



# CAPE YORK LAND COUNCIL ABORIGINAL CORPORATION NEWSLETTER

VOLUME 2 ISSUE II - SEPTEMBER 2007

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## STRATHGORDON SMILES!



*"Today, we take back our land rights, we take control of our country again," says senior Strathgordon elder Rosie Upton.*

The Cape York Land Council and the Strathgordon Mob celebrated an historic land rights success in Cape York at Strathgordon Station, approximately 56km from Pormpuraaw on the western side of Cape York Peninsula, late last month.

Traditional Owners, legal representatives and Federal Court representatives were at the Strathgordon Homestead to recognise their Mob's exclusive Native Title Rights over the 118,000 hectare property to use and enjoy the land as theirs.

The court sat in a tent in the front yard of the New Strathgordon Homestead, which had been prepared by May Ballie, Johnny Shortjoe and Rosie Upton (pictured) for the event. Following morning tea and a welcome to country, barrister for the Strathgordon Mob Susan Phillips addressed the court, telling Justice Greenwood why the Native Title should be determined to exist.

Justice Greenwood then read out a long judgment setting out the history of the people on the land and the claim, before ordering that Native Title be determined to exist.

The Cape York Land Council has been working on the claim since 2003, and hopes it will be the first in a string of determinations in the Cape over the next year.

Cape York Land Council Chairman Michael Ross said it was an important day for him as his mother was born near the station. And whilst he acknowledged the determination was a good result, he said getting the land back was not the end.

"This is another beginning now," he said, "because we have to make this land work, and to raise our people out of the troubles in the community," he said.

"The days of the cattlemen on the Cape are fading, we need new solutions of how to live on our country. (Continued p 2...)

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# STRATHGORDON NATIVE TITLE DETERMINATION

(Continued from p 1)

"It gives me enormous pride that the Cape York Land Council has played such a key role in building the recognition of Native Title for my countrymen 'as against the rest of the world'.

"We will celebrate with our families and our supporters at the Strathgordon Homestead today."

Mr Ross challenged the Traditional Owners to use this opportunity to "sort things out" and get moving ahead with their plans for the land.

Ms Upton said nobody could take their rights away again.

"The return of this land is a turning point for our people, we are coming home," she said.

"This is our Country. We own this land. "Our Grandfather showed the first white people who ran this station where to find permanent water, then they set up their station here.

"I worked on the station for all my life, a long time for no pay, just food and tobacco.

"Now Australia recognises that we are the owners nobody can take our rights away again.

"As of today we are the boss and

proudly take up our responsibilities to build the foundations of our children's future."

Following the speeches, the Judge and other dignitaries were taken on a tour of some of the important places on the property by elders Jerry Ned, Hogan Shortjoe and Paddy Yam and Johnny Shortjoe, who showed them the location of the Old Strathgordon homestead and the Catfish Storyplace.

Many of the dignitaries said they were glad to have gone out to the station and share in the historic day.



Top: Elders Kathy & Myrna Shortjoe;

Above: Strathgordon traditional owner, Fred Coleman, enjoys a cup of tea before the Court hearing  
(Photo courtesy National Native Title Tribunal)

Right: Justice Greenwood and children

## **THE Honourable Justice Andrew Greenwood of the Federal Court of Australia presided over the consent determination hearing at the Strathgordon Homestead on Thursday 26 July, 2007.**

Traditional Owners also welcomed Federal Minister for Natural Resources and Water Craig Wallace, Member for Cook Jason O'Brien MP and Native Title Tribunal Chairman Graeme Neate to their celebrations.

The rights the Strathgordon Mob now have are inalienable - they cannot be taken away and any other acts that are done on the land will be subject to the traditional owners rights - forever.

Traditional Owners also have non-exclusive rights to hunt on, fish in, take and use the water on the property.

The Strathgordon Mob have owned the Pastoral lease for the station since the Indigenous Land Corporation purchased and handed it over in 2000.

A native title determination application was filed with the Federal Court on 29 May 2003 on behalf of the Strathgordon Mob and the claim covers land and waters within the traditional countries of families speaking the Wik Iyeny, Olkola, Olkol and Bakanh languages.

Two Indigenous Land Use Agreements were also negotiated, one to deal with the roads on Strathgordon, the other with Cook Shire Council to settle how future works will be done on the land.





