

# PORT CURTIS CORAL COAST NATIVE TITLE

# NEWSLETTER



**NEW APPLICANT GROUP ELECTED ON THE 24<sup>TH</sup> JULY, 2011 DID NOT OFFICIALLY TAKE OFFICE UNTIL THE 27<sup>TH</sup> FEBRUARY, 2012. ON THE 27<sup>TH</sup> OCTOBER, 2013 THE CURRENT APPLICANTS WERE REENDORSED BY THE WIDER PCCC CLAIM GROUP IN GLADSTONE.**

**The Applicant group is as follows; Kerry Blackman, Richard Johnson, Matthew Cooke, Nat Minniecon, Lurleen Blackman, Neville Johnson and Dean Sarra.**

**This is the 6<sup>th</sup> Newsletter since the new applicants officially took office to ensure the continued communication with the wider claim group is to maintain transparency and accountability which was lacking previously. The new applicants Mantra is to keep everything accountable, open and transparent.**

## **NATIVE TITLE UPDATE**

### **UPDATE ON FEDERAL COURT PROCEEDINGS:**

### **PORT CURTIS CORAL COAST NATIVE TITLE CLAIM GROUP:**

Court Date for Determination – 27 April 2014

Steps to be taken before that:

- 29 November 2013 – Applicants to negotiate with State and other significant respondents regarding possible terms of the consent determination.
- 30 November 2013 & 1 December 2012 Prescribed Body Corporate Workshop

- To develop draft for consideration by the whole claim group
- Late December/early January – continuing negotiations with the State and various other respondents as to the final terms of the s87 agreement (the agreement with the State as to the terms of the consent order).
  - January February 2014;
  - Authorisation of the ILUAs with the Local Government, the Pastoralists, Ergon and any others.
  - Adoption of the Prescribed Body Corporate as recommended by the PBC workshop or amended as per the authorisation of the claim group.
  - Whilst we have reduced the number of respondent parties from about several hundred to about 57 it is necessary to get each of them to consent to the determination order. Therefore work will continue on that through until the authorisation meeting with much of the documentation, maps, co-ordinates etc to be completed in the period leading up to the determination in April.

### Current problems:

- The State has changed their position in a number of respects. The principal concern is that they are insisting that there is no native title in town and urban areas unless we can prove continuing customary law practices on each parcel of USL in the town areas.
- The State is also arguing that the use of some land by the Commonwealth at the time of WWII had an effect on extinguishing native title on those parcels of land. They have not yet completely identified those lands.

There is a strong legal basis to suggest that they are wrong in this matter.

- Although all the respondent pastoralists (except one) are represented by the same lawyer and have agreed upon an Indigenous Land Use Agreement, there is one Pastoralist separately represented who is contesting connection. He is also arguing that you have no rights over his property. Negotiations are continuing.
- Local Government – the Local Government is basically proposing what is really a “relationship agreement” but we are endeavouring to negotiate some better conditions.
- Some of the other respondents are being difficult. Esso in particular is arguing that native title has been extinguished over various of their parcels of land. The State and QSNTS both disagree with their lawyer in that regard. Again it is necessary to get all respondents to either withdraw or consent.
- Representatives of the Kabi Kabi people to the south of your claim are now also claiming a significant part of your country (up to Elliott Heads). QSNTS will be engaged in interviewing members of your claim group who have particular knowledge of that area.

#### Conclusion:

Although there are many difficulties with the claim we still remain optimistic that it can proceed to an advantageous consent determination on the date specified by the Court – although this is very much dependent upon resolving issues with the State as described above.

#### Tenure:

“Tenure” is a word used to describe the way in which land is held (e.g. freehold title, leases, permits to occupy etc).

This aspect of native title is enormously complex, expensive and time consuming. The Applicants have been working with QSNTS and the State to develop a process for resolving tenure issues. Initially there were 85,500 parcels of land identified within the claim area (most of which is freehold title).

Native Title can only exist on land where there has been no extinguishing act and where connection can be shown to particular parcels of land. We cannot claim native title on land which is freehold title. Even with Unallocated State Land we have to be able to show good evidence of connection to that land according to traditional law and custom. The State is

emphasising this requirement for ongoing connection particularly for Boyne Island and Curtis Island.

The Applicants have examined draft Indigenous Land Use agreements with the Local Governments and with the Pastoralists and have approved them in principle subject to some further developments.

#### Further Steps:

In 2014 there will an Authorisation Meeting to Authorise the State Government ILUA, Local Government ILUA and the Pastoralist ILUA.

