

MEDIA RELEASE

14 July 2021

Wangkamahdla People triumph in battle for recognition, win exclusive native title

THE Wangkamahdla People will today embark on the next chapter of their native title journey after at last securing formal recognition as Native Title Holders over traditional country spanning more than 29,300 sq km on Queensland's north-western border.

In the decision handed down today by the Honourable Justice Darryl Rangiah of the Federal Court of Australia, native title was determined over Wangkamahdla country spanning the Mulligan River region from the Toko Range in the north to its lower reaches in the north-eastern corner of the Munga-Thirri National Park.

With today's determination, the Wangkamahdla People also gain exclusive native title over one-fifth of the Munga-Thirri's 10,000 sq km expanse, giving the community rights to possess, occupy, use and enjoy the area to the exclusion of all others. Munga-Thirri National Park is renowned for its iconic red sand dunes that stretch up to 200km in length and 90m in height.

This area of the Munga-Thirri National Park is home to a number of natural springs and burial sites of cultural significance to the Wangkamahdla People, and exclusive native title empowers the community to better protect those sites in future.

Wangkamahdla woman Avelina Tarrago says recognition has been hard fought and won, bringing joy and relief to the Wangkamahdla People.

"Having native title over our traditional land is an important step to legal recognition that we are the right people for country," Ms Tarrago says.

"This is something we have always known, but now the Courts have recognised that our connection to these lands has never been broken.

"It is really important for our old people who have been fighting for recognition for so long, and we are fortunate to be able to celebrate this with the Elders who are alive today."

Queensland South Native Title Services Chief Executive Officer Kevin Smith says today's outcome is a testament to the Wangkamahdla People's resilience as a community.

"Wangkamahdla Country spans the rugged beauty of the Simpson Desert and North-West Channel Country and has been the ancestral home of Wangkamahdla People since time immemorial," Mr Smith says.

"It is Country that has shaped a People who are known for their tenacity, resilience and adaptability; attributes that have served them well in their struggle for legal recognition through the difficult native title process.

“Today’s determination by the Federal Court gives Wangkamahdla People nothing they have not known in their collective hearts and minds for all time – that this is Wangkamahdla Country, always was and always will be!

“However, legal recognition will strengthen Wangkamahdla 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 Wangkamahdla Claimants have achieved in a relatively short time – the claim itself only took five and half years, a comparatively short period as far as native title claims go.

“It is a testament to how a Mob can secure positive outcomes if they set a clear goal and work together to achieve it.”

QSNTS congratulates the Wangkamahdla People as Native Title Holders for their ancestral lands and waters.

Media contact: For all media enquiries, please contact QSNTS Media Officer Jasmin Michiels via mobile 0409 139 664 or e-mail jasmin.michiels@qsnts.com.au.

Fact Sheet: The Wangkamahdla People

The Native Title Claim Group are the descendants (including such people descended by social parenthood or rearing up who are recognised and accepted in accordance with traditional law and custom) of the following ancestors:

- a) Rainmaker, the father of Joe Rose and Kwetyaneke
- b) Belia Toby, the father of Billy Butler, Johnny Belia and Ivy (Mutchee) Belia
- c) Charlie Deemera, the father of Paddy Deemera
- d) Puppa, the mother of Annie Topsy Hansen (nee Daley)
- e) Toby Roxborough
- f) Billy (Yummpibilly) Brady, the father of Bessie Brady
- g) King Peter, the father of Biddy Dinger, Les and Billy Jenkins, Ethel and Donnelly Britcher
- h) George Quartpot, the father of Tony, Patricia, Kerry, Gladys, Maria and Patrick Quartpot
- i) Jackie Beauchamp, the father of Paddy Beauchamp and social father of George Quartpot, and Jackie Beauchamp's brother Aldie
- j) Dolly of Glenormiston, the mother of Ruby Lyon, Dinger, Peter Western, Lion and Tiger
- k) Molly, the mother of Judy Sailor and Arthur (Poddy) Daley Jnr
- l) Polly Docherty, the mother of Jack (Snapshot) Hansen and Bergin Smith
- m) Dolly, the sister to Polly Docherty and the mother of Charlie Trotman and Jack O'Donnell
- n) Topsy (also known as Bonny), the mother of James Roxborough Craigie and George Craigie
- o) Bunny, the mother of Joe, Dora, Peter and Jack Craigie, Dinah Aplin and Donald Bedourie
- p) Jinny Toby, the mother of George and Fred Age, Queen Ida Toby and Lily Clayton
- q) Tommy Ferguson, the father of Betty Major
- r) Kitty Bedourie, the mother of Bessie and Jessie Bedourie, Donald Dee and Emily Denny
- s) Mother of Turukalanima, Turukalanima was the mother of Norah Jacks, Ivy Nardoo and Monty Cameron
- t) Lizzie (Wiriwaltu) Green, the mother of Jubilee Page
- u) Jimmy Mantandi, the father of Clara (Indjiniga) Naylor
- v) Alice (Wiyekari), the mother of Mary and Daisy Craigie.

