Aboriginal people in Queensland: a brief human rights history

*Witnessing to Silence* — sculpture by Fiona Foley, Brisbane Magistrates Court.

Anti-Discrimination Commission Queensland
The *Witnessing to Silence* sculpture by Badtjala artist, Fiona Foley, is an installation that consists of stainless steel columns embedded with ash in laminated glass, bronze lotus lilies, and granite pavers etched with place names.

The work is a memorial to Aboriginal people massacred in Queensland during colonial settlement and expansion. The panels of ash represent the way in which the bodies of the massacred people were disposed of — by burning and discarding — in waterways (the lotus lilies).

The pavers which form part of the installation are etched with the names of ninety-four Queensland towns and places that are sites where massacres of Aboriginal people are known to have taken place.

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Preface

Aboriginal peoples are custodians of the world’s oldest cultures.

The history of Aboriginal peoples prior to British colonisation was of clan or family groups with their own languages, culture and beliefs, living on, and managing their traditional lands and waters.

For Queensland Aboriginal peoples, as with the other states, the colonial period brought dispossession of the land that was central to life and spiritual beliefs, as well as the destruction of the traditional way of life.

Introduced diseases (previously unknown) had devastating effects on health. Removal of children from their families caused harm down the generations, and the legacy of the colonial period has been dispossession, inequality, racism, and injustice for Aboriginal peoples.

This publication gives a brief history of the major events in Queensland that have affected the human rights of Aboriginal peoples since first contact with European people. It is presented to acknowledge that these events took place, that human rights abuses occurred, and that work still needs to be done to repair the damage.

The Anti-Discrimination Commission Queensland acknowledges that language and power are interconnected, and that more than one term may be used to describe events in any historical narrative. For instance, use of terms such as ‘settlement’, ‘occupation’, ‘colonisation’ and ‘invasion’ may depend on the different perspectives of stakeholders. The Commission acknowledges both historical and ongoing injustices to Aboriginal peoples, and the power of language to recognise, ignore, or perpetuate those injustices. In the spirit of respectful scholarship, we note that these terms may be used interchangeably.

The contribution made by Aboriginal people also needs to be acknowledged: to rural, pastoral, and maritime industries; to infrastructure through the construction of roads, railways and buildings; to defence of Australia in time of war; to the arts, literature, sport, and all aspects of community life.

The Anti-Discrimination Commission Queensland acknowledges Aboriginal peoples, and recognises their culture, history, diversity, and deep connection to their traditional lands.

The Commission works to educate the community about the human rights of all people, and reduce the inequality, racism, and injustice experienced by Aboriginal peoples.

This work contains the stories, names, and photographs of Aboriginal and Torres Strait Islander people who have died and may cause distress to some readers.
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Introduction
This resource gives a brief outline of historical and more recent events that have had an impact on the human rights of Aboriginal peoples in Queensland.

It is provided to:

- acknowledge the history, and that certain events took place;
- recognise the impacts of historical events still felt today by Aboriginal peoples;
- recognise that these impacts have resulted in discrimination and breaches of the human rights of Aboriginal peoples; and
- give insight into Aboriginal peoples’ relationships with non-Indigenous Queenslanders, government agencies, and their representatives.
Aboriginal peoples
Before the arrival of Europeans, Aboriginal peoples inhabited the whole of mainland Australia and adjacent islands. Aboriginal people believe that their ancestors occupied the land since the beginning of time.

Aboriginal peoples are acknowledged as custodians of the oldest surviving culture in the world, and their identity is based on connection to their traditional lands, songs, stories, dance, and customs.

Over five hundred clan or family groups — many with distinct cultures, beliefs, and languages — occupied the continent. Natural geographic features, such as rivers, creeks, hills, and mountains defined each clan’s territorial boundaries, which were respected by other clans. Pathways connecting neighbouring clan groups were strictly maintained through generational custodianship.

The traditional territories of Aboriginal peoples include islands close to the mainland, such as the islands of Moreton Bay, the Whitsundays, and islands off the Cape York Peninsula and Gulf of Carpentaria.

The Map of Indigenous Australia, created by David Horton in 1996, attempts to represent all the language, clan, or nation groups of the Aboriginal peoples of Australia, and is available on the Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS) website. It shows the total occupation of the continent pre-contact, and the strictly-observed boundaries that were maintained by Aboriginal groups throughout Queensland and Australia, and is based on the fieldwork and information collected by the anthropologist, Norman Tindale.

Map of Indigenous Australia.

The 2011 Census showed that the Aboriginal and Torres Strait Islander population at 30 June 2011 was 669,900, or three per cent of the total Australian population. The Queensland Aboriginal and Torres Strait Islander population was 188,954 of which:

- 149,072 people identified as Aboriginal;
- 24,386 people identified as Torres Strait Islander; and
- 15,496 people identified as both Aboriginal and Torres Strait Islander.
Land management
Pre-contact Aboriginal peoples had complex systems in place for managing land, fresh water, and the sea.

Early explorers remarked that the landscape resembled European parklands or gardens, with rolling grasslands and cleared forests with no undergrowth. Later, historians acknowledged this to be the result of traditional Aboriginal fire management and the absence of introduced animals.

Large huts up to forty feet long, stone buildings, and other structures, such as raised burial platforms or mounds, were observed. Canoe trees, scarred by removing bark to make canoes, can still be found near riverbanks, and complex systems of fish traps and weirs were used in both coastal and inland Queensland.

Essentially, the daily lives of Aboriginal peoples pre-contact involved the care for and worship of the whole environment of their traditional area.

Family groups, who were traditionally responsible for the custodianship of their areas, managed the land and pathways connecting neighbouring groups, so that the whole country was crossed with accessible paths that were later appropriated by settlers and turned into roads and thoroughfares.
The colonial period
In this resource, we refer to the 'colonial period', by which we mean the time between 1788 when the First Fleet arrived at Botany Bay to establish a British colony, and 1901 when the six colonies became the federation known as Australia. At this time European countries were establishing colonies, overseas empires and trading networks, and rivalry between nations was intense.

Early contact
Aboriginal peoples had contact with explorers, traders, and fishermen in centuries prior to British colonisation of Australia.

In 1606, the Dutch ship, Duyfken, under the command of Willem Janszoon, arrived in the area now called Weipa, but soon left after a ‘skirmish’ with local Aboriginal people. This is the first recorded European ship to land on Australian shores.

The charting of the east coast of Australia by Lieutenant James Cook, and the claiming of it for Great Britain commenced the process of British colonisation of Australia and Queensland, and the dispossession of Aboriginal people of their land.

While sailing up Queensland’s east coast, Cook sighted a group of mountains on the coastal plain of today’s Sunshine Coast, and named them the Glass House Mountains after the glass furnaces in Yorkshire. Aboriginal people had long used this area as a meeting place for ceremonies, trading, and gatherings.

Cook first landed in Queensland at Round Hill (now known as the Town of 1770) on 24 May 1770.

Cook and possession
On 11 June 1770, Cook’s ship, Endeavour, was damaged on the reef, and he and the crew spent seven weeks repairing the ship in the area now called Cooktown. Scientist, Joseph Banks, met and spoke with local Guugu Yimithirr people and recorded fifty of their words, including the word ‘gnagurru’ that he translated as ‘kangaru’.

Ship artist, Sydney Parkinson, sketched the first portraits of local Aboriginal people from direct observation, and naturalist, Daniel Solander, collected, preserved, and documented over two hundred ‘new’ species of plant life.

On 22 August 1770, Cook took possession of the east coast of Australia, ‘together with all the Bays, Harbours Rivers and Islands situate upon the said coast’ on behalf of King George III of England. He named the land New South Wales, and called the island where he made his declaration Possession Island. Bedanug (Possession Island) is of importance to the Kaurareg and Gudang peoples.
While the events that followed the claiming of the country in 1770 are generally known as ‘colonisation’, many Aboriginal people regard them as an invasion of their lands. The importance of the term ‘invasion’ to Aboriginal peoples is that it suggests the use of force, lack of negotiation with Aboriginal peoples, and the resistance that was mounted by Aboriginal peoples.

On the voyage north, Cook recorded signs that the coast was inhabited, and saw a great number of fires on the land and islands, noting: ‘a certain sign they are inhabited’.

**Settlement or occupation**

After the American War of Independence against British rule (The American Revolutionary War) America refused to accept any more English convicts. Britain then turned to the recently ‘discovered’ Australia as a place to transport convicts, as well as to challenge French and Dutch plans to expand their presence in the region.

The first official communication concerning the occupation and settlement of Australia (known as the Draft Instructions of 1787) gave instructions to the first Governor of New South Wales, Arthur Phillip. It stated that the lives and livelihoods of the ‘natives’ were to be ‘protected’, and friendly relations encouraged, but did not mention protecting or recognising their lands. It was asserted by colonial officials, and confirmed by colonial law courts, that Australia was *terra nullius*; that is, land belonging to no one. This assertion continued until the historic *Mabo* decision in 1992.

**Queensland**

Lieutenant John Oxley left Sydney in 1823 to search for a site for a new penal settlement, and encountered shipwrecked convicts living with the Aboriginal people of Moreton Bay, the Kabi Kabi people (also known as Gubbi Gubbi) who directed him to the mouth of the river, which he named the Brisbane River.

The first convict settlement in Queensland was at Redcliffe, but was moved to a superior site on the banks of the Brisbane River (Meanjin) in 1825 near present-day North Quay, after attacks from local Aboriginal people.

At this time, it is estimated that a community of some tens of thousands of Aboriginal peoples lived along what is now known as the Brisbane River, using their established pathways to attend gatherings and visit ceremonial sites.

Huge gatherings often took place on neutral territory, acknowledged by all clans as meeting areas. The Turrbal people’s land was to the north and the Jagera people’s on the southern side of the river. The area remained a penal settlement until 1838 when transportation of convicts ceased, and free settlement commenced in 1842.
Historical documents refer to escaped convicts who lived for many years with Aboriginal people in the area now known as the Sunshine Coast. These convicts became translators between the local Aboriginal people (Kabi Kabi) and the English authorities. The writings of early missionaries and free settlers, such as Tom Petrie, Rev. Ridley, and John Matthews also helped to preserve the Kabi Kabi language and place names. The traditional names of locations in this area (such as Noosa and Mooloolaba) were preserved in this way.

**Depopulation by disease and sexual abuse**

European settlement had a devastating effect on the size of the Aboriginal population, with some scholars estimating a reduction by as much as eighty per cent. The three major causes of depopulation were: massacre, sexual abuse, and disease. The sexual abuse and rape of Aboriginal women and children, and the resulting venereal diseases, sterility, and deaths were noted in the 1845 *Report on the Condition of the Aborigines* to the New South Wales Legislative Council. Introduced diseases such as measles, whooping cough, influenza, tuberculosis, and smallpox had been unknown in the Aboriginal and Torres Strait Islander population, and wiped out whole communities.

**Undeclared wars**

The colonial government promoted migration of free settlers to the colony, made land grants to liberated prisoners and marines, and opened up the country for free selection of ‘Crown’ land – all without any consideration for the traditional Aboriginal owners of the land. With the discovery of gold and minerals in Queensland, there were further incursions on land and resistance by Aboriginal peoples.

With settlers, squatters, and miners occupying lands, destroying habitats and food sources, claiming water holes, and inflicting sexual abuse and violence on Aboriginal peoples, a state of ‘undeclared war’ (sometimes called ‘frontier wars’) developed and continued into the twentieth century.

**Native Police**

The occupation by European settlers of traditional Aboriginal lands was aided by the establishment of the Native Police. This force was formed initially with Aboriginal men from New South Wales and Victoria, who were coerced, and used to reduce Aboriginal attacks and resistance to the settlers. Settlers requested assistance from Native Police to protect their settlements from attacks by local Aboriginal tribes who did not want settlers encroaching on their lands, water, and food supplies.

After the separation of Queensland from New South Wales in 1859, the Native Police were brought under the control of
the Colonial Secretary for Queensland, and called the Native Mounted Police. Native Police patrols spread out from the south-east corner into every Aboriginal trading pathway, crossing the state from south to north, and west from the east coast.

**Policy of ‘disperse and dispatch’**

The Native Mounted Police force was headed by predominantly British officers who were trained to ‘disperse’ and ‘dispatch’ — euphemisms for kill — Aboriginal men, women, and children in order to remove them from lands wanted by settlers. Extermination was often the intent, as well as suppressing all Aboriginal resistance to settlers taking over their traditional lands. Many people now see this as ‘genocide’.

2016 marked the 150th anniversary of the gazetted in Queensland of Regulations imposing a duty on armed officers to ‘disperse’ any ‘large assembly of blacks without unnecessary violence’.

**Massacres**

The ravages inflicted on Aboriginal people and land sometimes led to the murder of a white person, which regularly led to a violent European response culminating in a massacre.

Massacres of Aboriginal men, women, and children by shooting and poisoning of water and flour were well documented in contemporary newspaper accounts, station records, private correspondence from settlers, and in records kept by officers in charge of Native Police patrols. Many other massacres were not recorded, and the bodies of the victims burned to dispose of the evidence; but the memories have lived on in the minds of Aboriginal survivors and their descendants.

The collective silence on the nature and numbers of massacres of Aboriginal peoples in Queensland, and nationally, has been maintained until the relatively recent writings of non-Aboriginal historians that corroborate Aboriginal historical knowledge. The reading list at the end of this resource gives details of works by historians, including Professor Raymond Evans, Dr Timothy Bottoms, Professor Henry Reynolds, and Professor Noel Loos.

Aboriginal peoples retaliated against the taking of their land and diminishing their hunting grounds by blocking key supply routes used by white settlers and mounting attacks on them.
One such attack was by the Jagera people at the Battle of One Tree Hill in the Lockyer Valley.

Aboriginal people resisted the incursions on their lands strongly, and sometimes violently, not only for their physical survival, but to preserve culture and sacred sites.

The Native Mounted Police force was disbanded by 1914 after its purpose was served, and laws were created to contain the remnant populations of Aboriginal peoples on stations until reserves and missions were established.

**Recorded Queensland massacres**
The following list of massacres is not exhaustive, and gives details of only some of the major recorded massacres perpetrated against Aboriginal people, and by Aboriginal people in Queensland:

1831: Up to twenty Ngugi people were killed at Moorgumpin (Moreton Island) by the British military in retaliation for acts of aggression.

July 1831 to Dec 1832: The conflict and violent incidents between Ngugi and Nunukul people of the Moreton Bay islands and soldiers escalated. This was the highest point of racial conflict in the convict era.

1842: At Kilcoy in South-East Queensland, frightened shepherds from Kilcoy Creek fled their outstation and left poisoned flour behind. Around sixty Giggarbarah and Woogunbarah people died as a result.

1842–52: Aboriginal–settler violence became constant in the face of a push by settlers for permanent pastoral occupancy in the Maranoa district, an era known as the Mandandanji Land War. The Native Police waged a bloody campaign to suppress Aboriginal resistance in the late 1840s in areas around present-day Goondiwindi, Condamine, Miles, Roma, Mitchell, Surat, and St George.

1843: Yuggera people, led by Multuggerah, waged a successful guerrilla campaign to stop pastoralists’ supplies getting through to the Darling Downs. There was an ambush of loaded drays in the shadows of Mt Davidson, known as the Battle of One Tree Hill. In reprisal for the Battle of One Tree Hill, squatters hunted, harried, and shot many Yuggera people.

1846: The New South Wales Select Committee on Aborigines estimated that at least three hundred Aboriginal people and fifty Europeans had been killed on the Moreton Bay frontier by 1846.

1847: Fifty to sixty Kabi Kabi (Gubbi Gubbi) people at Whiteside Station in the Pine Rivers District of South-East Queensland were poisoned with arsenic.
1847: A settler shot a ‘native boy’ which outraged the Bigambul people. The settler’s son was killed in retaliation, and this led to a year-long reign of terror by the settler, fellow landowners, and stockmen, in which at least forty-seven Aboriginal people died in a series of attacks around the future Goondiwindi area.

1849: Fourteen Native Police, led by Captain Walker, attacked ‘a large tribe’ on the Severn (now Dumeresq) River and it was reported that the troopers were so excited that Walker could not control them. During that year Aboriginal resistance was ruthlessly put down by the troopers at Carbucky Station, and on the Condamine near Surat.

1849–50: At Gin Gin, south of Bundaberg, two white shepherds were speared by Taribelang Bunda men, and the white settler, Gregory Blaxland, (son of the explorer Blaxland) organised a punitive party in which ‘scores of blacks’ were killed at The Cedars. The Taribelang people responded by abducting and killing Blaxland. Another punitive party was organised with squatters and station hands taking part, and the Taribelang were found near the mouth of the Burnett River on Paddy’s Island where a large-scale massacre occurred. Though numbers are disputed, it appears that hundreds were killed.

1851–52: Native Police engaged in ‘hunting expeditions’ over the Christmas period, with the biggest massacre of Butchulla people occurring at Indian Head on K’gari (Fraser Island).

1855: Kabi Kabi warrior, Dundalli, was hanged at a public execution outside what is now Brisbane’s General Post Office (GPO) on 5 January 1855 following a trial relating to the retaliatory killings of settlers allegedly involved in the 1842 poisoning of Aboriginal people at Kilcoy and Whiteside Stations.

1857: At Hornet Bank station near Taroom, members of the Fraser family were killed in retaliation for the alleged sexual abuse of Jiman women and girls, and for deaths caused by poisoned Christmas pudding the previous year.

1857: Mass killings of Aboriginal people by Native Police and white posses in retaliation for the killing of settlers at Hornet Bank took place. The posses, who acted independently, shot upwards of fifty Aboriginal men, women, and children, and the Native Police over seventy people.

1861: Nineteen settlers and members of the Wills family at Cullin-la-Ringo station, near Emerald in Central Queensland, were killed as retaliation for the shooting of local Gayiri people by a station manager and Native Police.

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and three hundred and seventy Aboriginal people in the Medway Ranges in the Central Highlands.

1862: Korah Wills, the future mayor of Bowen and Mackay, wrote in his memoir of this time of ‘dispersing missions’ in which ‘hundreds if not thousands’ of Aboriginal people were killed.

1865: Seven or eight Woppaburra people on Keppel Island (off the coast near Yeppoon) were shot by Native Police.

1874: Native Police conducted a massive reprisal at Skull Camp for the murder of a German miner, his wife, and daughter in the Palmer River area.

1878: The Kalkadoon resisted the invasion of their lands by pastoralists and miners, and attempted to keep out settlers who violated their sacred places and claimed their waterholes. They offered resistance by ambushing carts, and killed four cattlemen at Woonamo Waterhole on Suliemen Creek, near the future Dajarra.

1879: A massacre of Guugu-Yimidhirr people (who had earlier assisted Cook and Banks) took place at Cape Bedford. Native Police and their superintendent hemmed twenty-eight Aboriginal men and thirteen women in a narrow gorge; none of them escaped. Four swam out to sea, and never returned, and it is thought that they drowned.

1884: The war between the Kalkadoon people and the settlers was ongoing and culminated in a last stand against an expeditionary force led by Sub-Inspector Urqhart of the Native Police in September 1884. On a rocky hill near Prospectors Creek, Kalkadoon warriors hurled missiles at the Native Police and then levelled their spears and charged, before dying in a hail of rifle fire. The area was later named Battle Mountain. A memorial to the Kalkadoon people killed at Battle Mountain was officially opened at Kajabbi by Charles Perkins and Kalkadoon elder, George Thorpe, in 1984.

1884: Skull Pocket, near present day Yungaburra, is said to be the site of a raid and large-scale massacre of Idindji (Yidinydjii) people, including children, by native police.

1886: A massacre of Malanbarra Yidinydji people while participating at a significant ceremony at a corroboree ground in the Mulgrave River district was recorded in the diary of the prospector Christie Palmerston, as well as in Black oral history collections.

1890: The Speewah massacre by Native troopers of Djabugay people who lived in the present-day Kuranda region (Ngunbay) took place.

1918: Kaiadilt people were massacred on Bentinck Island (Mornington Island), though this event was not acknowledged until the 1980s. From oral sources, Norman Tindale compiled a detailed genealogy in which he estimated that about eleven people were killed.
Racial superiority theories

In Europe, Social Darwinists used this theory to support the view of ‘the survival of the fittest’. This theory was used to promote the idea that white races are superior to other races, and therefore destined to rule over them, thus justifying colonialism, imperialism, and racist policies. It became one of the reasons for the belief that the Aboriginal peoples of Australia were a ‘doomed race’, and a justification for ‘protectionist’ policies.

Other disciplines, including eugenics, developed ‘scientific’ justifications for dispossession and ill-treatment of colonised peoples. Aboriginal peoples were classified by ‘blood quantum’ (full-blood, half-caste, quadroon, quarter-caste, and octoroon) where blood quantum was equated with presumed intelligence. This had consequences for future policies about removal of children from Aboriginal families.
‘Protection’ and assimilation eras

The 1787 Draft Instructions to the first governor of the colony were that the lives and livelihoods of the ‘natives’ were to be ‘protected’. This was reinforced by recommendations of the British Parliamentary Select Committee on Aboriginal Tribes (British Settlements) made to the House of Commons in 1837.

However, as government Protectors were appointed and ‘protection’ laws passed, their role quickly changed from ‘protection’ to control of the lives of Aboriginal people.

The ‘protection’ laws were largely repealed by the 1970s, but the legacy of these laws remains.

Aboriginals Protection and Restriction of the Sale of Opium Act 1897

The first of Queensland’s ‘protectionist’ laws — the Aboriginals Protection and Restriction of the Sale of Opium Act — was proclaimed in 1897, and established the framework for government control of reserves and the lives of Aboriginal people, thereby removing the basic freedoms of all Aboriginal people in Queensland. It remained in force until 1939.

The Act established the position of a Regional Protector (usually the local police officer) for each district where there were Aboriginal people. In 1904, the Office of the Chief Protector was established.

The Act, and successive legislation up until the 1970s, gave the Protectors control over every aspect of life, including: determining where people lived and worked, withholding wages and entitlements, restricting land ownership, removing children from their families by force, and controlling personal relationships and contact with family and community.

Aboriginal people refer to this period as ‘living under the Act’.

Mission stations and reserves

Mission stations had been established in Queensland by religious organisations prior to the 1897 Act, and between 1838 and 1968 small amounts of land were gazetted by the government as reserves for use by Aboriginal people. A timeline of the establishment of reserves and missions is given in Appendix 2.

From the final decades of the nineteenth century, Aboriginal people were forcibly removed from their traditional lands to live on these areas. With the passing of the Act, all Aboriginal reserves became subject to the Act, with most reserves under the control of the local Protector of Aborigines.
Protectors determined who could live on any particular mission or reserve, and controlled movement between reserves. Under the reserve system, Aboriginal people who would never traditionally mix with Aboriginal people from other areas were forced together on reserves, in close proximity with traditional enemies.

A small number of Torres Strait Islander people were removed from their homeland islands of Badu, Mabuiag, and Mer between the 1920s and 1940s and sent to Palm Island, Yarrabah, and Mapoon, with removals to Palm Island continuing until the 1950s. One such case was Willie Thaiday, who was sent from Darnley Island to Palm Island and later wrote about his experiences in his book *Under the Act*.

**Reserve life**

Aboriginal people living on reserves were often referred to as ‘interns’ or ‘inmates’, further marking their status as prisoners and non-citizens. During this time, the everyday lives of Aboriginal people were totally regulated, controlled, and recorded by government officials.

**Language and culture prohibitions**

Generally, Aboriginal people living on reserves were forbidden to speak their traditional languages (which were forcibly replaced with English), perform traditional dances, or practise traditional customs. Any breach of these rules was punishable by removal to another reserve, often to Palm Island, near Townsville.

As a consequence, much traditional knowledge was suppressed, though not forgotten or lost, as Aboriginal knowledge was, and remains, an oral tradition.

**Forced labour**

Men, women, and children living on reserves and missions were used as a cheap source of labour. Aboriginal children were considered wards of the state, and removed from their parents’ care to live in segregated male and female dormitories on the reserves.
Formal education was limited to fourth grade, followed by training in farm or domestic duties. At the age of twelve, Aboriginal children were usually placed on mandatory twelve-month work contracts with local farms and stations. They were not given a choice about who they would work for, and allegations of physical and sexual abuse and cruelty were the common experience of many young Aboriginal people.

**Records**

Reserve superintendents, managers, and police Protectors monitored and kept detailed records of the lives of their Aboriginal charges from birth to death. There was no regard for the privacy of individuals, or having any say in decisions that affected their own lives.