# CHAIRPERSON'S UPDATE

**The past 3 months have been very busy for everyone at CYLC.**

We have celebrated another achievement with the Strathgordon Native Title Determination, received re-recognition from the Minister for three years and we have amended the CYLC Constitution to reflect the new CATSI (*Corporations Aboriginal & Torres Strait Islanders*) Act.

On 26 July the Traditional Owners of Strathgordon celebrated as their native title was recognised over land on Western Cape York Peninsula. As the Chairman of CYLC, it was a proud day for me as this was a claim run completely 'in-house' by the CYLC legal team. It is a great achievement for all involved and was a great day to celebrate with our 'country men'.

During July the CEO and staff travelled to many the communities represented by the CYLC Governing Committee and held community consultations over the proposed changes to the CYLC Constitution. Following these a Special General Meeting was held in Cairns on 9 August which resulted in the confirmation of the new CYLC Constitution by the CYLC members.

Keep an eye out for CYLC staff who will be travelling in the communities in the next couple

of months to conduct elections for the new CYLC Board of Directors. With the changes to the CYLC Constitution we will be holding elections for one representative from each of the 17 communities. These members will be endorsed at the Annual General Meeting as the new CYLC Board of Directors and hold office for a period of two years.

This will be my last update as the Chairperson of the current Governing Committee of CYLC. The term for all of the current Committee members will finish once the new Governing Committee is endorsed at the AGM held in November.

I would like to thank the current Governing Committee members, management and staff of CYLC for their support during my two year term as Chairperson. This was a new experience for me and one that has seen CYLC face many challenges throughout my term. I strongly believe that we have achieved and worked hard for all Traditional Owners of Cape York and have also managed some positive wins for the benefit of all of Cape York Peninsula.

**Michael Ross**  
**CYLC Chair**



*Above Left: Strathgordon elder, Jerry Ned, near the site of the old Strathgordon Station*

*Above: National Native Title Tribunal case manager Karrell Ross & CYLC Chair Michael Ross at the Strathgordon Homestead (Photos courtesy NNTT)*

*Left: Fred Coleman Ray Kendall, Michael Ross & Horace Lowdown.*

# CYLC SET FOR 3-YEAR TERM

Legislation governing native title and the role of representative bodies - The Native Title Act 1993 (Cth) - was changed recently.

One of the changes made was to set fixed terms for recognition of native title representative bodies in Australia.

The maximum term now allowed is six years.

Cape York Land Council received a 3-year term (1 July 2007 - 1 July 2010). After each term CYLC will apply again to be recognised.

Recognition gives certain responsibilities and functions to Cape York Land Council.

We provide support to native title claimants and

holders to make applications under the Native Title Act 1993 (Cth) and to respond proposed future acts ('future acts' are any proposed activity/development on land or waters that may affect native title rights.)

We also have a role in the negotiation of Indigenous Land Use Agreements (ILUAs), voluntary agreements about the use and management of land or waters made between one or more groups and others (such as miners, pastoralists and governments).

The Australian Government funds Cape York Land Council to do this work.

## ELECTIONS FOR NEW CYLC BOARD OF DIRECTORS - COMING YOUR WAY SOON!

**On 9 August 2007, the members of the Cape York Land Council attending the Special General Meeting resolved to accept a new Constitution for the Land Council.**

Staff of CYLC had previously sent information to all CYLC members and held consultations in most of the communities to outline the proposed changes.

These changes were required following the new CATSI Act introduced on 1 July which required all Corporations formerly working under the Aboriginal Councils and Associations Act to comply with the new legislation.

Starting in September CYLC staff will be in the communities holding elections for the Board of Directors. Each community will elect one representative to sit on the CYLC Board of Directors. The Board will hold the powers that the former Governing Committee and Executive Committee held and will meet at least 4 times per year to provide direction to the Land Council.

