



Extract from Schedule of Native Title Applications

Application Reference: Federal Court number: QUD6016/2001
NNTT number: QC1999/039

Application Name: Vincent Mundraby & Ors on behalf of the Combined Mandingalbay Yidinji - Gunggandji Claim and State of Queensland & Ors (Combined Mandingalbay Yidinji - Gunggandji)

Application Type: Claimant

Application filed with: Federal Court of Australia

Date application filed: 03/12/1999

Current status: Full Approved Determination - 26/04/2013

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: 16/02/2011

Registration decision status: Accepted for registration

Registration history: Registered from 4/09/2000 to 26/03/2003, Registered from 16/02/2011 to 17/05/2013,

Date claim / part of claim determined: 21/09/2012

Applicants: Les Murgha, Charles Thomas Garling, Vincent Mundraby

Address(es) for Service: North Queensland Land Council Native Title
PO Box 679N
CAIRNS QLD 4870
Phone: 07 4042 7000

Additional Information

Not applicable

Persons claiming to hold native title:

The individuals who comprise the Mandingalbay Yidinji-Gunggandji native title claim group, on whose behalf the application is made, are all of the descendants (whether reckoned by birth or customary

adoption) of the following people, or those persons who have been adopted in accordance with the traditional laws and customs of the Mandingalbay Yidinji-Gunggandji native title claim group by such descendants:

Merumanai II, or his wife Tonkobulu of King Beach (being the parents of Albert Underwood, Djaradjoan, Menmuny/King John Barlow/Merumanai III, and Nellie married to Loui;

Billy Brown (husband of Jinny Katchewan of Cape Grafton);

Billy Church/Goondor (the father of Maggie 1, Maggie 2 and Nora);

Kari (the father of George Christian);

Mandi Tjapir (sister of Kari and wife of Billy Church);

Kutubi/Bertie Harris;

Mary Ann, or her brother Paddy or Jilji (husband of Nora);

Nego/Nengo (the mother of Maggie 2);

Mandekala of Cape Grafton or Njemnga/Njewnga of Cape Grafton (the parents of Jinny Katchewan of Cape Grafton);

Rosie of Buddabadoo;

Billy (Woopah) of Buddabadoo;

Harry Myngha,

Jabulum Mandingalpai (aka Jimmy)

Descent from the above identified ancestors of the Mandingalbay Yidinji-Gunggandji native title claim group can be traced either through patrilineal or matrilineal links.

Whether a particular person has been adopted in accordance with the traditional laws and customs of the Mandingalbay Yidinji-Gunggandji native title claim group is determined where members of the relevant kin network of a child recognise the child as being sufficiently in charge of the adoptive parent(s) or other kin, such that the term to "grow someone up" has become an appropriate description and is in use in the community regarding the relationship between those persons and the child.

Native title rights and interests claimed:

The native title rights and interests claimed are the rights to possession, occupation, use and enjoyment of the claimed area to the exclusion of all others which are exercisable in accordance with the laws of the State of Queensland and the Commonwealth of Australia.

Where any part of the claimed area has been the subject of a previous non-exclusive possession act (s.23F) the native title rights and interests claimed are not to the exclusion of all others, and include the following non-exclusive rights and interests:

(i) to access and be physically present on the claimed area in accordance with traditional laws and customs;

(ii) to camp on the claimed area in accordance with traditional laws and customs, not including the right to reside permanently or build permanent structures or fixtures;

(iii) to hunt, fish and gather on the claimed area for the purpose of satisfying personal, domestic and non-commercial communal needs in accordance with the traditional laws and customs;

(iv) to take, use and enjoy the natural resources of the claimed area for the purpose of satisfying personal, domestic and non-commercial communal needs in accordance with traditional laws and customs;

(v) to maintain and protect from physical harm, by lawful means, places in the claimed area of importance to the native title holders in accordance with traditional laws and customs;

(vi) to perform social, cultural, religious, spiritual or ceremonial activities in the claimed area and invite others to participate in those activities in accordance with traditional laws and customs;

(vii) to pass on native title in relation to the claimed area in accordance with traditional laws and customs;

(viii) to make decisions in accordance with traditional laws and customs concerning access to the claimed area and use and enjoyment of the claimed area by aboriginal people who are governed by the traditional laws of knowledge, and traditional customs observed by, the native title holders; and

(ix) to determine membership and affiliation to the native title holders in accordance with traditional laws and customs.