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*Cornelius O’Leary was a Protector of Aboriginals from 1922 until 1942, when he was appointed Director of Native Affairs.*

*In 1959 he declared: ‘We know the name, family history and living conditions of every aboriginal in the State.’*

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Many of these records are now held in the Queensland State Archives, and are available to descendants of Aboriginal or Torres Strait Islander people who were residents of reserve communities.

**‘Half-caste’ children**

Church groups and the government considered the presence in the general community of ‘half-caste’ children (the ‘offspring of an Aboriginal mother and other than Aboriginal father’) an embarrassment.

Government policy was that ‘half-caste’ Aboriginal children would be better off not living with their Aboriginal families, as they would be absorbed and assimilated more readily into the Anglo-Australian community if raised in the white community. Severing ties to the traditional, Aboriginal way of life was one of the goals. Many children were removed to institutions remote from their communities, and many never saw their families again.

**Exemption under the Act**

Unless exempted under section 33 of the Act by the Chief Protector, Aboriginal people were forcibly interned on reserves. Section 33 of the 1897 Act stated that:

‘It shall be lawful for the Minister to issue to any half-caste, who, in his opinion, ought not to be subject to the provision of this Act, a certificate, in writing under his hand, and that such half-caste is exempt from the provisions of this Act and the
Regulations, and from and after the issue of such certificate, such half-caste shall be so exempt accordingly.'

Exemption certificates issued to an Aboriginal ‘half-caste’ had to be kept on the person at all times. An Aboriginal person could be stopped at any time by a police officer or other government official to confirm their exemption. An exempted Aboriginal person was not allowed to associate with a non-exempted Aboriginal person.

**Aboriginals Preservation and Protection Act 1939**

In 1939, the *Aboriginals Preservation and Protection Act* repealed the *Aboriginals Protection and Restriction of the Sale of Opium Acts*.

However, the new 1939 Act continued to deny Aboriginal people many of the rights and freedoms afforded to non-Aboriginal Queenslanders, and many Aboriginal people continued living their lives ‘under the Act’. The 1939 law explicitly:

- excluded Aboriginal and Torres Strait Islander peoples from voting in state elections;
- made it unlawful for any Aboriginal or Torres Strait Islander person in Queensland to knowingly receive or possess alcohol;
- restricted movement;
- denied any right to Aboriginal people’s lands of their birth or reserve lands; and
- curtailed access to the normal processes of justice available to the rest of the community.

The 1939 law also continued to give the relevant authorities power to:

- resettle by force;
- remove children without proof of neglect;
- forbid marriage without approval;
- censor mail;
- compel reserve residents to work for low wages (or no wages); and
- seize property without consent.

While the position of the Chief Protector was succeeded by the office of the Director of Native Affairs, the system of Protectors in each district, and superintendents on reserves remained the same.
The dispossession and burning of Mapoon

In 1891, the Mapoon Mission was established in Western Cape York by Moravian missionaries on reserve land.

The Queensland Government forcibly removed many children from the Gulf of Carpentaria region (mainly from Normanton, Cloncurry, Burketown, Thursday Island and Seven Rivers) to Mapoon when the mission became an Industrial School. In 1954, a decision was taken by the church and the Queensland Government to close the mission, declaring it unviable. Residents strongly protested the closure, and conflict developed between the church, residents of the mission, and the government, delaying the closure.

The government commenced building a replacement community at Hidden Valley, near Bamaga, and began moving people to ‘New Mapoon’.

In November 1963, the Director of Native Affairs sent instructions to ‘effect the transfer of the families’ and ‘commence demolition of the vacated shanties on the Reserve’. An armed detachment of Queensland Police arrived at the community on 15 November 1963, and forcibly removed the Aboriginal residents, taking them away by barge. The police then burned their homes, church, and school.

Following the discovery of rich bauxite deposits on Cape York Peninsula, in 1958 Comalco was granted a mining lease of 2,270 square miles of Cape York, which included the land occupied by both Weipa and Mapoon Missions. It has been suggested that this was the real reason for the removal of residents and destruction of Mapoon.

Over the following years, many former residents moved back to Mapoon and, in 1984 established the Marpuna Aboriginal Corporation. The Mapoon Aboriginal reserve, previously held by the Queensland Government, was transferred in 1989 to the trusteeship of the Mapoon Land Trust under a Deed of Grant in Trust (DOGIT).

In 2001, the Queensland Premier, Peter Beattie, apologised to the Mapoon people for ‘actions taken between 1950 and 1963 under the laws of the time’ and expressed ‘sincere regret’ for the distress and personal hurt caused.

Church at Mapoon 1919

Photo from ‘The Queenslander’, held by State Library of Queensland, record 102180.
Assimilation

In 1937, the Commonwealth-State Native Welfare Conference was held, and was attended by representatives from all states (except Tasmania and the Northern Territory) and by the Chief Protectors from a number of states, including Dr Cook from Queensland. The Conference readily accepted the view put forward by the Protectors that people of mixed descent, ‘but not of the full blood’, would eventually be absorbed into the non-Indigenous population, and that all efforts should be directed to that end. The expectation at that time was that ‘full blood’ Aboriginal people would die out.

From that time on, all Australian states adopted policies designed to ‘assimilate’ Aboriginal and Torres Strait Islander people of mixed descent. Implicit in the assimilation policy was the idea that there was nothing of value in Aboriginal and Torres Strait Islander cultures.

In 1961, the Native Welfare Conference released a statement on the assimilation policy which included:

‘The policy of assimilation means in the view of all Australian governments that all aborigines and part-aborigines are expected to attain the same manner of living as other Australians and to live as members of a single Australian community enjoying the same rights and privileges, accepting the same responsibilities, observing the same customs and influenced by the same beliefs, hopes and loyalties as other Australians.’

The assimilation process further destroyed Indigenous identity and culture and meant constant surveillance of Aboriginal people’s lives, judged according to non-Indigenous standards.

Effects of assimilation policy

The assimilation policy meant that many smaller reserves in country areas were closed down, and people were either forced to move to larger reserves, or to regional centres and towns for work.

People who were moved to large reserves, such as Woorabinda, Palm Island, and Cherbourg found themselves isolated and far away from traditional lands, family groups, and their established way of life.

Many people who moved to towns found it difficult to get employment because of the presence of racism in the wider society, where Aboriginal people were often denied services and refused access to community places. As a result, rather than being assimilated, Aboriginal people in country areas were often forced to live in poverty on the fringes of town.

By the late 1960s, much of the labouring work done by Aboriginal and Torres Strait Islander people in road and railway construction and land clearing was being done away with because of new machinery, and this had a great impact on unskilled workers who could not find alternative work. By the 1970s many unskilled workers were forced onto social welfare in order to survive.

A legacy of assimilation is that many Aboriginal and Torres Strait Islander people continue to suffer grossly disproportionate rates of disadvantage against all measures of socio-economic status.
Aborigines’ and Torres Strait Islanders’ Affairs Act 1965

The 1965 Aborigines and Torres Strait Islanders Affairs Act repealed the 1939 legislation and formed the Queensland Department of Aboriginal and Island Affairs, but with little benefit for Aboriginal and Torres Strait Islander people.

The Act created the concept of an ‘assisted Aborigine or Islander’. Any Aboriginal or Torres Strait Islander person living on a reserve was considered an ‘assisted’ person and subject to the Act. The Director of the department had authority to move an ‘assisted’ person from one reserve to another, or declare a person not living on a reserve to be an ‘assisted’ Aboriginal or Torres Strait Islander.

The administration of Aboriginal and Islander property remained with District Officers (as the former local Protectors were now called) who could decide what was in the best interests of the person.

Palm Island: Punishment Island

The Palm Island settlement, 65 km north of Townsville, had a history of forced removals and harsh conditions, and was known as ‘Punishment Island’. Between 1918 and 1972, Administrators removed Aboriginal people from across Queensland to isolated Palm Island, with 3,950 documented removals — some people came from as far away as Brisbane and Cloncurry. Under the Act, the Home Secretary had power to ‘cause Aboriginals within any district to be removed to and kept within the limits of any reserve’. People were removed to Palm as punishment for such things as: being ‘disruptive’, falling pregnant to a white man, or being born with ‘mixed blood’. The first Superintendent of the settlement was a strict disciplinarian who handed out lengthy imprisonments, public humiliations, and floggings to those he perceived as threatening his control. His ultimate punishment was to exile individuals to nearby Eclipse Island with only bread and water.

On arrival, children were separated from their parents and segregated by gender, and all were forbidden to speak their language. The dormitories provided institutional care while also operating as detention centres. Until well after World War 2, the death rate on Palm was higher than the birth rate, with the forced removals accounting for any population growth.

Until the early 1970s, there were morning roll calls and nightly curfews. Administrators had complete and unaccountable control over the lives of inmates, and punishments included shaving girls’ heads, and being deprived of food. All residents (including the elderly and pregnant women) were required to work 30 hours each week, and up until the 1960s, rations were the only payment for this work. The women’s dormitory closed in 1967, and the children’s dormitories closed in 1975.

1957 strike

In 1957, an open and organised revolt occurred. Island residents staged a strike against the harsh conditions imposed by the Superintendent, and demanded improvements to housing, rations, and wages. The catalyst for the strike was the attempted deportation of an inmate who committed the offence of disobeying the European overseer. The strike continued for five days, and the Superintendent was forced to flee his office and call for reinforcements from Townsville. Armed Police arrived by RAAF launch to put down the disturbance. The
seven ‘ringleaders’ and their families were rounded up and marched on board a launch at gunpoint before being deported in leg irons to other Aboriginal settlements.

On the fiftieth anniversary of the strike in 2007, the Queensland Government apologised to the surviving wives of two of the strikers for the actions of the Government.

**Aborigines Act 1971**

With the passing of the *Aborigines Act 1971*, the term ‘assisted Aborigines’ was no longer used, and the forced confinement of Aboriginal people on reserves ceased, as did the forced control over wages and savings.

However, those people whose property (including wages and savings) had been under government control before the commencement of the 1971 Act continued to have their property managed by a District Officer, unless a request for termination was approved by the Director. Until 1975 there was no consent from Aboriginal and Torres Strait Islander people required for another person to manage their property.

**Stolen Generations**

Government policy between 1869 and 1969 was to separate many Aboriginal children from their families and cultures through forced removal, fostering, adoption, and institutionalisation to assist with ‘assimilation’. This created what has become known as the Stolen Generations.

The Royal Commission into Aboriginal Deaths in Custody (announced in 1987) found that many of the deaths investigated by the Commission were of people who had been separated from their families and communities.

The 1997 *Bringing them home* report confirmed the devastating effects of removal, and while the number of Aboriginal and Torres Strait Islander people affected is hard to determine, the report found that:
Nationally we can conclude with confidence that between one in three and one in ten Indigenous children were forcibly removed from their families and communities in the period from approximately 1910 until 1970. In certain regions and in certain periods the figure was undoubtedly much greater than one in ten. In that time not one Indigenous family has escaped the effects of forcible removal (confirmed by representatives of the Queensland and WA Governments in evidence to the Inquiry). Most families have been affected, in one or more generations, by the forcible removal of one or more children.

The 2008 Australian Bureau of Statistics National Aboriginal and Torres Strait Islander survey found that people removed from their natural families often had poor health (including high levels of psychological distress), were more likely to have had contact with the criminal justice system and police, and were generally disadvantaged across a range of socio-economic indicators including education, employment, and income.

On 13 February 2008, the then Australian Prime Minister, Kevin Rudd, made a formal apology to the Stolen Generations.

**Financial control and confiscation**

The 1901 Aboriginals Protection and Restriction of the Sale of Opium Act enabled Protectors to directly control wages and Aboriginal property (including wages and savings). People living under the Act lost all control over their labour, and personal savings.

**Stolen Wages**

The practice of exploitation of Aboriginal and Torres Strait Islander workers through indentured labour (forced servitude), non-payment, underpayment, under-award payments, and withholding or mismanaging wages and savings is known collectively as ‘Stolen Wages’.

**Earnings were appropriated**

Aboriginal workers were required to work for little or no cash, in both private and public employment, with rations and shelter often considered payment.

From 1904, the employment, wages, and savings of Aboriginal people were controlled by the Queensland Government under compulsory labour contracts. Workers’ wages went directly to the Protector, apart from ‘pocket money’ retained by the employer for distribution during the work period.

From 1910, the government took levies from wages of people living on reserves, and in 1919 extended these levies to wages of workers not living on reserves. Forced control over wages and savings finally ceased in 1972.
**Underpayment of award wages**

Aboriginal and Torres Strait Islander workers were routinely paid under-award wages, with Aboriginal workers on reserves being paid fifty per cent of the state minimum wage in 1968.

Equal pay was achieved in the pastoral industry with a Commonwealth Conciliation and Arbitration Commission ruling in 1968. However, this was for many Aboriginal people a hollow victory, as employers took on white labour, rather than pay award wages to Aboriginal workers. Families and whole communities were turned off properties where they had worked for generations, and were no longer able to fulfill obligations to their country.

It was not until 1986 that the Queensland Government granted equal wages to Aboriginal workers.

**Palm Island equal wages case**

In 1985 and 1986, a number of Aboriginal people from Palm Island lodged a complaint of racial discrimination with the Commonwealth Human Rights Commission (later the Human Rights and Equal Opportunity Commission) alleging underpayment of wages by the State of Queensland. They claimed that they were discriminated against because of their Aboriginality in that they were:

- paid wages at a rate less than that paid to people who were not Aboriginal; and
- employed on terms and conditions significantly less favourable than those provided to people who were not Aboriginal.

The claims covered the period 31 October 1975, when the federal *Racial Discrimination Act* commenced, until 31 May 1984, when the administration of Palm Island was transferred from the government to an elected Aboriginal council under the Queensland *Community Services (Aborigines) Act 1984*.

A decision was handed down by the Human Rights and Equal Opportunity Commission (HREOC) in 1996: *Bligh and Ors v State of Queensland* [1996] HREOCA 28 (the ‘Palm Island wages case’) finding that six of the complainants had been discriminated against by the State of Queensland.

*Commissioner Carter concluded that the complainants were ‘demonstrably the victims of racial discrimination’ by reason of the entrenched policy of the Queensland Government during the relevant time to pay Aboriginal workers less than non-Aboriginal workers doing the same work.*

While evidence received by the Commission suggested that the loss of income for individual complainants ranged from $8,573.66 to $20,982.97, Commissioner Carter decided to award $7,000 to each of the successful complainants. This was due to difficulties in precisely and accurately assessing their loss, including the lack of records and faulty recollection of details.
**Responses to Palm Island wages case**

In response to the decision in the Palm Island wages case, the Queensland Government introduced the Underpayment of Award Wages Process (the UAW process) on 31 May 1999. This process made a single payment of $7,000 available to Aboriginal and Torres Strait Islander people employed by the government on Aboriginal reserves between 31 October 1975 (the commencement date of the *Racial Discrimination Act*) and 29 October 1986 (from which point Award wages were paid to all workers).

A total of 5,729 claims were paid under the UAW process, totaling approximately $40 million in payments.

There were, however, a number of features to the UAW process that limited its capacity to compensate people for their loss:

- The amount of $7,000 was a flat sum, paid regardless of the total amount by which a person had been underpaid.
- The period of 1975 to 1986 covered by the process, while reflecting the dates during which the underpayment of wages was potentially discriminatory under the *Racial Discrimination Act*, excluded earlier periods of employment during which people were underpaid.
- People employed by church organisations on mission communities (such as Hopevale, Wujal Wujal, Doomadgee, Arukun and Mornington Island) were not eligible for compensation, as they were not employed by the State.
- People who accepted payment under the UAW process were required to sign a deed to waive their rights to recover any further compensation.
- The closing date for applications was 31 January 2003.
- The UAW process only compensated those people alive on 31 May 1999. The estates of workers who died before that time were therefore not eligible for payment.

**Earnings were diverted into trust funds**

Trust accounts controlled by the Chief Protector came into being as the Protectors’ powers to administer Aboriginal property and money increased. Wages were paid directly to the Protectors, with strict limitations on withdrawals, resulting in a large pool of money.

Pensions, child endowment payments for children under five years, and monies of deceased and missing Aboriginal workers were all absorbed by the trust funds. The trust funds were routinely misused by governments to meet departmental expenditure, and fraud and embezzlement were rife.
Elley Bennett and the trust fund

Elliott (Elley) Bennett was an Aboriginal boxer who held the Australian bantamweight and featherweight boxing titles from 1948 to 1954.

He was raised at Barambah (later Cherbourg) Aboriginal settlement near Murgon, and after a successful boxing career spanning nine years and 59 professional fights, he retired in 1954.

Under the Aboriginals Preservation and Protection Act of the time, Elley didn’t see the money he earned from his fights, as it went into trust accounts from which he could only draw £10 at a time.

When he approached the Queensland Government’s Aboriginal Welfare Fund to retrieve the money he believed was held in trust for him, he was advised that no such trust fund existed.

He had earned a fortune by the standards of the time, and yet he was effectively broke. His life went downhill after that, and he died penniless at 57 years of age.

The Elley Bennett Aboriginal and Torres Strait Islander men’s hostel in the Brisbane suburb of New Farm is named after him, in recognition of his achievements and struggles.

Welfare Fund

Aware of the difficulties with management of the trust funds, the Queensland Government established the Aborigines Welfare Fund in 1943. It is clear that the government saw the Welfare Fund as the key to self-funding Aboriginal administration and minimising revenue input, as the fund had a constant source of income through wages appropriated from Aboriginal workers. Until 1966, a percentage of all Aboriginal workers’ wages was paid into the Fund. Depending on family circumstances, between 2.5 per cent and 10 per cent of wages was taken. Money appropriated from Aboriginal people was used by government to provide basic services to their own communities, but without any say in how the money was used.

The fund was also used for general government liabilities including:

- wages for white overseers on reserves in the mid-1950s;
- land for a hostel near Townsville ($48,000);
- construction of the hostel near Townsville (with $150,000 of Palm Island child endowment funds);
- trucks and launches in 1959;
- reforestation at Hopevale mission in 1963;
- sewerage at the Aitkenvale hostel; and
- new store on Palm Island.

In 1993 the Aborigines Welfare Fund was frozen.
Reparations schemes

In 2002 the Queensland Government made an initial offer of reparation (making amends) to Aboriginal and Torres Strait Islander people whose savings had been controlled under the Protection Acts. The offer, called the Indigenous Wages and Savings Reparations Scheme, was finalised in 2010 when all eligible claimants who took up the offer had been paid.

The balance of capital from the former Aborigines Welfare Fund and the remaining unspent funds from the Indigenous Wages and Savings Reparations Scheme were preserved, and are administered by the Public Trustee of Queensland. The interest on the capital is used to provide scholarships to Aboriginal and Torres Strait Islander young people commencing year 11 to assist them to achieve their Queensland Certificate of Education. The Queensland Aboriginal and Torres Strait Islander Foundation manages the operation of the scholarship scheme.

Many Aboriginal people still feel the ‘Stolen Wages’ issue has still not been satisfactorily resolved.

In 2015, the Palaszczuk government reconsidered the issue. Using $21 million from the Foundation, they reinstated the reparations fund to address the longstanding, historical issue of government control over the wages and savings of Aboriginal and Torres Strait Islander people in Queensland.

Mick Gooda, the Australian Human Rights Commission’s Aboriginal and Torres Strait Islander Social Justice Commissioner, was appointed to head a Queensland Stolen Wages Taskforce of community representatives to advise government on who should be eligible for a reparations payment, and how the assessment process should work. The Taskforce decided that payments of between $1,100 and $9,200 could be made to persons determined to be eligible under the scheme.

Unacknowledged contribution to the economy

Many Aboriginal people lived on reserves or cattle and sheep stations from 1897 up until the 1940s. During these years, Aboriginal girls and boys living on reserves were sent to industrial schools set up on reserves to learn basic labouring and domestic skills, and in a few cases, a trade.

Aboriginal men were employed in the pastoral industry, and in clearing land, and building roads and railways. Aboriginal women and children were employed in domestic service as cooks, maids, and governesses on reserves, stations, farms, hotels and laundries in regional and rural centres. In Brisbane and larger regional centres, they worked in factories and the private homes of families.

The cattle industry in rural and remote Queensland could not have developed without Aboriginal labour.

In recent times, the Australian Stockman’s Hall of Fame in Longreach has acknowledged the contribution of Aboriginal stockmen and Aboriginal women. In particular, their knowledge of country, grasslands, waterholes, and ability to work with animals were invaluable skills to settlers, who did not understand the country, or how to manage it.
War service

From the Boer War through to recent engagements, Aboriginal and Torres Strait Islander people have served in Australia’s military campaigns.

From 1899 to 1902, Aboriginal men from North Queensland were taken to Africa to act as trackers in the Second Boer War.

The Commonwealth Defence Act 1903 excluded Aboriginal and Torres Strait Islander people from enlisting (on the ground of race) because people who were not of European descent could not enlist. To get around this, many Aboriginal people enlisted under assumed identities, and changed their names and places of birth in order to enlist. In 1917, the regulations were relaxed as recruits were harder to find.

When the First World War broke out in 1914, many Aboriginal men were working as stockmen on properties, and, due to their horsemanship skills, many Aboriginal soldiers worked with Australian Light Horse Regiments. The 11th Light Horse Regiment is well known for its significant numbers of Aboriginal soldiers; the 20th Reinforcements were known as the ‘Queensland Black Watch’, as all but two of the unit were Aboriginal men.

Aboriginal personnel in the First World War served on equal terms with other personnel. However, after the war, Aboriginal ex-servicemen and women found that discrimination remained, or had worsened, during the war period in areas such as education, employment, and when trying to get goods or services.

Only one Aboriginal serviceman is known to have received land under a ‘soldier settlement’ scheme, despite the fact that much of the best farming land on Aboriginal reserves was confiscated for soldier settlement blocks.

At the start of World War II, Aboriginal and Torres Strait Islander people were allowed to enlist, and many did so. When Japan entered the war, Torres Strait Islanders were recruited in large numbers.

Removals because of war

During the war years, Aboriginal residents at the Cape Bedford Lutheran Mission (later known as the Hope Vale Mission) near Cooktown in North Queensland came under suspicion. The Mission was run by a superintendent of German descent, and when local whites claimed that the Aboriginal residents were disloyal, the army moved in. On 17 May 1942, a convoy of trucks arrived to remove the Aboriginal people, and take the missionary into internment. Some of the elderly people were removed to Palm Island, but about 300 people were taken over 1000 kilometres south by steamer, train, and cattle truck to Woorabinda in Central Queensland. About 70 of their number (including many children) died.
in the first year at Woorabinda. Those remaining were eventually returned to the mission in 1949.

**Returned service personnel**

Returning soldiers from the Second World War came back to the same discrimination as before. For example, many were barred from Returned and Services League clubs, except on Anzac Day. Many of them were not given the right to vote for another seventeen years. The racial restriction on enlistment to serve was finally removed in 1949.

The following poem was written by Cec Fisher who was the Aboriginal Liaison Officer with the Brisbane Office of the Human Rights and Equal Opportunity Commission, and later the Anti-Discrimination Commission Queensland, and a Korean War veteran.

*Portrait of Aboriginal soldier, E.S. Smith, 1916*

Photo by ‘The Queenslander’, held by State Library of Queensland, record 590248.
Discrimination and me

Discrimination has always been part of my life
Born on a reserve in the early thirties in Queensland
Not much education lived in poverty and strife
White was right never could I understand
Why we lived a different sort of life style
Growing up with anger all the while.

Permits to go out of this reserve even for a day
Often thought of just running away
Treated different because of the Aboriginal Act
No job no money little education soon be brought back
Joined Army to escape from this Aboriginal Mission
Perhaps as a soldier I’d find better condition.

Twelve months I trained as a soldier over here
Then they sent my second battalion to Korea
These people were also fighting for freedom
Started thinking my fight’s not here but back home
My fight is back in Queensland where racism is rife
To help Aboriginal people fight Discrimination is part of my life.

As a soldier outside of Queensland accepted and equal
1956 back home to Queensland racism my pride did steal
Refused entry to hotels and white dances in Queensland State
My feelings for these white racists turns to hate
Amongst my white friends continually make excuse
No-one to turn to for this black soldier’s recluse.

Left the army angry and full of bitterness and hate
Back to my Aboriginal people and the bush to them I relate
To mend my attitude away from this racist society
Don’t need your dances, grog or you too whitey
After a while in the bush with country folks
Learned to heal and enjoy their jokes.

Back to civilisation for another try at this life
To forget the past but still poverty, racism and strife
My people forever bears the brunt it always seems
Is there no happiness, equality, what about happiness and dreams
Don’t these white people who with their invasion steal
Can’t they understand black pride and the shame they make us feel.

