and Interests

Exclusive Native Title

Despite the long term absence from their traditional country, as a result of the Woppaburra People's determination to re-establish their physical presence as soon as they were able to do so, the evidence demonstrates, and it is expected that his Honour will recognise that the Woppaburra People possess exclusive rights and interests over four islands and significant areas on Great Keppel Island and North Keppel Island. Exclusive native title recognises the inherent right of the Woppaburra People to protect and regulate access to their lands and waters. These exclusive native title areas include important burial and shell midden sites.

The native title rights and interests in relation to the Determination Area where the Parties agree that exclusive native title exists are the rights to:

- a) other than in relation to Water, the right to possession, occupation, use, and enjoyment of the area to the exclusion of all others
- b) in relation to Water, the non-exclusive rights to:
 - a. hunt, fish, and gather from the Water of the area
 - b. take the Natural Resources of the Water in the area
 - c. take the Water of the area for personal, domestic, and non-commercial purposes

The native title rights and interests in relation to the Determination Area where the Parties agree that non-exclusive native title exists are the rights to:

- a) access, be present on, move about on, and travel over the area

- b) camp, and live temporarily on the area as a 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, share, and exchange Natural Resources from the land and waters of the area for personal, domestic, and non-commercial communal purposes
- e) take the Water of the area for personal, domestic, and non-commercial communal purposes
- f) conduct ceremonies on the area
- g) bury Native Title Holders within the area
- h) 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
- i) teach on the area the physical and spiritual attributes of the area
- j) hold meetings on the area
- k) light fires on the area for domestic purposes including cooking, but not for the purpose of hunting or clearing vegetation