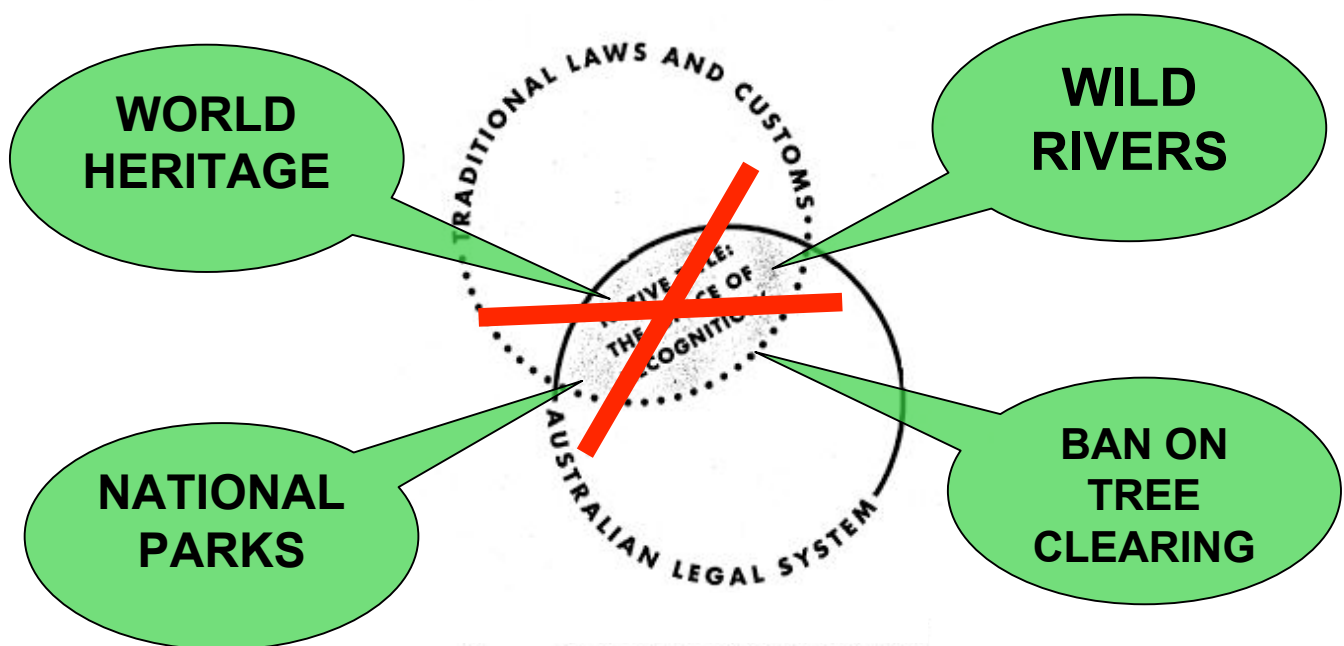
Notices will be sent to the Community Council and to CYLC members listed in that community. If you are a member, but have changed address or want to ensure that we have the correct address for you, please contact the CYLC reception on freecall: 1800 623 548 and let us know.

We encourage all CYLC members to consider the important role that the Board of Directors will play when choosing your community representative. Each community will have one person to represent them and report back on CYLC matters, so please ensure that you choose someone this is able to make this commitment to CYLC and to your community.

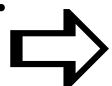
**If you would like to know more about the new CYLC Constitution and what this means to your community, please contact Kirsty Broderick at CYLC on freecall: 1800 623 548.**

# CAPE YORK PENINSULA HERITAGE BILL

For four years now The Wilderness Society has pressured the Queensland Government to introduce many whitefella laws for the protection of the environment.



All of these laws have been imposed without Traditional Owner consent. They make it harder for Traditional Owners to exercise and enjoy their land rights and native title.