Even the Race Discrimination Act they legislated and passed
Can’t ease the pain and suffering this racism cast
Education programs also will fail if done without feeling
Once again black man world and future go reeling
Australians new and old multiculturalism is here to stay
Stop Racism help fight for Equality now today.

The poem, ‘Discrimination and me’ is from a collection of poetry Flag of Unity (1993) by Cec Fisher, and is reproduced here with permission.
Civil rights era

In 1948, following the end of World War II, the international community (through the United Nations) endorsed the *Universal Declaration of Human Rights* that outlined the human rights of ‘all peoples and all nations’.

However, for most Aboriginal and Torres Strait Islander people in Queensland, the principles of the Universal Declaration bore no resemblance to real life. State laws still controlled where many Aboriginal people could live, whether they could travel to another area, and if they could marry. Many Aboriginal and Torres Strait Islander people were not legal guardians of their own children, and were not permitted to manage their own earnings.

In Queensland and elsewhere, the late 1950s to the early 1970s was a time of activism and agitation for civil rights — for the rights of women, for equal pay, for access to free education, for land rights — and for the need to address the disadvantages faced by Aboriginal and Torres Strait Islander people in every aspect of their lives. Civil rights movements were supported by church groups, students, politicians, lawyers, and trade unions.

Television came to Queensland in 1959, and coverage of the civil rights movement in the United States, as well as greater exposure to local and world events, had a profound impact on the emergence of Aboriginal leadership in Queensland.

This era saw the establishment of Aboriginal and Torres Strait Islander community-based organisations, the election of Aboriginal members of Parliament at state and federal levels, and the creation of Aboriginal and Torres Strait Islander representative bodies.

Aboriginal and Torres Strait Islander community-based organisations were formed from local social networks and later became established as community services organisations, such as the Aboriginal Legal Service and the Aboriginal Health Service.

**NAIDOC, FCAATSI, QCAATSI and CATSIAL**

The formation of the National Aborigines Day Observance Committee (NADOC, later changed to NAIDOC) in 1957, the establishment in 1958 of the Federal Council for the Advancement of Aborigines and Torres Strait Islanders (FCAATSI), the Queensland Council for the Advancement of Aborigines and Torres Strait Islanders (QCAATSI), and the Cairns Aborigines and Torres Strait Islander Advancement League (CATSIAL), provided leadership experience for Aboriginal and Torres Strait Islander people in Queensland.

In particular FCATSI, QCAATSI, and CATSIAL collectively commenced a ten-year campaign for a national referendum (that did take place in 1967) to end discrimination against Aboriginal and Torres Strait Islander people in the *Commonwealth of Australia Constitution*. These groups lobbied to extend the vote, and include Aboriginal and Torres Strait Islander people in the national Census.
OPAL
The One People of Australia League (OPAL) was formed in 1961 in Queensland, and was comprised predominantly of members from mainstream Christian churches and service organisations. OPAL was overtly assimilationist in orientation and, until 1975 when its goal became the promotion of cooperation between Indigenous and non-Indigenous Australians, its stated aim was the ‘welding’ of these two groups. OPAL was critical of overt political activism, preferring instead to liaise with the Queensland Government to improve Aboriginal welfare, housing, and education.

Activism
Many Aboriginal activists left Queensland during the late 1960s and early 1970s to escape Queensland's oppressive policies. Despite their absence, those activists continued to support Aboriginal and Torres Strait Islander people and communities in Queensland from interstate and overseas.

Other young and old Aboriginal activists who remained in Queensland were involved in street protests from the late 1960s onwards, and became founding members of organisations such as the Born Free Club, the Aboriginal Health Service, the Aboriginal Legal Service, and the Aboriginal Housing Service that still exist today. Some went on to become academics, administrators, artists, journalists, lawyers, social workers, orators, and highly respected community Elders.

Aboriginal activism in Queensland has always had a high level of participation, and many Aboriginal and Torres Strait Islander people have worked to develop broader community awareness of the situation in their communities.

Aboriginal activists
A small sample of Queensland Aboriginal activists from this era includes:

**Pastor Don Brady**, from Palm Island, combined his pastoral role with political activism and encouraged Aboriginal and Torres Strait Islander people to be proud of their culture. He showed his contempt for the Queensland *Aborigines Act* by publicly burning a copy of the legislation. His radical activity caused him to be sacked by the Methodist Church in 1972, and he subsequently set up his own Black Christian Community Church.

**Mick Miller**, from Cairns, graduated from Kelvin Grove Teachers College in 1959. He was a teacher in Cairns but resigned due to departmental criticism of his personal political activities. He went on to: establish the North Queensland Land Council; head the Commonwealth Government review of Aboriginal employment, education, and training; be banned (along with co-worker Clarrie Grogan) by the Queensland Government from entering Cape York communities while employed with the National Trachoma Eye Health Program.
headed by Dr Fred Hollows, and for allegedly encouraging people on those communities to enrol to vote.

**Mullenjaiwakka (Lloyd McDermott),** from Eidsvold, was the first Aboriginal rugby union player to play for Australia, when he played for the Wallabies in 1962. He gave up his football career and withdrew from the squad, rather than play under the offensive title ‘honorary white’ on a tour of South Africa. He is also Australia’s first Aboriginal barrister, and in 2009 the Queensland Bar Association named an Indigenous barristers’ trust in his honour. The trust provides financial assistance to disadvantaged people of Aboriginal or Torres Strait Islander ancestry to practice at the Queensland Bar. In 2016, he was named in the Queensland Greats awards in which he was described as ‘an inspirational athlete, barrister and philanthropist’ and particularly mentioned that he ‘has devoted his time and energy to promoting opportunities for young Indigenous men and women’.

**John Newfong,** from Wynnum, worked as a journalist for the *Sydney Morning Herald*, *The Australian*, the *Bulletin*, and was editor of *Identity*, published by the Aboriginal Publications Foundation. He was appointed spokesman for the Aboriginal Embassy in Canberra, and was active in organising the Cook bicentenary demonstration, pointing out that Indigenous Australians had nothing to celebrate. While with QCAATSI, he coordinated the campaign for the 1967 Referendum in Queensland.

**Oodgeroo Nunucal** (Kath Walker), from Minjerribah (Stradbroke Island), was a founding member of QCAATSI, and a highly-regarded Aboriginal poet, writer, and activist.

**Patricia O’Shane,** from Mossman in North Queensland, became a barrister in 1976, and held senior public sector positions in New South Wales. In 1981 she was appointed permanent head of the New South Wales Ministry of Aboriginal Affairs, becoming not only the first Aboriginal person, but also the first woman, to become a permanent ministerial head in Australia.

**Celia Smith,** from Beaudesert (near Brisbane), was a highly active member of QCAATSI, FCATS, and the Queensland branch of the Union of Australian Women. She supported the growing urban Aboriginal community by providing food, shelter and clothing, and was widely known and respected as ‘Aunty Celia’. The Aboriginal Hostels Limited posthumously named the Yumba Houses for Women and Children ‘Celia Smith Hostel’ in her honour.

**Denis Walker,** from Minjerribah (Stradbroke Island) was co-founder and leader of the Brisbane chapter of the Black Panther Party, an Aboriginal Embassy member, and founder of community-based Aboriginal organisations in Brisbane.

**1967 Referendum and its impact**

The Referendum occurred at a time of social and political activism in Australia and Queensland. Aboriginal advancement groups had been set up, and activism was spurred on by the 1965 Freedom Ride, led by Charles Perkins, to draw attention to the poor living conditions of Aboriginal people and the racism that was rife in New South Wales country towns; the Wave Hill station walk-off and land rights claim of the Gurindji led by Mr Lingiari in 1966; and the equal pay case for pastoral workers that was heard in 1966 by the Commonwealth Conciliation and Arbitration Commission.

The Referendum asked people to vote on whether two references in the Australian Constitution that discriminated against Aboriginal people should be removed.
The first reference related to a section that gave Parliament:

‘power to make laws … with respect to the people of any race, other than the aboriginal race in any state, for whom it is deemed necessary to make special laws’ (section 51).

The second reference excluded:

‘aboriginal natives’ in ‘reckoning the numbers of the people of the Commonwealth’ (section 127).

The Referendum returned the highest YES vote ever recorded in a federal referendum, with 90.77 per cent (89.2 per cent in Queensland) of people voting to give the Commonwealth Government power to make laws for Aboriginal and Torres Strait Islander peoples, and to count Aboriginal and Torres Strait Islander peoples in the Census.

The success of the Referendum was of great significance to Aboriginal and Torres Strait Islander people, and held the promise of full and equal citizenship. Aboriginal people had lived under differing, and conflicting, oppressive state laws, and now expected the Commonwealth Government to take the lead in social and political reform, including education and health services.

Following the 1967 Referendum, the Commonwealth Government took on a coordinating role in the development of national policies for Aboriginal and Torres Strait Islander peoples. The policy of self-determination was a guiding principle of the new federal Department of Aboriginal Affairs, and various entities were created to act as advisory bodies to governments.

Since the 1971 Census, data collected about Aboriginal and Torres Strait Islander peoples has enabled key health indicators, such as infant mortality rates and life expectancy of Aboriginal and Torres Strait Islander peoples, to be calculated and compared with the general population.

**Commonwealth schemes**

Other important policy programs that made significant changes to Aboriginal and Torres Strait Islander leadership and direction were the introduction in 1969 of the Commonwealth Abstudy Scheme (Abstudy) and the establishment of the Employment Training Scheme for Aborigines (ETSA).

Abstudy was part of the then Commonwealth Government's commitment to implement special measures to assist Aboriginal and Torres Strait Islander people to achieve their educational, social, and economic potential through financial assistance to study. Initially, the scheme applied only to tertiary studies, with primary and secondary schooling considered to
be a state responsibility. However, it became evident that many Aboriginal and Torres Strait Islander students were not eligible for entry to tertiary studies because of the gap between the cessation of compulsory schooling and normal commencement of post-secondary education. Because of the low numbers of Aboriginal and Torres Strait Islander students staying at school past the compulsory period, the scheme was extended to mature age secondary students to enable them to advance to matriculation studies and to gain entry into tertiary courses.

ETSA was absorbed into the 1974 Whitlam government’s National Employment and Training (NEAT) Scheme that abolished tertiary tuition fees for all students and made additional provisions for Aboriginal and Torres Strait Islander people, including longer periods of employer subsidies, the possibility for employers to engage Aboriginal school-leavers, and the possibility of subsidised on-the-job training of Aboriginal people.

Aboriginal Parliamentary representation

Service in the armed forces by Aboriginal and Torres Strait Islanders in World War II was a powerful argument in favour of the right for returned service personnel to have the vote. In 1949 the Federal Parliament granted the right to vote in federal elections to Aboriginal and Torres Strait Islander people who had completed military service.

In 1962, the Commonwealth Electoral Act was amended to allow all Aboriginal and Torres Strait Islander people to enrol to vote in federal elections, if they wished. Unlike other Australians, it was not compulsory for Aboriginal and Torres Strait Islander people to enrol, and it was an offence for anyone to use undue influence or pressure to induce them to enrol. Once enrolled, however, voting was compulsory.

Prior to the 1962 amendments, Aboriginal people who were exempted from the provisions of the Protection Acts were permitted to enrol to vote in federal elections, and many did so.

Queensland was the last Australian state to give Aboriginal and Torres Strait Islander people the right to vote in state elections in 1965. However, in 1971 Queensland was the first state to endorse and elect a federal Aboriginal Parliamentarian, and in state elections, both Queensland and the Northern Territory elected Aboriginal Parliamentarians in 1974. The first elected Queensland Aboriginal Parliamentarians were:

**Federal**

*Neville Bonner*

Neville Bonner was an Elder of the Jagera people.

In 1971, Neville Bonner was chosen to fill a casual Senate vacancy for the Liberal party, and became the first Aboriginal person to sit in the Australian Parliament. He was elected to the Senate in his own right in 1972, 1974, 1975, and 1980, serving as a Senator for Queensland from 1971 to 1983. In 1984, he was appointed an Officer of the Order of Australia.
The Queensland federal electorate of Bonner was created in 2004, and named in his honour.

**Joanna Lindgren**
Joanna Lindgren is an Aboriginal woman with Jagera and Mununjali ancestry.

In 2015, she was appointed to fill a casual vacancy for a Liberal National Party (LNP) Queensland Senator, but was not re-elected at the 2016 election.

Joanna Lindgren is the great-niece of Neville Bonner.

**Queensland**

**Eric Deeral**
Eric Deeral was a member of the Gamay clan of the Guugu Yimithirr people.

In 1974, he became the first Aboriginal person to be elected to the Queensland Parliament when he was elected to the Far North Queensland state seat of Cook, which he held for one term for the National Party until 1977.

Following his election defeat, he continued to work closely with the community and was the first chairperson of the Aboriginal Coordination Council, established in 1985 to advise the government on the wellbeing of Aboriginal people living on communities.

**Leeanne Enoch**
Leeanne Enoch is a Quandamooka woman of Nunukul/Nughi descent from Stradbroke Island.

In 2015, she was elected as the Labor member for Algester in Brisbane, and is the first Aboriginal woman to be elected to the Queensland Parliament.

She has held a number of ministerial portfolios, and in December 2017 was made Minister for Environment and the Great Barrier Reef, Minister for Science, and Minister for the Arts.

**Billy Gordon**
William (Billy) Gordon won the state seat of Cook, previously held by Eric Deeral. He was elected for the Labor Party, but subsequently became an Independent member, and served as a member of the Queensland Legislative Assembly from 2015 to 2017.
Self-determination

By the mid-1960s, Aboriginal people’s opposition to assimilation and desire for self-determination — to have a say in decisions that affect their lives and communities, and control over how things are done — led to the creation of national organisations that aimed to bring about social and political change. Queensland branches of these organisations actively promoted state issues. In 1972, when the Whitlam Commonwealth government came to power, it introduced self-determination as a key guiding principle in Aboriginal affairs policy-making.

The Aboriginal flag, designed by Harold Thomas, a Luritja man of Central Australia, received exposure when it was flown at the Aboriginal Tent Embassy in Canberra in 1972, and was quickly taken up by Queensland Aboriginal groups. The flag became a symbol of unity and national identity for Aboriginal people, and featured in the land rights movement in the 1970s. The flag was recognised by the Commonwealth Government as an official ‘Flag of Australia’ in 1995.

Federal Council for the Advancement of Aborigines and Torres Strait Islanders

The Federal Council for the Advancement of Aborigines and Torres Strait Islanders (FCAATSI) developed out of a conference in 1958, and the aims of the organisation were to repeal discriminatory legislation at state and federal levels; amend the federal constitution to enable the Commonwealth Government to legislate for Aborigines; improve the lives of Aboriginal people through housing, equal pay, education and adequate rations in remote areas; and advocate for land rights. The Queensland United Council for Aboriginal Welfare attended the first assembly, and Joe McGinness, secretary of the Cairns Aboriginal and Islanders Advancement League, was president from 1961 to 1967.

While the early focus of FCAATSI’s activities was on working for equal wages and working conditions for Aboriginal people, it is best known for its campaign for constitutional change that was instrumental in establishing the 1967 Referendum.

Between 1960 and 1972, FCAATSI played a vital role in Aboriginal affairs by fighting for the rights of Aboriginal and Torres Strait Islander peoples, winning some and losing others. FCAATSI fought against the removal of people from what was called ‘Old’ Mapoon, but without success.

Advisory bodies to government

In 1973, FCAATSI’s representative functions were taken over by the establishment of the National Aboriginal Consultative Committee (NACC), which was an advisory body made up of nationally elected Aboriginal people to advise the federal Minister on any issue affecting Aboriginal people.

In 1977 the National Aboriginal Conference (NAC) succeeded the NACC and was established by the Commonwealth Government to provide a forum for the expression of
Aboriginal views. The NAC saw itself as the elected representative body of the Aboriginal people of Australia, and elections for the thirty-six members, of which Queensland provided nine, were held every three years.

The NAC:
- supported the 1981 World Council of Churches report that criticised Australia’s treatment of Aboriginal people;
- encouraged protests during the 1982 Commonwealth Games in Brisbane to highlight the injustices and discrimination suffered by Queensland Aboriginal people, and to raise the issue of land rights on a national and international level; and
- supported the idea of a treaty (Makarrata).

The Queensland Government, in a Cabinet minute of 23 February 1982 refused to recognise the NAC as the representative body of the Aboriginal people of Queensland. The NAC’s encouragement of protests at the 1982 Commonwealth Games, and their urging of African and other Commonwealth countries to boycott the Games was behind this refusal.

1982 Commonwealth Games protests
Aboriginal people were determined to use the international attention focused on Brisbane for the 1982 Commonwealth Games to bring the issues of land rights and the living conditions of Queensland Aboriginal people to world attention, and protests were planned. In response, the Queensland Bjelke-Peterson government declared a State of Emergency and made street marches illegal. Two large street marches, in which thousands participated, were held in Brisbane on 26 and 29 September, and there were demonstrations and sit-ins during the Games, and arrests were made.

Community-controlled organisations
In the 1970s a number of key community-based organisations were established to provide services for Aboriginal people. In 1972, the Aboriginal Legal Service and the Aboriginal Medical Service commenced operation, with the help of voluntary non-Aboriginal professional staff. The Medical Service was the initiative of Sister Pamela Mam from Palm Island, who was one of the first registered Indigenous nurses in Queensland. Griffith University now offers a nursing scholarship in her name. In 1974, the Black Community Housing Service commenced to assists Indigenous people find long-term housing and accommodation.

The Foundation for Aboriginal and Islander Research Action (FAIRA) was established in Brisbane in 1977 and developed research programs, one of which resulted in the publication of Beyond the Act, a publication that provided the first critique of Queensland laws governing Aboriginal and Torres Strait Islander people.

FAIRA lobbied for, and coordinated protests including the 1982 Brisbane Commonwealth Games protest, land rights protests, and a campaign for the restoration and recovery of the bones of Aboriginal people removed from Queensland by collectors and museums, and taken overseas.

The Waka Waka Cultural Revitalisation Project provided a proactive direction for the revitalisation of Aboriginal cultural practices and knowledge in Queensland.
Queensland Advisory Councils (Reserves)

From 1966, Aboriginal and Islander councils were created on reserve communities to give those communities limited local government powers. It has been argued that these councils were intended to create the impression of democracy.

The 1971 Queensland legislation (the Aborigines Act 1971) established an Aboriginal Advisory Council and an Island Advisory Council to advise the state Minister on matters relating to Aboriginal and Islander affairs. The Advisory Councils were composed of chairmen from various Aboriginal and Islander community councils.

The 1984 Act (the Community Services (Aborigines) Act 1984) changed the names of the advisory councils to the Aboriginal Co-ordinating Council and the Island Co-ordinating Council. Their role was to provide a link between the community councils and government.

At various times, the Queensland Bjelke-Petersen government and department officials suggested that the views and aspirations of the leadership of the various community councils were markedly different from the views and concerns of urban Aboriginal and Torres Strait Islander leaders. However, in the critical negotiations between Aboriginal and Torres Strait Islander leaders about land rights over reserves in the early 1980s, it became clear that they had very similar aspirations, and a united group of Indigenous leaders succeeded in winning significant legislative outcomes from the Queensland Government, furthering the restoration of lands in parts of Queensland, for example, in negotiations to achieve Deeds of Grant in Trust arrangements.

Aboriginal and Torres Strait Islander Commission

The Aboriginal & Torres Strait Islander Commission (ATSIC) was established by the Hawke Commonwealth Government in 1990 as a means to involve Aboriginal and Torres Strait Islander people in the processes of government affecting their lives, and has been described as ‘a bold innovation’. At the time of passing the ATSIC legislation, there was strong opposition from the Coalition who saw ATSIC as a kind of ‘black parliament’.

ATSIC’s structure consisted of a representative arm (office holders elected by Aboriginal and Torres Strait Islander people, who were accountable to the Parliament through the Federal Minister for Aboriginal Affairs), and an administrative arm (public servants employed by ATSIC to manage ATSIC programs).

Elections, run by the Australian Electoral Commission, were held every three years in which Aboriginal and Torres Strait Islander people voted for regional ATSIC councillors in the seven Queensland regions: Cooktown, Cairns, Mt Isa, Rockhampton, Roma, Townsville and Brisbane. Voting was not compulsory.

As well as advocating for Aboriginal and Torres Strait Islander people, ATSIC also had the role of delivering services and programs to the Aboriginal and Torres Strait Islander communities. It was this dual system of accountability —to their Indigenous constituents as well as to Parliament, each with different demands and expectations — that created tensions for ATSIC.

Some Queensland milestones during ATSIC’s history were: participating in native title negotiations; obtaining accredited non-government organisation status at the United Nations; producing the report Recognition, Rights and Reform which outlined programs to address
social justice issues and native title; resurrecting Treaty discussions; delivering Community Development Employment Projects (CDEP) work for the dole schemes in regional, rural and urban areas; and assisting in the development of the United Nations Declaration of the Rights of Indigenous Peoples.

ATSIC had a highly visible presence in an area where ‘success’ is difficult to define and measure, and operated in a difficult ‘climate of criticism’ for the whole of its existence. In 2005, ATSIC was abolished by the Howard Commonwealth government, and responsibility for the programs managed by ATSIC was transferred to mainstream departments and agencies.

**Living on DOGIT lands**

Many Aboriginal and Torres Strait Islander people were moving from reserves to urban centres, and by 1986, only around twenty per cent of Queensland Aboriginal and Torres Strait Islander people still lived in reserve communities.

In the 1980s, there was major law reform relating to land rights and self-management of Aboriginal communities. In response to strong calls from community representatives and activists, the Queensland Bjelke-Petersen government legislated in February 1984 to create Deeds of Grants in Trust (DOGITs) — a secure form of freehold tenure for residents living on reserve lands.

Later in 1984, the *Community Services (Aborigines) Act* was enacted, replacing the *Aborigines Act 1971*, the last of the Protectionist legislation. This new Act granted some limited, local government powers to Aboriginal councils. The *Community Services (Torres Strait) Act* gave the same powers to Torres Strait Islander community councils. The communities were no longer under the control of a manager, and all the restrictions of ‘living under the Act’ ceased to exist with the new legislation.

**Retrieval of reserve lands**

Between 1982 and 1989, Queensland Aboriginal and Islander leaders fought a campaign to secure title over their community reserve lands. By the late 1980s, legislative concessions had been made by the Queensland Bjelke-Petersen government, and most of the largest Aboriginal reserves were granted as inalienable freehold title (without mining rights) to locally-elected Aboriginal councils. These lands are known as Deed of Grant in Trust, or DOGIT, lands. In the Torres Strait, most former reserves became DOGIT land, and were also transferred to locally-elected Island councils.

A DOGIT was not granted to Mer (Murray Island) Council, as the *Mabo* case was before the courts at the time.

In the early 1990s, the Queensland Goss Labor government established a modest land claim process, under the *Aboriginal Land Act 1991*, for Aboriginal people interested in vacant Crown land (including some reserves) outside cities and towns. The *Torres Strait Islander Land Act 1991* also established a land claim process in the Torres Strait.

Since 1993, native title has been found to exist in a number of DOGIT communities. The trustees of these communities must consider native title issues when taking care of and
managing the land. In some cases, the consent of the native title party is required in the form of an Indigenous Land Use Agreement (ILUA).

In 2014, the Queensland Parliament passed the *Aboriginal and Torres Strait Islander Land (Providing Freehold) Act and Other Legislation Amendment Act 2014*, which allowed the grant of ordinary freehold title on parts of the thirty-four Aboriginal and Torres Strait Islander DOGIT communities.

The objective of the legislation was to provide greater economic development opportunities, and remove barriers to home ownership. The freehold approach is voluntary, not mandatory, and the trustees hold the decision-making responsibility to decide whether their community should proceed down the freehold path.

Some people have expressed concerns about transferring the tenure of selected land from communal ownership to freehold title. Such a transfer would abolish native title over the chosen land, and if there was a default in a mortgage over the land, a financial institution could foreclose, and the traditional land could be transferred as freehold to non-Indigenous people.

**Local government**

The Mornington Island and Aurukun communities, formerly under the control of the Uniting Church, were brought under the mainstream local government system in 1978, thus becoming the first Aboriginal Shire Councils.

Other local Aboriginal councils, while having the usual responsibilities (for roads, sanitation, water and sewerage) also became responsible for many additional services, including community housing, managing employment programs, running the community police force, and delivering social programs for juvenile justice, families, and drug and alcohol abuse prevention. While embracing the idea of self-determination and self-management, the councils were untrained and unprepared for the extent of the task.

