



# Minjerribah Futures

## **MINJERRIBAH NATIVE TITLE Q&A**

### **What is native title?**

Native title is recognition by Australian laws that Indigenous people had a system of law and ownership of their lands before European settlement.

It recognises that Aboriginal and Torres Strait Islander peoples have rights and interests in their lands and waters through their traditional laws and customs. It also recognises that Indigenous people have traditional rights to speak for country.

Through a determination process native title parties can hold exclusive or non-exclusive native title rights.

Non-exclusive native title rights are those rights which allow native title holders to continue to exercise their native title rights and interests in accordance with traditional laws and customs, but do not allow native title holders to control access to land. Rights to hunt, fish, camp and conduct ceremonies are examples of non-exclusive native title rights.

Exclusive native title rights incorporate the right to exclusive possession i.e. the right to possess and occupy an area, including the right to control access to, and use of, that area to the exclusion of all others.

Native title is different to land rights, which is a granting of land or title.

Native title was first recognised by the High Court in 1992 as a result of the Mabo case and the Native Title Act was enacted in 1993.

### **How much of Minjerribah is covered by native title?**

Native title on Minjerribah was determined by the Federal Court on July 4, 2011 after 16 years of negotiation.

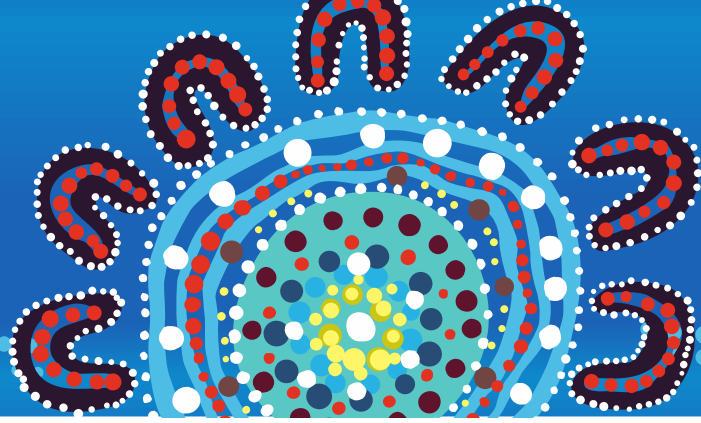
Native title is recognised over about 54,408 hectares of Minjerribah's land and waters, including areas of national parks, reserves, unallocated State land and other leases.

Exclusive native title rights were found in relation to 2,264 hectares of land, and non-exclusive native title rights were found over approximately 22,639 hectares of onshore areas, and over about 29,505 hectares of offshore areas.

### **What does recognition of native title rights and interests include?**

Native title recognises the Quandamooka People's rights to:

- live and be present on the determination areas
- conduct traditional ceremonies
- take, use, share and exchange traditional natural resources
- conduct burial rites, teach about the physical and spiritual attributes of the area, and
- maintain places of importance and areas of significance.



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## **What does native title mean in practice for the Quandamooka People?**

The Quandamooka People are to be consulted on decisions about the land and waters of their Country.

## **Who represents the Quandamooka People in native title negotiations and management?**

Quandamooka Yoolooburrabee Aboriginal Corporation (QYAC) is the prescribed body corporate created under the Native Title Act 1993 to manage the recognised native title rights and interests of the Quandamooka people. QYAC is administered by the Office of the Registrar of Indigenous Corporations. It is the only group which is legally entitled to be the manager of the native title rights on Minjerribah.

QYAC is a management body, not a government or council, and it is governed by a board of directors made up of representatives of the 12 families recognised as the ancestors of Quandamooka country.

## **How is native title managed?**

Typically, Indigenous Land Use Agreements (the Agreement) set out the broad principles and mechanisms for how the land will be managed, how the land will be acquired by native title parties and how native title may be surrendered and for what compensation.

Agreements are voluntary agreements that cover land and waters that are under native title on Minjerribah. There are individual agreements between QYAC and the Queensland Government and QYAC and the Redland City Council.