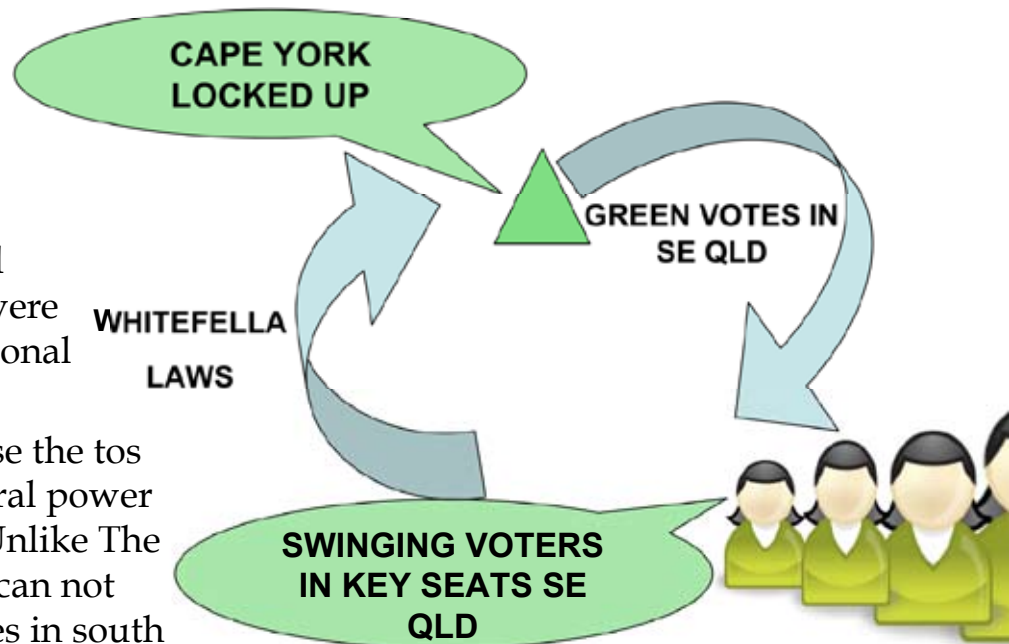
Land council wants traditional owners to have wide choices over their country. So the Land Council decided to fight The Wilderness Society (and their whitefella laws) who were making decisions for Traditional Owners.

This was a hard fight because the TOs do not have the same electoral power as The Wilderness Society. Unlike The Wilderness Society the TOs can not deliver the government votes in south east Queensland.

### A POLITICAL CONFRONTATION: KEEPING TRADITIONAL OWNER'S CHOICES WIDE

In the lead up to the 2006 state election the Land Council had a very small opportunity to talk to the Queensland government about The Wilderness Society's 'lock up' of Cape York Peninsula.

We moved quickly and made good of a bad situation. After 2 weeks of hard fought negotiations a political opportunity was turned into law.



## BEFORE AND A

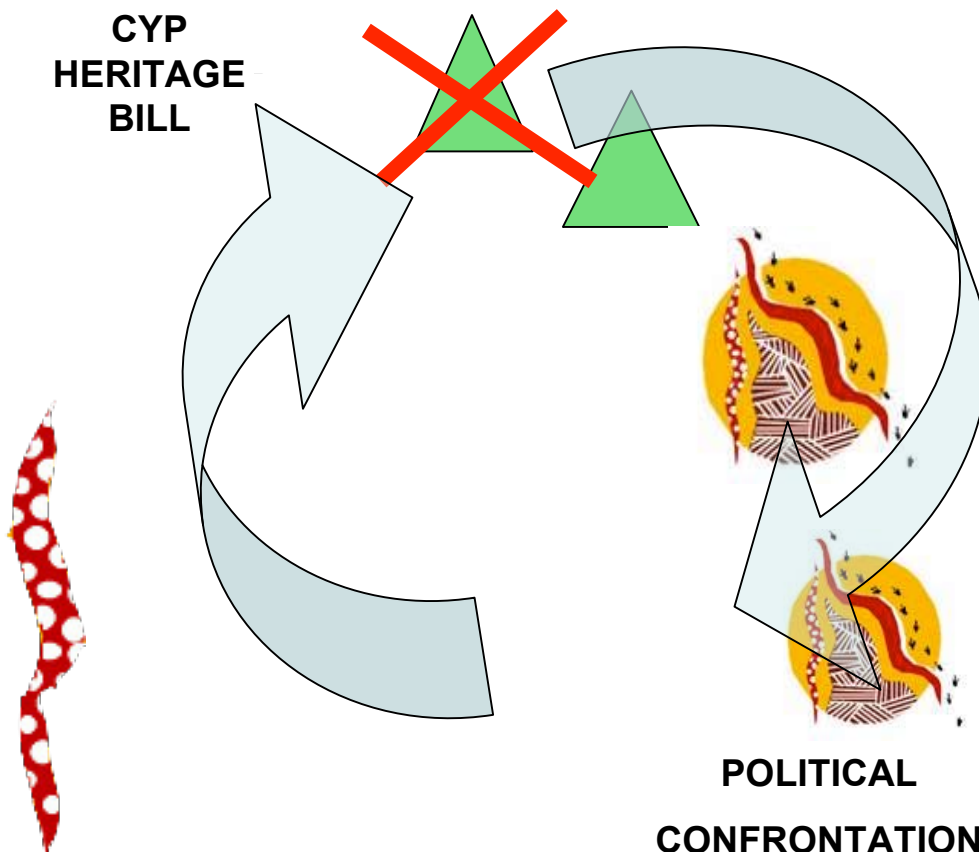
### NOW

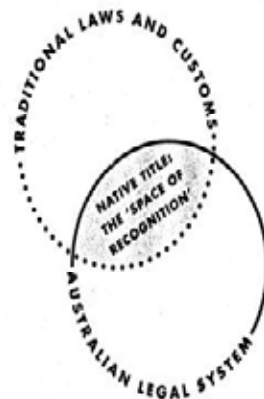
This Bill for Cape York Peninsula is historic. It creates number of **Queensland F**