In 2001, Justice Tony Fitzgerald produced the Cape York Justice Study, which ultimately led to a decision to repeal the *Community Services (Aborigines) Act 1984* and transition Aboriginal councils to the same legislative framework as other local governments in Queensland under the *Local Government Act*.

Apart from some minor differences that take account of the different land tenure and circumstances of communities, Aboriginal and Island councils in Queensland now function in the same way as councils under mainstream local government legislation.

The size of elected councils is standardised, with most councils comprising five representatives elected from the community. Indigenous council elections are held every four years, with separate ballots for the Mayor and other Councillor positions.
Deaths in custody
The Royal Commission into Aboriginal Deaths in Custody, announced in 1987 by Prime Minister Hawke, was established in response to growing public concern that there was an unacceptable number of deaths in custody of Aboriginal people, and that the reasons for those deaths were inadequately explained.

The Commission examined all deaths in custody in each state and territory between 1 January 1980 and 31 May 1989, and the actions taken in respect of each death. Of the ninety-nine cases investigated, twenty-seven occurred in Queensland. The report findings established that there was a highly disproportionate rate of incarceration of Aboriginal and Torres Strait Islander people across Australia, and the underlying causes of this very high rate of incarceration were examined.

The Regional Report of Inquiry in Queensland, by Commissioner LF Wyvill Q.C., inquired into the deaths of twenty-seven Aboriginal and Torres Strait Islander people who died in custody during the period. Two of the people who died were Torres Strait Islanders, and six were women. Of the deaths, eight occurred while in prison custody, and nineteen deaths occurred while the person was in police custody, or after removal to hospital from the Brisbane City Watchhouse, the Townsville Watchhouse, the Rockhampton Watchhouse, the Innisfail Watchhouse, or the Laura Police Station.

Commissioner Wyvill stated that:

‘… the weight of evidence presented to me in the course of my inquiries indicates that the legacy of history has been the marginalisation of Aboriginal and Torres Strait Island people in depressed and disadvantaged social conditions. Aboriginal life in Queensland is conditioned by poverty and deprivation. Although the cross-cultural limitations associated with evaluating the standard of Aboriginal social life according to White social indicators must be recognised, those measures demonstrate systemic and structural disadvantage of an appalling magnitude.’

In 1991, the Royal Commission tabled its report which made 339 recommendations, mainly concerned with procedures for persons in custody, liaison with Aboriginal groups, police education, and improved access to information. The Commission also examined the issue of racial discrimination and vilification which it identified as one of the factors contributing to high incarceration rates.
According to the Australian Bureau of Statistics, at 30 June 2015, Aboriginal and Torres Strait Islander people accounted for 27 per cent of the number of prisoners in adult corrective services custody, despite being only 3 per cent of the population. In 1991 when the Royal Commission handed down its report, Indigenous people were 7 times more likely than non-Indigenous people to be imprisoned. Today that figure is now 13 times more than non-Indigenous people.

2016 is the twenty-fifth anniversary of the handing down of the Royal Commission’s report, and its 339 recommendations are still cited whenever there is discussion about the over-representation of Aboriginal and Torres Strait Islander people in custody, and the marginalisation of Indigenous people generally. The apparent lack of commitment by governments to fully implement the Royal Commission’s recommendations has caused significant concern in the Indigenous, as well as the boarder community, especially following the 2004 death in custody on Palm Island.

2004 Palm Island death in custody and riot
In November 2004, a Palm Island man — Cameron Doomadgee (tribal name: Mulrunji) — died in custody in a cell at the Palm Island police station after being picked up for allegedly causing a public nuisance.

As he had no visible injuries at the time of his arrest, there was an autopsy that revealed massive internal injuries.

After the Coroner’s autopsy report was read out to a crowd of angry residents at a public meeting on Palm Island, protests over the death erupted out of control. The police station, court house, and police houses were burnt down, and an emergency declaration was issued by the Police. A Special Emergency Response Team was flown from the mainland to Palm Island, and raided the homes of a number of Palm Island residents.

The Queensland Premier, Mr Beattie, later admitted that the events surrounding the death in custody ‘did strain the relationship between Indigenous Queenslanders and the state government for a considerable period of time — and it may well have done that permanently.’

The officer who arrested Mulriunji eventually stood trial for his death, but was acquitted of manslaughter in 2007.

This chain of events has made it difficult to build trust between police and Palm Island residents in the years since then.

Bulsey and Lenoy case
Following the 2004 Palm Island riots and the declaration of an emergency situation, a police Special Emergency Response Team raided the homes of a number of Palm Island residents. Mr Bulsey was dragged into the street in handcuffs, transported to Townsville, and held in custody. His pregnant partner, Ms Lenoy, was in the house with their children. The police ultimately conceded that they did not have a case against Mr Bulsey and discharged him.

Mr Bulsey and Ms Lenoy sued the State of Queensland for damages for assault and false imprisonment.
In 2015, the Queensland Court of Appeal found that the conduct of the police in detaining and imprisoning Mr Bulsey was not authorised or excused by law, and awarded Mr Bulsey $165,000 and Ms Lenoy $70,000. The case was heard by Justices Fraser, Atkinson, and McMeekin.

Justice Atkinson said:
‘… the treatment of the appellants breached their most fundamental right, the right to personal liberty which is the most basic and fundamental of the human rights recognised by the common law…The appellants in this case were not treated as one might expect in a civilised society governed by the rule of law and it is appropriate that they should be adequately compensated for the grievous wrong done to them.’

Justice McMeekin said:
‘the executive, through the police, wielded enormous power. It is essential that that power be used within the confines of the law. It is important that the courts acknowledge fully the hurt that can be done when the power is misused. … This is not a case of human fallibility. A deliberate decision was made to make a dawn raid on a citizen’s home by armed, masked men and to treat those found within as one would dangerous criminals with no regard whatever for their dignity or rights. The imprisonment continued for days. The hurt was great.’


_Wotton v State of Queensland_ case
This case alleged race discrimination under the federal _Racial Discrimination Act 1975_, and arose out of the conduct of the Queensland Police Service on Palm Island following the death in custody of Mulrunji.

At a public meeting on Palm Island, Lex Wotton (a former Shire Councillor and activist) was a speaker who encouraged immediate action against the police over the death of Mulrunji, and joined in the subsequent riot in which buildings were burned down. Following the riot, the homes of Mr Wotton and his mother were searched by the Special Emergency Response Team (SERT); Mr Wotton was arrested, tasered, and removed from Palm Island under the emergency situation powers.

The applicants in the case — Mr Lex Wotton, his mother Mrs Agnes Wotton, and his partner Ms Cecilia Wotton — brought a representative complaint on behalf of people affected by the alleged unlawful race discrimination of the Queensland Police Service.

The Federal Court found that the conduct of police officers did contravene the _Racial Discrimination Act_, and that the police had acted in this way because they were dealing with an Aboriginal community, and that:

- Queensland Police Service (QPS) officers with command and control of the investigation into Mulrunji’s death did not act impartially and independently.
- During the week following Mulrunji’s death and prior to the protests and fires, there were substantial failures by QPS officers to communicate with the community and defuse tensions.
- The declaration of an emergency situation by the QPS was part of facilitating an excessive and disproportionate policing response, including the use of SERT officers.
The use of SERT officers to arrest suspects and conduct entries and searches was unnecessary, disproportionate, and undertaken as a show of force against local people who had protested about the conduct of police.

Justice Mortimer said:

‘Officers preferred confrontation to engagement and operated very much with an “us and them” attitude. I am comfortably satisfied QPS officers would not have taken a similar approach, in any of the respects I have outlined above, if a tragedy such as this had occurred in an isolated non-Aboriginal community in Queensland. The investigation would have been impartial.’

Mr Wotton and his family were awarded damages of $220,000, and the Court indicated that other Palm Islanders may have independent claims for compensation.

Wotton v State of Queensland (No 5) [2016] FCA 1457 (5 December 2016)

Palm Island class action
In 2017, Aboriginal and Torres Strait Islander people who were ordinary residents on Palm Island and were affected by the police response following the death of Mulrunji in 19 November 2004 were given the chance to register, if they thought they may be able to claim compensation in the class action commenced by the Wottons. In response, 447 people registered.

On 1 May 2018, the Queensland Government announced that they (as the respondent) and the Wottons (as the applicants) in the original case had agreed to a settlement of the class action, and would pay $30 million for compensation and legal fees (‘the settlement fund’) and make an apology to all of the group members for what happened.

Apology to the people of Palm Island
On 28 June 2018, the Queensland Government published an apology that included the following words in the Palm Island Voice, Townsville Bulletin, and The Courier Mail:

‘As a Government, we acknowledge that this experience (between 19 and 29 November 2004) has impacted significantly on your lives. As a Government, we have learned from your significant pain and suffering, and have taken significant steps to ensure that none of our citizens will again suffer discrimination at the hands of their government.

All Queenslanders, irrespective of which community they live in, are entitled to expect equal treatment under the law. The people of Palm Island were entitled to expect that: they were entitled to equal respect and to be treated with the same dignity as any other Queenslander. We acknowledge that the government of the day failed to ensure this equality.’

Murri courts
The Royal Commission into Aboriginal Deaths in Custody contained a number of recommendations to reduce the over-representation of Aboriginal people in prison.

In 2002, the first Murri Court opened in Brisbane as an initiative introduced to reduce the over-representation rate. Murri Courts are for sentencing Aboriginal and Torres Strait Islander people who have pleaded guilty to an offence, and a magistrate presides over the court, assisted by Elders who provide cultural advice to the magistrate. By requiring the offender to be part of the sentencing process (rather than peripheral to it) the aim is to
encourage responsibility, a cessation of criminal acts, and re-integration into the community. There is evidence that this process has reduced reoffending.

Community Justice Groups were also set up in Brisbane and regional centres to provide support and services to Aboriginal and Torres Strait Islander victims and offenders within the criminal justice system.
Human rights

The Universal Declaration of Human Rights, adopted by the United Nations in 1948, sets out the basic rights and freedoms that apply to all people. The Declaration was drafted in the aftermath of World War II, and arose directly from the experience of that devastating global conflict. The Australian Government has agreed to respect, protect, and ensure the human rights recognised in the Declaration and subsequent human rights treaties that it has ratified.

These human rights include: life, liberty, and security of persons; equality before the law; freedom of thought, conscience, and religion; freedom of opinion and expression; the right to work and to free choice of employment; the right to a standard of living adequate for health and well-being; the right to education; and the right to participate in the cultural life of a person’s community.

The influential civil rights leader, Martin Luther King, led a non-violent movement in the late 1950s and 1960s to achieve legal equality for African-Americans in the United States, and was awarded the Nobel Peace Prize in 1964. His ideas resonated with Aboriginal people in Queensland, still living ‘under the Act’.

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**In an address at Western Michigan University on 18 December 1963, Martin Luther King Jr, said: ‘...it may be true that morality cannot be legislated but behaviour can be regulated. The law may not change the heart, but it can restrain the heartless.’**

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International instruments

The concepts contained in the Declaration have been further developed by a number of core international human rights treaties to which Australia is a party. Two of these are of particular importance to Aboriginal and Torres Strait Islander people.

**Convention on the Elimination of all forms of Racial Discrimination**

In 1966, Australia became a signatory to the Convention on the Elimination of all forms of Racial Discrimination (CERD), which entered into force generally in Australia in 1975 with the enactment of the federal Racial Discrimination Act.

**Declaration on the Rights of Indigenous Peoples**

In 2009, the Australian Government pledged its support for the United Nations Declaration on the Rights of Indigenous Peoples.

A number of United Nations bodies have since been established to promote awareness, recognition, and implementation of the human rights of indigenous peoples, including: the Permanent Forum on Indigenous Issues, the Expert Mechanism on the Rights of Indigenous Peoples.
peoples, the Special Rapporteur on the situation of the human rights and fundamental freedoms of Indigenous people, and the World Conference on Indigenous Peoples. Australia is either represented at, or has input with each of these bodies.

The Declaration covers all areas of human rights as they relate to Indigenous peoples, and was the culmination of more than twenty years of negotiation between Indigenous peoples (including Aboriginal and Torres Strait Islander peoples) and governments of the world.

The four fundamental rights of Indigenous peoples, as outlined in the Declaration, are the right to:

- self-determination;
- participation in decision-making;
- respect for and protection of culture; and
- equality and non-discrimination.

These principles are consistent with the aspirations expressed by the Commonwealth Government through the National Apology, the Statement of Intent to Close the Gap, and in supporting the establishment of the National Congress of Australia’s First Peoples.

**Federal Racial Discrimination Act 1975**

The federal *Racial Discrimination Act 1975* reflects Australia’s commitment to the *Convention on the Elimination of all forms of Racial Discrimination*. It provides a general right to equality before the law for people of all races, and has been used by Aboriginal and Torres Strait Islander people to assert their rights.

The important and successful *Koowarta, Mabo, and Bligh* cases — all of which involved Queensland litigants — relied on the Federal *Racial Discrimination Act*:

- *Koowarta*: in relation to land rights;
- *Mabo*: in relation to land and sea rights; and
- *Bligh*: in relation to Stolen Wages.

The *Racial Discrimination Act* has also been used by Queensland Aboriginal and Torres Strait Islander people in to affirm their right to equal treatment when obtaining goods and services.

**Refused service at hotels**

In 1990 and 1991, the Human Rights and Equal Opportunity Commission handed down decisions in nine complaints under the *Racial Discrimination Act 1975* brought by Aboriginal or Torres Strait Islander people about refusal of service at hotels in regional Queensland.

The hearing commissioners found in some cases that a ‘colour bar policy’ was in place, and described the ‘demeaning manner’ in which the complainants were denied service. The refusals were ‘calculated to disparage them in their role as law abiding well-behaved citizens of the community and to bring them into public contempt and ridicule.’

One complainant said that he felt ‘shamed’, and ‘real small’, and that the incident occurred in front of some other customers ‘who were mates’.

In most cases, the respondent publicans were ordered to publish apologies in local newspapers and pay financial compensation to the complainants for their humiliation and
embarrassment. One hearing commissioner also said that he proposed to forward a copy of his reasons for decision to the Licensing Commission of Queensland, for that body to consider the fitness of the publican to participate in the hotel industry. He also indicated that he would send his reasons for decision to the Queensland Attorney-General to consider whether express provision should be made in the liquor licensing laws to make refusal of service in hotels on the ground of race unlawful.

Queensland Anti-Discrimination Act 1991
The Queensland Anti-Discrimination Act 1991 came into force on 30 June 1992 and provides comprehensive, state-based, anti-discrimination legislation. The Act prohibits discrimination because of a person’s ‘attributes’ (or characteristics), including race, and also prohibits sexual harassment and vilification. Aboriginal and Torres Strait Islander people have made complaints because of discrimination in all areas of their public lives, including work, education, dealing with state government, and when being provided with goods and services.

A number of significant discrimination cases involving Aboriginal and Torres Strait Islander people have been determined under the Anti-Discrimination Act.

In Barney v State of Queensland and Anor [2012] QCAT 695 (1 November 2012), an Aboriginal man, who worked as a residential care officer, went on sick leave after he found out that a co-worker had made comments to colleagues about his race, and refused to work with a ‘black fella’. When the co-worker was ordered to apologise, she again referred to the man’s race. The Tribunal found that the co-worker’s comments ‘significantly caused’ Mr Barney’s depression and anxiety, as did her failure to apologise appropriately. Mr Barney was awarded a total of $76,704.81.

In Wharton v Conrad International Hotel Corporation [2000] QADT 18 (8 December 2000), a group of thirteen Aboriginal family members and friends, who were celebrating a birthday at a nightclub, were refused drinks (including non-alcoholic drinks) and service on a number of occasions, and were eventually forced to leave by the club’s security officers, for the sole reason that they were Aboriginal people, and were there as a group. The incident log recorded that Security ‘wished to put out a large group of native Australians’ but there was no suggestion of any wrongdoing. One of the security officers is alleged to have said ‘…now piss off you and get out of here — piss off you mob and get out of here and go somewhere else.’ Each of the six complainants was awarded $10,000 for the ‘serious and blatant’ discrimination.

In D v G and O Pty Ltd [1997] QADT 8 (12 February 1997), an Aboriginal woman organised a meeting by telephone to inspect a unit that was advertised for rent. When she met the man, he told her that since she had telephoned him, he had rented the flat to another person. She felt that as soon as he saw that she was an Aboriginal person, he made up the story. Later, she asked a relative to call the man and see if the unit was still available. The man said that it was. The woman was awarded $9,000 in damages and costs.

Note: In this case the Tribunal ordered that the names of all the parties be suppressed.

In Sailor v Village Taxi Cabs Pty Ltd [2004] QADT 15 (20 May 2004), a fifty-year-old Aboriginal woman, who was a regular taxi-user, complained about the service provided on a number of occasions by a local taxi company. She said that the following incidents had
occurred while she was a passenger: the driver called her a ‘black slut’; she was asked to open her bag on a number of occasions, so that the driver could see if she had enough money for the fare; the driver did not take her where she asked to go; and the driver made the comment to her ‘So, you are sober today.’ The taxi company was ordered to pay Mrs Sailor $7,500, as well as her legal costs.

In *Lynton v Maugeri* [1995] QADT 3 (4 May 1995), a woman of Aboriginal descent, who had been living in emergency accommodation with her husband and six children, was refused rental accommodation by a property owner who had a house for rent. The woman was told that the house was ‘too good for you’ and suggested that she rent another property which was old and run down. Later that day, the woman’s brother rang the property owner to enquire about renting the house. He was asked what colour he was, and was told that the owners did not want any black people living in the house. Mrs Lynton was awarded $18,000 in damages.

In *O’Neill v Steiler* [1994] QADT 2 (20 June 1994), an Aboriginal man, who was an experienced manual labourer, applied for an advertised job as a windmill assistant. On presenting for the interview, he was informed that the position had been filled. This was not the case, and the prospective employer told the employment agency officer that he would not employ, or work with, an Aboriginal person. Mr O’Neill was awarded $19,082.19.
Land rights in Queensland

With colonisation, the colonisers claimed all land as Crown land, with the result that almost all land in Queensland was taken from its traditional owners and became either freehold land, or pastoral lease land. Some areas were set aside as reserves, missions, and settlements and Aboriginal people were moved from their traditional lands to live on those areas. The government controlled this land as Crown land.

However, in the Torres Strait most traditional owners remained on their traditional lands, although there was no recognition by government of their ownership of those lands.

Over many years, Aboriginal and Torres Strait Islander peoples have devoted themselves to retrieving their traditional lands, and have fought hard for recognition of their land rights.

Koowarta case

In the 1982 landmark case of Koowarta v Bjelke-Petersen, John Koowarta, a member of the Wik nation, and traditional owner of land at Archer River Bend in Cape York, won his case against the Queensland Government.

The Commonwealth Government’s Aboriginal Land Fund Commission had granted funds to Mr Koowarta and a number of other Aboriginal stockmen for the purchase of a pastoral lease that covered much of the Wik people’s traditional land. The Queensland Government blocked the transfer of the lease, and the reason given by the Minister for Lands was that he believed that ‘sufficient land in Queensland is already reserved and available for the use and benefit of Aborigines’. Mr Koowarta took legal action under the federal Racial Discrimination Act 1975, and argued that blocking the sale was race discrimination.

The Queensland Government argued unsuccessfully in the High Court that the Racial Discrimination Act was invalid, and the case was remitted to the Supreme Court of Queensland where a decision was made in favour of Mr Koowarta.

The sale was to proceed, but at the last minute the Queensland Government declared the property a national park to again foil the sale.

John Koowarta

John Koowarta was an Aboriginal man of the Wik nation from the Aurukun region of Cape York. In 1974, he and a number of other Aboriginal stockmen planned to purchase a pastoral lease on an Archer River cattle station located in the Wik peoples’ traditional homeland. They approached the Aboriginal Land Fund Commission to assist with the purchase of the property lease. In early 1976, the Commission made a contract to purchase the property, but before the sale could be completed, it was blocked by the Queensland Government.

Queensland Premier Bjelke-Petersen would not approve the sale because the official cabinet policy at the time did not support Aboriginal people acquiring large areas of land. Mr Koowarta then lodged a complaint under the federal Racial Discrimination Act 1975 with the Human Rights Commission, alleging race discrimination in the refusal of the sale and lease of land by the Queensland Government.

In response, the Queensland Government commenced legal action in the Supreme Court of Queensland, arguing that the Racial Discrimination Act was not valid under the Australian Constitution.

Validity of the Racial Discrimination Act affirmed

The case then went to the High Court to determine the constitutional issue: Koowarta v Bjelke-Petersen [1982] HCA 27.


By upholding the validity of the Commonwealth’s use of its external affairs powers to implement international treaties in domestic law, the case paved the way for other landmark High Court decisions, such as the Franklin Dam case. Without the outcome achieved in Koowarta, there would have been no Mabo case in 1992.

The case was remitted to the Supreme Court of Queensland where, in 1988, a decision was made in favour of Mr Koowarta. The sale proceeded, but the Queensland Government declared the Archer River property a national park to ensure no-one would own it.

In 2010, Premier, Anna Bligh, announced that part of the park would be given to the Wik Mungkana peoples as freehold land and named the Mungkan Kandju National Park.

In 2012, Premier, Campbell Newman, handed back the Mungkan Kandju National Park to its traditional owners — the Wik Mungkan, Southern Kaanju, and Ayapathu Peoples — following a historic agreement signed by the Queensland Government and the Oyala Thumotang Land Trust, representing the three traditional owner groups. The Premier said:

‘The return of this land as freehold serves in part to rectify a past action whereby Wik Mungkan People were prevented from purchasing the Archer Bend Pastoral Holding as a pastoral lease.’

The campaign started by John Koowarta nearly 40 years previously had ended.

Mabo case
In 1982, Eddie Mabo and other traditional owners from Mer (Murray Island) commenced litigation to claim traditional title to Mer and associated islands and reefs. In an attempt to thwart this claim, the Queensland Bjelke-Petersen government passed the *Queensland Coast Islands Declaratory Act 1985* to retrospectively extinguish any property rights owned by Eddie Mabo and other traditional owners. In 1988 the High Court found the Act was inconsistent with the Commonwealth *Racial Discrimination Act*.


Mabo (No. 2) case
In 1992, after a ten-year court battle by Eddie Mabo and other traditional land owners of Mer, the High Court delivered one of the most significant legal decisions in Australia's history. The *Mabo (No. 2)* case recognised that:

- At the time of colonial settlement of Australia, Aboriginal and Torres Strait Islander peoples had native title to their traditional lands, and that title survived Crown annexation.
- Since 1788, much of that title had been extinguished without compensation to the original owners of that title.
- Australian law recognises the ongoing existence of native title where Indigenous people have a connection to their land and waters through their traditional customs and laws.


Eddie Mabo
Eddie Mabo (born Edward Koiki Sambo) was born in 1936 on Mer (Murray Island). When his mother died, he was adopted according to traditional custom by his mother’s brother, Benny Mabo. The issue of customary traditional adoption would become of crucial importance to Eddie’s personal claim of traditional ownership of Mer in the *Mabo* case.

When he was 16, Eddie was exiled from Mer by the Murray Island Council. He worked as a deckhand on a pearlling boat and then as a cane cutter and railway fettler on the mainland. He settled with his wife, Bonita, in Townsville where they raised seven children of their own, and three from their extended family.

In Townsville, Eddie became a spokesperson for the Torres Strait Islander community and an activist. He was active in the trade union movement, the Aboriginal and Torres Strait Islanders’ Advancement League, the 1967 Referendum campaign, and helped found the Townsville Aboriginal and Islander Health Service. In 1973, he established the Black Community School with Aboriginal friend Harry Penrith (later known as Burnam Burnam).

From 1967 to 1975, Eddie worked as a groundsman at James Cook University, where he took the opportunity to research his cultural history, and became friends with lecturers Professor Noel Loos and Henry Reynolds.

In 1981, he attended a conference held at James Cook University, ‘Land Rights and the Future of Australian Race Relations’, and gave a speech about land ownership and inheritance on Mer. A lawyer at the conference suggested there should be a test case to claim land rights through the courts system.
The legal challenge

In 1982, five Meriam people: Eddie Mabo, Sam Passi, Father Dave Passi, James Rice, and Celuia Mapo Salee began their legal claim in the High Court of Australia for ownership of their lands. The whole process took ten years, culminating in the successful High Court decision of *Mabo (No. 2)*.

In 1985, the Queensland Government enacted the *Queensland Coast Islands Declaratory Act*, which attempted to retrospectively abolish the native title rights claimed by the Meriam people.

