



Extract from Schedule of Native Title Applications

Application Reference: Federal Court number: QUD6158/1998
NNTT number: QC1999/026

Application Name: Charles Woosup & Ors on behalf of the Ankamuthi People and State of Queensland & Ors (Ankamuthi People)

Application Type: Claimant

Application filed with: Federal Court of Australia

Date application filed: 15/07/1999

Current status: Full Approved Determination - 03/11/2017

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

Date claim entered on Register of Native Title Claims: 21/09/1999

Registration decision status: Accepted for registration

Registration history: Registered from 21/09/1999 to 3/11/2017,

Date claim / part of claim determined: 03/11/2017

Applicants: Charles Woosup, George Mamoose, Michael Toby, Asai Pablo, Tracey Ludwick, Ella Heart (Deemal), Nelson Stephen, Ben Tamwoy, Catherine Salee, Mark Gebadi

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Additional Information

On 26 July 2017 the Federal Court of Australia made a determination in respect of the application area that native title exists in the entire determination area – see *Woosup on behalf of the Ankamuthi People #1 v State of Queensland* [2017] FCA 831. Order 2 of the determination provides that ‘The determination will take effect upon the agreement referred to in paragraph 2(a) of Schedule 4 being registered on the Register of Indigenous Land Use Agreements. In the event that the agreement referred to in paragraph 2(a) is not registered on the Register of Indigenous Land Use Agreements within six (6) months of the date of this order or such later time as this Court may order, the matter is to be listed for further directions.’ Once in effect, the determination will be entered on the National Native Title Register.

Persons claiming to hold native title:

The native title claim group is made up of all persons descended by birth or adoption from the following apical ancestors:

Woobumu and Inmare

Bullock (father of Mamoose Pitt, husband of Rosie/Lena Braidley)

Charlie Mamoose (father of Silas, Larry, Johnny and Harry Mamoose)

Charlie Seven River

Toby Seven River (father of Jack Toby)

Asai Charlie

Sam and Nellie (parents of George Stephen)

Mammus/Mamoos/Mark/Mamoose and his siblings Peter and Elizabeth

Charlie Maganu (husband of Sarah McDonnell)

Polly (wife of Wautaba Charlie Ropeyarn)

Limited purpose of the description

The above description of the native title claim group is provided solely to comply with the requirement for registration of the application in accordance with the provisions of the Native Title Act 1993 (Cth).

The Applicant notes that the way the Court will be asked to describe the native title holders when making a determination of native title will not necessarily be precisely reflected in the above description of the native title claim group.

Native title rights and interests claimed:

A description of the native title rights and interests claimed in relation to particular land or waters (including any activities in exercise of those rights and interests).

In relation to the areas that is:

• part of the Comalco ILUA (Western Cape Communities Co-Existence Agreement) (National

Native Title Tribunal File No: QIA2001/002), are as follows:

1. The native title rights and interests claimed in relation to the land and waters referred to above, other than in relation to Water and subject to paragraphs 3, 4 and 5, are non-exclusive rights to:

- a. live on the claim area, to camp, erect shelters and other structures;
- b. access, be present on, move about in and on and use the claim area;
- c. take and use the Natural Resources of the Determination Area for the purpose of satisfying the personal and domestic communal needs of the native title claim group;
- d. maintain and protect from harm by lawful means sites and places of significance in the claim area;
- e. conduct social, religious, cultural, spiritual and ceremonial activities on the claim area;
- f. hunt and gather in, on and from the claim area for the purpose of satisfying the personal, domestic or non-commercial communal needs of the members of the claim group,

and the right to inherit and succeed to the native title rights and interests.

2. Subject to paragraphs 3, 4 and 5, the native title rights and interests claimed in relation to Water covered by the Application are non-exclusive rights to:

- a. hunt and fish in or on, and gather from Water for the purpose of satisfying the personal, domestic or non-commercial communal needs of the native title claim group; and
- b. take, use and enjoy Water for the purpose of satisfying the personal, domestic or non-commercial communal needs of the native title claim group.

3. The native title rights and interests are and the native title is subject to and exercisable in accordance with:

- a. the traditional laws acknowledged and customs observed by the native title claim group;
- b. the laws of the Commonwealth and the State of Queensland.

4. The native title rights and interests claimed in the Application do not confer on the native title claim group possession, occupation, use and enjoyment of the claim area to the exclusion of all others.

5. The native title rights and interests claimed in the Application are not claimed by the native title claim group in relation to any part of the claim area where native title has been validly extinguished by operation of the Laws of the Commonwealth and the State of Queensland.

6. The words and expressions used in paragraphs 1 to 5 above have the same meanings as they have in Part 15 of the Native Title Act 1993 (Cth) except for the following defined expressions:

"Animal" and "Plant" have the meanings given to them in the Nature Conservation Act 1992 (Qld);

"Determination Area" means the land and waters within that part of the Claim Area that is part of the Western Cape Communities Co-existence Agreement (ILUA) (National Native Title Tribunal File No: QIA2001/002);

"Fish" has the meaning given to it in the Fisheries Act 1994 (Qld);

"High Water Mark" has the meaning given to it in the Land Act 1994 (Qld);

"Laws of the Commonwealth and the State of Queensland" means the common law and the laws of the Commonwealth of Australia and the State of Queensland, and includes legislation, regulations, statutory instruments, local planning instruments and local laws;

"Minerals" has the meaning given to it in the Minerals Resources Act 1989 (Qld);

"Natural Resources" means:

- a) any Plant and Animal, including fish and bird life found on, or in, the lands and waters of the Determination Area from time to time;
- b) flints, clays, ochres, stones and soils found on or below the surface of the Determination area; but does not include
- c) Minerals or Petroleum;

"Petroleum" has the meaning given to it in the Petroleum Act 1923 (Qld) and the Petroleum and Gas (Production and Safety) Act 2004 (Qld);

"Tidal Water" has the meaning given to it in the Land Act 1994 (Qld);

"Water" means water as defined in the Water Act 2000 (Qld) and Tidal Water.

