

## Djabugay Native Title Aboriginal Corporation

### OVERVIEW

The Djabugay Native Title Aboriginal Corporation, located in Kuranda, near Cairns, is the Registered Native Title Body Corporate administering the *Djabugay People* native title determination of 2005. This determination resolved a claim which began 13 years earlier.

The main objective of the Djabugay's (also known as Tjapukai) claim was to have their native title rights and interests in the Barron Gorge National Park recognised at law. The first claim was lodged in May 1994 by Andy and Rhonda Duffin and was placed on the Native Title Register in January 2002. Over the life of the claim, this application was amended and the joint applicants became Barry Hunter, Ivan Brim, Lloyd Levers, Gerald Hobbler, Melvyn Hunter, Patrick Hastie and Rhonda Brim.

The determination was handed down by Justice Spender, Federal Court Australia in July 2005 after the Djabugay, the State of Queensland and the Cairns City Council successfully mediated the terms of this native title determination. These terms included:

- that the parties acknowledge the Djabugay's strong and long-standing connection to the land in the Barron Gorge National Park,
- that the Djabugay will have a right to be acknowledged as the native title holders for the Barron Gorge National Park in accordance with their traditional laws and customs.

This consent determination is the first to be made over a national park in Queensland without litigation. It is located in Far North Queensland covering an area of approximately 2,800 hectares.

The Djabugay Native Title Aboriginal Corporation also administers an Indigenous Land Use Agreement which is binding upon all native title holders of the area included within the agreement.

### RNTBC PROFILE

NAME OF RNTBC <a href="#">ORIC HYPERLINK</a>	<a href="#">DJABUGAY NATIVE TITLE ABORIGINAL CORPORATION</a>
RNTBC WEBSITE	<a href="http://djabugay.org.au">http://djabugay.org.au</a>
TYPE OF RNTBC <a href="#">ATNS HYPERLINK</a>	<a href="#">AGENT</a>
STATE/TERRITORY	QLD
MAP <a href="#">NNTT HYPERLINK</a>	<a href="http://www.nntt.gov.au/Publications-And-Research/Maps-and-Spatial-Reports/Documents/Quarterly%20Maps/Determinations_PBCs_A4.pdf">http://www.nntt.gov.au/Publications-And-Research/Maps-and-Spatial-Reports/Documents/Quarterly%20Maps/Determinations_PBCs_A4.pdf</a>
CONTACT DETAILS <a href="#">ORIC HYPERLINK</a>	<a href="http://djabugay.org.au/index.php?option=com_contact&amp;view=category&amp;catid=12&amp;Itemid=60">http://djabugay.org.au/index.php?option=com_contact&amp;view=category&amp;catid=12&amp;Itemid=60</a>

### RNTBC ADMINISTRATION

INDIGENOUS CORPORATION NUMBER	4358
DATE OF INCORPORATION	16/06/2004
CERTIFICATE OF INCORPORATION <a href="#">ORIC HYPERLINK</a>	<a href="http://www.orac.gov.au/document.aspx?concernID=104358">http://www.orac.gov.au/document.aspx?concernID=104358</a>
CORPORATION OBJECTS & RULES <a href="#">ORIC HYPERLINK</a>	<a href="http://www.orac.gov.au/document.aspx?concernID=104358">http://www.orac.gov.au/document.aspx?concernID=104358</a>
LIST & NAMES OF MEMBERS <a href="#">ORIC HYPERLINK</a>	<a href="http://www.orac.gov.au/document.aspx?concernID=104358">http://www.orac.gov.au/document.aspx?concernID=104358</a>

## NATIVE TITLE DETERMINATION INFORMATION

NNTT SHORT NAME <a href="#">NNTT HYPERLINK</a>	<a href="#">DJABUGAY PEOPLE</a>
CASE LAW <a href="#">AUSTLII HYPERLINK</a>	<a href="#">Djabugay People v State of Queensland [2004] FCA 1652</a>
DATE OF DETERMINATION	25/07/2005
TYPE OF DETERMINATION <a href="#">ATNS HYPERLINK</a>	<a href="#">CONSENT DETERMINATION</a>
DETERMINATION OUTCOME	NATIVE TITLE EXISTS IN THE ENTIRE DETERMINATION AREA
NNTT FILE NO	QC94/4
FEDERAL COURT FILE NO	QUD6002/98
NATIVE TITLE RIGHTS AND INTERESTS <sup>1</sup>	<p>The nature and extent of the native title rights and interests in relation to the Determination Area are the non-exclusive rights of the Djabugay People to use and enjoy the land and waters being to:</p> <p>(a) be physically present on the Determination Area;</p> <p>(b) camp on the Determination Area;</p> <p>(c) hunt, fish and gather on, and take the natural resources of, the Determination Area for the purpose of satisfying their personal, domestic, social, cultural, religious, spiritual, ceremonial, and communal needs for non-commercial purposes;</p> <p>(d) maintain and protect by lawful means places within the Determination Area of importance to the Djabugay People;</p> <p>(e) perform social, cultural, religious, spiritual or ceremonial activities on the Determination Area and invite others to participate in those activities;</p> <p>(f) make decisions about the use and enjoyment of the Determination Area by Aboriginal people who are governed by the traditional laws acknowledged and traditional customs observed by the Djabugay People.</p> <p>The native title rights and interests in relation to the Determination Area do not confer possession, occupation, use and enjoyment of the Determination Area on the Djabugay People to the exclusion of all others.</p> <p>The native title rights and interests in relation to the Determination Area do not extend to a right to control access to or a right to control the use of the Determination Area.</p>
AREA OF LAND	27.6 SqKm
GENERAL LOCATION OF DETERMINATION AREA	BARRON GORGE NATIONAL PARK, NEAR KURANDA, NORTH WEST OF CAIRNS
NTRB REGION <a href="#">NTRB HYPERLINK</a>	<a href="#">NORTH QUEENSLAND LAND COUNCIL</a>

## AGREEMENTS

AGREEMENT NAME <a href="#">ATNS HYPERLINK</a>	NNTT FILE NO. <a href="#">NNTT HYPERLINK</a>	TYPE OF AGREEMENT	SUBJECT MATTER (NNTT)	SUBJECT MATTER (ATNS) <a href="#">ATNS HYPERLINK</a>
<a href="#">BARRON GORGE NATIONAL PARK INDIGENOUS LAND USE AGREEMENT</a>	<a href="#">QI2004/051</a>	AREA AGREEMENT	ACCESS	<a href="#">Native Title   Recognition of Native Title or Traditional Ownership   Recognition of Traditional Rights and Interests</a>

<sup>1</sup> 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.

### ADDITIONAL ELECTRONIC RESOURCES

MEDIA RELEASES	National Native Title Tribunal <i>Native title recognised over Barron Gorge National Park</i> , 17/12/2004 <a href="http://www.nntt.gov.au/Indigenous-Land-Use-Agreements/Search-Registered-ILUAs/Pages/Barron_Gorge_National_Park_QI2004051.aspx">http://www.nntt.gov.au/Indigenous-Land-Use-Agreements/Search-Registered-ILUAs/Pages/Barron_Gorge_National_Park_QI2004051.aspx</a>
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 <a href="http://ntru.aiatsis.gov.au/publications/2008pdfs/DP21.pdf">http://ntru.aiatsis.gov.au/publications/2008pdfs/DP21.pdf</a>