In February 1986, Sir Harry Gibbs (Chief Justice of the High Court) referred the case to the Queensland Supreme Court to hear and determine the facts of the claim. However, the hearing was adjourned when Eddie Mabo and the other plaintiffs brought a second case to the High Court challenging the constitutional validity of the *Queensland Coast Islands Declaratory Act 1985*.

High Court decisions

The High Court, in *Mabo v Queensland* [1988] HCA 69, 8 December 1988 (*Mabo No.1*) found that the *Queensland Coast Islands Declaratory Act 1985* was not valid according to section 10 of the federal *Racial Discrimination Act 1975*. *Mabo (No.1)* meant that the plaintiffs’ claim could continue. John Koowarta’s earlier race discrimination complaint, which validated the *Racial Discrimination Act*, had paved the way for the *Mabo* case.

Hearings resumed in the Queensland Supreme Court, and sittings took place on Mer as well as the mainland, and in November 1990, Justice Moynihan of the Supreme Court handed down his determination of the facts. In it, Justice Moynihan did not accept that Eddie had been adopted by Benny Mabo, or that he inherited any of the lands belonging to him, or had any rights to the areas which were the subject of his claim.

Eddie Mabo was shattered by Justice Moynihan’s finding, but was determined to proceed with the case into the final hearings of the full High Court.

Six of the seven High Court judges upheld the claim and ruled that the lands of this continent were not *terra nullius* or ‘land belonging to no-one’ when European settlement occurred, and that ‘the Meriam people are entitled … to possession, occupation, use and enjoyment of the lands of the Murray Islands’. The decision in *Mabo v Queensland (No. 2)* of 3 June 1992 inserted the legal doctrine of native title into Australian law. The High Court recognised the fact that Indigenous peoples had lived in Australia for thousands of years and enjoyed rights to their land, according to their own laws and customs.

Eddie Mabo did not live to see the result of his claim, and died on 21st January 1992.

At his funeral Eddie Mabo’s legal counsel, Bryan Keon-Cohen QC, said:

‘The most significant point to make is that without Eddie, the case would probably never have begun… [He] was truly inspirational. [and] triggered a very long legal saga that changed the lives of many people. Above all I remember his deep commitment to correcting historical wrongs, some very personal, and to achieving recognition of traditional land rights of his family and his people. He was in the best sense a fighter for equal rights, a rebel, a free-thinker, a restless spirit, a reformer who saw far into the future and into the past.’
Federal Native Title Act 1993
Following the Mabo (No.2) decision, the Commonwealth passed the Native Title Act in 1993, which establishes a framework for the protection and recognition of native title.

Native title can include the right to access an area of land, or the right to participate in decisions concerning how the land or waters are used by other people. Native title may also vary according to the rights of other people, and may exist alongside other rights (called ‘co-existence’).

Native title cannot be bought or sold. However, it can be transferred by traditional law or custom, or surrendered to government, which can then pay compensation to the native title holders in the same way as it does when acquiring rights to other property.

In Queensland, many native title claims have been heard and determined. Appendix 3 lists native title claims that have been determined in Queensland.

Wik case
In 1996, the High Court made an important decision in the Wik case, where the Wik people, the traditional owners of certain parts of Cape York, claimed native title on land that included the Holroyd River and the Mitchelton Pastoral Leases.

The High Court found the laws creating pastoral leases in Queensland did not reveal an intention to extinguish title. The leases in question did not give the leaseholders a right to exclusive possession of the land, and native title could co-exist with the rights of the leaseholder.


Yanner case
In 1999, Murundoo Yanner, an Aboriginal traditional owner from the Gulf of Carpentaria area of Queensland, used a traditional form of harpoon to catch two juvenile estuarine crocodiles for food. He was charged with taking fauna without a statutory permit.

His defence was that he was exercising his traditional native title right to hunt and eat crocodiles, and did not need a permit. The High Court accepted his defence, finding his native title was not extinguished, and that under the Native Title Act, a native title holder did not need a permit for hunting.


Akiba case
Leo Akiba, on behalf of thirteen communities in the Torres Strait, filed a native title claim in relation to waters between the Cape York Peninsula and Papua New Guinea. The sea is an integral part of the lives and livelihoods of Islander communities, and land and sea are seamlessly and culturally connected.

The State of Queensland and the Commonwealth of Australia argued that successive fisheries legislation had extinguished a native title right to take fish, and other aquatic life, from the waters around the Torres Strait.
However, the High Court of Australia found that regulating the use made of the waters does not sever the connection of Torres Strait Islander people with the area, but that ‘commercial’ native title rights are still regulated by relevant fisheries legislation.

The decision brings the rights and interests that Torres Strait Islander peoples enjoy over waters into line with the rights and interests they enjoy over land areas.

*Akiba on behalf of the Torres Strait Regional Seas Claim Group v Commonwealth of Australia* [2013] HCA 33 (7 August 2013).
Reconciliation

The Council for Aboriginal Reconciliation was established under the Commonwealth Council for Aboriginal Reconciliation Act 1991 to commence a formal process of reconciliation between Aboriginal and Torres Strait Islander peoples and other Australians, to be achieved by the year 2001, the centenary of Federation.

Members appointed to the Council were prominent people drawn from Aboriginal, Torres Strait Islander, and the wider community, and worked closely with the Australian Local Government Association to have the issue of reconciliation on the local community agenda.

National Reconciliation week was first celebrated in 1996, and runs from 27 May (the anniversary of the 1967 referendum) to 3 June (the anniversary of the High Court judgment in the Mabo case).

To celebrate the fifth National Reconciliation Week, the Council for Aboriginal Recognition organised a major national event — Corroboree 2000 — during which more than 250,000 people participated in the Bridge Walk across Sydney Harbour Bridge in support of Indigenous Australians. The event highlighted the issue of a lack of an apology by the Commonwealth Government to the Stolen Generations.

In 2001, the Council for Aboriginal Reconciliation was replaced with an independent, not-for-profit organisation, Reconciliation Australia, which is the national organisation responsible for building and promoting reconciliation between Indigenous and non-Indigenous Australians for the wellbeing of the nation.

The Recognise movement works to recognise Aboriginal and Torres Strait Islander people in the Australian Constitution, and is a part of Reconciliation Australia which is governed by its board. The groups Reconciliation Queensland and ANTaR (Australians for Native Title and Reconciliation) promote reconciliation in Queensland.

National Congress of Australia’s First Peoples

In 2009 a steering committee recommended that a new independent representative body be formed — the National Congress of Australia’s First Peoples. It commenced operation in 2010, and is responsible for providing advice to government on, and advocating for, Aboriginal and Torres Strait Islander peoples. Unlike ATSIC, it is not responsible for providing funding or programs to communities, nor is it answerable to government. The Congress is a public company, limited by guarantee, and is owned and controlled by its membership. Continued government funding for the National Congress is currently under review.

In 2013, the Abbot Liberal government formed the Prime Minister’s Indigenous Advisory Council, which includes Indigenous and non-Indigenous members, and its role is to inform
the government’s policy implementation. The twelve-member Council was dissolved in January 2017.

However, in February 2017, Prime Minister Turnbull appointed six new members for the second term of the Indigenous Advisory Council to have a focus on advising the government on practical changes that can be made to improve the lives of Indigenous peoples

Formal recognition of past hurts

**Sorry Day**
The 1997 *Bringing them home* report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families recommended that a National Sorry Day be held each year on 26 May ‘to commemorate the history of forcible removals and its effects’. Sorry Day has been observed each year since 1998.

In 2005, the National Sorry Day Committee renamed Sorry Day as a National Day of Healing for all Australians, so that the day could focus on the healing needed throughout Australian society to achieve reconciliation.

**Queensland Parliament Apology**
On 26 May 1999, the Queensland Premier, Peter Beattie, moved a motion in the Parliament:

‘That this House apologises to Aboriginal and Torres Strait Islander people in Queensland on behalf of all Queenslanders for the past policies under which indigenous children were forcibly separated from their families and expresses deep sorrow and regret at the hurt and distress that this caused.

This House recognises the critical importance to indigenous Australians and the wider community of a continuing reconciliation process, based on an understanding of, and frank apologies for, what has gone wrong in the past and total commitment to equal respect in the future.’

The motion was carried.

**The National Apology**
On 13 February 2008, the Australian Prime Minister, Kevin Rudd, made a formal apology in the Australian Parliament for the ‘laws and policies of successive Parliaments and governments that have inflicted profound grief, suffering, and loss on these our fellow Australians’. He referred to the mistreatment of the Stolen Generations as ‘this blemished chapter in our nation's history’, and said:

‘And for the indignity and degradation thus inflicted on a proud people and a proud culture, we say sorry.’

**Queensland Constitutional recognition**
On 24 November 2009, the Queensland Parliament passed a bill to add a preamble to the Queensland Constitution. The Preamble recognises Aboriginal and Torres Strait Islander peoples in these words:
The people of Queensland, free and equal citizens of Australia—

... (c) honour the Aboriginal peoples and Torres Strait Islander peoples, the First Australians, whose lands, winds and waters we all now share; and pay tribute to their unique values, and their ancient and enduring cultures, which deepen and enrich the life of our community…’

**Family Responsibilities Commission**

In 2008, the Cape York Welfare Reform Trial commenced under an agreement between the Australian and Queensland Governments, and the Cape York Institute for Policy and Leadership.

A key part of the trial was the establishment of the Family Responsibilities Commission, under the Queensland *Family Responsibilities Commission Act 2008*. The objects of the Act include supporting the ‘restoration of socially responsible standards of behaviour’ in Aurukun, Coen, Mossman Gorge, and Hopevale — all located in north Queensland — and with predominantly Indigenous populations. Doomadgee is now also part of the trial.

One of the aims of the Family Responsibilities Commission, which includes senior community members, is to restore culture and Indigenous authority in those areas. Parental responsibility on matters of school attendance, care of children, and drug and alcohol use are connected with payments of government assistance such as Community Development Employment Projects (CDEP) and welfare.

Some controversy accompanied the establishment of the Queensland Family Responsibilities Commission because of an association with the 2007 Northern Territory Federal Intervention on Aboriginal communities. At that time, federal legislation was passed stating that all of the measures introduced through both federal and Queensland legislation establishing the Families Responsibility Commission were to be characterised as ‘beneficial’, and therefore exempt from the prohibition of racial discrimination. This characterisation has since been removed from the federal *Racial Discrimination Act 1975* and the Queensland *Anti-Discrimination Act 1991*.

The life of the Family Responsibilities Commission was set to expire at 1 January 2012, but yearly extensions have been granted following Commonwealth and Queensland Government consultations about financial contributions.
For the future

Constitutional recognition debate
The Commonwealth of Australia Constitution Act 1900 (Imp) established a federal system of government, and how powers are distributed between the national (Commonwealth) government, and the states and territories. The Constitution defines the boundaries of law-making powers between the Commonwealth and the states and territories.

The Constitution does not recognise Aboriginal and Torres Strait Islander peoples as the First Peoples of Australia, and provides a head of power that permits the Commonwealth Parliament to make laws that discriminate on the basis of race. The Constitution can only be changed by the Australian people through a referendum.

In 2010, the federal government established an Expert Panel to investigate how to give effect to constitutional recognition of Aboriginal and Torres Strait Islander peoples. The Panel raised the issue of whether the power in the Constitution to make laws based on race should be removed, and whether a new provision should be inserted prohibiting race discrimination.

As part of the debate, the Anti-Discrimination Commission Queensland hosted a forum on Constitutional recognition, and a YouTube of The Walk the Talk forum is available through the Commission website.

In 2015, the federal government and the Opposition came together to appoint a 16-member Referendum Council to consult widely, and to take the next steps towards achieving constitutional recognition of the First Australians. The debate about this issue is ongoing.

Treaty
In the course of the widespread debate about Constitutional recognition of Aboriginal and Torres Strait Islander peoples, the issue of a treaty has again been raised.

Aboriginal and Torres Strait Islander peoples have at no time ceded, relinquished, or acquiesced any part of their sovereign existence and status, and some argue that a treaty needs to be negotiated with the Commonwealth for the taking of lands, and to recognise the place of Aboriginal and Torres Strait Islander peoples in the nation.
The idea of a treaty dates to colonial times. The failure to enter into a treaty was lamented by the governor of Van Diemen’s Land, George Arthur, who presided over a period of great conflict known as the Black War. In 1832, he remarked that it was ‘a fatal error . . . that a treaty was not entered into’ with the Aboriginal people of Van Diemen’s Land.

An Aboriginal Treaty Committee was set up by the Commonwealth Government in 1979 and ran until 1983. Its aim was to promote the idea of a treaty to non-Aboriginal Australians. The issue of a treaty was again raised by Prime Minister Hawke in 1988, when he announced a proposal for a consultative process designed to finalise a treaty with Aboriginal peoples by mid-1990. That goal was not fulfilled.

In more recent times, a call for a treaty was made at the Corroboree 2000 convention, and the Council for Aboriginal Reconciliation identified a treaty as unfinished business of the reconciliation process.

A treaty negotiated with Aboriginal people remains an unresolved issue.
## Appendix 1

### Queensland Aboriginal timeline

Before European contact, Aboriginal peoples occupied and had complex links and attachments to areas of land and water in what is now known as Australia.

This timeline provides a list of events that have had an impact on Aboriginal peoples in Queensland since first European contact.

<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>1605</td>
<td>Luis Vaez de Torres left Peru seeking the supposed southern continent, and sailed through the waters separating Papua New Guinea and mainland Australia that now bear his name.</td>
</tr>
<tr>
<td>1606</td>
<td>The Dutch ship <em>Duyfken</em> commanded by Willem Janszoon visited and charted the Cape York Peninsula. This was the first record of a European ship to land on Australian shores.</td>
</tr>
<tr>
<td></td>
<td>Macassans from Sulawesi (now Indonesia) visited Australia’s north coast to collect trepang (sea cucumber), traded with Aboriginal peoples, and respected their territories.</td>
</tr>
<tr>
<td>1770</td>
<td>Lieutenant James Cook in the <em>Endeavour</em> reached the east coast of Australia, and from Possession Island (Bedanug) he claimed the entire east coast on behalf of King George III of England.</td>
</tr>
<tr>
<td>1787</td>
<td>Draft Instructions concerning the establishment of a British colony were sent by King George III of England to Governor Phillip, and stated that the lives and livelihoods of the ‘natives’ were to be ‘protected’.</td>
</tr>
<tr>
<td>1823</td>
<td>John Oxley entered Moreton Bay searching for a site for a new penal settlement.</td>
</tr>
<tr>
<td>1825</td>
<td>The colonial administration established a small outpost at Amity, and in 1827 at Dunwich on Minjerribah (Stradbroke Island).</td>
</tr>
<tr>
<td></td>
<td>Between 1830 and 1918 many massacres, including poisonings, of Aboriginal people in Queensland were recorded.</td>
</tr>
<tr>
<td>1833</td>
<td>A Bill to abolish slavery throughout the British Empire (the <em>Slavery Abolition Act</em>), was passed by the Parliament of the United Kingdom.</td>
</tr>
<tr>
<td></td>
<td>Between 1838 and 1968 areas in Queensland were set aside to control the movements of Aboriginal peoples, and they became reserves, missions and settlements.</td>
</tr>
<tr>
<td>1840s</td>
<td>Cedar on the Nerang, Logan, and Coomera Rivers attracted white settlers to the area, resulting in conflict with Aboriginal people.</td>
</tr>
</tbody>
</table>
Queensland Aboriginal timeline (continued)

- 1848: Settlers requested assistance from Native Police to protect settlements from attacks by local Aboriginal tribes. The Native Police force was not a government institution, and was under the command of Frederick Walker.
- 1859: Queensland separated from New South Wales and became the colony of Queensland with its own constitution.
- 1859: Charles Darwin’s book, On the Origin of Species by Means of Natural Selection, or the Preservation of Favoured Races in the Struggle for Life, was published.
- 1864: Native Police were brought under the control of the newly appointed Commissioner of Police, and in 1865 the force was renamed the Native Mounted Police.
- 1865: The Queensland Parliament passed the Industrial and Reformatory Schools Act, which established and regulated schools for children under 15 years of age who were ‘neglected’ or convicted of an offence. A ‘neglected child’ was defined to include ‘Any child born of an Aboriginal or half-caste mother.’ Aboriginal missions were registered as industrial and reformatory schools.
- 1897: The Queensland Parliament passed the Aboriginals Protection and Restriction of the Sale of Opium Act, which established the framework of government policy relating to the control of Aboriginal reserves and Aboriginal affairs in Queensland.
- 1899 to 1902: Aboriginal men from North Queensland were taken to Africa to act as trackers in the Second Boer War.
- 1900: The Native Mounted Police force was disbanded.
- 1901: The Commonwealth of Australia Constitution Act 1900 (the Constitution) was passed by the Parliament of the United Kingdom to federate the states of New South Wales, Queensland, Victoria, South Australia, Tasmania and Western Australia — which were separate colonies within the British Empire — each with their own constitutions, into the constitutional monarchy of Australia. The Act came into effect on 1st January 1901. The Constitution states ‘in reckoning the numbers of people... Aboriginal natives shall not be counted’. It also states that the Commonwealth would legislate for any race except Aboriginal people. The states, therefore, retained their power over Aboriginal affairs.
- 1901: The majority of Aboriginal people had been removed onto reserves.
- 1902: The Aboriginal Protection of Property Account was established under the Queensland Director of Native Affairs Office to absorb monies of deceased and missing Aboriginal workers ‘for the benefit of blacks generally’.
- 1908: The Federal Invalid and Old-age Pensions Act provided social security for all Australians, except Aboriginal people.
Queensland Aboriginal timeline (continued)

- 1912: The *Federal Maternity Allowance Act* provided a lump sum payment to mothers on the birth of a child. Aboriginal, Asian, Pacific Islander and Papuan women were prohibited from claiming the allowance.

- 1914 to 1918: Many Aboriginal and Torres Strait Islander men enlisted in the armed forces during World War I (despite being officially barred from enlisting).

- 1938 (26 January): The first National Day of Mourning and Protest was held in Sydney, organised by the Aboriginal Progressive Association on the 150th anniversary of arrival of the First Fleet at Botany Bay. The Day of Mourning was held annually from 1940 until 1955 on the Sunday before Australia Day, and was known as Aborigines Day.

- 1938 to 1939: The Harvard and Adelaide Universities made an anthropological expedition to field stations in Queensland. Norman Tindale, noted anthropologist and entomologist, visited the Queensland Aboriginal reserve communities of Cherbourg, Yarrabah, Mona Mona, Palm Island, Woorabinda, Bentinck Island, Doomadgee and Mornington Island. Tindale spent time collecting significant cultural material and recording a large number of Aboriginal genealogies (family trees) of Aboriginal residents.

- 1939: The Queensland *Aboriginals Preservation and Protection Act 1939* was passed. This Act repealed the *Aboriginals Protection and Restriction of the Sale of Opium Act 1897*, and made provision for a Director of Native Affairs, who assumed the role of ‘the legal guardian of every aboriginal child under 21’. The Director’s permission was required to employ an Aboriginal person, and the 1939 law explicitly excluded Aboriginal and Torres Strait Islander peoples from voting in state elections, made it unlawful for any Aboriginal or Torres Strait Islander person in Queensland to knowingly receive or possess alcohol, restricted movement, denied any rights to the lands of their birth or reserve lands, and curtailed access to the normal processes of justice available to the rest of the community. It also gave the relevant authorities the power to resettle by force, remove children without proof of neglect, forbid marriage without approval, censor mail, compel reserve residents to work for low wages, or no wages, and to seize property without consent.

- 1939 to 1945: Many Aboriginal and Torres Strait Islander men and women served in all Australian forces during World War II.

- 1941: The Federal *Child Endowment Act* introduced weekly payments to mothers for their children, however no payment was made to ‘nomadic’ or ‘dependent’ Aboriginal people. In 1942, child endowment was extended to Aboriginal children living on mission stations. However, payments to Aboriginal women on reserves went to the Queensland Government.

- 1943: The Aborigines Welfare Fund was created ‘for the general benefit of Aboriginal people’ in Queensland. Until 1966, a percentage of the wages of Aboriginal people living under the Protection Acts was deducted from their earnings and put into the
Queensland Aboriginal timeline (continued)

Fund, which began to be closed in the 1970s. In June 2008, there was $10.8 million left in the Fund which had been earning interest since it was frozen in 1993.

- 1946: The Aboriginals Preservation and Protection Amendment Act made it legal for a 'protector' to remove a person they classified as 'aboriginal' from one district to another within the state of Queensland. This amendment also rendered admissions of guilt made by people classified as 'aboriginal' by the government of the time legal evidence in a court of law. This only occurred if the confession or admission was made in the presence of the Judge, the Crown Prosecutor, and defendant’s counsel, and the Judge believed the 'aboriginal' understood the meaning of the statement and it was made without duress or pressure.

- 1948 (10 December): The Universal Declaration of Human Rights was adopted by the United Nations General Assembly of which Australia is a member. The Declaration arose directly from the experiences of World War II, and represents the first global expression of basic rights and fundamental freedoms to which all human beings are entitled.

- 1957: The National Aboriginal Day Observance Committee (NADOC) was established, and the second Sunday in July was chosen to become a day of remembrance for Aboriginal people and their heritage, replacing Aborigines Day.

- 1957: The International Labour Organisation Convention 107, Convention Concerning the Protection and Integration of Indigenous and Other Tribal and Semi-Tribal Populations in Independent Countries, was adopted by the ILO, but was not signed by Australia.

- 1957: The Palm Island strike followed the attempted deportation of an Aboriginal resident for disobeying the European overseer. The strike was to protest against the policy of non-payment of wages to Palm Island workers. Seven Palm Island residents were removed from Palm Island (Albie Geia, Sonny Sibley and Willie Thaiday were sent to Woorabinda; Billy Corgoo, George Watson and Eric Lymburner were sent to Cherbourg; and Gordon Tapau was sent to Bamaga). In 2007 a commemorative ceremony was held with the Queensland Government apologising to the surviving wives of the strikers.

- 1958: The United Council for Aboriginal Welfare, later known as the Queensland Council for the Advancement of Aborigines and Torres Strait Islanders (QCAATSI), was established.

- 1958: The formation of a federal Council — the Federal Council for Aboriginal Advancement (FCAA), later the Federal Council for the Advancement of Aborigines and Torres Strait Islanders (FCAATSI) — was established to unite existing state bodies. and to work for the removal of discriminatory legislation, improve housing and education, lobby for equal pay, and advocate for land rights. FCAATSI was instrumental in preparing the arguments and lobbying for the 1967 Federal Referendum and Constitutional change.
Queensland Aboriginal timeline (continued)

- 1961: The establishment of OPAL Queensland (One People of Australia League) was funded by the Queensland Government and comprised of members from mainstream Christian churches and service organisations and was mainly assimilationist in philosophy. Many of OPAL’s members were critical of the QCAATSI which they considered subversively pro-Communist and never affiliated with FCAATSI. OPAL did however provide accommodation and a sense of social connection. Neville Bonner was president of OPAL from 1968 to 1975.

- 1962 (August): The Queensland Government established a committee to ‘Inquire into legislation for the promotion of the well-being of Aborigines and Torres Strait Islanders in Queensland’. The Committee’s report was tabled in November 1964, and one of the recommendations was that voting rights in all state and local authority elections be extended to all Indigenous Queenslanders.

- 1963: The Director of Native Affairs ordered the forcible removal of Aboriginal residents from the Mapoon Reserve, and burning of the homes, school and church.

- 1965: The Aborigines’ and Torres Strait Islanders’ Affairs Act 1965 was passed providing for the management of reserves and welfare of Aboriginal and Torres Strait Islander peoples. It repealed the 1939 legislation.

- 1965: The Queensland Department of Aboriginal and Islander Affairs replaced the Department of Native Affairs.


- 1966: On Qld reserve communities, Aboriginal and Islander Councils were created giving communities limited local government powers.

- 1967 (27 May): A federal referendum was held proposing to remove provisions of the Australian Constitution that discriminated against Aboriginal people. The words ‘other than the aboriginal race in any State’ were struck out of Section 51 (xxvi) so that the Federal Parliament could make special laws for Aboriginal Australians. Secondly, the referendum provided for Aboriginal people to be counted in the federal Census, with section 127 struck out in its entirety. More than eighty-nine per cent of Queenslanders supported the ‘yes’ vote.


- 1971: Neville Bonner was appointed to replace Senator Dame Annabel Rankin, who retired from Federal Parliament. This appointment made Senator Bonner the first Aboriginal person to sit in the Australian Federal Parliament, and the first to sit in any Australian Parliament.
Queensland Aboriginal timeline (continued)

- 1971: The Aborigines Act and the Torres Strait Islanders Act were passed by the Queensland Parliament, repealing the 1965 legislation.