### **CONNECTION REPORT UPDATE FOR NATIVE TITLE DETERMINATION COMMUNICATION/STRUCTURE**

**THE New Applicants have agreed that all business including Cultural Heritage will be conducted in an open, honest, accountable and transparent communication through all written form or telecommunication. If the wider PCCC Claim group hear any gossip or innuendo they should go direct to one of the Applicants so they can deal with issues or rumours quickly and swiftly to stop any division. Gidarjil is the Interim Cultural Heritage Body and the applicants Admin Arm at the present time.**

**At the present time Gidarjil has set up a Web Site and on there you can review any previous Newsletters, or information that the applicants decide should be posted on it for information that the wholeclaim group should be made aware of. [www.Gidarjil.com.au](http://www.Gidarjil.com.au)**

#### **MEETINGS (REPORT BY JEFF DILLON OF DILLON LAWYERS FUTURE ACTS LAWYERS)**

The new applicant group has had several meetings to date since the last Newsletter the 5<sup>th</sup> Edition as follows;

15<sup>th</sup> April 2013 – PCCC met with GPC to negotiate the ILUA

16<sup>th</sup> April 2013 – PCCC met with Pacific Aluminium wherein the Cultural Heritage Agreement was reviewed. PCCC also met with affordable housing to discuss housing projects for the PCCC People

3<sup>rd</sup> May 2013 – PCCC again met with GPC to further negotiate the ILUA. PCCC were also given a presentation by Shane Kenward of Red Dirt Pty Ltd.

6<sup>th</sup> June 2013 – PCCC met with Conoco Phillips to discuss business and employment opportunities

11<sup>th</sup> June 2013 – PCCC again met with GPC to further negotiate the ILUA

27<sup>th</sup> June 2013 – PCCC met with Santos to discuss cultural heritage and business developments and employment and business opportunities

PCCC Applicants organised and attended information sessions in relation to the GPC ILUA as follows:-

Bundaberg 4<sup>th</sup> August 2013

Gladstone 5<sup>th</sup> August 2013

Rockhampton 6<sup>th</sup> August 2013

Woorabinda 7<sup>th</sup> August 2013

Eidsvold 8<sup>th</sup> August 2013

Brisbane 9<sup>th</sup> August 2013

16<sup>th</sup> August 2013 – PCCC met with WICET to discuss cultural heritage and a breach that had taken place in relation to same

22<sup>nd</sup> August 2013 – PCCC met with Tom and Sheryl Gorton over a proposed land transfer

23<sup>rd</sup> August 2013 – PCCC met with Santos in respect of a cultural heritage breach

23<sup>rd</sup> August 2013 – PCCC met with GPC to finalise GPC ILUA

24<sup>th</sup> August 2013 – GPC authorisation meeting was held in Gladstone

25<sup>th</sup> August 2013 – PCCC Summit was held in Gladstone

18<sup>th</sup> September 2013 – PCCC met with Santos again in relation to the cultural heritage breach

11<sup>th</sup> October 2013 – PCCC met with Santos re cultural heritage breach

17<sup>th</sup> October 2013 – PCCC representatives met with the Cultural Heritage Unit to discuss the Cultural Heritage Breach by Santos

28<sup>th</sup> October 2013 – PCCC met with Fox Resources to finalise a Cultural Heritage Management Agreement

7<sup>th</sup> November 2013 – PCCC met with Santos re Cultural Heritage Breach and further endeavoured to enforce Santos' obligations under the ILUA

29<sup>th</sup> November 2013 – PCCC representatives met to receive advices as to breach of ILUA obligations by Santos

2<sup>nd</sup> December 2013 – PCCC met with Conoco Phillips to discuss business and employment opportunities for the PCCC People

## CULTURAL HERITAGE

There is over 350 Traditional owners registered on the data base for Cultural heritage work.

The applicants are sensitive to the wider PCCC Native Title claimants concerns that the Cultural Heritage work be distributed fairly across the four groups; (Gooreng Gooreng, Gurang, Bailai & Tarebilang Bunda).

Please Phone the office to register for Cultural Heritage Monitoring and Survey work on 41-307700.

## FUTURE VISION AND ASPIRATIONS FOR OUR PEOPLE

The Applicants have now held two (3) Summits to progress the Regional Strategic Plan and Annual Action Plans facilitate the setting up of the new PCCC Entity/Entities and now we as the whole claim group have finalised that along with a well thought out "Vision" and plan for the future (This is a living document). Please phone Kerry Blackman 41 30 7700 if you require a copy.