**first time for joint management of national parks in Qld**

**first time for Aboriginal communities be let off from the ban on tree clearing.**

**first time that Native title has been protected under wild rivers laws.**





ON 7 june 2007 Premier Beattie tabled the Cape York Peninsula Heritage Bill in the Queensland Parliament. The Land Council hoped it would become law in August 2007.

**THE BILL ONLY APPLIES TO CAPE YORK PENINSULA.**

**1. Joint management of National Parks**

Joint management of Cape York Peninsula's National Parks and the setting up of a regional indigenous advisory committee to give advice to the Queensland Government on the new joint management arrangements.

**2. Changes to Wild Rivers**

The Wild Rivers Act will be changed so Native Title is protected and water allocations are made to each community for development.

**3. Vegetation clearing**

Applications will now be allowed for vegetation clearing on Aboriginal land for development purposes.

**4. Acquisition money**

The Queensland Government will set up a \$15m acquisition fund to buy properties back for indigenous development, grazing and conservation.



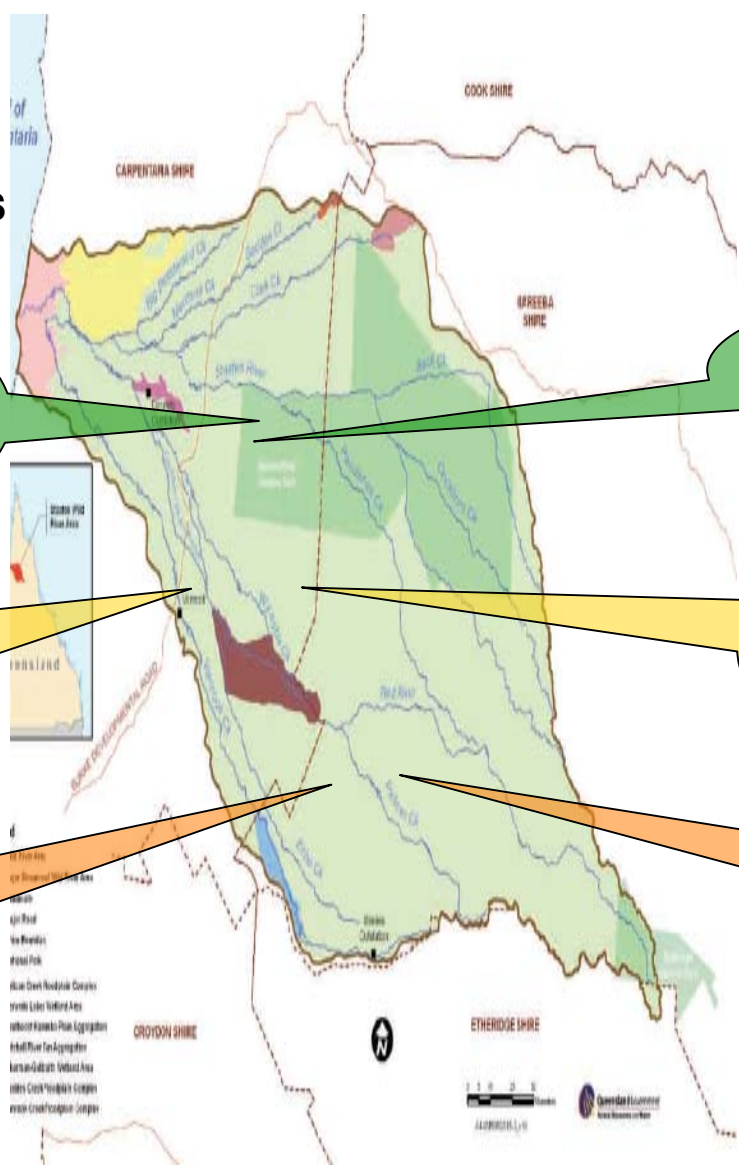
**AFTER THE CAPE YORK PENINSULA HERITAGE BILL**