- 1971: In Qld an Aboriginal Council and an Island Advisory Council were established to advise the Minister on matters relating to Aboriginal and Islander affairs.

- 1971: The South African rugby union team (the Springboks) toured, and because of anti-apartheid protests in Brisbane the Queensland Premier declared a month-long state of emergency.

- 1971: The forced confinement of Aboriginal people on reserves in Queensland ceased.

- 1972 (19 January): The first Australian Black Panther Party was formed in Brisbane by Dennis Walker and Sam Watson to address issues affecting Aboriginal people and to make demands for equality of treatment in education, health and legal representation, the abolition of discriminatory legislation, and an end to police harassment.

- 1972 (27 January): The Aboriginal Tent Embassy was pitched outside Parliament House in Canberra, to campaign for the recognition of Aboriginal land rights, and was supported by Aboriginal people from Queensland. The Aboriginal flag, created by South Australian Harold Thomas, was flown at the Embassy.

- 1972: Lloyd McDermott (Mullenjaiwakka) from Eidsvold became the first Aboriginal barrister in Australia.

- 1972: Queensland Senator Neville Bonner was returned as a Liberal Senator for Queensland, and served until 1983.

- 1973: The National Aboriginal Consultative Committee (NACC) was established by the Whitlam government with nine members from Queensland.

- 1974: National Party candidate, Eric Deeral, was elected to the seat of Cook in the Queensland Parliament. Mr Deeral was the first Aboriginal person elected to the Queensland Parliament.

- 1974: John Koowartha and a group of Winychanam people applied for a lease of a cattle station on the Archer River through the newly created Aboriginal Land Fund Commission.

- 1974: The first of Mapoon’s old residents returned to New Mapoon to establish the Marpuna Community Aboriginal Corporation.

Queensland Aboriginal timeline (continued)

- 1975: The Federal Parliament passed the *Aboriginal and Torres Strait Islanders (Queensland Discriminatory Laws Act) 1975* to override the major objectionable provisions of the Queensland laws.

- 1976: John Koowartha and the Winychanam applicants made a contract for the purchase of the Archer River cattle station, but were blocked by the Queensland Government, as the then Premier did not support Aboriginal people acquiring large tracts of land. John Koowartha made a complaint of race discrimination to the Human Rights Commission under the *Racial Discrimination Act 1975*. The Commission upheld Mr Koowartha’s claim, and the Queensland Government appealed the decision in the Supreme Court of Queensland and the case was then taken to the High Court of Australia.

- 1982: The Commonwealth Games were held in Brisbane, and Aboriginal and Torres Strait Islander people took the opportunity to bring the issues of land rights and the living conditions of Queensland Aboriginal people to world attention through protests.

- 1982: The High Court case of *Koowartha v Bjelke-Peterson* [1982] HCA 27 confirmed that legislation passed by the Queensland Government preventing John Koowartha from acquiring an Archer River cattle station lease was in breach of the federal *Racial Discrimination Act 1975*.

- 1982: Eddie Mabo, David Passi, and James Rice on behalf of the Murray Island people lodged a statement of claim in the High Court, claiming ‘native title’ over Mer (Murray Island) in the Torres Strait.

- 1982: The Queensland *Land Act (Aboriginal and Islander Land Grants) Amendment Act* was passed, providing for grants of certain reserve lands to Aboriginal and Torres Strait Islander Councils as Deeds of Grant in Trust (DOGIT).

- 1984: The Queensland *Community Services (Aborigines) Act 1984* was passed, repealing the 1971 Act and providing for Aboriginal Councils to be vested with local authority status.

- 1984: Aboriginal and Island Councils became the Aboriginal Co-ordinating Council and the Island Co-ordinating Council, and acted as elected peak bodies for the DOGIT communities in Queensland.

- 1985: The Queensland Government enacted the *Queensland Coast Islands Declaratory Act 1985* in an attempt to thwart the case brought by Eddie Mabo and other Murray Islanders seeking recognition of their traditional ownership of Mer (Murray Island).

- 1985 and 1986: Aboriginal people from Palm Island lodged a complaint of racial discrimination in underpayment of wages by the State of Queensland.
Queensland Aboriginal timeline (continued)

- 1986: Jacqui Payne, a Butjulla woman, was the first Indigenous woman to be admitted as a solicitor in Queensland, and the first Aboriginal Magistrate in Queensland in 1999.

- 1987: The Royal Commission into Aboriginal Deaths in Custody opened. Of the ninety-nine deaths of Aboriginal or Torres Strait Islander men and women investigated, twenty-seven were from Queensland.

- 1988: *Mabo v Queensland* [1988] HCA 69, the first Mabo decision the High Court, found that the *Queensland Coast Islands Declaration Act 1985* was inconsistent with the *Racial Discrimination Act 1975*, and therefore invalid. As a result, the original proceedings concerning the native title claim by Eddie Mabo and others was permitted to continue.

- 1988: Prime Minister Bob Hawke announced a proposal for a consultative process designed to finalise a treaty with Aborigines by mid-1990. This goal was not fulfilled.

- 1990: The Aboriginal and Torres Strait Islander Commission (ATSIC) was established.

- 1991: The Royal Commission into Aboriginal Deaths in Custody delivered its final report which made 339 recommendations, and examined the issue of racial discrimination and vilification, that it identified as one of the factors contributing to high incarceration rates.

- 1991: The *Aboriginal Land Act 1991* was passed, providing for a lands claim process over vacant Crown land (including some reserves) outside cities and towns in Queensland.

- 1991: John Koowartha died in Aurukun, Cape York, and the John Koowartha Reconciliation Law Scholarship was established by the Law Council of Australia in his memory to assist Aboriginal law students.


- 1992: The Queensland Parliament enacted the *Legislative Standards Act 1992*, which contained fundamental legislative principles that required legislation to have ‘sufficient regard to Aboriginal tradition and Island custom’.

- 1991: The Council for Aboriginal Reconciliation was established and defined key issues essential to the process of reconciliation that had been identified by Aboriginal and Torres Strait Islander peoples as essential to any understanding of their past, their position in the present, and their hopes for the future.

Queensland Aboriginal timeline (continued)

- 1992: In *Mabo v Queensland (No. 2) [1992]* HCA 23, the High Court recognised native title as a common law property right, and rejected the doctrine of *terra nullius*.

- 1992: Prime Minister Paul Keating delivered his 'Redfern Address', highlighting the importance of the *Mabo* decision, stating: ‘Mabo is an historical decision – we can make it an historical point, the basis of a new relationship between Indigenous and non-Aboriginal Australians’.

- 1993: The Wik peoples commenced legal proceedings for a common law declaration of their native title rights to land on Cape York Peninsula.

- 1993: The federal *Native Title Act 1993* was passed ‘to provide a national system for the recognition and protection of native title and for its co-existence with the national land management system’. The legislation followed lengthy debate and negotiations between Indigenous stakeholders, governments, pastoralists, and the mining industry.


- 1994: The federal *Native Title Act* came into effect, and the National Native Title Tribunal was established. A number of Indigenous organisations were established as Native Title Representative Bodies.

- 1996: *Bligh and Ors v State of Queensland* [1996] HREOCA 28 (the Palm Island Wages Case) decision was handed down in favour of the complainants. Commissioner Carter concluded that the complainants were ‘demonstrably the victims of racial discrimination’ by reason of the entrenched policy of the Queensland Government during the relevant time to pay Aboriginal workers less than non-Aboriginal workers doing the same work.

- 1996: In *Wik Peoples v Queensland* [1996] HCA 40, the High Court found that native title is not necessarily extinguished by a pastoral lease and may, as a non-exclusive property right, co-exist with such land interests where no inconsistency arises in the enjoyment of rights.

- 1997: Partly in response to uncertainty created by the High Court’s decision in *Wik*, the Howard government released a ‘Ten Point Plan’ to amend the *Native Title Act*.

- 1997: The * Bringing them home* report on Australia’s Stolen Generations was released.

- 1997: The Parliament of Queensland, on behalf of the people of Queensland, expressed its sincere regret for the personal hurt suffered by Aboriginal and Torres Strait Islander people who were removed from their families.

- 1997: Native title to parts of Hopevale was determined. This was the first native title determination under the *Native Title Act* in Queensland.
Queensland Aboriginal timeline (continued)

- From 1997 to date: Native title claims have been made by traditional owners in Queensland. See Appendix 4: Queensland Native title claims that have succeeded.

- 1998: The first National Sorry Day was held on 26 May (the anniversary of the *Brining them home* report) to ‘commemorate the history of forcible removals and its effects’.

- 1998: the *Native Title Indigenous Land Use Agreements Regulation* was passed by the Federal Parliament and commenced on 30 September 1998. An Indigenous Land Use Agreement (ILUA) is a voluntary agreement between a native title group and others about the use of land and waters. These agreements allow all people to negotiate flexible, practical agreements to suit their particular circumstances.

- 1998: The *Native Title Amendment Act 1998* (known as the Ten Point Plan) amended the Federal *Native Title Act* to place restrictions on native title claims.

- 1998: The Aboriginal and Torres Strait Islander Women's Task Force on Violence was formed by the Queensland Minister for Aboriginal and Torres Strait Islander Policy at the request of Aboriginal and Torres Strait Islander women. It was chaired by Boni Robertson and made up of 50 members representing communities throughout Queensland. The Task Force investigated violence against women, children, and families in Aboriginal and Torres Strait Islander communities, and consulted with Aboriginal and Torres Strait Islander people all over Queensland, in towns, cities, remote settlements and islands.

- 1999: The United Nations Committee on the Elimination of Racial Discrimination (CERD) urged the Australian Government to suspend native title legislation amendments (on the basis that they were discriminatory), and re-open negotiations with Indigenous peoples.

- 1999: In *Yanner v Eaton* [1999] HCA 53, the High Court held that native title to fish or hunt for traditional purposes is not extinguished by Queensland legislation for fauna conservation.

- 1999: The Queensland Government introduced the Underpayment of Award Wages Process for under-award wages paid to Aboriginal and Torres Strait Islander people employed by the Queensland Government on Aboriginal reserves between 31 October 1975 and 29 October 1986.

- 1999: The report of the Women's Task Force on Violence was delivered, and made 123 recommendations on ways to reduce violence in Aboriginal and Torres Strait Islander communities. It also suggested ways to address underlying social, spiritual, and economic disadvantage.

- 2000: The Queensland Government responded to the Aboriginal and Torres Strait Islander Women’s Taskforce on Violence with its report *The First Step*, followed by *The Next Step* report later that year.
Queensland Aboriginal timeline (continued)

- 2001: Justice Tony Fitzgerald delivered his Cape York Justice Study Report which looked into social and economic conditions, government policy, substance abuse, and violence in Cape York communities. The study made a recommendation for interventions, including community action plans on alcohol management, a freeze on issuing new liquor licences, and zero tolerance of family violence; community development strategies; and public sector reform, coordinating departments, programs and services through negotiation.


- 2002: The Queensland Government made a reparations offer to Aboriginal and Torres Strait Islander Queenslanders whose wages and savings were controlled under the Protection Acts. The offer was called the Indigenous Wages and Savings Reparations Scheme.

- 2004: Aboriginal Community Councils commenced a four-year process to transition into Shire Council status.

- 2004: The Cape York Institute for Policy and Leadership was established, with Noel Pearson as Director, and is an independent policy and leadership organisation. It works closely with other organisations in the process of welfare reform, including the Family Responsibilities Commission.

- 2004: Palm Island man, Cameron Doomagee (Mulrunji), died in custody on Palm Island, and rioting followed the reading of an autopsy report on his death.

- 2005: The Stronger Smarter Institute (formerly known as the Indigenous Education Leadership Institute) was established as a partnership between Education Queensland and the Queensland University of Technology. Its director, Chris Sarra, was the first Aboriginal principal of Cherbourg State School. The Institute played a role in policy development concerning the education of Indigenous students. In 2013 the Institute ceased its partnerships with Education Queensland and QUT and became an independent, non-profit organisation.

- 2005: The representative body ATSIC was abolished by the Howard Liberal government.

- 2006: Murri courts were established in the Queensland justice system in response to the increasing representation of Indigenous people in prison.

- 2007: The Northern Peninsula Area Regional Council was created out of the amalgamation of the Injinoo, Mapoon, and Umagico Aboriginal Councils and the Seisa and Bamaga Island Councils.

- 2008: The Queensland *Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) and Other Acts Amendment Act 2008* commenced operation. The Act strengthened alcohol restrictions that were introduced in
Queensland Aboriginal timeline (continued)

Indigenous communities from 2002 to 2006. The restrictions were introduced pursuant to the *Meeting Challenges, Making Choices* strategy.

- **2008:** The Queensland Aboriginal and Torres Strait Islander Foundation (QATSIF) was established by execution of a Trust Deed on 25 November 2008. The effect of the Trust Deed was to place 'almost $26 million' (from the former Aborigines Welfare Fund and unspent funds from the Indigenous Wages and Savings Reparations Scheme) under the control of the Queensland Public Trustee. Income produced from investing the funds is used by QATSIF to provide scholarships to advance the education of Aboriginal and Torres Strait Islander children and young people in Queensland.

- **2008:** The *Family Responsibilities Commission Act 2008* was passed in Queensland establishing the Commission as part of the Cape York Welfare Reform trial.

- **2009:** The Australian Government announced its support for the United Nations *Declaration on the Rights of Indigenous Peoples*.

- **2009:** A steering committee of Indigenous people recommended the formation of a new independent representative body, the National Congress of Australia's First Peoples.

- **2009:** Queensland Parliament passed a Bill to add a preamble to the Queensland Constitution recognising Aboriginal and Torres Strait Islander peoples.

- **2010:** The National Congress of Australia's First Peoples commenced operation, and provided advice to government on, and advocated for, Aboriginal and Torres Strait Islander peoples.

- **2010:** The Indigenous Wages and Savings Reparations Scheme was finalised, and 5,779 eligible Queensland claimants were paid approximately $35.5 million during two rounds of the process under the scheme.

- **2012:** The Federal Parliament agreed to a Joint Select Committee on Constitutional Recognition of Aboriginal and Torres Strait Islander Peoples to inquire into, and report on, steps that can be taken to progress towards a successful referendum on Indigenous constitutional recognition.

- **2012:** Murri courts in Queensland were abolished by the Newman Liberal National Party government.

- **2014:** The Queensland Parliament passed the *Aboriginal and Torres Strait Islander Land (Providing Freehold) and Other Legislation Amendment Act 2014* which allowed the option of obtaining ordinary freehold title on parts of the thirty-four Aboriginal and Torres Strait Islander DOGIT communities.

- **2015:** Leeanne Enoch became the first Aboriginal woman to be elected to the Queensland Parliament. She was elected as the Labor member for Algester in Brisbane, and William (Billy) Gordon was elected as the Labor Party member for the state seat of Cook, but later became an Independent member.
Queensland Aboriginal timeline (continued)

- 2015: Wiri man, Tony McAvoy, became the first Indigenous person to be appointed as Senior Counsel.

- 2015: The Final report of the Joint Select Committee on Constitutional Recognition of Aboriginal and Torres Strait Islander Peoples recommended that a referendum be held on the matter of recognising Aboriginal and Torres Strait Islander peoples in the Australian Constitution.
Appendix 2

Queensland missions and reserves

Mission stations were set up by religious organisations for Aboriginal and Torres Strait Islander peoples. The Queensland Government also gazetted parcels of land as reserves for the use of Aboriginal or Torres Strait Islander people.

With the passing of the *Aboriginals Protection and Restriction of the Sale of Opium Act 1897*, all reserves became subject to the Act. On some reserves, Superintendents were appointed to enforce the Act. Missionaries in charge of Aboriginal settlements also became Superintendents. However, the majority of reserves did not have a Superintendent, but were controlled by the local Protector of Aborigines.

- 1838: Zion Hill Christian mission (at present day Nundah in Brisbane) was established by Rev. John Dunmore Lang, and run by evangelical German missionaries. Missionary activities ceased by 1845.
- 1843: A mission was established by the Roman Catholic Church at Dunwich on North Stradbroke Island (Minjerribah) in Moreton Bay to convert local Aboriginal people.
- 1860: Fraser Islander, known to the local Butchalla people as K’Gari, was gazetted as an Aboriginal reserve.
- 1866: The Bethesda Aboriginal reserve was established on the Albert River at Nerang, south of Brisbane, by Pastor JG Haussmann, one of the German missionaries from Zion Hill.
- 1867: The Somerset mission, north of Bamaga on Cape York, was established by the Society for the Propagation of the Gospel, and was closed in 1868.
- 1870: An Aboriginal mission was established by the Catholic Church at Mackay, but was moved to Cape Hillsborough in 1876, de-gazetted in May 1885, and revoked in 1979.
- 1871: A Methodist lay preacher founded a mission on Fraser Island (K’Gari), but moved to the Noosa River (Lake Weyba) in 1872, and was abandoned in 1873.
- 1871: An Aboriginal Industrial Mission on the Nerang River was gazetted, and in 1877 a mission was funded by the Evangelical Lutheran Church.
- 1877: An Aboriginal reserve was gazetted at Durundur near Woodford in the South Burnett district. Durundur was closed on 1 March 1905 and the remaining ‘inmates’ were transferred to Barambah (later named Cherbourg).
- 1877: An Aboriginal reserve was gazetted at Stuart Creek, Townsville.
- 1877: The government station at Somerset was moved to Thursday Island.
- 1878: An Aboriginal reserve was gazetted in the Parish of Kelsy at Bowen.
- 1878: An Aboriginal reserve was gazetted in the parish of Pitt at Cardwell.
- 1881: An Aboriginal reserve was gazetted at Cape Bedford.
- 1886: The first mission on the Cape York Peninsula at Cape Bedford (later called Hope Vale) was established, and controlled by Lutheran missionaries. The whole community was evacuated during World War II, because of its German missionary connections.
- 1886: An Aboriginal reserve was gazetted on the Tully River (County of Cardwell and Parish of Rockingham).
Queensland missions and reserves (continued)

- 1887: The Bloomfield River mission (Wujal-Wujal), south of Cooktown, was established, and controlled by the Lutheran Church until 1902 and then from 1975 to 1987.
- 1887: An Aboriginal mission was established at Deebing Creek by the Aboriginal Protection Society of Ipswich, and in 1896 was established as an industrial school.
- 1887: The Marie Yamba Aboriginal reserve on the Adromache River, south of Proserpine, was gazetted. The reserve became a Scandinavian Lutheran mission. By 1902 the mission was closed and 24 ‘inmates’ removed to Cape Bedford (Hopevale) station.
- 1888: An Aboriginal reserve was gazetted in the county of Roseberry, Parish of Muddawarry, at Birdsville.
- 1888: An Aboriginal reserve was gazetted from the Box Hill Runs at Georgetown.
- 1889: The Aboriginal reserve, known as the Perinon Run, was gazetted at Halifax, near Saltwater Creek, in the Hinchinbrook region of Far North Queensland.
- 1891: An Aboriginal mission, whose main purpose was a school, was established on Bribie Island in Moreton Bay.
- 1891: The Mapoon mission was established at the mouth of the Batavia River by Moravian missionaries. In 1901 Mapoon was gazetted as an industrial school. A decision was made to close the mission in 1954, but residents stayed. In 1963 those people remaining were forcibly removed and the settlement demolished.
- 1891: An area for a cemetery reserve at Normanton was gazetted, and an Aboriginal reserve was created in 1939.
- 1892: An Aboriginal reserve was gazetted at Purga, near Ipswich.
- 1892: Yarrabah (Cape Grafton) near Cairns was established as an Anglican mission, and in 1901, Yarrabah was declared a reformatory and gazetted as an Aboriginal reserve in 1904. A deed of grant in trust was issued to the Yarrabah Council on 27 October 1986.
- 1893: The Dunwich Aboriginal mission was replaced by Myora/Moongalba mission on North Stradbroke Island (Minjerribah) in Moreton Bay, and closed in 1943.
- 1894: The Boggy Creek Run (Laura River in Far North Queensland) was gazetted as an Aboriginal Reserve.
- 1897: Another attempt was made to establish a mission on Fraser Island (K'gari) near Bogimbah, which was gazetted in 1901. Aboriginal people from Maryborough district were removed there, and in 1904 when the mission closed those remaining were removed to Yarrabah.
- 1898: A Moravian mission was established on the Embley River, near Weipa in Far North Queensland. In 1904 an Aboriginal reserve was gazetted for the use of Aboriginal people at Weipa.
- 1899: An Aboriginal Girls Home was established at South Brisbane. It acted as a receiving depot for Aboriginal domestic servants from all over Queensland. Any single girl or woman travelling through Brisbane, visiting for medical attention, or merely between domestic service stints was forced to stay there.
- 1901: Barambah Station, north of Nanago in the South Burnett district (later called Cherbourg), was gazetted as an Aboriginal reserve in February. In May of that year,
Queensland missions and reserves (continued)

Aboriginal people from Durundur reserve and Kilkivan were moved to Barambah Station.