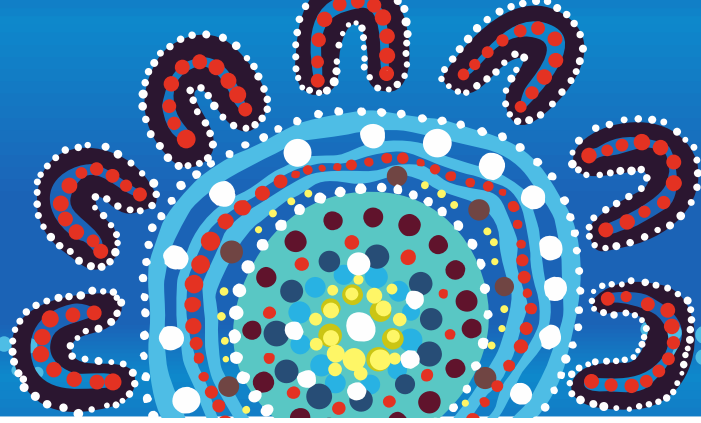
## **What are the benefits of the QYAC/Queensland Government Agreement?**

The Agreement provides for benefits for both the State and the Quandamooka people by delivering:

- land ownership opportunities for the Quandamooka people
- income and revenue sharing opportunities for the Quandamooka people
- the Quandamooka people's involvement in joint management of newly prescribed protected areas on Minjerribah through an Indigenous Management Agreement incorporating employment of a number of Indigenous park rangers
- consent by the Quandamooka people, as native title holders, to a significant number of "future act" land dealings—thus allowing future development on the island and relieving State agencies of the necessity for future Indigenous Land Use Agreements in respect of such developments.

## **What effects will the Agreement have on the Island?**

The effects of the Agreement will result in further dedication of National Park on Minjerribah. There will also be parcels on the Island that will be subject to new grants of tenure. These tenures include; freehold and reserves under the Land Act 1994 (the Land Act), freehold under the Aboriginal Land Act 1991 (the Aboriginal Land Act), conservation park and further dedication of national park under the Nature Conservation Act 1992 and other land dealings on the island.



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## How do residents find out about lands transfers and changes to tenure?

The State is bound by a confidentiality clause in the Agreement so specific details of the Agreement cannot be publicly disclosed. The Agreement will result in land being subject to new grants of tenure, including freehold and reserve land under the Land Act and Aboriginal freehold under the Aboriginal Land Act. When freehold land is granted and reserves dedicated under the Land Act, it is recorded in the Land Title Register which is searchable by the public.

Parcels of land proposed for transfer under the Aboriginal Land Act are notified in newspapers generally circulating in the Minjerribah area. It is an Aboriginal Land Act requirement that Aboriginal people are provided with an opportunity to make representations about the proposed appointment of a grantee for the land. When land is transferred under the Aboriginal Land Act it is also recorded in the Land Title Register.

## Does it affect residential land on the island?

No. As with all native title claims, the Quandamooka people's claims did not cover private freehold or many types of leasehold land.

## Does native title affect building approvals for island residences?

No, building, planning or development approvals on freehold sites are subject to the usual regulations of local council and state government.

## What does native title mean for development on the island?

Generally speaking if a project involves only freehold land originally granted by the Crown prior to 1994, it will not involve native title.

Commercial activity on land under native title is conditional and needs approval from QYAC. If you are interested in proposing a development or commercial activity it is essential you open dialogue with QYAC at an early stage of project planning.

Agreements allow developers to make plans for development and means native title holders can negotiate employment opportunities and compensation, as well as the protection of sacred sites.

## Has native title delivered a better life for Quandamooka People on Minjerribah?

The Minjerribah determination has delivered many positive outcomes for the Quandamooka People, including:

- *Respect and recognition*  
Private operators, government agencies and commercial companies must consult with the Quandamooka People as the recognised custodians of the traditional estate.
- *Cultural heritage protection*  
Private operators, government agencies and commercial companies must ensure that they take steps to do no harm and take active steps to preserve ancient artefacts, heritage and cultural landscape.
- *Protection of lands and the natural environment*  
Protected areas, which are jointly managed, preserve the natural beauty of country for future generations to enjoy.
- *Control over lands and waters*



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Quandamooka Rangers manage country by protecting the environment from invasive pests and weeds, saving bushland and property through bush fire management, rehabilitating damaged lands, restoring dune systems, patrolling sea country and rescuing wildlife.

- *Jobs for people on Country*

On Minjerribah, employment in park management, tourism, hospitality, cultural heritage, education and training provide benefits for the whole community.

- *Economic independence*

Creating jobs for Quandamooka People has seen the QYAC grow its business, with nearly 80% of QYAC staff being Quandamooka People (85% Indigenous staff).

