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Mandingalbay Yidinji - Background information

Today's consent determination

For the first time, the Mandingalbay Yidinji People* of far north Queensland have had their native title rights and interests in their traditional lands legally recognised. The Federal Court of Australia has today made a consent determination** recognising their native title rights in areas covering approximately 3,140 hectares 23 km south-east of Cairns.; These areas are in sections of Grey Peaks National Park, Malbon Thompson Forest Reserve, Giangurra Reserve and in certain lots adjacent to Trinity Inlet and Red Bank Creek. The determination settles a native title claim the Mandingalbay Yidinji People lodged with the Federal Court on 18 August 1999. From February 2001 the National Native Title Tribunal mediated between groups with interests in the claim (parties) to assist them in reaching agreement about their rights and interests.

Parties to the claim

The following groups with interests in areas under the native title claim became parties and negotiated with the Mandingalbay Yidinji People about their respective rights and interests.

- The State of Queensland
- Cairns City Council
- Cairns Port Authority
- Ergon Energy Corporation Limited
- Telstra Corporation Limited

Native title rights recognised

The recognised native title rights and interests differ in some parts of the claim area. Native title has been recognised as being exclusive in parts of two lots on Trinity Inlet and a lot on Red Bank Creek. This recognises the Mandingalbay Yidinji People's right, in accordance with traditional laws and customs,



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For definitions of specific native title words and terms see the Glossary.

to possession, occupation, use and enjoyment to the exclusion of all others (except in relation to water).

Native title has been recognised as being non-exclusive in parts of the Giangurra Reserve, part of the Malbon Thompson State Forest, and part of Grey Peaks National Park. Some of these rights are to access, camp, hunt, fish, gather, use the natural resources, protect significant places and perform ceremonial activities in these areas in accordance with their traditional laws and customs.

Indigenous land use agreements

Before the determination was made the Mandingalbay Yidinji People, the State of Queensland, the Mandingalbay Yidinji Aboriginal Corporation and Wet Tropics Management Authority developed an indigenous land use agreement (ILUA) that establishes how they will exercise their rights and interests alongside one another. ILUAs are voluntary, legally binding agreements about the use and management of land, made between Indigenous groups and others with interests in a particular area.

The Mandingalbay Yidinji People also developed ILUAs with Telstra, Ergon Energy and Cairns City Council. These ILUAs provide for the organisations' continued access to the areas for emergency purposes and maintenance of essential public services.

Effect on other people's rights

Under this determination the interests of the general public have been recognised and protected. Now that native title has been recognised over Grey Peaks National Park and Malbon Thompson Reserve, the general public can still access and use these reserves. The parties to the claim can continue to exercise their rights and interests in the determination area.

Managing the native title rights

The Mandingalbay Yidinji Aboriginal Corporation has been set up to manage the native title rights on behalf of the native title holders. This is a prescribed body corporate, an incorporated body that the native title holders are required to establish under the Native Title Act 1993. People who wish to discuss native title with the native title holders liaise with this body.

*The Mandingalbay Yidinji People are Aboriginal people who are descendants of Yabalam Jabulum Mandingalpai (Jimmy) and those recruited by adoption in accordance with the traditional laws and customs of the Mandingalbay Yidinji People.

**Consent determinations are Federal Court decisions about whether or not the law recognises that native title exists, that are made with the parties' agreement.

For more details see our website at www.nntt.gov.au and our brochure.

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