

Bar-Barrum Aboriginal Corporation

OVERVIEW

The Bar-Barrum Aboriginal Corporation administers land owned by the Bar-Barrum people. The Bar-Barrum people's ownership was recognised in the *Bar-Barrum People* determination.

The *Bar-Barrum People* determination arose from a claim made in November 1996. This claim was negotiated between the Bar-Barrum People, the Djirrbal people (an adjacent Indigenous group) where both parties agreed to reduce the size of the claimed area. Subsequently, the Bar-Barrum people also negotiated with the State of Queensland, several shire councils, Ergon Energy and Telstra. All parties to these negotiations recognised that the Bar-Barrum people held native title over the claimed area, giving them the right to possess, occupy, use and enjoy the determination area in accordance with and subject to their traditional laws and customs and the lawful force and operation of the Commonwealth and the State of Queensland.

This agreement was affirmed and approved by the Federal Court in June 2001. In his judgment, Justice Hely noted the benefits and increasing popularity of negotiated settlements in comparison with contested determinations, which can be 'lengthy, costly and divisive in the community'.

In addition to the *Bar-Barrum People* determination, the Bar-Barrum Aboriginal Corporation also administers six Indigenous Land Use Agreements, regarding fossicking, access and development.

RNTBC PROFILE

NAME OF RNTBC ORIC HYPERLINK	BAR-BARRUM ABORIGINAL CORPORATION
TYPE OF RNTBC ATNS HYPERLINK	AGENT
STATE/TERRITORY	QLD
MAP NNTT HYPERLINK	http://www.nntt.gov.au/Publications-And-Research/Maps-and-Spatial-Reports/Documents/Quarterly%20Maps/Determinations_PBCs_A4.pdf
CONTACT DETAILS ORIC HYPERLINK	http://www.orac.gov.au/Search.aspx?Search=bar-barrum&Type=Name

RNTBC ADMINISTRATION

INDIGENOUS CORPORATION NUMBER	3362
DATE OF INCORPORATION	28/03/2000
CERTIFICATE OF INCORPORATION ORIC HYPERLINK	http://www.orac.gov.au/document.aspx?concernID=103362
CORPORATION OBJECTS & RULES ORIC HYPERLINK	http://www.orac.gov.au/document.aspx?concernID=103362
LIST & NAMES OF MEMBERS ORIC HYPERLINK	http://www.orac.gov.au/document.aspx?concernID=103362

NATIVE TITLE DETERMINATION INFORMATION

NNTT SHORT NAME NNTT HYPERLINK	BAR-BARRUM PEOPLE
CASE LAW AUSTLII HYPERLINK	Congoo v Queensland [2001] FCA 868

DATE OF DETERMINATION	28/06/2001
TYPE OF DETERMINATION ATNS HYPERLINK	CONSENT DETERMINATION
DETERMINATION OUTCOME	NATIVE TITLE EXISTS IN PARTS OF THE DETERMINATION AREA
TRIBUNAL FILE NO	QC96/105
FEDERAL COURT FILE NO	QUD6222/98
NATIVE TITLE RIGHTS AND INTERESTS ¹	<p>The nature and extent of the native title rights and interests is to possess, occupy, use and enjoy the determination area in accordance with and subject to their traditional laws and customs and the force and operation of laws of the Commonwealth and the State, and in particular to:</p> <p>(a) live on the area;</p> <p>(b) conserve the natural resources of the area for the benefit of the common law holders;</p> <p>(c) maintain, use, manage and enjoy the area for the benefit of the common law holders, that is to:</p> <p>(i) maintain and protect sites of significance to the common law holders and other Aboriginal people within the meaning of that term in the Native Title Act 1993 (Cth);</p> <p>(ii) inherit, dispose of or give native title rights and interests in the determination area to others provided that such persons are Aboriginal People within the meaning of that term in the Native Title Act 1993 (Cth);</p> <p>(iii) decide who are the Bar-Barrum people, provided that such persons must be Aboriginal people within the meaning of that term in the Native Title Act 1993 (Cth);</p> <p>(iv) regulate among, and resolve disputes between, the common law holders in relation to the rights of possession, occupation, use and enjoyment of the area;</p> <p>(v) conduct social, religious, cultural and economic activities on the area;</p> <p>(vi) exercise and carry out economic life on the area, including harvesting, fishing, cultivating, management and exchange of economic resources;</p> <p>(d) conserve, use and enjoy the natural resources of the area for social, cultural, economic, religious, spiritual, customary and traditional purposes; and</p> <p>(e) make decisions about, and to control the access to, and the use and enjoyment of, the area and its natural resources by the common law holders.</p> <p>The native title rights and interests are not exclusive of the rights and interests of others.</p>
AREA OF LAND	316.4 SqKm
GENERAL LOCATION OF DETERMINATION AREA	VARIOUS LOTS WITHIN THE HERBERTON AND MAREEBA SHIRE COUNCILS ON THE ATHERTON TABLELANDS, FAR NORTH QUEENSLAND
MAP	http://www.atns.net.au/objects/pdfs/QC96_105.pdf
NTRB REGION NTRB HYPERLINK	NORTH QUEENSLAND LAND COUNCIL