## **Does the ILUA Agreement allow the Quandamooka people to live on native title land without restrictions?**

Agreements do not promote “unlawful occupation” of land. The Agreement works towards regulating residential occupation of land in line with the laws of commonwealth, state and local governments.

## **Who owns the land under native title?**

Land under a native title determination is owned by the registered land owner in the Land Title Registry for the specific parcel, in many cases it is State land. The determination allows the native title holders to exercise exclusive or non-exclusive native title rights and interests on the land.

## **If Indigenous people don't own the land under native title what is the benefit to Traditional Owners?**

The Quandamooka people are experiencing a cultural and economic renaissance supported by native title. It ensures Quandamooka people have a say in what happens on their country. It also allows them to drive economic development on the island.

## **Can native title be extinguished?**

Yes, land titles like the valid grant of ordinary freehold can extinguish native title and some leases over land may extinguish native title.

## **What does native title mean for camping and 4WD access?**

Minjerribah is open to everyone, with a large portion being national park. 4WD and camping is allowed in areas open to 4WDs with the appropriate vehicle access permits, and camping with the appropriate camping permit.

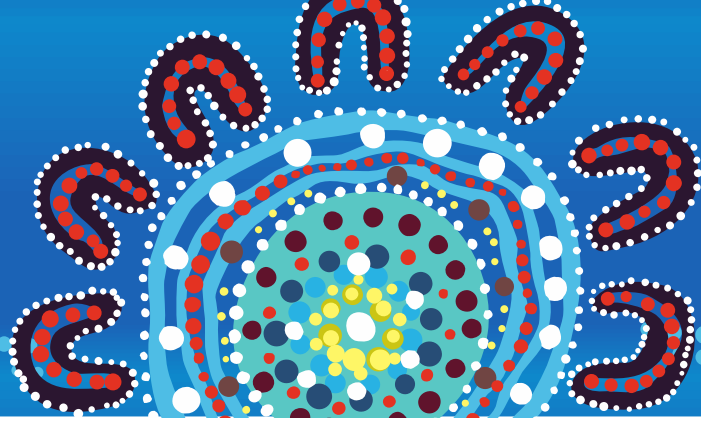
Camping is extremely popular on Minjerribah. All camping requires a booking with Minjerribah Camping, visit [minjerribahcamping.com.au](http://minjerribahcamping.com.au)

4WD access is permitted on some of Minjerribah's beaches. Please note that a permit is required for 4WD access. Compliance is undertaken by Queensland Parks and Wildlife and QYAC Rangers.

It is important that you research what areas you can access for walking, cycling and 4WD driving.

## **Does native title affect access to beaches and foreshore?**

The native title determination did not affect existing accesses to the beach and foreshore areas.



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## **Are there areas where people who are not Quandamooka are not permitted?**

There are areas that are sacred to the Quandamooka people and should only be accessed with permission and a guide. These areas will be identified with signage.

With cultural heritage surveys taking place across the island, access to certain areas may change to preserve identified sites. It is important that you research what areas you can access for walking, cycling and 4WD driving every visit.

Also take note of cultural protocols, such as honouring the request of the Quandamooka People not to swim in Kaboora (Blue Lake), a sacred site, and taking care not to disturb shell middens, scar trees and other cultural heritage sites.

## **What is the process for applications for tourism activities on Joint Managed National Park or other protected areas on Minjerribah?**

The Department of Environment and Science, through the Queensland Parks and Wildlife Service, works with QYAC to assess applications for tourism, recreation and research permits associated with Minjerribah.

Native title determination enables First Nations People to have input into the assessment and issuing of permit applications to access and use the associated joint managed protected areas.

Applications for tourism activities on other areas not national park or protected estate on Minjerribah will continue to be assessed by the relevant entity under the Planning Act and the Redland City Planning Scheme.

## **Was native title the reason sand mining stopped on the island?**

The end of sand mining on Minjerribah was a decision of the Queensland Government and was independent of the native title.

Mining ceased on 31 December 2019, with the final mining lease expiring in December 2025. QYAC, Sibelco Australia and the Queensland Government are committed to the ongoing rehabilitation of the areas affected by mining.

## **Learn more about native title**

Queensland Government: [www.qld.gov.au/atsi/environment-land-use-native-title/native-title](http://www.qld.gov.au/atsi/environment-land-use-native-title/native-title)

Quandamooka Yoolooburrabee Aboriginal Corporation: [www.qyac.net.au](http://www.qyac.net.au)

National Native Title Tribunal: [www.nntt.gov.au](http://www.nntt.gov.au)