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**BEFORE**

Before the Bill was negotiated, land rights on Cape York Peninsula were threatened:

no joint management of national parks

Aboriginal communities could not clear trees for development

wild rivers threatened native title and land

Staaten 'wild river' Declaration



# CYLC FUTURE ACTS UNIT REPORT

## MINING

**Over the past few months our Mining Section has been concentrating attention on the Queensland Governments review of the Native Title Protection Conditions (NTPCs) and the development of our database of all mineral exploration and mining tenements in Cape York.**

The NTPC's review has been a considerable disappointment to CYLC and other Land Councils. When the NTPC's were first introduced after very limited consultation between Queensland Resources Council (the Miners), Queensland Indigenous Working Group (QWIG) and the Queensland Government (in which CYLC were not invited to participate) the Government, in response to criticism, undertook to conduct a review of the use of the expedited process for dealing with mineral exploration applications and of the operation of the NTPC's.

The Government has reneged on that undertaking and limited the review to a technical review of the NTPC's. Furthermore the review which began in late 2005 was not actively pursued by Government for some 15 months and in the result a very limited opportunity and totally inadequate time period was allowed for consultation with Land Councils and Traditional Owners.

The draft report provided to CYLC indicates that the review was a "pretend review" and that no meaningful consultation has taken place or was intended to take place with Indigenous stakeholders.

CYLC has appealed to the Minister Hon. Craig Wallace requesting that he intervene to extend the review period to enable revision of the Terms and Reference and the review process and allow meaningful consultation.

If the situation is not rectified we will enclose with a future newsletter an analysis of what has occurred and

illustrate why we contend that the interests of indigenous stakeholders are being ignored.

Our Capacity Development Officer Margaret Ross-Kelly and Future Acts Officer Elsie Ahmat have been very busy setting up a database structure which will be used to record details of all future, present and past mineral exploration and mining activity on Cape York as far back as records are reasonably accessible. The database will use the Filemaker Pro 8.5 program – on which a number of CYLC staff have recently received expert training – and Margaret and Elsie have been liaising with Future Act Unit staff at Carpentaria Land Council to develop the framework for the database.

The setup of this much needed database is well progressed and we will shortly begin the task of gathering and inputting the data on a tenement by tenement basis. This task will take a considerable time to complete as we begin with the latest tenements and work back in time to the oldest tenements for which material can be reasonably readily accessed.

Whilst these two activities have been occurring the Mining Section has concurrently been dealing with notifications of applications for new exploration tenements, the conduct of Group meetings to select Future Act Coordinators and the conduct of Capacity Development Program information meetings with staff of the Department of Natural Resources and Water.

## PNG GAS PIPELINE ILUA UPDATE

**A number of Traditional Owners have been enquiring about the position with this historic ILUA and the related Commercial Process Agreement.**

Whilst the PNG parties are considering the available options for disposal of their gas production and the PNG National Elections are in progress it is unlikely there will be any significant progress.

Carnegie Wylie & Company and CYLC remain hopeful that this "on again - off again" project will proceed and are in consequence proceeding with registration of the ILUA.

The ILUA was lodged for evaluation and having

satisfied the pre lodgement testing requirements has been lodged for registration with NNTT. It is in course of being checked and we are hopeful that notice of intention to register will be published shortly.

Registration of the ILUA will place the affected Traditional Owner Groups in an advantageous negotiating position, if and when the project proceeds, because they will not, unlike other Groups, have to begin the process afresh but will be waiting for every one else to catch up.





## CYLC PROCESS FOR REPORTING OF FUTURE ACTS

The Native Title Act contains a series of provisions which set out the rights of registered Native Title Determination (NTD) applicants and those they represent where the Federal, State or local level Government authorities or their agencies are asked to issue licences, permits or other rights to do some thing on country which may impact on native title rights.

Unfortunately indigenous respondents to registered NTD Applications and those indigenous people whose country is not under a registered NTD Application do not receive the benefits of these provisions but are accorded some protection by Cultural Heritage legislation.

The rights conferred by these provisions vary, according to what is being applied for, from a right to be told something will be done, through a right to comment, through a right to be consulted to a partial or full right to negotiate.