AGREEMENTS

AGREEMENT NAME HYPERLINK TO AGREEMENT INFORMATION ON ATNS WEBSITE	NNTT FILE NO. HYPERLINK TO ILUA AGREEMENT SUMMARY ON NNTT WEBSITE	TYPE OF AGREEMENT	SUBJECT MATTER (NNTT)	SUBJECT MATTER (ATNS) HYPERLINK TO SUBJECT MATTER INFORMATION ON ATNS WEBSITE
BAR-BARRUM FOSSICKING INDIGENOUS LAND USE AGREEMENT (ILUA)	QI01/39	BODY CORPORATE AGREEMENT	ACCESS CONSULTATION PROTOCOL MINING	Cultural Heritage Native Title Exploration Future Act Land Use

¹ These native title rights and interests are subject to the laws of the Commonwealth and the State of Queensland. They may also be subject to particular interests specified in the determination.

BAR-BARRUM PERMIT TO OCCUPY INDIGENOUS LAND USE AGREEMENT (ILUA)	QI01/48	BODY CORPORATE AGREEMENT	ACCESS	Native Title Land Transaction Land Use
BAR-BARRUM AND ERGON ENERGY INDIGENOUS LAND USE AGREEMENT (ILUA)	QI2002/058	BODY CORPORATE AGREEMENT	ACCESS	Housing, Construction and Infrastructure Cultural Heritage Native Title Environmental Heritage Future Act Land Transaction Land Use
BAR-BARRUM AND HERBERTON SHIRE COUNCIL INDIGENOUS LAND USE AGREEMENT (ILUA)	QI2002/043	BODY CORPORATE AGREEMENT	ACCESS DEVELOPMENT	Housing, Construction and Infrastructure Native Title Local Government Future Act Land Use
BAR-BARRUM AND TELSTRA INDIGENOUS LAND USE AGREEMENT (ILUA)	QI01/25	BODY CORPORATE AGREEMENT	ACCESS INFRASTRUCTURE	Housing, Construction and Infrastructure Native Title Future Act Recognition Agreement / Acknowledgement Land Use
BAR-BARRUM AND MAREEBA SHIRE COUNCIL INDIGENOUS LAND USE AGREEMENT (ILUA)	QI01/53	BODY CORPORATE AGREEMENT	ACCESS CONSULTATION PROTOCOL INFRASTRUCTURE	Housing, Construction and Infrastructure Native Title Recognition of Native Title or Traditional Ownership Local Government Future Act Land Use

ADDITIONAL ELECTRONIC RESOURCES

Media releases	National Native Title Tribunal, <i>Bar-Barrum people in Queensland native title determination first</i> (28/06/2001) http://www.nntt.gov.au/News-and-Communications/Media-Releases/Pages/Bar-barrum_people_in_Queensland_native_t.aspx
Academic Commentary	Paul Memmott and Peter Blackwood, <i>Holding Title and Managing Land in Cape York – Two Case Studies</i> , Native Title Research Unit, Discussion Paper 21 (2008) Available at http://ntru.aiatsis.gov.au/publications/2008pdfs/DP21.pdf National Native Title Tribunal, <i>The Bar-Barrum people's native title determination: questions and answers</i> , Cairns, National Native Title Tribunal, 2001. Available at http://pandora.nla.gov.au/pan/50869/20050729-0000/www.nntt.gov.au/metacard/files/Bar-barrum/Bar_Barrum.pdf