- 1901: An Aboriginal reserve was gazetted at Gayndah on the Auburn River.
- 1902: An Aboriginal reserve was gazetted at Bluff Downs — called the ‘Wall’ — at Charters Towers.
- 1902: An Aboriginal reserve was gazetted at Whitula Station, near Windorah.
- 1904: The Aboriginal Girls Home at South Brisbane was proclaimed a reserve and was therefore governed by the provisions of the Act.
- 1904: The Archer River Aboriginal mission (also called the Aurukun mission) was established in Far North Queensland by the Presbyterian Mission. Children on the Mission were housed in dormitories from around the age of 11. The dormitory system of care was abolished in 1968.
- 1905: The Mitchell River mission at Trubanamen near Topsy Creek was established by the Church of England. In 1918 the mission relocated to a site on Magnificent Creek and was given the name Kowanyama (however, for many years after this move it was still referred to as Mitchell River Mission). Responsibility for the mission was handed to the Queensland Government in 1967. In July 1987 a deed of grant in trust was given to the people of Kowanyama, now administered by the Kowanyama Aboriginal Council.
- 1905: The Aboriginal reserve was gazetted at Myora, Stradbroke Island. In 1922 the name of the reserve was changed to Moongalba, and was closed in 1942.
- 1905: An Aboriginal reserve comprising the Wellesley Island group in the Gulf of Carpentaria was gazetted.
- 1907: An Aboriginal reserve at Fitzroy Island, Cape Grafton was gazetted and its reserve status was cancelled in 1986.
- 1908: An Aboriginal reserve was proclaimed at Lloyd Bay, but abandoned in 1912 and moved to the Pascoe River. In 1924 the Aboriginal reserve was gazetted on the surrounding areas of Lockhart, Sherrand, Atholl, Chilcott, Arran, and Cremorne and renamed Lockhart River Reserve.
- 1909: An Aboriginal reserve was gazetted at Dalby.
- 1911: An Aboriginal reserve was established at Taroom under control of the Roman Catholic Church. Taroom reserve was closed by 1928 and all Aboriginal residents relocated at Woorabinda.
- 1913: A second Aboriginal reserve was gazetted at Gayndah.
- 1913: An Aboriginal reserve was established by the Seventh Day Adventist Church at Mona Mona, near Kuranda, and closed in 1962.
- 1913: An Aboriginal reserve was gazetted on the Hull River. In 1918 the reserve was demolished by a cyclone, and the residents were relocated to Palm Island.
- 1914: An Aboriginal reserve was gazetted on Palm Island. No Aboriginal people were removed to Palm Island before 1918, but over the next two decades hundreds of Aboriginal people from across Queensland, and a smaller number of Torres Strait Islander people, were removed to Palm Island. In December 1922, Palm Island was gazetted as an industrial school. In 1938 the anthropologist, Norman Tindale, visited Palm Island and recorded genealogies of people representing forty-four tribal groups of Aboriginal people removed to Palm Island from as far away as Brisbane and Cloncurry.
Queensland missions and reserves (continued)

- 1914: An Aboriginal mission was established by the Presbyterian Church at Gununa on Morning Island. In 1978, the Queensland Government took control of the island and established a local shire council there.
- 1915: An Aboriginal reserve was gazetted at New Castle Bay on Cape York, and cancelled in January 1932.
- 1915: The Cowal Creek Aboriginal reserve at Injinoo was gazetted.
- 1915: An Aboriginal reserve was gazetted in the County of Douglas, Parish of Hughenden. In 1969 the state became the trustee to the reserve.
- 1915: Aboriginal inhabitants of Deebing Creek mission moved to a new site at Purga. The mission was under the control of the Salvation Army, and closed in 1948. An Aboriginal cemetery opposite the old mission was gazetted in March 1968.
- 1916: An Aboriginal reserve was gazetted at Gorge Mission, Mossman.
- 1923: The Anglican Church established a mission at Cowal Creek (Small River) in Cape York, near Injinoo. In 1936 the then sub-department of Native Affairs took control of the reserve. A deed of grant in trust was issued on 27th of October 1986
- 1925: An Aboriginal reserve was gazetted on Fantome Islander under the control of the Roman Catholic Church. It became part of the Palm Island reserve in 1938.
- 1926: An Aboriginal reserve was gazetted on the Daintree River.
- 1927: Woorabinda was opened as a replacement for Taroom reserve, and gazetted. During World War II, more than two hundred Aboriginal people from Hopevale were sent to Woorabinda. On 27 October 1986 a deed of grant in trust was issued to the Woorabinda Council.
- 1929: An Aboriginal camping reserve was gazetted at Mareeba.
- 1931: Barambah Station was renamed Cherbourg Aboriginal Reserve.
- 1933: An Aboriginal reserve was gazetted at Chillagoe in northern Queensland.
- 1933: The Doomadgee Aboriginal mission was founded at Dumaji on the Bayley Point Reserve in the Gulf of Carpentaria under the control of the Christian Brethren.
- 1934: An Aboriginal reserve was gazetted on Sweers Island in the Gulf of Carpentaria.
- 1935: An Aboriginal reserve was gazetted at Burketown under the control of the Australian Board of Missions.
- 1936: An Aboriginal reserve was gazetted next to the Burke River, Boulia.
- 1936: An Aboriginal reserve was created in the east Mitchell district, next to the Maranoa River.
- 1936: An Aboriginal reserve was gazetted at Gregory Downs, near Burke.
- 1937: An Aboriginal reserve was gazetted on the right bank of the Wild River, Herberton.
- 1938: An Aboriginal reserve was gazetted at Cairns — Lyons Street and English Street.
- 1938: An Aboriginal reserve was gazetted at Charters Towers Gold and Mineral Field.
- 1938: The Edward River Mission on the west coast of Cape York was established by the Anglican Church. A cyclone destroyed much of Edward River Mission in 1964, and the control of the mission was transferred to the state government in 1967. The community changed its name to Pompuraaw in 1987.
Queensland missions and reserves (continued)

- 1940: An Aboriginal reserve was gazetted at Camooweal, in north-western Queensland.
- 1940: An Aboriginal reserve was gazetted for Aboriginal people of Mt Carbine within the Herberton Gold and Mineral Field area.
- 1940s: The Queerah Aboriginal Mission, located on a property at Edmonton (now a suburb of Cairns), was established by C.T. Crowely, the Member for Cairns and a member of the North Queensland Aboriginal Welfare Committee.
- 1941: The Daintree River mission near Mossman in Far North Queensland, run by the Assemblies of God was opened. It closed in 1962.
- 1941: An Aboriginal reserve was gazetted at Eulo in the Cunnamulla minefield in south-west Queensland.
- 1942: Aboriginal residents of Cape Bedford were evacuated because of the Second World War, and removed to Woorabinda, while the defence forces took over the mission. Many Cape Bedford people died at Woorabinda and survivors were not allowed to return to Cape Bedford until 1949, to a new site which was gazetted as an Aboriginal reserve in 1952.
- 1944: An Aboriginal reserve was gazetted at Cloncurry in north-west Queensland.
- 1944: An Aboriginal reserve was gazetted at Coen on the Cape York Peninsula.
- 1946: An Aboriginal reserve was gazetted at Foleyvale in south-east Queensland.
- 1947: Torres Strait Islanders were moved to Bamaga after the flooding of Saibai Island.
- 1949: An Aboriginal reserve was gazetted at Aitkenvale, Townsville to be used as a home for Aboriginal people passing through Townsville.
- 1948: A second Aboriginal reserve was gazetted in the Parish of Charter Towers and later closed.
- 1948: A reserve for Torres Strait Islander was gazetted, from Red Island Point to Kennedy Inlet and the Cowal Creek mission on Cape York Peninsula.
- 1949: The Queensland Government authorised the movement of the settlement at Muttee Heads to a new location inland from Red Island Point. The settlement was named Bamaga in honour of the leader of the migration, Bamaga Ginau.
- 1951: An Aboriginal reserve was gazetted on the outskirts of Cooktown.
- 1951: An Aboriginal reserve was gazetted at Ravenshoe.
- 1951: An Aboriginal reserve was gazetted in the Cloncurry Gold and Mineral field for Aboriginal people from Mt Isa district.
- 1952: An Aboriginal reserve was gazetted at Croydon Gold and Mineral Field, inland from the Gulf of Carpentaria.
- 1952: An Aboriginal reserve was gazetted at Dajarra in the far north-west of outback Queensland, but cancelled in 1966, and a smaller reserve gazetted.
- 1954: The Presbyterian Church and government officials met and made a decision to close Mapoon and commenced building a replacement community at Hidden Valley near Bamaga in 1961.
- 1960: An Aboriginal reserve was gazetted at Mount Garnet in north-eastern Australia.
Queensland missions and reserves (continued)

- 1963: Aboriginal community leaders of Mapoon were forcibly removed by armed police at the direction of the then Director of the Department of Aboriginal Affairs. Houses were burnt and Aboriginal residents were removed by ship to New Mapoon at Seisia, west of Bamaga. The removal made way for bauxite mining at the site now called Weipa.
- 1963: Uмагико (also known as Alau) was established on the northern Cape York Peninsula. The government relocated people from Lockhart River Mission when the Anglican Church relinquished the Mission in 1960.
- 1967: At Charters Towers three allotments were reserved for building purposes under the control of the Director of Aboriginal and Island Affairs.
- 1967: An Aboriginal reserve was gazetted at Laura.
- 1968: An Aboriginal reserve was gazetted at Zamia Creek, between Mackay and Proserpine, and was cancelled in 1986.
Appendix 3

Queensland native title determinations

Following the success of the *Mabo No. 2* case in the High Court, the Federal Government passed the *Native Title Act 1993* ‘to provide a national system for the recognition and protection of native title and for its co-existence with the national land management system’. The Act established the national Native Title Tribunal which makes decisions, conduct inquiries, reviews and mediations, and assist various parties with native title applications, and Indigenous land use agreements (‘ILUAs’). The Tribunal maintains a National Native Title Register, which contains determinations of native title made by the High Court of Australia, the Federal Court of Australia, or a recognised body. The details of the following Queensland determinations have been extracted from the Register.