A key issue identified in the Strategic/Action Plan: The Applicants are currently considering implementing it as follows;

## FUNERAL ASSISTANCE POLICY FOR THE PCCC NATIVE TITLE CLAIM GROUP:

- Funding is capped at a total of \$2,000.00 per grant per Family.
- Eligibility for assistance must first be proven, by Representatives (2 Elders) from the relevant clan group.
- Where the deceased have their own Funeral Fund or Super Fund their family members will not be eligible for assistance.
- Members within the four PCCC Tribes (Bailai, Gurang, Gooreng Gooreng & Tarebilang Bunda Peoples) will only be considered on a case by case basis.
- Those who have passed must belong to one of the four Traditional Owner Groups or be their partner and children who have cultural, or traditional ties by marriage.
- Payment must be made to service providers/suppliers and not to individuals.

## INTERIM STRUCTURE FOR PCCC

The following structures are now in place as a result of the decisions of the PCCC Claim group meeting on the 25<sup>th</sup> August, 2013.

Resolution 1:

The persons present at the meeting who hold or may hold Native Title (the Native Title Group) authorise that: The structure of the PCCC Entity should take the following form: A Company Limited by Guarantee as Corporate Trustee for a Charitable Trust.

To include a Council of Elders and Youth Leadership mechanism;

**Moved: Matthew Cooke**

**Seconded: Thelma Coleman**

**Abstained:**

**Carried: Carried (91) Against (1)**

Resolution 3:

The persons present at the meeting who hold or may hold Native Title (the Native Title Group) authorise that: there will be two Directors selected by the First Nation People (PCCC Claim Group) (which are Tarebilang Bunda, Gooreng Gooreng, Gurang and Bailai-To be advised later by each tribe) who will become Directors of the Corporate Trustee as set out in Resolution 1. The representatives of the First Nation People (PCCC Claim Group) shall advise the Applicants who shall then insert those Directors into all the PCCC Entity structure

including the Corporate Trustee as Trustee for the PCCC Charitable Trust.

**Moved: Richard Johnson**

**Seconded: Leanne Dudley**

**Abstained:**

**Carried: Carried (86) Against (8)**

**Motion was carried**

- (A) Port Curtis Coral Coast Ltd has been incorporated as a Corporate Trustee pursuant to instructions given by the PCCC Claim Group at the summit on the 25<sup>th</sup> August 2013. The land promised under two separate ILUA's can now be transferred to this Entity and this process has been commenced.
- (B) The PCCC Charitable Trust has been finalised and will provide substantial tax and other benefits in respect of compensation monies; land transfers; and is inherently set up with its objects to do all things necessary to improve the quality of life for the PCCC People socially; culturally; educationally; environmentally and economically.
- (C) QSNTS is also in the process of setting up the Prescribed Body Corporate which is separate to the Interim Entity and will replace same if Consent Determination is granted. The two corporations are separate but similarly structured, with the Interim structure to operate on behalf of PCCC until the Prescribed Body Corporate structure replaces it at the time of Consent Determination.

## THE NEW APPLICANT GROUP CONTACT LIST

**Please see the attached list of the Elected Applicants for your information and please feel free to contact anyone of them if you have questions, need information or need some direction about your issues around our Native Title business. Remember deal direct with the Elected Applicants and leave the Gossip and inuendo for those who revel in such "Small Minded" negative activity.**

**To the wider Claim group, The applicant will always try and keep you informed of the progress we are making for the 17 families represented in the PCCC Native Title Claim. Your input ,feedback and constructive criticism/s are always**

appreciated and we take on board any issues that you may raise with us.

We as the applicant have been working together for the betterment of all our people. There have been many opportunities presented to us and as your representative we will continue to strive for the best possible outcomes for our people. There has been much robust discussions in our negotiations with proponents, there is a lot more that we must do to ensure that we are recognised by the wider community as being the Traditional Owners of our claimed area. We urge each and every one of our claim members provide feedback on any issue pertaining to our Traditional Owner rights. We look forward to seeing you at our future Summits or Authorisation meetings. Your input is valued and appreciated.

The current applicants have now been reendorsed and given a 2<sup>nd</sup> Mandate to become Implementers of the “Vision” and strategic plan to meet the aspirations and dreams and expectations of the Whole PCCC Claim Group.

I am an “Implementer”  
Of great ideas, Vision &  
Plans for our Future.



*The Applicants wish all the PCCC Native Title Families a Merry Family Christmas and a Prosperous and Healthy 2014*