When a Government authority or agency is considering the grant of an application for a licence or permit or other right notification of that application is usually given to CYLC (unless the Claim Group has given a different address in the NTD Application).

After CYLC receives these notifications it was our past practice to send out the notice with a letter to the members of the impacted NTD Application Groups. This practice had limited success and produced limited responses.

We are currently in the process of asking each of our Traditional Owner Groups to appoint an appropriate but limited number of active, interested and easily

contactable Future Act Coordinators who can:-

(a) receive these notifications from CYLC and consult with their wider group about them; and

(b) liaise with our Future Acts Officer Elsie Ahmat (and other staff where necessary) to advise us of the response of their Group in an effort to ensure that native title rights are recognised and respected and that proper steps are taken to protect any preserve traditional culture and heritage.

We are hopeful that this approach will lead to the development of a close working relationship between our Future Acts Officer and the Coordinators which will best achieve our joint objectives.

In the short time we have been using this new approach we have succeeded in identifying and focussing attention on significant issues such as Telstra Optic Fibre cable installations, Department of Main Roads works and some development proposals. This concentration is helping us to both achieve outcomes for Traditional Owners and develop working relationships with these agencies and a recognition from them that indigenous rights must be recognised and respected.

**Any queries regarding future act notifications should be made in the first instance to our Future Acts Officer Elsie Ahmat.**

CYLC is running a competition to

### ***Name our Newsletter!!!***

Send through your suggestions about what you think the Cape York Land Council Newsletter should be called. We are offering a promotional bag containing lots of prizes for the best suggestion.

**Send your ideas to Kirsty Broderick at Cape York Land Council**

**Email: [kbroderick@cylc.org.au](mailto:kbroderick@cylc.org.au)**

**Mail: PO Box 2496, Cairns, Queensland, 4870**

**Fax: (07) 4051 0097**

The name will be selected by the CYLC Executive Committee at its next meeting and a picture and an article about the winning person will be printed in the next edition of the Newsletter due in December. The competition closes on Wednesday 31 October 2007 at 5pm, so make sure you send your ideas to us before then to win this great prize.

# CALL FOR YOUTH ACTION!

**The Cape York Youth Action Network is currently establishing the Indigenous Environment Foundation (IEF). Our growing network of young leaders from Cape York have come together to build on the foundations that our Elders achieved in their struggle to get land back and attain Native Title.**

In Australia on country, Aboriginal people (Bama) have extensive Traditional Knowledge and experience of different seasons and cycles within each of our homeland areas.

Recent experience with the Wilderness Society has shown that they are not in touch with the concerns and views of Indigenous people.

There is a clear need to establish a new conservation organisation which is representative and responsive to the Traditional Owners of Cape York.

This is why we felt it necessary for an organisation like IEF to exist, as this will place Traditional Knowledge, Law and Indigenous aspirations at the forefront of the Conservation Agenda.

The Wilderness Society and some conservation groups are currently running a range of campaigns for the "conservation of Cape York" including World Heritage Listing, Australian Heritage Listing, Wild Rivers and Wild Country. In their current form, these proposals threaten the very foundations of our right to continue our responsibility for our country. Traditional Owners are coming together again, like our Elders did in the fight for Native Title, to design 'Caring for Country' for the future of Cape York. If we don't do this we



will continue to have western conservation models put on top of our country with little or no negotiation, consultation or compensation. This is becoming the new form of land dispossession for our people and as we have witnessed with National Parks, imposed western conservation regimes on Cape York have failed. Our team has been organising protest pickets at Wilderness Society events, doing media and organising public information stalls in Cairns, Brisbane and Sydney to raise awareness and to advocate for the change we need as the Traditional Owners of Cape York. In June 2007 IEF set-up stall at this year's annual International Dreaming Festival at the Woodford Folk Federation property at Woodford. We spoke to over 400 people over four days, giving away t-shirts and hooded jumpers, and prepared written material, with face-to-face follow up about the conservation movement in Cape York. IEF received acceptance of our aims by the festival organisers and key Indigenous people such as Marcia Langton, Archie Roach and Ruby Hunter.

*(Continued Next Page...)*





# CYLC GETS 'OUT & ABOUT' TO THE LAURA FESTIVAL & BEYOND

Cape York Land Council staff have begun taking promotional tools into the communities and to community events to show Cape York Land Council's achievements, to educate the community about our work as a Native Title Representative Body and to provide native title claims information to community members.