Application Area:

State/Territory: Queensland

Brief Location: Far North Queensland

Primary RATSIB Area: Northern Queensland Region

Approximate size: 81.3204 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):

1. The external boundaries of the area covered by the application are those areas of land and waters more particularly described in Attachment B1.

2. Subject to paragraphs 5 and 6, the area covered by the application excludes any land or waters which is presently or was previously covered by:

(a) a Scheduled interest as defined in section 249C of the Native Title Act 1993 (Cth);

(b) a freehold estate (including any right in land or waters taken to be the vesting of a freehold estate by virtue of sub section 23B(3));

(c) a commercial lease that is neither an agricultural lease nor a pastoral lease;

(d) an exclusive agricultural lease or an exclusive pastoral lease;

(e) a community purpose lease;

(f) a residential lease

(g) a lease dissected from a mining lease and referred to in subparagraph 23B(2)(c)(vii) of the Native Title Act 1993 (Cth);

(h) any lease (other than a mining lease) that confers a right of exclusive possession over particular land or waters, which was validly granted or vested on or before 23 December 1996.

3. Subject to paragraphs 5 and 6, the area covered by the application excludes any land or waters where native title has otherwise been extinguished.

4. Subject to paragraphs 5 and 6, the land and waters the subject of the application excludes any area covered by the valid construction or establishment of any public work (as defined by the Native Title Act 1993 (Cth), where the construction or establishment of the public work commenced on or before 23 December 1996.

5. Where the act specified in paragraph 2,3 or 4 falls within the provisions of:

(a) section 23B(9) - Exclusion of acts benefiting Aboriginal peoples or Torres Strait Islanders

(b) section 23B(9A) - Exclusion of national parks etc;

(c) section 23B(9B) - Exclusion of acts where legislation provides for non-extinguishment;

(d) section 23B(9C) - Exclusion of Crown to Crown grants etc; or

(e) section 23B(10) - Exclusion by regulation,

the land and waters affected by the act is not excluded from the application.

6. Where an act referred to in paragraph 2, 3 or 4 affects or affected land or waters referred to in:

(a) section 47 - pastoral lease held by or on behalf of native title claimants or any of the members of the native title claim group;

(b) section 47A - reserves etc. covered by claimant applications; or

(c) section 47B - vacant Crown land covered by claimant applications,

the land and waters affected by the act is not excluded from the application, but only to the extent that any extinguishment by that act, for the purposes of sections 47, 47A or 47B, must be disregarded.

7. The area covered by the application excludes any land or waters which is presently covered by a lease granted under the Aboriginal and Torres Strait Islanders (Land Holding) Act 1985 (Qld).

Note: All the above section references are to the provisions of the Native Title Act 1993 (Cth).

Combination Details

Date of order to combine: 16/12/1999

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
QUD6018/1998, QC1998/040	Descendants Of G Christian (Mary Addo) v State of Queensland	25/09/1998	N/A	Registered from 25/09/1998 to 26/02/2001
QUD6104/1998, QC1998/041	Descendants Of G Christian (Mary Addo) v State of Queensland	25/09/1998	N/A	Registered from 25/09/1998 to 26/02/2001

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

Attachments:

1. External Boundary Description, Attachment B1 of the Application, 2 pages - A4, 28/02/2012
2. Map of the Claim Area, Attachment C of the Application, 1 page - A4, 28/02/2012

NNTT Contact Details

Address: National Native Title Tribunal
Cairns Office
Level 14, Cairns Corporate Tower
15 Lake Street
CAIRNS QLD 4870
PO Box 9973
CAIRNS QLD 4870

Telephone: +61 7 4046 9000
Freecall: 1800 640 501
Fax: +61 7 4046 9050
Web Page: www.nntt.gov.au

End of Extract