A description of the native title rights and interests in relation to the balance of the Claim Area are as follows:

1. In relation to the exclusive areas, the native title rights and interests that are possessed under their traditional laws and customs are, subject to the traditional laws and customs that govern the exercise of the native title rights and interests by the native title holders, possession, occupation, use and enjoyment to the exclusion of all others.

2. In relation to the non-exclusive areas, the native title rights and interests of the native title holders that are possessed under their traditional laws and customs are, subject to the traditional laws and customs that govern the exercise of the native title rights and interests by the native title holders, non-exclusive rights to use and enjoy those areas being:

- a) to access, be present on, move about on and travel over the Determination Area;
- b) to hunt and fish in or on, and gather from, the Determination Area;
- c) to take, use, share and exchange natural resources on the Determination Area;
- d) to take and use water from the Determination Area for cultural, personal, domestic and communal purposes;
- e) to live and camp on the Determination Area and for those purposes to erect shelters and other structures thereon;
- f) to light fires on the Determination Area for cultural, spiritual or domestic purposes, including cooking, but not for the purpose of hunting or clearing vegetation;
- g) to be buried and to bury native title holders within the Determination Area;
- h) to conduct ceremonies on the Determination Area;
- i) to hold meetings on the Determination Area;

j) to teach on the area the physical and spiritual attributes of the Determination Area;

k) to maintain places of importance and areas of significance to the native title holders under their traditional laws and customs on the Determination Area and to protect those places and areas from harm;

l) to be accompanied on to the Determination Area by those persons who, though not native title holders, are:

1. spouses or partners of native title holders;
2. people who are members of the immediate family of a spouse or partner of a native title holder;
3. people reasonably required by the native title holders under traditional law and custom for the performance of ceremonies or cultural activities on the Determination Area; and
4. people who have specialised knowledge based on their training, study or experience who are requested by native title holders to observe or record traditional activities or otherwise to investigate matters of cultural significance on the Determination Area.

These native title rights and interest do not confer on the native title holder's possession, occupation, use and enjoyment of the non-exclusive areas, to the exclusion of all others.

The native title rights and interests are subject to and exercisable in accordance with the valid laws of Queensland and the Commonwealth of Australia.

Application Area: **State/Territory:** Queensland
Brief Location: Western tip of Cape York
Primary RATSIB Area: Cape York Region
Approximate size: 536.7146 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):

The application area covers all the land and waters within the external boundary described as:

- That part of Lot 7024 on MP41159 north of the Ducie River.
- Lot 6 on SP204113 (former part of Lot 3 on WP53).
- Lot 7 on SP204113 (former part of Lot 3 on WP53).
- Lot 8 on SP204113 (former part of Lot 3 on WP53).
- Lot 9 on SP204113 (former part of Lot 5 on WP53).
- Lot 10 on SP204113 (former part of Lot 5 on WP53).
- Lot 11 on SP204113 (former part of Lot 5 on WP53).
- Lot 12 on SP204113 (former part of Lot 5 on WP53).
- Lot 13 on SP204113 (former part of Lot 5 on WP53).

Note

Data Reference and source

- Application boundary data compiled by National Native Title Tribunal based on data sourced from the

- applicants.
- Cadastre data sourced from Department of Natural Resources and Mines (August 2015)
- Rivers / Creeks based on cadastral data.

Prepared by Geospatial Services, National Native Title Tribunal (07 December 2015)

The application excludes:

- . Dedicated roads
- . Dedicated Road reserves
- . Creeks or rivers dedicated to the State of Queensland
- . Valid grants of freehold land or water
- . other scheduled interests
- . a commercial lease that is neither an agricultural lease nor a pastoral lease
- . an exclusive agricultural lease or exclusive pastoral lease
- . a residential lease
- . a community purpose lease
- . any lease other than a mining lease that confers exclusive possession over particular lands or waters
- . What is taken by subsection 245(3) (which deals with the dissection of mining leases into certain other leases) to be a separate lease in respect of land or waters mentioned in paragraph (a) of that subsection, assuming that the reference in subsection 245(2) to "1 January 1994" were instead a reference to "24 December 1996"
- . Any area covered by a valid construction or establishment of any public works where the establishment or construction of the public work commenced on or before 23 December 1996.

Combination Details

Date of order to combine: 15/07/1999

This application is a combination of the following applications:

Application number(s)	Application name	Date application lodged/filed	Date claim entered on Register*	Registration History
QUD6158/1998, QC1997/051	Larry Woosup & Ors on behalf of the Ankamuthi People and State of Queensland & Ors	29/10/1997	N/A	Registered from 29/10/1997 to 21/09/1999
QUD6159/1998, QC1997/052	Ankamuthi People #2 (Larry Woosup) v State of Queensland	29/10/1997	N/A	Registered from 29/10/1997 to 21/09/1999
QUD6160/1998, QC1997/053	Ankamuthi People #3 (Larry Woosup) v State of Queensland	29/10/1997	N/A	Registered from 29/10/1997 to 21/09/1999

*For further information on pre-combined applications, see the Schedule extract for each pre-combined application.

Attachments: 1. Map of claim area, 1 page - A4, 27/04/2016

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