



National  
Native Title  
Tribunal



2 August 2010

**Mr Ian Curr**  
**Editor**  
**Workers Bush Telegraph**  
**PO Box 5093**  
**West End Q 4101**

Dear Mr Curr,

**Quandamooka native title claim on Minjerribah (Nth Stradbroke Island)**

I am writing in response to your correspondence dated 21 July 2010.

It might assist if I first provide some general information about how native title claims are dealt with under the *Native Title Act 1993* (Cwlth) and the role of the National Native Title Tribunal (NNTT).

In summary, applications for determination of native title are lodged in the Federal Court. Since 1998, the Federal Court has managed native title applications, and refers them (in most cases) to the NNTT for mediation. The NNTT Member then attempts to mediate agreement between the applicants and all the respondent parties, including the State. These are often complex matters with a range of issues to be resolved between numerous parties. Negotiations are conducted in private, on a 'without prejudice' basis.

If parties reach agreement on all relevant issues, they ask the Court to make a consent determination of native title. If they do not agree, the Court may hear and determine the application.

In the case of the Quandamooka People's claims, one application was lodged in 1995, and one in 1999. The applicants provided evidence in support of their claim to the State of Queensland in 1998. Substantive mediation commenced following the provision of this evidence.

After some intensive mediation which almost brought the matter to conclusion in 2001, certain circumstances delayed the resolution of the matter. For example, as a result of the judgment of the High Court in the Yorta Yorta matter, the applicants had to provide more evidence of their traditional connection to the claimed area. Other factors included actions in the Federal Court brought by the applicants on the matter. The issues were ordered into a Federal Court case management conference. Attempts to resolve this matter included the commissioning of anthropological research into the group's traditional decision-making processes, under the auspices of the Federal Court.

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In 2003, the Federal Court ceased mediation with the NNTT following a recommendation from the NNTT that further mediation could not occur until the further evidence of connection had been provided. The applications were not in NNTT mediation between 2003 and 2009.

On 20 February 2009, the Federal Court referred the matters back to the NNTT. The NNTT is currently mediating between parties who are adhering to the Federal Court's tight timetable to progress the matters towards resolution.

Substantial progress has been made towards a consent determination that native title exists and associated Indigenous land use agreements. The Queensland Government, the first respondent to the matters, has stated publicly that it and other respondents aim to reach a consent determination in 2011.

If you have any further queries, please contact the Tribunal's Case Manager for this matter, Ms Ann Stokes, on (07) 3226 8205.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Graeme Neate', with a large, stylized initial 'G'.

**Graeme Neate**

**President**

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