

# Quandamooka Yoolooburrabee Aboriginal Corporation

## Media Release

6 June 2014

### **North Stradbroke Island native title holders challenge Newman Government's controversial sand mining laws in the High Court**

The traditional owners of North Stradbroke Island – the Quandamooka people – are challenging the Queensland Government's controversial *North Stradbroke Island Protection and Sustainability and Another Act Amendment Act 2013* (Qld) in the High Court.

The case against the Queensland Government is being brought by the Quandamooka Yoolooburrabee Aboriginal Corporation (QYAC), the registered native title body corporate managing, as agent, the native title rights of the Quandamooka people.

The writ launching the case was delivered by Quandamooka elders to the High Court's Brisbane registry office this morning, 6 June, following a traditional ceremony and blessing.

The Newman Government introduced the controversial *North Stradbroke Island Protection and Sustainability and Another Act Amendment Act* in 2013. The Act extends sand mining on North Stradbroke Island until 2035 and expands the area of the island available to be mined, without the consent of the native title holders, the Quandamooka people.

The original *North Stradbroke Island Protection and Sustainability Act 2011* was introduced by the Bligh Government, with the consent of the Quandamooka people. It extended the lease on the major North Stradbroke Island sand mine – the Enterprise Mine - until 31 December 2019 and restricted the area that could be mined within the Enterprise Mine leases. The major lease at Enterprise – ML1117 – expired in October 2007.

The Quandamooka people believe the Newman Government's 2013 Act, amending the original 2011 Act, contravenes the Commonwealth *Native Title Act 1993*.

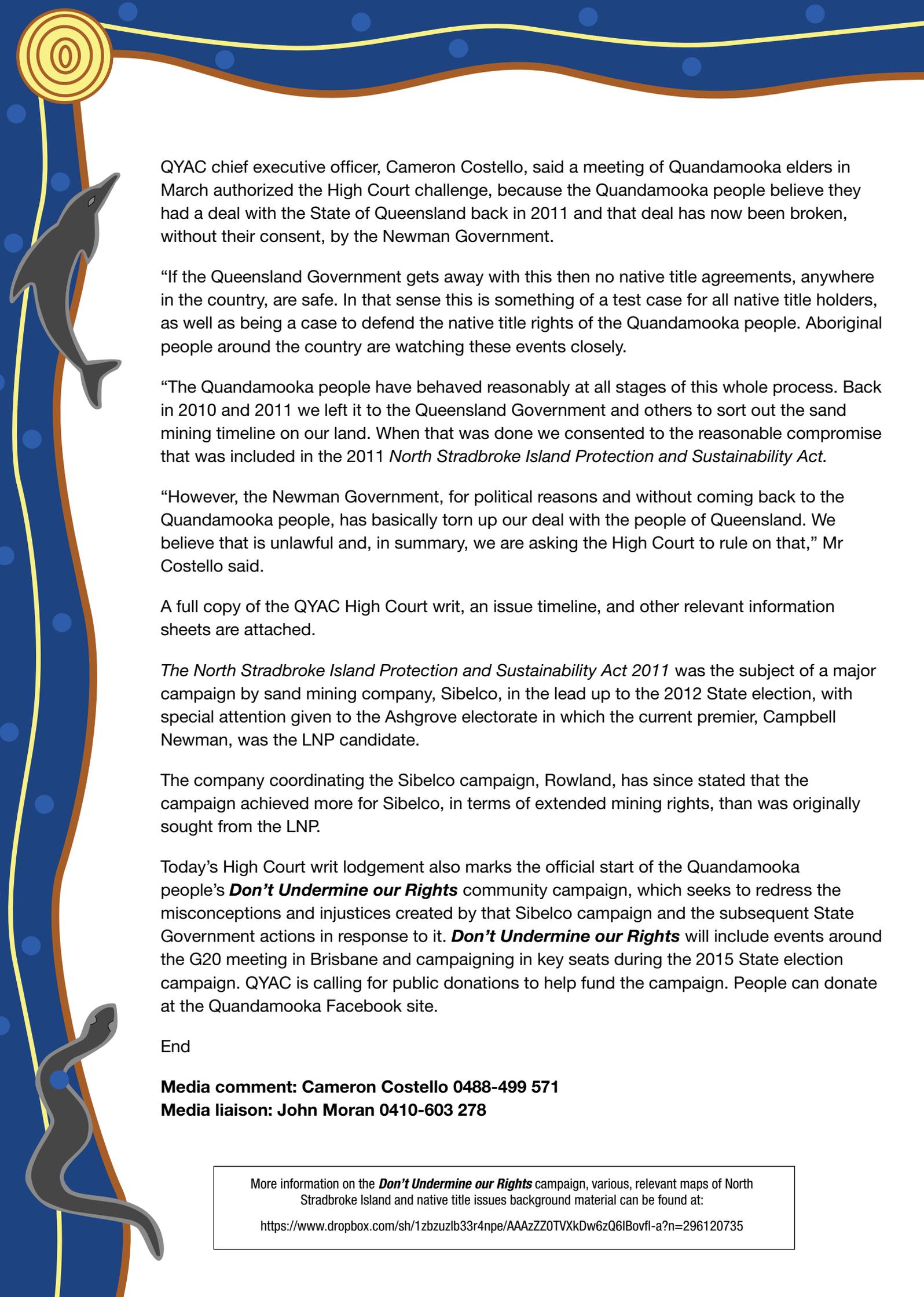
Section 109 of the Australian constitution states that when a law of a State is inconsistent with a law of the Commonwealth the latter shall prevail, and the former shall, to the extent of the inconsistency, be invalid.

