

**Parliamentary Joint Committee on
Native Title and the Aboriginal and
Torres Strait Islander Land Fund**

OPERATION OF THE NATIVE TITLE ACT

**Inquiry Into The Effectiveness Of
The National Native Title Tribunal**

Submission No:1b

Mr Wesley Aird

Eastern Yugambah Native Title Group

Management Committee

PO Box 5543

WEST END QLD 4101



E-mail:

Eastern Yugambeh Native Title Group
Management Committee

14 October 2002

Mr Peter Grundy
Committee Secretary
Parliamentary Joint Committee on Native Title and the
Aboriginal and Torres Strait Islander Land Fund
The Senate
Parliament House
Canberra ACT 2600

Dear Mr Grundy


**Eastern Yugambeh Native Title Group
Queensland South Representative Body Aboriginal Corporation**

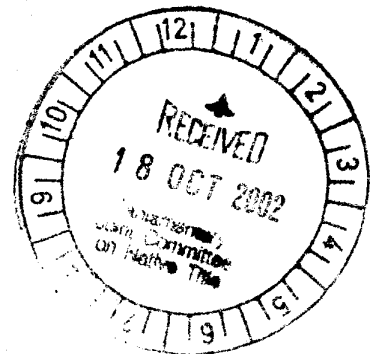
The Eastern Yugambeh continue in our efforts to be formally recognised as the traditional owners in our region.

The native title process is sufficiently difficult to not need any extra obstacles thrown in by the local Native Title Representative Body. Please find attached recent correspondence regarding the Representative Body and a proposed development within the boundary of our traditional lands and waters.

By all means this letter and attachments may be considered as a submission to the Committee.

Yours sincerely


Wesley Aird



Eastern Yugambeh Native Title Group
Management Committee
a group maintaining customary laws, traditions and connection to country
PO Box 5543, West End Qld 4101

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Eastern Yugambah Native Title Group
Management Committee

14 October 2002

Mr Gerry Hand
Chief Executive Officer
Queensland South Representative Body Aboriginal Corporation
PO Box 2562
Toowoomba Qld 4350

Dear Mr Hand,

I refer to the letter by your Mr Greg Carter of 13 September 2002 to Mr Henry Prokuda of Corrs Chambers Westgarth, lawyers, in which Mr Carter states that:

- QSRBAC continues to “assist” the claimants in respect of the (now discontinued) Kombumerri native title application;
- QSRBAC continues to legally represent the so-called Kombumerri claimants;
- QSRBAC seeks for the development proponent to deal with two groups in relation to the same area.

Regarding the above statements, it is our view that Mr Carter may be in breach of the *Native Title Act* and he may have reversed the position he proposed in the Federal Court.

- At the directions hearing in July 2002, Mr Carter informed the Federal Court that the two groups were in the process of combining.
- By representing claimants known to be less than a native title group, the QSRBAC is acting in a manner that is contrary to the decision in *Risk v Quall* as his “clients” are, by their own admission, a subset of a much larger group and therefore cannot hope to gain a determination of native title.
- The request by QSRBAC that the proponent deal with two groups equally seems to have scant regard for QSRBAC’s statutory function to resolve overlaps.

The National Native Title Tribunal managed to combine the two groups into a single management committee in June 2002 through which it was subsequently agreed to work towards a combined application. This in turn resulted in the discontinuances of July 2002. Mr Carter seeks to undermine the Tribunal’s excellent work which re-consolidated the group.

The Eastern Yugambah people are not prepared to instruct QSRBAC as their legal advisers. Therefore, it is highly counter-productive for Mr Carter to continue in his attempts to keep the group divided in the hope that he may eventually act as legal representative.

Eastern Yugambah Native Title Group
Management Committee

a group maintaining customary laws, traditions and connection to country
PO Box 5543, West End Qld 4101

As a show of good faith we seek for you as Chief Executive Officer to instruct Mr Carter to keep out of the Kombumerri/Eastern Yugambeh matter and all related legal affairs from this date.

Yours sincerely

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Wesley Aird

Queensland South Representative Body Aboriginal Corporation

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2 Russell Street
PO Box 2662
Toowoomba Qld 4350
Email: greg.carter@qsrbac.org.au

13 September 2002

Mr. Henry Prokuda
Partner
Corrs Chambers Westgarth
Waterfront Place
1 Eagle Street
Brisbane QLD 4000

Facsimile: 3228 9444

Dear Sir

Southport Spit ILUA – Ariadne Australia Ltd

We refer to your client's letter dated 26 July 2002 to Messrs Graham Dillon and David Dillon, and advise that Queensland South Representative Body Aboriginal Corporation continues to assist the claimants in respect of the (now discontinued) Kombumerri native title determination applications (Federal Court No's QG 6082/98 and QG6194/98), including by way of legal representation.

We note that notwithstanding the discontinuance of the above native title claims, our clients continue to assert that they hold native title rights and interests in the Gold Coast area, including in respect of the Southport Spit. We are aware that the claimants in respect of the (discontinued) Eastern Yugambah native title determination application (Federal Court No. Q6002/01), also assert that they hold native title rights and interests in that area.

In relation to negotiations concerning the Southport Spit ILUA and otherwise, we request that you deal with our clients and the former Eastern Yugambah claimants on the same basis. For instance, we would expect that any information be sent to both groups, that any meetings be attended by representatives of both groups, and that any decisions be taken as made only when agreed by both groups. We advise that our clients have appointed Messrs David Dillon and Richard Ball as negotiators, with Mr Tony Dillon as an alternate negotiator. We will assist the negotiators.

In order to progress this matter, we would be grateful if you could provide to both groups an information package concerning the project, including valuation documentation, and a further draft agreement for our consideration.

We also look forward to negotiating a mutually beneficial outcome for all parties involved.

Yours faithfully

A handwritten signature in black ink, appearing to read "G. Carter".

Greg Carter
Senior Legal Officer

cc. Graham Dillon
David Dillon
Wesley Aird