

Jabalbina Yalanji Aboriginal Corporation

OVERVIEW

The Jabalbina Yalanji Aboriginal Corporation administers land on behalf of the Eastern Kuku Yalanji people or the Daintree. Their ownership was recognised in the Eastern Kuku Yalanji determination of December 2007.

This determination arose from a native title claim first made in 1994. Over 13 years, this claim has been negotiated to reach agreement. All parties now agree to recognise the Eastern Kuku Yalanji's native title rights, including:

- exclusive rights to 30,300 hectares of the Daintree Rainforest, and
- non-exclusive rights over the other 96,600 hectares, including access rights for camping, hunting, fishing, gathering and the conduct of ceremonies.

This agreement was affirmed and approved by the Federal Court in December 2007.

RNTBC PROFILE

NAME OF RNTBC ORIC HYPERLINK	JABALBINA YALANJI ABORIGINAL CORPORATION
TYPE OF RNTBC ATNS HYPERLINK	TRUSTEE
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=jabalbina&Type=Name

RNTBC ADMINISTRATION

INDIGENOUS CORPORATION NUMBER	7002
DATE OF INCORPORATION	05/10/2007
CERTIFICATE OF INCORPORATION ORIC HYPERLINK	http://www.orac.gov.au/Search.aspx?Search=jabalbina&Type=Name
CORPORATION OBJECTS & RULES ORIC HYPERLINK	http://www.orac.gov.au/Search.aspx?Search=jabalbina&Type=Name
LIST & NAMES OF MEMBERS ORIC HYPERLINK	http://www.orac.gov.au/Search.aspx?Search=jabalbina&Type=Name

NATIVE TITLE DETERMINATION INFORMATION

NNTT SHORT NAME NNTT HYPERLINK	EASTERN KUKU YALANJI PEOPLE
CASE LAW AUSTLII HYPERLINK	Walker on behalf of the Eastern Kuku Yalanji People v State of Queensland [2007] FCA 1907
DATE OF DETERMINATION	09/12/2007
TYPE OF DETERMINATION ATNS HYPERLINK	CONSENT DETERMINATION
DETERMINATION OUTCOME	NATIVE TITLE EXISTS IN THE ENTIRE DETERMINATION AREA
TRIBUNAL FILE NO	QC94/13
FEDERAL COURT FILE NO	QUD6008/98
NATIVE TITLE RIGHTS AND INTERESTS ¹	<p>The nature and extent of the native title rights and interests, <u>other than in relation to Water</u>, are:</p> <p>(a) in relation to that part of the Determination Area identified in Schedule 3, the rights to:</p> <p>(i) possession, occupation, use and enjoyment to the exclusion of all others; and</p> <p>(ii) inherit and succeed to the native title rights and interests referred to in order 3(a)(i).</p> <p>(b) in relation to that part of the Determination Area identified in Schedule 4, the non-exclusive rights to:</p> <p>(i) be present on, including by accessing, traversing and Camping on, the Determination Area;</p> <p>(ii) hunt Animals, gather Plants and take Natural Resources from the Determination Area, but not for the purposes of trade or commerce;</p> <p>(iii) conduct ceremonies on the Determination Area;</p> <p>(iv) be buried and to bury native title holders, by interment in the ground, within the Determination Area;</p> <p>(v) maintain Springs and wells in the Determination Area where underground Water rises naturally, for the sole purpose of ensuring the free flow of Water;</p> <p>(vi) maintain places of importance and areas of significance to the native title holders under their traditional laws and customs and protect those places and areas, by lawful means, from physical harm; and</p> <p>(vii) the right to inherit and succeed to the native title rights and interests referred to in order 3(b)(i) to 3(b)(vi).</p> <p>The nature and extent of the native title rights and interests <u>in relation to Water</u> within the Determination Area are the non-exclusive rights to:</p> <p>(a) hunt and fish in or on, and gather from, the Water for personal, domestic and non-commercial communal purposes;</p> <p>(b) take, use and enjoy the Water for the purposes of satisfying personal, domestic and non-commercial communal needs; and</p> <p>(c) inherit and succeed to the native title rights and interests referred to in order 4(a) and 4(b).</p> <p>There are no native title rights to gather <u>Plants</u> in relation to that part of the Determination Area identified in Schedule 5.</p>
AREA OF LAND	Approximately 126,900 SqKm
GENERAL LOCATION OF DETERMINATION AREA	VARIOUS LOTS, SOUTH OF COOKTOWN, FAR NORTH QUEENSLAND
NTRB REGION NTRB HYPERLINK	CAPE YORK LAND COUNCIL

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.

ADDITIONAL ELECTRONIC RESOURCES

Media releases	National Native Title Tribunal, <i>WA recognises native title in historic breakthrough</i> (29/08/2000) http://www.nntt.gov.au/News-and-Communications/Media-Releases/Pages/WA_recognises_native_title_in_historic_breakthrough.aspx National Native Title Tribunal, <i>Native title recognised in Daintree</i> (09/12/2007) http://www.nntt.gov.au/News-and-Communications/Media-Releases/Pages/NativetitolerecognisedinDaintree.aspx
Academic Commentary	Michelle Riley, 'Winning' Native Title: the experience of the Nharnuwangga, Wajarri and Ngarla People, 2 <i>Land Rights Law: Issues of Native Title</i> 19 (November 2002). Available at: http://ntru.aiatsis.gov.au/ntpapers/IP19v2.pdf 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
Media Commentary	Murphy, P. 'Native title triumph as heritage land is returned' <i>The Australian</i> , 10 December 2007 Available at http://www.eniar.org/news/KukuYalanji.html