



Extract from Schedule of Native Title Applications

Application Reference: Federal Court number: QUD6230/1998
NNTT number: QC1998/010

Application Name: Colin McLennan & Ors on behalf of the Jangga People and State Of Queensland & Ors (Jangga People)

Application Type: Claimant

Application filed with: National Native Title Tribunal

Date application filed: 02/04/1998

Current status: Full Approved Determination - 09/10/2012

Registration information: Please refer to the Register of Native Title Claims/National Native Title Register (as appropriate) for registered details of this application.

Registration decision status: Accepted for registration

Registration history: Registered from 02/04/1998 to 12/10/2012

Date claim / part of claim determined: 09/10/2012

Old Act* registered native title claimants: Colin McLennan for and on behalf of all Jangga People

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Additional Information

Not applicable

Persons claiming to hold native title:

1. The Native Title Claim Group is comprised of the Jangga people who, according to traditional laws acknowledged and customs observed

(a) are traditionally connected with the area claimed through biological or adoptive descent through one's mother or one's father; and

(b) Have communal native title in the application area, from which rights and interests derive.

2. Jangga people are comprised of all persons descended from the following apical Jangga persons more particularly identified as follows:

(a) Charlie Tiers

(b) Dick Hegarty also known as Dinduck;

(c) Pompey Earl;

(d) Mick Havilah (also known as Mick Cotherstone) or his brother Johnny Havilah;

(e) Albert Twist;

(f) Dick Cook and his wife/partner Lilly Cook;

(g) Charlie Pinkipie and his wife/partner Judy Pinkipie; or

(h) Billy (also known as King Billy) and his wife/partner Clara (also known as Queen Clara).

Native title rights and interests claimed:

1. The claimants are entitled, under traditional laws acknowledged and customs observed, to exercise native title rights and interests in relation to the application area claimed which include the following rights and interests:

The kind of rights and interests to be recognised and the 'Other Interests' in the determination area are listed as "Attachment J" being a draft of the proposed determination orders.

4. Subject to paragraphs 6, 7 and 8 below the nature and extent of the native title rights and interests in relation to the land and waters described in Part 1 of the Schedule 1 are:

(a) other than in relation to Water, the rights to possession, occupation, use and enjoyment of the area to the exclusion of all others; and

(b) in relation to Water, the non-exclusive rights to:

(i) hunt, fish and gather from the Water of the area;

(ii) take and use the Natural Resources of the Water of the area; and

(iii) take and use the Water of the area,

for personal, domestic and non-commercial communal purposes.

5. Subject to paragraphs 6, 7 and 8 below the nature and extent of the native title rights and interests in relation to the land and waters described in Part 2 of Schedule 1 are the non-exclusive rights to:

(a) access, be present on, move about on and travel over the area;

(b) camp, and live temporarily on the area as part of camping, and for that purpose build temporary shelters;

(c) hunt, fish and gather on the land and waters of the area for personal, domestic and non-commercial communal purposes;

(d) take, use, share and exchange Natural Resources from the land and waters of the area for personal, domestic and non-commercial communal purposes;

(e) take and use the Water of the area for personal, domestic and non-commercial communal purposes;

- (f) conduct ceremonies on the area;
 - (g) be buried and bury native title holders, in the ground, within the area;
 - (h) maintain places of importance and areas of significance to the native title holders under their traditional laws and customs and protect those places and areas from physical harm;
 - (i) teach on the area the physical and spiritual attributes of the area;
 - (j) hold meetings on the area; and
 - (k) light fires on the area for domestic purposes including cooking, but not for the purpose of hunting or clearing vegetation.
6. The native title rights and interests are subject to and exercisable in accordance with:
- (a) the Laws of the State and the Commonwealth;
 - (b) the traditional laws acknowledged and traditional customs observed by the native title holders; and
 - (c) the terms and conditions of the agreements referred to in paragraph 1 of Schedule 4.
7. The native title rights and interests referred to in paragraphs 4(b) and 5 do not confer possession, occupation, use or enjoyment to the exclusion of all others.
8. There are no native title rights in or in relation to minerals as defined by the Mineral Resources Act 1989 (Qld) and petroleum as defined in the Petroleum Act 1923 (Qld) and the Petroleum and Gas (Production and Safety) Act 2004 (Qld).

Application Area: **State/Territory:** Queensland
Brief Location: Central Queensland
Primary RATSIB Area: Northern Queensland Region
Approximate size: 11558.8353 sq km
(Note: There may be areas within the external boundary of the application that are not claimed.)
Does Area Include Sea: No

Area covered by the claim (as detailed in the application):

a) The area covered by this application ("the application area") includes the following:

- all unallocated state land
- all stock routes wider than 300 metres
- all national parks
- all waterways, natural lakes, creeks and river
- all pastoral holdings
- all non-exclusive pastoral leases as defined by Section 248B
- all state forest and timber reserves
- all camping reserves
- all recreational sites
- all reserves for aboriginal purposes

to the extent that they are inside the external boundary of the application area, but not so as to include any area of land or waters that was not covered previously by the application.

The external boundary of the application area is shown on the map marked "Attachment C1", and is also identified

by reference to the external list boundary description set out in "Attachment B2".

"Attachment B2" sets out a description of the external boundary of the application area by reference to:

Land parcels identified by lot on plan numbers:

Geographic co-ordinates referenced to GDA 94.

b) Areas that are excluded from the application area:

(i) Land parcels identified by lot on plan numbers, as described in "Attachment B3" and "Attachment B4" lists those areas of land that are excluded from the application area.

(ii) subject to (iv) valid Acts that occurred on or before 23 December 1996 compromising such of the following that are considered extinguishing acts within the meaning of the Native Title Act (1993) Cth as amended namely;

(a) Category A past acts as defined in s 228 and s 229 of the Native Title Act (1993) Cth.

(b) Category A intermediate acts as defined in s 232A and s 232B of the Native Title Act (1993) Cth;

(iii) Subject to (v), any valid previous exclusive possession act(s), as set out in Division 2B of Part 2 of the Native Title Act (1993) Cth (as amended) done in relation to the area; and the acts were attributable to the Commonwealth or the State;

(iv) Subject to (iv) any area over which native title has otherwise been extinguished;

(v) The paragraphs above and below are subject to the provisions of s 47, 47A and 47B of the Native Title Act (1993) Cth as may apply to any part of the application area. Areas subject to acts referred to in (b) (ii), (iii) & (iv), and (c), to which the provisions of s 47, s 47A and s 47B of the Native Title Act (1993) Cth apply, are not excluded from the application area.

c) subject to (b) (v), exclusive possession is not claimed over areas which are subject to valid previous non exclusive possession acts as defined by section 23F Native Title Act (1993).

Attachments:

1. Description of the External Boundary, 7 pages - A4, 17/09/2012
2. Land parcels excluded from the claim area, 2 pages - A4, 17/09/2012
3. Map of the claim area, 1 page - A4, 17/09/2012
4. Tenure Based Exclusions , 1 page - A4, 17/09/2012

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