Other Stakeholders

Significant respondents to the claim include:

- a) The State of Queensland
- b) The Commonwealth of Australia
- c) Diamantina Shire Council
- d) Boulia Shire Council
- e) Bush Heritage Australia
- f) Various Pastoralists (including Arrabury Pastoral Company, Brook Family/Brooklands Pastoral Company, North Australian Pastoral Company, S. Kidman & Co Pty Ltd)
- g) Ergon Energy Corporation
- h) Telstra Corporation Ltd.

Native Title Claim History

The Wangkamahdla People’s native title determination application was filed in the Federal Court of Australia on 20 January 2016 in response to a non-claimant application filed on behalf of Gibson Grazing Pty Ltd over Sandringham Station.

Research within the region was undertaken from 2013 to establish which group/s of people have native title rights and interests within the area. Following the filing of the non-claimant application, further research was undertaken in 2017 in order to produce an Anthropological Report, co-authored by anthropologists Mr Peter Blackwood and Ms Mia McCulloch. A Supplementary Report was produced by Mr Peter Blackwood in 2018.

In April 2019, the State advised that it was prepared to enter into negotiations for a native title determination by consent.

At a special hearing of the Federal Court held on 14 July 2021 in Brisbane, Justice Darryl Rangiah formally recognised the Wangkamahdla People as Native Title Holders by consent determination.

