

Native Title and Indigenous Land Services,  
Land Division, **Department of Resources**

## **Proposed Transfer of Land under the *Aboriginal Land Act 1991 (Qld)***

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**Steven Jacoby**, Acting Deputy Director General and Registrar  
of Titles, Lands Division, Department of Resources

**Julie Brogan**, Director, Department of Resources

**Rhonda Geitz**, Manager, Department of Resources

**Roy Harvey**, Manager, Department of Resources

Department of **Resources**



**Queensland  
Government**

The Department of Resources (Resources) welcomes and thanks everyone for attending tonight, and acknowledges Toobeah residents, and representatives of both the Goondiwindi Regional Council (Council) and the Bigambul people in attendance.

# AGENDA

1. Resources - Native Title and Indigenous Land Services Responsibilities
2. Commonwealth *Native Title Act 1993* (Cth)
3. *Aboriginal Land Act 1991* (Qld) (ALA)
4. ALA: Expression of Interest (EOI) Land Transfers
5. Toobeah Reserve: ALA EOI and Background
6. Current Status of ALA EOI
7. Next Steps
8. Questions & Answers (Q&A) Session



# Housekeeping

- Please feel free to ask any questions of the speakers tonight, however we ask that you hold any questions until the conclusion of the presentation and other speakers have presented.
- Please be respectful to each other and their views.
- One person to speak at a time.
- No swearing or shouting or abusing others.
- Be courteous (no one shall dominate the meeting).
- Listen to all directions made by the Chair of the meeting.

# Department of Resources responsibilities

## **The *Native Title Act 1993 (Cth)***

- Native title is the recognition that Aboriginal and Torres Strait Islander people have rights and interests to land and waters according to their traditional law and customs as set out in Australian law.
- The recognition and exercise of native title rights in Australian law is administered through the *Native Title Act 1993 (Cth)*.
- When native title is determined to exist, it comes with certain rights and responsibilities.

# ALA: Toobeah Reserve EOI

## BACKGROUND – Native Title

- On 1 December 2016, the Federal Court recognised the Native Title rights and interests of the Bigambul People over certain lands in the Council area.
- The determination recognised that **non-exclusive** Native Title exists over the Toobeah Reserve.
- Non-exclusive Native Title can include, for example, the right for the Native Title party to:
  - live and camp on an area subject to Local Government Laws
  - light fires for personal or domestic use
  - hunt and fish
- These non-exclusive Native Title rights co-exist with the rights of other land users and remain subject to Commonwealth, State and Local Government Laws.

# ALA: Toobeah Reserve EOI

## BACKGROUND – Native Title *continued* ...

- The Federal Court of Australia determined connection to the land by the Bigambul People as part of the Native Title determination.
- The Bigambul Peoples connection to the Toobeah Reserve as traditional country has been recognised as being a culturally significant site for the Bigambul People containing cultural values and uses, Aboriginal burial sites, Aboriginal camps, scar trees and medicine bushes.



## Department of Resources Responsibilities – *continued* ...

### ***Aboriginal Land Act 1991 (Qld) (ALA)***

#### **Queensland Land Rights Legislation**

- The intention of the ALA is to recognise the interests and responsibilities of Aboriginal People in relation to land to foster the capacity for self-development, self-reliance and cultural integrity.
- The State of Queensland recognises these interests and responsibilities through the ALA.
- Transferring land recognises the spiritual, social, historical, customary, cultural and economic importance of land to Aboriginal People.

#### **The ALA provides for transfer of land to be held in trust for Aboriginal people**

- Some types of land were directly transferrable at the commencement of the ALA in 1991 e.g. discreet Aboriginal community land and Indigenous Reserve lands.
- Other types of land may be declared transferable by the Minister responsible for the ALA, this may include land that is subject to an Expression of Interest (EOI) application.



## Department of Resources Responsibilities – *continued* ...

### ***Aboriginal Land Act 1991 (Qld) (ALA) ... continued***

#### **Land can be transferred to either:**

- An Aboriginal Corporation, including a Registered Native Title Body Corporate, or
- An existing Aboriginal Land Trust established under the ALA.

#### **Transferred land:**

- Cannot be sold or mortgaged.
- The trustees of ALA land can grant interests in land for eg. lease, licence or permit.
- Native Title is not affected by the grant of land under the ALA.
- Trustees are responsible for the management of the land e.g. pest and weed control.
- Any development is subject to Local Government Planning Schemes, and all laws, including Local, State and Commonwealth.