<table>
<thead>
<tr>
<th>Date of determination</th>
<th>Outcome</th>
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</tr>
</thead>
<tbody>
<tr>
<td>3 June 1992</td>
<td>Native title exists in parts of the determination area: Murray Islands (Torres Strait).</td>
<td><em>Mabo v Queensland (No 2)</em> [1992] HCA 23</td>
</tr>
<tr>
<td>8 December 1997</td>
<td>Native title exists in parts of the determination area: land and waters near Cooktown - Hopevale</td>
<td><em>Erica Deeral (On behalf of herself &amp; the Gamaay Peoples) &amp; Ors v Gordon Charlie &amp; Ors</em> [1997] FCA 1408</td>
</tr>
<tr>
<td>28 September 1998</td>
<td>Native title exists in parts of the determination area: lands and waters near Mt Carbine in the Mareeba Shire of north Queensland.</td>
<td><em>Western Yalanji or “Sunset” peoples v Alan &amp; Karen Pedersen &amp; Ors</em> [1998] FCA 1269</td>
</tr>
<tr>
<td>12 February 1999</td>
<td>Native title exists in the entire determination area: land and inland waters of Moa Island (Torres Strait).</td>
<td><em>Mualgal People v Queensland</em> [1999] FCA 157</td>
</tr>
<tr>
<td>12 February 1999</td>
<td>Native title exists in the entire determination area: the land and inland waters of Saibai Island, Mawalmay Thoera Island, Thawpay Kawamag Island and Kuykuthal Kawamag Island (Torres Strait).</td>
<td><em>Saibai People v Queensland</em> [1999] FCA 158</td>
</tr>
<tr>
<td>6 July 2000</td>
<td>Native title exists in the entire determination area: the land and inland waters of Dauan Island (Torres Strait).</td>
<td><em>Dauan People v Queensland</em> [2000] FCA 1064</td>
</tr>
<tr>
<td>6 July 2000</td>
<td>Native title exists in the entire determination area: the land and inland waters of Mabuiag Island (Torres Strait).</td>
<td><em>Mabuiag People v Queensland</em> [2000] FCA 1065</td>
</tr>
<tr>
<td>7 July 2000</td>
<td>Native title exists in the entire determination area: the land and inland waters of Poruma (Coconut) Island (Torres Strait).</td>
<td><em>Poruma People v Queensland</em> [2000] FCA 1066</td>
</tr>
<tr>
<td>7 July 2000</td>
<td>Native title exists in the entire determination area: the land and inland waters of Warraber (Sue) Island (Torres Strait).</td>
<td><em>Warraber People v Queensland</em> [2000] FCA 1066</td>
</tr>
<tr>
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<tr>
<td>7 July 2000</td>
<td>Native title exists in the entire determination area: the land and inland waters of Masig (Yorke) Island (Torres Strait).</td>
<td><em>Masig People v Queensland [2000] FCA 1067</em></td>
</tr>
<tr>
<td>3 October 2000</td>
<td>Native title exists in the entire determination area: land and waters inland of … the mouth of the bays, creeks and rivers of that area including but not limited to Archer Bay, Ward River, Watson River, Archer River, Love River, Kirke River, Knox Creek, Kendall River, Holroyd River (known locally as South Kendall River), Hersey Creek (known locally as Thugu or Thuuk River) and Christmas Creek (known locally as Holroyd River); the land and waters in and around the town of Aurukun; the land and waters within the area covered by a corridor …which connects the town of Aurukun to the Peninsula Development Road.</td>
<td><em>Wik Peoples v Queensland [2000] FCA 1443</em></td>
</tr>
<tr>
<td>23 May 2001</td>
<td>Native title exists in parts of the determination area: in the inner Torres Strait islands of Ngurapai (Horn Island); Muralag (Prince of Wales Island); Zuna (Entrance Island); Tarilag (Packe Island); Yeta (Port Lihou Island); Damaralag (Dumuralug Islet); and Mipa (Turtle Island).</td>
<td><em>Kaurareg People v Queensland [2001] FCA 657</em></td>
</tr>
<tr>
<td>23 May 2001</td>
<td>Native title exists in parts of the determination area: in the inner Torres Strait islands of Ngurapai (Horn Island); Muralag (Prince of Wales Island); Zuna (Entrance Island); Tarilag (Packe Island); Yeta (Port Lihou Island); Damaralag (Dumuralug Islet); and Mipa (Turtle Island).</td>
<td><em>Kaurareg People v Queensland [2001] FCA 657 (Murulag #2)</em></td>
</tr>
<tr>
<td>23 May 2001</td>
<td>Native title exists in parts of the determination area: in the inner Torres Strait islands of Ngurapai (Horn Island); Muralag (Prince of Wales Island); Zuna (Entrance Island); Tarilag (Packe Island); Yeta (Port Lihou Island); Damaralag (Dumuralug Islet); and Mipa (Turtle Island).</td>
<td><em>Kaurareg People v Queensland [2001] FCA 657 (Zuna)</em></td>
</tr>
<tr>
<td>23 May 2001</td>
<td>Native title exists in parts of the determination area: in the inner Torres Strait islands of Ngurapai (Horn Island); Muralag (Prince of Wales Island); Zuna (Entrance Island); Tarilag (Packe Island); Yeta (Port Lihou Island); Damaralag (Dumuralug Islet); and Mipa (Turtle Island).</td>
<td><em>Kaurareg People v Queensland [2001] FCA 657 (Murulag #1)</em></td>
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<tr>
<td>23 May 2001</td>
<td>Native title exists in the entire determination area: in the inner Torres Strait islands of Ngurapai (Horn Island); Muralag (Prince of Wales Island); Zuna (Entrance Island); Tarilag (Packe Island); Yeta (Port Lihou Island); Damaralag (Dumuralug Islet); and Mipa (Turtle Island).</td>
<td>Kaurareg People v Queensland [2001] FCA 657 (Ngurupai)</td>
</tr>
<tr>
<td>14 June 2001</td>
<td>Native title exists in the entire determination area: the whole of the land and inland waters of Waier Island and Dauar Island.</td>
<td>Andrew Passi on behalf of the Meriam People v Queensland [2001] FCA 697</td>
</tr>
<tr>
<td>28 June 2001</td>
<td>Native title exists in parts of the determination area: various lots within the Herberton and Mareeba Shire Councils on the Atherton Tablelands, Far North Queensland.</td>
<td>Congoo v Queensland [2001] FCA 868 (On behalf of the Bar-Barrum people)</td>
</tr>
<tr>
<td>23 March 2004</td>
<td>Native title exists in parts of the determination area: areas of sea surrounding the Wellesley Islands group, 400 kilometres north of Mount Isa in the Gulf of Carpentaria, and parts of the Albert River.</td>
<td>Lardil Peoples v Queensland [2004] FCA 298</td>
</tr>
<tr>
<td>7 December 2004</td>
<td>Native title exists in the entire determination area: the land and waters of Aureed Island (Torres Strait).</td>
<td>Warria on behalf of the Kulkalgal v Queensland [2004] FCA 1572</td>
</tr>
<tr>
<td>8 December 2004</td>
<td>Native title exists in the entire determination area: Darnley Island, Torres Strait.</td>
<td>Mye on behalf of the Erubam Le v Queensland [2004] FCA 1573</td>
</tr>
<tr>
<td>9 December 2004</td>
<td>Native title exists in the entire determination area: Stephen Island (Ugar) Campbell Island and Pearce Cay in the Torres Strait.</td>
<td>Stephen on behalf of the Ugar People v Queensland [2004] FCA 1574</td>
</tr>
<tr>
<td>10 December 2004</td>
<td>Native title exists in the entire determination area: Boigu, Moimi, Aubus and surrounding islands in the Torres Strait</td>
<td>Gibuma on behalf of the Boigu People v Queensland [2004] FCA 1575</td>
</tr>
<tr>
<td>Date of determination</td>
<td>Outcome</td>
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<tr>
<td>10 December 2004</td>
<td>Native title exists in the entire determination area: Yam Island, Zagai Island (or Jeaka Island); Tud Island and Cap Islet (or Mukar Islet or Muquar Islet) in the Torres Strait.</td>
<td>David on behalf of the Iama People and Tudulaig v Queensland [2004] FCA 1576</td>
</tr>
<tr>
<td>13 December 2004</td>
<td>Native title exists in the entire determination area: the land and waters on Gebara Island, Gabba Island or Two Brothers Island.</td>
<td>Newie on behalf of the Gebaralgal v Queensland [2004] FCA 1577</td>
</tr>
<tr>
<td>14 December 2004</td>
<td>Native title exists in the entire determination area: Badu Island and surrounding islands in the Torres Strait.</td>
<td>Nona on behalf of the Badulgal v Queensland [2004] FCA 1578</td>
</tr>
<tr>
<td>15 August 2005</td>
<td>Native title exists in the entire determination area: Sassie Island (or Long Island), Torres Strait.</td>
<td>Thaiday on behalf of the Warraber, Poruma and Iama Peoples and Queensland [2005] FCA 1116</td>
</tr>
<tr>
<td>15 August 2005</td>
<td>Native title exists in the entire determination area: the land and waters … known as Uttu (also referred to as Dove Island) and Yarpar (also referred to as Roberts Island.</td>
<td>Jack Billy on behalf of the Poruma People and Queensland and Ors [2005] FCA 1115</td>
</tr>
<tr>
<td>15 August 2005</td>
<td>Native title exists in the entire determination area: Islands of Buru (or Turnagain Island), Warul Kawa (or Deliverance Island), Kerr Islet and Turu Cay in the vicinity of Badu, Boigu and Saibai Islands in the Torres Strait.</td>
<td>Victor Nona on behalf of the Saibai, Dauan, Mabuiag, Badu and Boigu Peoples v Queensland [2005] FCA 1118</td>
</tr>
<tr>
<td>15 August 2005</td>
<td>Native title exists in the entire determination area: Garboi Island (or Arden Island), Torres Strait.</td>
<td>Lota Warria on behalf of the Poruma and Masig Peoples and Queensland and Ors [2005] FCA 1117</td>
</tr>
<tr>
<td>17 February 2006</td>
<td>Native title exists in the entire determination area: a pastoral property located 210km north-west of Cairns (Palmer River and Bonny Glen pastoral station).</td>
<td>Riley v Queensland [2006] FCA 72</td>
</tr>
<tr>
<td>13 April 2006</td>
<td>Native title exists in the entire determination area: portions of Murrabar Islet (also referred to as Channel Island, and Murbayl Islet); Sarbi Islet (also referred to as Bond Island); Iem Islet (also referred to as North Possession Island); Zagarsup Islet (also referred to as Zagarsum and also known as Tobin Island); Kulbi Islet (also referred to as Portlock</td>
<td>Manas v Queensland [2006] FCA 413 (on behalf of the Mualgal people)</td>
</tr>
<tr>
<td>Date of determination</td>
<td>Outcome</td>
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<tr>
<td>13 April 2006</td>
<td>Native title exists in the entire determination area: portions of Matu Island (also referred to as Whale Island); Zurat Island (also referred to as Phipps Island); Kulbai Kulbai Island (also referred to as Spencer Island); Ngurtai Island (also referred to as Quoin Island); Maitak Island (also referred to as Wilson Island); Kanig Island (also referred to as Duncan Island); Ilapnab Island (also referred to as Green Island); Tukupai Island (also referred to as Clarke Island); Ngul Island (also referred to as Browne Island); Tuin Island (also referred to as Barney Island); Wia Island (also referred to as High Island); Logan Rocks; Gainaulai Island; Tuft Rock; Meth Islet; and Dadalai Island (also referred to as Canoe Island).</td>
<td>Nona and Manas v Queensland [2006] FCA 412 (on behalf of the Badualgal Mualgal people)</td>
</tr>
<tr>
<td>24 April 2006</td>
<td>Native title exists in the entire determination area: located in the Giangurra Reserve, Trinity Inlet, Redbank Creek, Malbon Thompson State Forest and Greys Peaks National Park.</td>
<td>Mundraby v Queensland [2006] FCA 436 (on behalf of the Mandingalbay Yidinji people)</td>
</tr>
<tr>
<td>26 July 2007</td>
<td>Native title exists in the entire determination area: Strathgordon Pastoral Lease located north-west of Cairns and east of Pormpuraaw, in Far North Queensland.</td>
<td>Timothy James Malachi on behalf of the Strathgordon Mob v State of Queensland [2007] FCA 1084</td>
</tr>
<tr>
<td>12 December 2007</td>
<td>Native title exists in the entire determination area: land and waters in far north Queensland within reserves, environmental parks and national parks around Atherton, Mareeba and Cairns.</td>
<td>Ngadjon-Jii People v State of Queensland [2007] FCA 1937</td>
</tr>
<tr>
<td>Date of determination</td>
<td>Outcome</td>
<td>Case name</td>
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<tr>
<td>Islet, Pigeon Island, Quoin Island National Park, Piper Islands National Park, some parts of Forbes Islands National Park and the seas surrounding these areas).</td>
<td>29 July 2009</td>
<td>Native title exists in the entire determination area: parcels of land in the Cape York Peninsula west of Coen.</td>
</tr>
<tr>
<td>22 October 2009</td>
<td>Native title exists in the entire determination area: land and waters in south-west Cape York, including most of the Kowanyama Deed of Grant in Trust land (the Mitchell River delta lands).</td>
<td>Kowanyama People v State of Queensland [2009] FCA 1192</td>
</tr>
<tr>
<td>17 December 2009</td>
<td>Native title exists in the entire determination area: areas of land and water located approximately 40 kilometers south-west of Cairns, within the upper Mulgrave River basin, in the Wet Tropics Heritage region of far north Queensland, commonly known as the Goldsborough Valley. The area encompasses portions of Gadgarra Forest Reserve and Wooroonooran National Park, and includes unallocated state land located near the Mulgrave River.</td>
<td>Combined Dulabed Malanbarra Yidinji People v State of Queensland [2009] FCA 1498</td>
</tr>
<tr>
<td>23 June 2010</td>
<td>Native title exists in the entire determination area. The Gangalidda and Garawa people lodged two native title claims. This determination settles one section of each of their claims and relates to the rights and interests of the Gangalidda People. The rights and interests of the Gawara people will be considered subsequently and these claims remain registered on the Register of Native Title Claims. The first determination relates to situated north-west of Burketown, including pastoral lease areas and the Gurridi Traditional Land Trust area. The second determination related to land covered comprised of the Cliffdale Pastoral Holding and part of the Escott Pastoral Holding.</td>
<td>Gangalidda and Garawa People v State of Queensland [2010] FCA 646</td>
</tr>
<tr>
<td>Date of determination</td>
<td>Outcome</td>
<td>Case name</td>
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<tr>
<td>2 July 2010 (decision) 23 August 2010 (final orders)</td>
<td>Native title exists in parts of the determination area: the waters of the Torres Strait extending between the Cape York Peninsula and Papua New Guinea. It primarily consists of sea area existing south of Papua New Guinea's Seabed Jurisdiction Line but also the sea area west of Boigu and east of Saibai, where by operation of a treaty with Papua New Guinea, Australia retains fisheries jurisdiction.</td>
<td>Akiba on behalf of the Torres Strait Islanders of the Regional Seas Claim Group v State of Queensland (No 2) [2010] FCA 643</td>
</tr>
<tr>
<td>8 October 2010</td>
<td>Native title exists in the entire determination area: different blocks of land around the Ravenshoe and Herberton areas in Far North Queensland.</td>
<td>Cashmere on behalf of the Jirrbal People #1 v State of Queensland [2010] FCA 1090</td>
</tr>
<tr>
<td>8 October 2010</td>
<td>Native title exists in the entire determination area: various reserves around the Ravenshoe and Herberton areas in Far North Queensland.</td>
<td>Cashmere on behalf of the Jirrbal People #2 v State of Queensland [2010] FCA 1090</td>
</tr>
<tr>
<td>8 October 2010</td>
<td>Native title exists in the entire determination area: various national parks, state forests and forest reserves located around Tully, Herberton and Ravenshoe in Far North Queensland.</td>
<td>Cashmere on behalf of the Jirrbal People #3 v State of Queensland [2010] FCA 1090</td>
</tr>
<tr>
<td>9 December 2010</td>
<td>Native title exists in the entire determination area: exclusive native title rights were granted over Bidungga, a former aboriginal reserve at Gregory Downs. The Waanyi Native Title determination area is the largest determination of native title in Queensland. Recognition of native title rights and interests in the Boodjamulla (Lawn Hill) region is significant considering Waanyi people have lived in the gorge area for at least 17,000 years. The Waanyi people know the area as Rainbow Serpent country and the Gorge is sacred to the Waanyi. An MMG Century zinc mine site is also included in the determination.</td>
<td>Aplin on behalf of the Waanyi Peoples v State of Queensland (No 3) [2010] FCA 1515</td>
</tr>
<tr>
<td>4 July 2011</td>
<td>Native title exists in parts of the determination area: Minjerribah, North Stradbroke Island, off the coast of Brisbane.</td>
<td>Delaney on behalf of the Quandamooka People # 1 v State of Queensland [2011] FCA 741</td>
</tr>
<tr>
<td>4 July 2011</td>
<td>Native title exists in parts of the determination area: The native title determinations of Quandamooka #1 and #2 include land and waters on and surrounding North Stradbroke Island,</td>
<td>Delaney on behalf of the Quandamooka People #2 v State of Queensland [2011] FCA 741</td>
</tr>
<tr>
<td>Date of determination</td>
<td>Outcome</td>
<td>Case name</td>
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<tr>
<td>26 July 2011</td>
<td>Native title exists in the entire determination area: Cape Upstart National Park, near Bowen in Queensland, south of Townsville.</td>
<td>Prior on behalf of the Juru (Cape Upstart) People v State of Queensland (No 2) [2011] FCA 819</td>
</tr>
<tr>
<td>31 August 2011</td>
<td>Native title exists in the entire determination area: an area in the vicinity of Mt Bellenden Ker which covers part of the Wooroonooran National Park and surrounding areas.</td>
<td>Wonga on behalf of the Wanyurr Majay People v State of Queensland [2011] FCA 1055</td>
</tr>
<tr>
<td>1 September 2011</td>
<td>Native title exists in the entire determination area: the locality of Mission Beach, which is south of Cairns in far north Queensland.</td>
<td>Hart on behalf of the Djiru People #2 v State of Queensland [2011] FCA 1056</td>
</tr>
<tr>
<td>1 September 2011</td>
<td>Native title exists in the entire determination area: The native title determination of Djiru #2 and #3 includes land and waters in Mission Beach and surrounding areas including areas of national parks, reserves, unallocated state land and other leases.</td>
<td>Hart on behalf of the Djiru People #3 v State of Queensland [2011] FCA 1056</td>
</tr>
<tr>
<td>12 December 2011</td>
<td>Native title exists in parts of the determination area: land and waters in the Mt Isa region, including areas of reserves, unallocated State land, pastoral leases and other leases.</td>
<td>Doyle on behalf of the Kalkadoon People #4 v State of Queensland (No 3) [2011] FCA 1466</td>
</tr>
<tr>
<td>14 December 2011</td>
<td>Native title exists in the entire determination area: land and waters in the far north Queensland area, including various parcels to the east and north of Mareeba including areas of the Hann Tableland National Park, the Mareeba Tropical Savanna, the Wetland Reserve Nature Refuge and unallocated state land, pastoral lease and other reserve lands.</td>
<td>Baker on behalf of the Muluridji People v State of Queensland [2011] FCA 1432</td>
</tr>
<tr>
<td>14 December 2011</td>
<td>Native title exists in the entire determination area: The determination relates to two applications that were made in 1998 and 2001 for the recognition of native title rights and interests in the vicinity of Mareeba in Far North Queensland.</td>
<td>Baker on behalf of the Muluridji People v State of Queensland [2011] FCA 1432</td>
</tr>
<tr>
<td>19 December 2011</td>
<td>Native title exists in the entire determination area: land and waters predominately to the east of the Yarrabah region, including the northern part of the Yarrabah Deed of Grant in Trust, including Yarrabah</td>
<td>Murgha on behalf of the Combined Gunggandji Claim v State of Queensland [2011] FCA 1511</td>
</tr>
<tr>
<td>Date of determination</td>
<td>Outcome</td>
<td>Case name</td>
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</tr>
<tr>
<td>22 June 2012</td>
<td>Native title exists in the entire determination area: land and water in the South Central region of Queensland, roughly situated between the towns of Charleville, Mitchell, St George and Bollon.</td>
<td>Kearns on behalf of the Gunggari People #2 v State of Queensland [2012] FCA 651</td>
</tr>
<tr>
<td>1 August 2012</td>
<td>Native title exists in the entire determination area: 6,540 sq kms located approximately 40 km west of Ingham.</td>
<td>Hoolihan on behalf of the Gugu Badhun People #2 v State of Queensland [2012] FCA 800</td>
</tr>
<tr>
<td>2 August 2012</td>
<td>Native title exists in the entire determination area: This application was heard together with Djungan People #2, #3 and #4 due to their geographical proximity. The applicants sought a determination of native title on behalf of the Djungan People over various lands with and proximate to the townships of Dimbulah, Kingsborough, Thornborough and Mount Mulligan in Far North Queensland.</td>
<td>Archer on behalf of the Djungan People #1 v State of Queensland [2012] FCA 801</td>
</tr>
<tr>
<td>2 August 2012</td>
<td>Native title exists in the entire determination area: This application was heard together with Djungan People #1, #3 and #4 due to their geographical proximity. The applicants sought a determination of native title on behalf of the Djungan People over various lands with and proximate to the townships of Dimbulah, Kingsborough, Thornborough and Mount Mulligan in Far North Queensland.</td>
<td>Archer on behalf of the Djungan People #2 v State of Queensland [2012] FCA 801</td>
</tr>
<tr>
<td>2 August 2012</td>
<td>Native title exists in the entire determination area: This application was heard together with Djungan People #1, #2, and #4 due to their geographical proximity. The applicants sought a determination of native title on behalf of the Djungan People over various lands with and proximate to the townships of Dimbulah, Kingsborough, Thornborough and Mount Mulligan in Far North Queensland.</td>
<td>Archer on behalf of the Djungan People #3 v State of Queensland [2012] FCA 801</td>
</tr>
<tr>
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</tr>
<tr>
<td>2 August 2012</td>
<td>Native title exists in the entire determination area: This application was heard together with Djungan People #1, #2, and #3 due to their geographical proximity. The applicants sought a determination of native title on behalf of the Djungan People over various lands with and proximate to the townships of Dimbulah, Kingsborough, Thornborough and Mount Mulligan in Far North Queensland.</td>
<td>Archer on behalf of the Djungan People #4 v State of Queensland [2012] FCA 801</td>
</tr>
<tr>
<td>28 August 2012</td>
<td>Native title exists in parts of the determination area: 30,000 square kilometres near the Queensland/Northern Territory border and about 200 kilometres south of Mt Isa, centred on the township of Boulia and includes land in the shire councils of Boulia, Cloncurry, Diamantina and Winton. It covers low lying plains in the Channel Country and the Burke, Hamilton and Georgina Rivers.</td>
<td>Aplin on behalf of the Pitta Pitta People v State of Queensland [2012] FCA 883</td>
</tr>
<tr>
<td>21 September 2012</td>
<td>Native title exists in the entire determination area: 82 square kilometres of traditional land in south Yarrabah DOGIT and various parcels around Yarrabah, North Queensland.</td>
<td>Mundraby on behalf of the Combined Mandingalbay Yidinji-Gunggandji People v State of Queensland [2012] FCA 1039</td>
</tr>
<tr>
<td>9 October 2012</td>
<td>Native title exists in the entire determination area: land located in Central Eastern Queensland between Glenden, Lake Dalrymple and Moray Downs.</td>
<td>McLennan on behalf of the Jangga People v State of Queensland [2012] FCA 1082</td>
</tr>
<tr>
<td>20 November 2012</td>
<td>Native title exists in parts of the determination area: parcels of land and waters east of the Brisbane River around Kilcoy from west of Brisbane in the south to around Nambour in the north. The site stretches from the Blackall, Conondale and D’Aguilar ranges to parts of the Sunshine Coast and the Brisbane River.</td>
<td>Murphy on behalf of the Jinibara People v State of Queensland [2012] FCA 1285</td>
</tr>
<tr>
<td>5 December 2012</td>
<td>Native title exists in the entire determination area: the Cape York Peninsula in the town of Kowanyama.</td>
<td>Greenwool for and on behalf of the Kowanyama People v State of Queensland [2012] FCA 1377 (Part C)</td>
</tr>
<tr>
<td>5 December 2012</td>
<td>Native title exists in parts of the determination area: in the vicinity of</td>
<td>Greenwool for and on behalf of the Kowanyama People v</td>
</tr>
<tr>
<td>Date of determination</td>
<td>Outcome</td>
<td>Case name</td>
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<tr>
<td>the Nassau river and tributaries, on the western side of the Cape York Peninsula.</td>
<td>State of Queensland [2012] FCA 1377 (Part B)</td>
<td></td>
</tr>
<tr>
<td>10 December 2012</td>
<td>Native title exists in parts of the determination area: various lands in the Gulf Savannah region around the townships of Croydon, Normanton and East Hayden. The two applications were heard together due to their geographical proximity.</td>
<td>Owens on behalf of the Tagalaka People v State of Queensland [2012] FCA 1396</td>
</tr>
<tr>
<td>10 December 2012</td>
<td>Native title exists in parts of the determination area: various lands in the Gulf Savannah region around the townships of Croydon, Normanton and East Hayden. The two applications were heard together due to their geographical proximity.</td>
<td>Owens on behalf of the Tagalaka People v State of Queensland #2 [2012] FCA 1396</td>
</tr>
<tr>
<td>14 December 2012</td>
<td>Native title exists in the entire determination area: land in Far North Queensland including Danbull National Park next to Lake Tinaroo near Atherton.</td>
<td>Johnson on behalf of the Tableland Yidinji People #1 v State of Queensland [2012] FCA 1417</td>
</tr>
<tr>
<td>18 December 2012</td>
<td>Native title exists in parts of the determination area: approximately 19,730 square kilometres and is located approximately 25km west of Mount Isa in the vicinity of Camooweal.</td>
<td>Saltmeree on behalf of the Indjalandji-Dhidhanu People v State of Queensland (unreported)</td>
</tr>
<tr>
<td>26 March 2013</td>
<td>Native title exists in the entire determination area: The present claim area adjoins the area covered by the combined application (See [2012] FCA 1417) and is located around Lake Tinaroo and the upper Barron River and its tributaries.</td>
<td>Johnson on behalf of the Tableland Yidinji People #3 v State of Queensland [2013] FCA 280</td>
</tr>
<tr>
<td>23 September 2013</td>
<td>Native title exists in the entire determination area: various lands and waters in the Herbert/Burdekin region.</td>
<td>Morganson on behalf of the Warrungnu People #2 v State of Queensland [2013] FCA 957</td>
</tr>
<tr>
<td>24 September 2013</td>
<td>Native title exists in the entire determination area: lands and waters in and around the Palmer and Mitchell River systems to the north-west of Mt Carbine and to the south of Laura in Queensland. The Western Yalanji People #4 Application was heard together with the Combined #5 and #7 Application because they are geographically proximate and entailed consideration of the same anthropological evidence</td>
<td>Brady on behalf of the Western Yalanji People #4 v State of Queensland [2013] FCA 958</td>
</tr>
<tr>
<td>Date of determination</td>
<td>Outcome</td>
<td>Case name</td>
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</tr>
<tr>
<td>24 September 2013</td>
<td>Native title exists in the entire determination area: lands and waters in and around the Palmer and Mitchell River systems to the north-west of Mt Carbine and to the south of Laura in Queensland.</td>
<td>Brady on behalf of the Western Yalanji People #5 and #7 v State of Queensland [2013] FCA 958</td>
</tr>
<tr>
<td>1 November 2013</td>
<td>Native title exists in parts of the determination area: from Cooper Point in the north to North Maria Creek in the south, extending inland. On the coast, the principal centre is Innisfail.</td>
<td>Brooks on behalf of the Mamu People v State of Queensland (No 4) [2013] FCA 1453</td>
</tr>
<tr>
<td>26 November 2013</td>
<td>Native title exists in the entire determination area: in the Gulf country in the vicinity of Etheridge, Queensland. The two applications were heard together as they are geographically proximate and entail consideration of materially the same anthropological evidence concerning the Ewamian People.</td>
<td>Fisher on behalf of the Ewamian People #2 v State of Queensland [2013] FCA 1249</td>
</tr>
<tr>
<td>26 November 2013</td>
<td>Native title exists in the entire determination area: in the Gulf country in the vicinity of Etheridge, Queensland.</td>
<td>Fisher on behalf of the Ewamian People #3 v State of Queensland [2013] FCA 1249</td>
</tr>
<tr>
<td>18 March 2014</td>
<td>Native title exists in parts of the determination area: Charters Towers Queensland.</td>
<td>Dodd on behalf of the Gudjala People Core Country Claim #1 v State of Queensland (No 3) [2014] FCA 231</td>
</tr>
<tr>
<td>18 March 2014</td>
<td>Native title exists in parts of the determination area: land near Charters Towers, inland from Townsville.</td>
<td>Dodd on behalf of the Gudjala People Core Country Claim #2 v State of Queensland (No 3) [2014] FCA 231</td>
</tr>
<tr>
<td>28 March 2014</td>
<td>Native title exists in parts of the determination area: land south of Mount Isa and west of Dajarra, in Cloncurry Shire.</td>
<td>Sullivan on behalf of the Yulluna People #3 v State of Queensland [2014] FCA 659</td>
</tr>
<tr>
<td>27 May 2014</td>
<td>Native title exists in the entire determination area: the Georgina River, its tributaries and includes the town of Urandangi, stretching from south-west of Mount Isa to the Northern Territory border.</td>
<td>Dempsey on behalf of the Bularnu, Waluwarra and Wangayuyuru People v State of Queensland (No 2) [2014] FCA 528 (dated 23 May 2014)</td>
</tr>
<tr>
<td>19 June 2014</td>
<td>Native title exists in the entire determination area: Zuizin Island (also referred to as Halfway Island) located in the Central Torres Strait group of islands, north-east of Thursday Island and east-south-east of Poruma east-</td>
<td>Mosby on behalf of the Kulkalgal People v State of Queensland [2014] FCA 628</td>
</tr>
<tr>
<td>Date of determination</td>
<td>Outcome</td>
<td>Case name</td>
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<tr>
<td></td>
<td>Native title exists in the entire determination area: The area is located in the region between Weipa Town and Port Musgrave along the Gulf of Carpentaria.</td>
<td>Coconut on behalf of the Northern Cape York #2 Native Title Claim Group v State of Queensland [2014] FCA 629</td>
</tr>
<tr>
<td>20 June 2014</td>
<td>Native title exists in the entire determination area: land and waters located in the south-west of Queensland, between the towns of Cunnamulla in the west, Charleville in the north, St George to the east and the New South Wales border; and also including in the claim area the towns of Dirranbandi, Hebel and Bollon.</td>
<td>Weatherall on behalf of the Kooma People #4 Part A v State of Queensland [2014] FCA 662</td>
</tr>
<tr>
<td>25 June 2014</td>
<td>Native title exists in the entire determination area: land and waters in south-western Queensland centred around Thargomindah and extending south to the New South Wales border. It takes in part of the catchment of the Bulloo River with the western boundary marked by the Grey Range in the south-west and the Wilson River in the north-west.</td>
<td>Smith on behalf of the Kullilli People v State of Queensland [2014] FCA 691</td>
</tr>
<tr>
<td>2 July 2014</td>
<td>Native title exists in parts of the determination area: Northeast Queensland extending from the coast near Home Hill, along the Burdekin River in the north-west, south to the head of the Don River, east towards Bowen, and approximately 20 kilometres seaward of the coastline in the Coral Sea.</td>
<td>Lampton on behalf of the Juru People v State of Queensland [2014] FCA 736</td>
</tr>
<tr>
<td>11 July 2014</td>
<td>Native title exists in the entire determination area: Fraser Island, also known as K’Gari.</td>
<td>De Satge on behalf of the Butchulla People #2 v State of Queensland [2014] FCA 1132</td>
</tr>
<tr>
<td>24 October 2014</td>
<td>Native title exists in the entire determination area: a large area of land and waters in northern, north-western and north-eastern Cape York Peninsula, generally located north of the Scardon and Dulhunty Rivers and west of the western boundary and north of the northern boundary of Heathland Resources.</td>
<td>Wocsup on behalf of the Northern Cape York Group #1 v State of Queensland (No 3) [2014] FCA 1148</td>
</tr>
<tr>
<td>30 October 2014</td>
<td>Native title exists in the entire determination area: land and waters on the south western side of Cape York Peninsula.</td>
<td>Daphney on behalf of the Kowanyama People v State of Queensland [2014] FCA 1149</td>
</tr>
<tr>
<td>Date of determination</td>
<td>Outcome</td>
<td>Case name</td>
</tr>
<tr>
<td>------------------------</td>
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</tr>
<tr>
<td>5 December 2014</td>
<td>Native title exists in the entire determination area: land along the Maranoa River and its tributaries.</td>
<td>Foster on behalf of the Gunggari People #3 v State of Queensland [2014] FCA 1318</td>
</tr>
<tr>
<td>1 April 2015</td>
<td>Native title exists in parts of the determination area: located in Burketown, in far north-west Queensland.</td>
<td>Taylor on behalf of the Gangalidda and Garawa Peoples #1 v State of Queensland [2015] FCA 731</td>
</tr>
<tr>
<td>1 April 2015</td>
<td>Native title exists in parts of the determination area: located in Burketown, in far north-west Queensland.</td>
<td>Taylor on behalf of the Gangalidda and Garawa Peoples #2 v State of Queensland [2015] FCA 730</td>
</tr>
<tr>
<td>28 April 2015</td>
<td>Native title exists in the entire determination area: land and waters formerly the subject of pastoral holdings, known as Bromley and Boynton in the north eastern part of Cape York Peninsula.</td>
<td>Wuthathi, Kuuku Ya’u and Northern Kaanju People v State of Queensland [2015] FCA 381</td>
</tr>
<tr>
<td>29 April 2015</td>
<td>Native title exists in the entire determination area: land around Shelburne Bay on the northern tip of Cape York Peninsula.</td>
<td>Wuthathi People #2 v State of Queensland [2015] FCA 380</td>
</tr>
<tr>
<td>22 June 2015</td>
<td>Native title exists in the entire determination area: over 200 individual, scattered small lots of land in and around the townships of Bowen, Merinda and Home Hill.</td>
<td>Lampton on behalf of the Juru People v State of Queensland [2015] FCA 609</td>
</tr>
<tr>
<td>23 June 2015</td>
<td>Native title exists in the entire determination area: Southwest Queensland centred in the Paroo River extending roughly between the Queensland/New South Wales border in the south to Dynevor Lakes in the north, from Mt Bindegolly in the west to Moanjaree Waterhole in the east and includes the towns of Eulo and Hungerford.</td>
<td>McKellar on behalf of the Budjiti People v State of Queensland [2015] FCA 601</td>
</tr>
<tr>
<td>25 June 2015</td>
<td>Native title exists in the entire determination area: an area surrounding Eromanga in the south-western region of Queensland, extending from Eromanga eastwards to 25 kilometres short of Quilpie and, to the north-west, 15 kilometres short of Windorah. The claim area is bordered on the west by Cooper Creek, on the north by the Cheviot Ranges, on the east by the Grey Range, and to the south, the headwaters of the Wilson River.</td>
<td>Wallace on behalf of the Boonthamurra People v State of Queensland [2015] FCA 600</td>
</tr>
<tr>
<td>13 August 2015</td>
<td>Native title exists in the entire determination area: west of</td>
<td>Anderson on behalf of the Wulli Wulli People v State of</td>
</tr>
<tr>
<td>Date of determination</td>
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<td>Case name</td>
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</tr>
<tr>
<td>27 October 2015</td>
<td>Native title exists in the entire determination area: primarily pastoral lease tenures in the Diamantina and Barcoo Shire Councils in south-western Queensland.</td>
<td>Gorringle on behalf of the Mithaka People v State of Queensland [2015] FCA 1116</td>
</tr>
<tr>
<td>23 March 2016</td>
<td>Native title exists in the entire determination area: land and waters west of Mackay and Townsville and east of Charters Towers, and includes the townships of Ravenswood, Collinsville, Scottville and part of Glenden.</td>
<td>Miller on behalf of the Birriah People v State of Queensland [2016] FCA 271</td>
</tr>
<tr>
<td>10 June 2016</td>
<td>Native title exists in the entire determination area: land and waters in North Queensland on the Atherton Tableland in and around the Walsh River and to the west of the Wild River.</td>
<td>Congoo on behalf of the Bar Barrum People #2 v State of Queensland [2016] FCA 693</td>
</tr>
<tr>
<td>10 June 2016</td>
<td>Native title exists in the entire determination area: land and waters in North Queensland on the Atherton Tableland in and around the Walsh River and to the west of the Wild River.</td>
<td>Congoo on behalf of the Bar Barrum People #3 v State of Queensland [2016] FCA 694</td>
</tr>
<tr>
<td>10 June 2016</td>
<td>Native title exists in the entire determination area: land and waters in North Queensland on the Atherton Tableland in and around the Walsh River and to the west of the Wild River.</td>
<td>Congoo on behalf of the Bar Barrum People #4 v State of Queensland [2016] FCA 695</td>
</tr>
<tr>
<td>21 June 2016</td>
<td>Native title exists in parts of the determination area in the Livingstone Shire Council and Rockhampton Regional Council districts.</td>
<td>Hatfield on behalf of the Darumbal People v State of Queensland (No 3) [2016] FCA 723.</td>
</tr>
<tr>
<td>23 June 2016</td>
<td>Native title exists in all of the determination areas in Taroom and Wandoan.</td>
<td>Doyle on behalf of the Iman People (No.2) v State of Queensland [2016] FCA 743</td>
</tr>
<tr>
<td>29 June 2016</td>
<td>Native title exists in parts of the determination area, around Nebo, Burton Downs and the Denham Range, and for the Widi claim between the Denham and Peak Ranges to the west and the Connors and Broadsound Ranges to the east.</td>
<td>Budby on behalf of the Barada Barna People v State of Queensland (No 6) [2016] FCA 1267; Budby on behalf of the Barada Barna People v State of Queensland (No 7) [2016] FCA 1271;</td>
</tr>
<tr>
<td>29 June 2016</td>
<td>Native title exists in parts of the determination area, between the</td>
<td>Pegler on behalf of the Widi People of the Nebo Estate #2</td>
</tr>
<tr>
<td>Date of determination</td>
<td>Outcome</td>
<td>Case name</td>
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<tr>
<td>Denham and Peak Ranges to the west and the Connors and Broadsound Ranges to the east</td>
<td>Native title exists in parts of the determination area, in the Burdekin district.</td>
<td>Miller on behalf of the Birriah People v State of Queensland (No 2) [2016] FCA 1434.</td>
</tr>
<tr>
<td>29 November 2016</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1 December 2016</td>
<td>Native title exists in the entire determination area in South-West Queensland along the NSW border.</td>
<td>Doctor on behalf of the Bigambul People v State of Queensland [2016] FCA 1447.</td>
</tr>
<tr>
<td>20 February 2017</td>
<td>Native title exists in the entire determination area in the Cloncurry district.</td>
<td>Sullivan on behalf of the Yulluna People #4 v State of Queensland [2017] FCA 122.</td>
</tr>
</tbody>
</table>
Appendix 4

Reading list

Books, articles, reports and online resources


ANTaR. “Queensland Stolen Wages Fact Sheet.” May 2002. (Research by Dr Rosalind Kidd) [http://roskidd.com/?page_id=571](http://roskidd.com/?page_id=571)


Reading list (continued)


http://www.gutenberg.org/files/1228/1228-h/1228-h.htm


http://www.findandconnect.gov.au/ref/qld/browse_m_function.htm#F000090


http://missionaries.griffith.edu.au/

Reading list (continued)


Reading list (continued)


Reading list (continued)


Reynolds, Henry. The Other Side of the Frontier: An Interpretation of the Aboriginal Response to the Invasion and Settlement of Australia. Townsville, Qld: James Cook University of North Queensland, 1981.


Reading list (continued)


http://www.abc.net.au/worldtoday/content/2004/s1038777.htm


Legislation (in chronological order)

Draft Instructions: Governor Phillip’s Instructions 25 April 1787  

*Industrial and Reformatory Schools Act 1865 (Qld)*  
Reading list (continued)

Aboriginals Protection and Restriction of the Sale of Opium Act 1897 (Qld)

Commonwealth of Australia Constitution Act 1900 (UK)
tution

Aboriginals Protection and Restriction of the Sale of Opium Act 1901 (Qld)

Aboriginals Preservation and Protection Act 1939 (Qld)
(Repealed by Aborigines’ and Torres Strait Islanders’ Affairs Act 1965, No.27)

Aboriginals Preservation and Protection Amendment Act 1946 (Qld)

Aborigines’ and Torres Strait Islanders’ Affairs Act 1965 (Qld)
Aborigines Act 1971, No.59)

Aborigines Act 1971 (Qld)
from 31 May 1984 by Community Services (Aborigines) Act 1984, No. 51.)

Racial Discrimination Act 1975 (Cth)

Aboriginal and Torres Strait Islander (Queensland Reserves and Communities Self
Management) Act 1978 (Cth)

Land Act (Aboriginal and Islander Land Grants) Amendment Act 1982 (Qld)

Community Services (Aborigines) Act 1984 (Qld)

Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act
(prev Aboriginal Communities (Justice and Land Matters) Act 1984; prev Community
Services (Aborigines) Act 1984)

Community Services (Torres Strait) Act 1984 (Qld)

Aborigines and Torres Strait Islanders (Land Holding) Act 1985 (Qld)
Reading list (continued)

Queensland Coast Islands Declaratory Act 1985 (Qld)  

Anti-Discrimination Act 1991 (Qld)  

Aboriginal Land Act 1991 (Qld)  

Torres Strait Islander Land Act 1991 (Qld)  

Native Title Act 1993 (Cth)  

Constitution of Queensland 2001 (Qld)  

Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) and Other Acts Amendment Act 2008 (Qld)  

Family Responsibilities Commission Act 2008 (Qld)  

Aboriginal and Torres Strait Islander Land (Providing Freehold) and Other Legislation Amendment Act 2014  

Cases

Akiba on behalf of the Torres Strait Regional Seas Claim Group v Commonwealth of Australia [2013] HCA 33 (7 August 2013)  


Reading list (continued)


International


United Nations. *Declaration on the Rights of Indigenous Peoples*