



# Extract from Schedule of Native Title Applications

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**Application Reference:** Federal Court number: QUD6015/1998  
NNTT number: QC1999/040

**Application Name:** Mandingalbay Yidinji People and State of Queensland & Others (Mandingalbay Yidinji People #1)

**Application Type:** Claimant

**Application filed with:** Federal Court of Australia

**Date application filed:** 07/10/1999

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**Current status:** Full Approved Determination - 22/11/2006

**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:** Not Accepted for registration

**Registration history:** Registered from 01/10/2001 to 26/08/2005

**Date claim / part of claim determined:** 24/04/2006

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**Applicants:** Vincent Mark Mundraby, Alfred Switson Mundraby

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Terry Fisher & Co Solicitors  
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BRISBANE QLD 4101  
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## Additional Information

Not applicable

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## Persons claiming to hold native title:

The Mandingalbay Yidinji People are the descendants of Jabulum Mandingalpai aka "Jimmy".

This description includes all Mandingalbay Yidinji People whether or not known at this time and includes all persons who hold the native title claimed

**Native title rights and interests claimed:**

In the USL land claimed, subject to s47B revival, the applicants claim the native title is a right in accordance with traditional laws and customs to possession, occupation, use and enjoyment.

In the remaining lots claimed the native title rights consist of non-exclusive rights to use and enjoy the land and waters, being:

- a) the right to access and be physically present on the Native Title Area in accordance with traditional laws and customs;
- b) the right to camp on the Native Title Area in accordance with traditional laws and customs which does not include the right to permanently reside or build permanent structures or fixtures;
- c) the right to hunt, fish and gather on the Native Title Area for the purpose of satisfying their personal, domestic, social, cultural, religious, spiritual, ceremonial and non-commercial communal needs in accordance with traditional laws and customs;
- d) the right to take, use and enjoy the natural resources of the Native Title Area for the purpose of satisfying their personal, domestic, social, cultural, religious, spiritual ceremonial and non-commercial communal needs in accordance with traditional laws and customs;
- e) The right to maintain and protect from physical harm, by lawful means, places within the Native Title Area of importance to the Native Title Holders in accordance with traditional laws and customs; and
- f) The right to perform social, cultural, religious, spiritual or ceremonial activities on the Native Title Area and invite others to participate in those activities in accordance with traditional laws and customs.

In relation to the land and waters that are not USL lands, non exclusive rights to:

- i) pass on native title rights and interests in relation to the Native title Area in accordance with traditional laws and customs;
- ii) make decisions in accordance with traditional law and customs about the access, use and enjoyment of the Native Title Area by Aboriginal people who are governed by the traditional laws acknowledged and traditional customs observed by the Native Title Holders; and
- iii) determine membership of and filiation to the native title holding group in accordance with traditional laws and customs.

The native title rights and interests in relation to lots where non-exclusive possession is claimed do not confer possession, occupation, use and enjoyment of those land and waters on the Native Title Holders to the exclusion of others.

**Application Area:**                    **State/Territory:** Queensland  
**Brief Location:** Near Yarrabah  
**Primary RATSIB Area:** Northern Queensland Region  
**Approximate size:** 41.5687 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):**

All of the land and waters described in the attached table to the High-Water Mark and shown on the map at Attachment C which comprises:

Part Lot 111 NR7962 (Giangurra Reserve)

Lot 36AP7416 (formerly part of Lot 36 USL9876)

Part Lot 34 USL9876

Lot 16 USL 9897

Part Lot 933 AP6360 (formerly Part Lot 933 FTY934) but excluding part historical lot 248 C157359

Lot 1391 NPW373 (Grey Peaks National Park) excluding Part Historical lot 118 NR3093

See attachment Annexure "B"

Information identifying the boundaries of:

1. The area covered by this application is all the lands within the following parcels described in Annexure "B"
2. Subject to paragraph 4, the area covered by the application excludes any land 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 taken to be the vesting of a freehold estate by virtue of subsection 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 residential lease;
  - f) a community purposes lease;
  - g) a lease dissected from a mining lease referred to in subparagraph 23B(2)(c)(vii) of the Native title Act 1993 (Cth); or
  - h) any lease (other than a mining lease) that confers a right to exclusive possession over particular which was validly granted or vested on or before 23 December 1996.
3. Subject to paragraphs 4, the land the subject of the application excludes any area covered by the valid construction or establishment of any public work commenced on or before 23 December 1996.
4. Where the act specified in paragraph 2 or 3 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 (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.

For clarity, the applicants do not claim exclusive possession over areas subject to previous non-exclusive possession acts in this application. The exclusion clauses exclude from the application any areas over which native title has otherwise been extinguished.

### **Combination Details**

Date of order to combine: 18/10/1999

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
QUD6015/1998, QC1995/009	Mandingalbay Yidinji People and State of Queensland & Others	04/04/1995	N/A	Registered from 08/09/1995 to 02/10/2001
QUD6094/1998, QC1996/088	Mandingalbay Yidinji (Basil Vincent Mundraby) v State of Queensland & Ors	04/07/1996	N/A	Registered from 04/07/1996 to 02/10/2001

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

**Attachments:**

1. Description of the Claim Area, 1 page - A4, 12/10/2004
2. Map of Claim Area - A3 reduced to A4., 1 page - A4, 12/10/2004

**NNTT Contact Details**

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