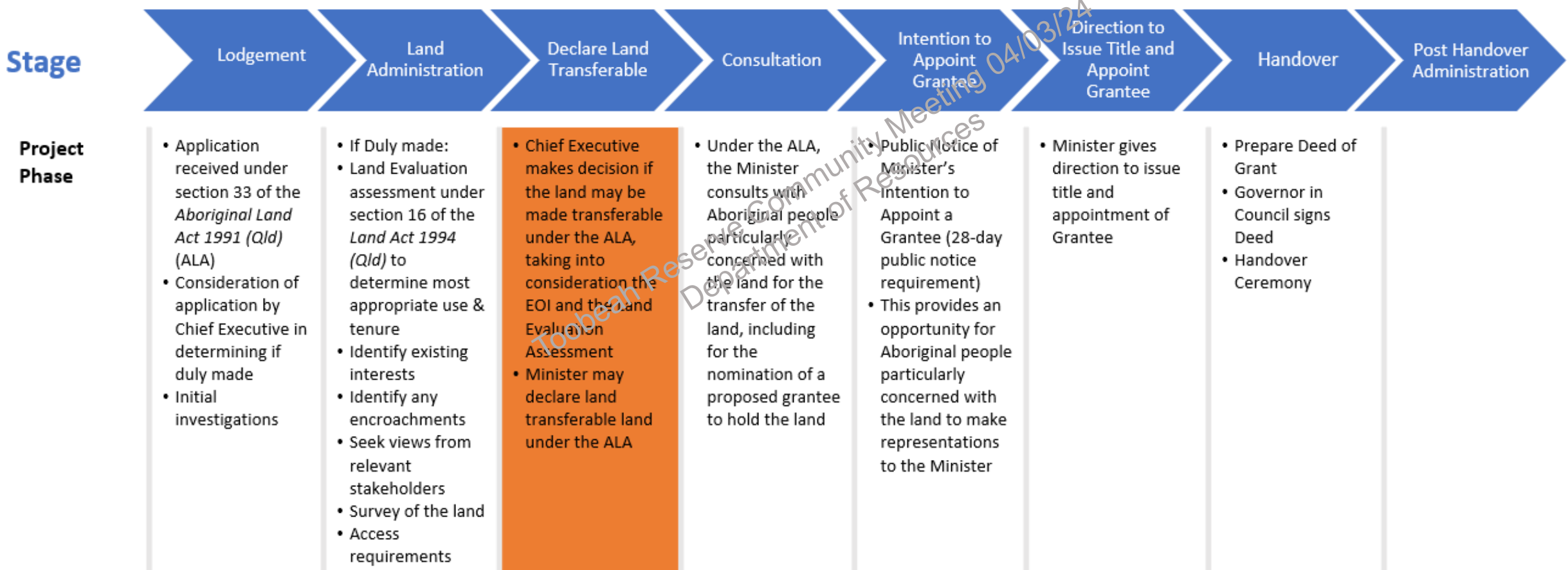
# ALA – Toobeah Reserve and Expression of Interest (EOI)

## TOOBEAH RESERVE LAND - Background

- Resources received an EOI for 'Toobeah Reserve' to be transferred under the ALA on 1 July 2021.
- The Toobeah Reserve is a reserve dedicated for 'Camping' purposes, and currently described as Lot 1 on SP304980. The Reserve Purposes were dedicated in 1906 to current day.
- 'Camping' is not a **community** purpose use under the provisions of the *Land Act 1994* and is considered as **operational** use.
- 'Camping' reserves are specifically to cater for the needs of travelling stock and camping associated with allowing both the stockmen and livestock to rest.

# ALA: Transfer of Land as Aboriginal Freehold under an Expression of Interest process

## Transfer of land from EOI Process



# ALA: Toobeah Reserve – Current Status of EOI

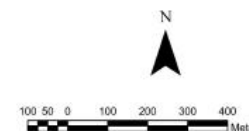
## CURRENT STATUS OF EXPRESSION OF INTEREST (EOI)

- A land evaluation decision under Section 16 of the *Land Act 1994* to determine the **most appropriate use and tenure of the land** has occurred.
- The land evaluation assessment includes consultation with key stakeholders to take into account State, regional and local planning strategies and policies and the objectives of the *Land Act 1994*.
- Consultation to date has confirmed that:
  - Council requires the protection of its existing town water supply infrastructure.
  - Council has identified the need for suitable land for future Toobeah township expansion.
  - Resources Stock Route Management Unit identified that part of Toobeah Reserve must be retained for minimum stock route requirements to safely move travelling stock around the Toobeah township.
  - Council requested public consultation.

# ALA: Toobeah Reserve – Proposed ALA Transfer



- Township expansion area
- Retained as Reserve
- ALA\_Part\_B
- ALA\_Part\_A
- Spatial cadastre



# ALA Process – Next Steps

## NEXT STEPS

- Before moving onto any next step in the transfer process, Resources will take into consideration the views expressed here tonight by the community and other information recently received by the department.
- Resources will continue to work with Council and the Bigambul People in an effort to realise aspirations.
- Going forward, Resources is happy to meet with smaller interest groups as required, and provide updates.
- **Further Information** about Land Transfers under the ALA can be found here on the Department of Resources website:

<https://www.qld.gov.au/firstnations/environment-land-use-native-title/connecting-with-country/land-transfers>

- If you would like to **contact** Resources about this process, please email [ODDG.LANDS@resources.qld.gov.au](mailto:ODDG.LANDS@resources.qld.gov.au)

## Other Speakers

### INTRODUCING OTHER SPEAKERS:

- **Justin Saunders**, Executive Director, Bigambul Aboriginal Native Title Corporation (BNTAC)
- **Lawrence Springborg**, Mayor, Goondiwindi Regional Council

Toobeah Reserve Community Meeting 04/03/24  
Department of Resources

Thank you for listening

**Questions?**