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QYAC chief executive officer, Cameron Costello, said a meeting of Quandamooka elders in March authorized the High Court challenge, because the Quandamooka people believe they had a deal with the State of Queensland back in 2011 and that deal has now been broken, without their consent, by the Newman Government.

“If the Queensland Government gets away with this then no native title agreements, anywhere in the country, are safe. In that sense this is something of a test case for all native title holders, as well as being a case to defend the native title rights of the Quandamooka people. Aboriginal people around the country are watching these events closely.

“The Quandamooka people have behaved reasonably at all stages of this whole process. Back in 2010 and 2011 we left it to the Queensland Government and others to sort out the sand mining timeline on our land. When that was done we consented to the reasonable compromise that was included in the 2011 *North Stradbroke Island Protection and Sustainability Act*.

“However, the Newman Government, for political reasons and without coming back to the Quandamooka people, has basically torn up our deal with the people of Queensland. We believe that is unlawful and, in summary, we are asking the High Court to rule on that,” Mr Costello said.

A full copy of the QYAC High Court writ, an issue timeline, and other relevant information sheets are attached.

*The North Stradbroke Island Protection and Sustainability Act 2011* was the subject of a major campaign by sand mining company, Sibelco, in the lead up to the 2012 State election, with special attention given to the Ashgrove electorate in which the current premier, Campbell Newman, was the LNP candidate.

The company coordinating the Sibelco campaign, Rowland, has since stated that the campaign achieved more for Sibelco, in terms of extended mining rights, than was originally sought from the LNP.

Today’s High Court writ lodgement also marks the official start of the Quandamooka people’s ***Don’t Undermine our Rights*** community campaign, which seeks to redress the misconceptions and injustices created by that Sibelco campaign and the subsequent State Government actions in response to it. ***Don’t Undermine our Rights*** will include events around the G20 meeting in Brisbane and campaigning in key seats during the 2015 State election campaign. QYAC is calling for public donations to help fund the campaign. People can donate at the Quandamooka Facebook site.

End

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More information on the ***Don’t Undermine our Rights*** campaign, various, relevant maps of North Stradbroke Island and native title issues background material can be found at:

<https://www.dropbox.com/sh/1zbuzlb33r4npe/AAAzZZ0TVXkDw6zQ6lBovfl-a?n=296120735>