CYLC staff were active at the Laura Dance Festival in June with a picture display of CYLC's vision and goals. The staff have access to claims information that we are able to provide to traditional owners wanting to discuss their native title claims and the native title process. The stall is a great opportunity for community members to speak 'face to face' with Project Staff to ask questions and gain a better understanding of native title and land issues.

We hope to also use future community events to promote CYLC as a potential employer to

Aboriginal youth, Community members and Professional staff.

At future community events we plan to launch the CYLC Website, promote the quarterly CYLC Newsletter and if time permits we may run some native title youth workshops to talk about the history and future of land rights in Cape York.

**If you have a community event and are offering stalls to Cape York Regional Organisations, please contact Kirsty Broderick at the Land Council.**



*(...From Previous Page)*

Our work has helped ensure the passage of the Cape York Heritage Bill which allows for joint management of National Parks and protects some of our economic rights that were threatened by the Wild Rivers Legislation.

We need more people to help with this struggle and to design a conservation regime that respects our rights, protects the environment and is properly resourced.

Our message is clear – We want to look after country our way and there must be Traditional Owner consent for new conservation areas and regimes. We strongly believe that the only way forward for the right Conservation for Australia has to be through, listening, acknowledging and respecting our extensive Traditional Knowledge and Experience on Country for a better Australia – Our Home, Your Home.

**Please call us for more information or if you or your community would like to become involved: Ph (07) 4051 9089 or Indigenous Environment Foundation C/- BALKANU PO Box 7573, Cairns Q, 4870**



# NEW STAFF AT CYLC

Administrative Officer – Andrea Brown (pictured top left) was appointed into the position and commenced on 6 July 2007.

The primary function of the position is to ensure all records on file (current and archived) are scanned and stored electronically. She has been offered a fixed term contract for six months.

Personal Assistant to PLO – Sue McElhinney (seated left) was appointed into the position and commenced on 12 June 2007.

Sue is an experience Legal Secretary and Paralegal. The primary function of this position is to provide secretarial and administrative support to the PLO.



Receptionist – Leisyle Blanco (seated right) was appointed into the position and commenced on 16 July 2007.

Her primary function is to represent the CYLCAC and be the first point of contact for people calling or visiting the organisation, and assist with general office administration.

Compliance Officer – Renae Taylor (top right) was appointed into the position and commenced on 7 June 2007. Renae holds a double degree in Law and Commerce. The Compliance Officer reports to the CEO and has the responsibility of ensuring that the CYLCAC fulfils all of its non-financial reporting and compliance obligations under any native title funding agreement it enters into, including and in particular, its native title program funding agreement with Families, Community Services and Indigenous (FACSIA).

Office Manager – Lara Fisk (not pictured) was appointed into the position of Meetings Coordinator and commenced on 5 June 2007. Since 24 April 2007 she was Acting Meetings Coordinator. Admin support requirements for this position have been reviewed and Lara has been upgraded to Office Manager. The Office Manager will report to the CEO and is responsible for the supervision of all administrative staff, excluding the Personal Assistant to the PLO, and for the coordination of meetings.

Business / Admin Trainee – Lisa Brown (not pictured) is 19 years old and commenced with CYLC on 9 July 2007 as the Business / Admin Trainee. Lisa will be trained in a range of administrative tasks from reception through to assisting the Accounts department.

## ARE YOU A MEMBER OF CAPE YORK LAND COUNCIL???

Cape York Land Council is the Native Title Representative Body for the Cape York Region.

Membership is open to adult Aboriginal persons with traditional or historical interests in Cape York Peninsula.

2007 is an election year for Cape York Land Council Governing Committee members. If you would like to have a say in the management of CYLC, make sure you are a member. Only members can participate in the community elections for Governing Committee members.

If you are a member, but have not received information from CYLC in a while, we may not have your correct mailing address and details.

**To update your details, call CYLC on freecall 1800 623 548 and ask to speak to Kirsty Broderick, CYLC Public Officer.**

**Remember... you need to be a member to have your say at election time!**

Cape York Land Council	CYLC Weipa Regional Office	CYLC Cooktown Regional Office
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**COMING SOON! CYLC WEBSITE AT [HTTP://WWW.CYLC.ORG.AU/](http://www.cylc.org.au/)**