Key Dates

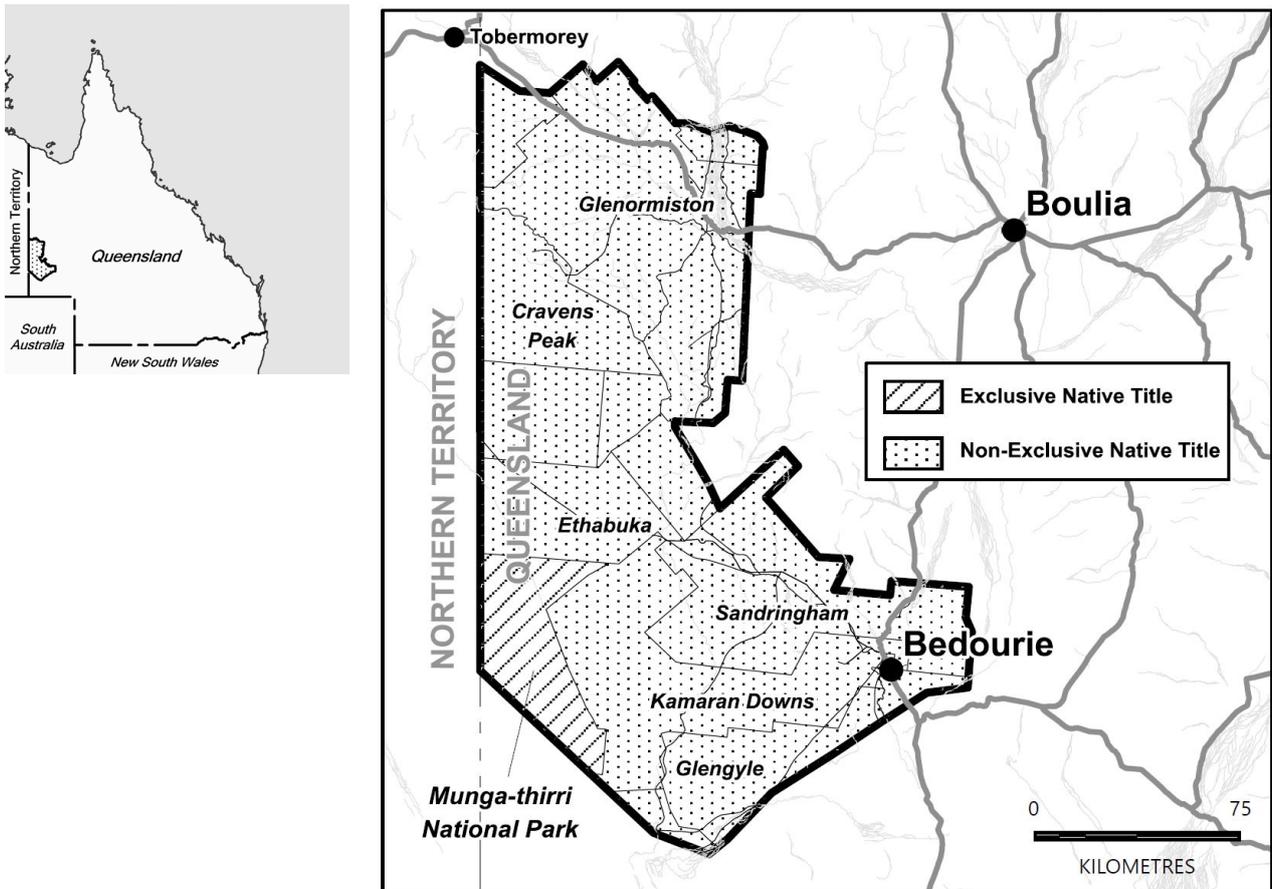
29 July 2015	A non-claimant application was filed on behalf of Gibson Grazing Pty Ltd. The area of the non-claimant application, known as Sandringham Station, covered approximately 4,420 sq km of the land and waters within what later became the area of the Wangkamahdla People’s native title determination application.
20 January 2016	The Wangkamahdla People’s native title determination application was filed in the Federal Court of Australia in response to the Gibson Grazing non-claimant application.
3 December 2016	The Applicant commenced negotiations with Gibson Grazing with regard to their respective native title applications.
31 August 2017 and 13 August 2018	The Applicant provided its connection material to the State.
17 April 2019	The State of Queensland advised that it was prepared to enter into negotiations towards a consent determination.
1 May 2019	Gibson Grazing discontinued its non-claimant application and ceased to be a respondent party to the application.
14 July 2021	A consent determination hearing was held in Brisbane before Justice Rangiah of the Federal Court of Australia, formally recognising the Wangkamahdla People as Native Title Holders.

Native Title Determination Area

The Wangkamahdla People’s native title determination area covers lands and waters in North-West Queensland.

The external boundary of the determination area encircles an area of approximately 29,302 sq km, comprising the lands and waters of the Mulligan River region, stemming from the Toko Range to its lower reaches found in the north-eastern corner of the Simpson Desert. The determination area includes the town of Bedourie. The native title determination area is nearly equivalent in size to the country of Belgium in Europe.

Determination Area Map



Exclusive Native Title

Importantly, the determination recognises that the Wangkamahdla People hold exclusive native title over 2,085 sq km of the Munga-Thirri National Park which falls within the Wangkamahdla People’s determination area. With exclusive native title, the Wangkamahdla People will have the right to possess, occupy, use and enjoy the area to the exclusion of all others. The exclusive native title area is nearly equivalent in size to the Australian Capital Territory.

The Munga-Thirri National Park is of special importance to the Wangkamahdla people because of a number of natural springs as well as significant burial sites within the area. Exclusive native title for that area allows the Wangkamahdla people to better protect those sites into the future.

Native Title Rights and Interests

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; and
- 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
 - iii. take the Water of the area for personal, domestic and non-commercial communal purposes.

The native title rights and interests in relation to the Proposed 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 part of camping, and for that purpose build temporary shelters
- c) hunt, fish and gather on the land and waters of the area
- d) take Natural Resources from the land and waters of the area
- 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.