



Extract from Schedule of Native Title Applications

Application Reference: Federal Court number: QUD346/2006
NNTT number: QC2006/010

Application Name: Gold Coast Native Title Group

Application Type: Claimant

Application filed with: Federal Court of Australia

Date application filed: 05/09/2006

Current status: Dismissed - 13/12/2013

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: 23/09/2010

Registration decision status: Accepted for registration

Registration history: Registered from 23/09/2010 to 18/12/2013,

Date claim / part of claim determined: 13/12/2013

Applicants: Wesley Aird, Ian Levinge, Jacqueline McDonald, Earl Sandy, Kevin Slabb, Bernie Williams, Eileen Williams

Address(es) for Service:

Additional Information

Not applicable

Persons claiming to hold native title:

The native title claim group (hereafter the 'claim group') on whose behalf the claim is made is the Gold Coast Native Title Group (also known by the inclusive label, the "Eastern Yugambeh").

The Gold Coast Native Title Group comprises all of:

(a) the biological descendants of the following named apical ancestors:

(i) Joseph Blow;

- (ii) Coolum;
- (iii) George Drumley (Darramlee);
- (iv) Sarah Drumley (Warri);
- (v) Jackey Jackey (Bilin Bilin), Mark Jackey, Harry Jackey;
- (vi) Nellie Jackey;
- (vii) John Alexander Sandy (Bungaree);
- (viii) Kitty Sandy (Yelganun);
- (ix) Slab;
- (x) Kipper Tommy Andrews;

(b) the persons adopted by the named apical ancestors listed in (i) to (x) under paragraph (a) above in accordance with the law and custom;

(c) the persons adopted by the biological descendants of the named apical ancestors listed in (i) to (x) under paragraph (a) above in accordance with law and custom;

(d) the biological descendants of the adopted persons referred to in paragraphs (b) and (c) above in accordance with law and custom.

Native title rights and interests claimed:

1. The following non-exclusive rights and interests are claimed, jointly and severally:

- a. The right to be present on, use and enjoy the application area.
- b. The right to inherit and succeed to the native title rights and interests.
- c. The right to make use of the application area by:
 - i. hunting, fishing and gathering on, in or from the application area for non-commercial purposes;
 - ii. conducting ceremonies and meetings on the application area;
 - iii. being buried on, and burying native title holders on, the application area;
 - iv. maintaining springs and wells in the application area where underground water rises naturally, for the sole purpose of ensuring the free flow of water;
 - v. taking, using and enjoying the natural resources (Footnote 1) found on or within the application area, for non-commercial purposes;
 - vi. maintaining and protecting by lawful means places of importance and areas of significance to the native title holders;
 - vii. protecting the land, waters and natural resources of the application area by taking steps to prevent acts which are not carried out in the exercise of statutory rights or any common law rights and which may cause damage, spoliation or destruction of the land, waters and / or natural resources of the application area;
 - viii. using and enjoying the application area and its natural resources for the purposes of teaching, communicating and maintaining cultural, social, environmental, spiritual and other knowledge, traditions, customs and practices of the native title holders.
- d. An interest in the management and use of the application area and its natural resources.

The exercise of these rights and interests is in accordance with the traditional laws acknowledged and traditional customs observed by the applicants.

2. The rights and interests in paragraph 1 (above) are claimed to the extent that the exercise of them is consistent with the rights and interests below:

- a. With respect to those parts of the application area, other than land or waters to which s47A of the Native Title Act 1993 ("NTA") applies, which are, or have been, the subject of a previous "non-exclusive possession act" within the meaning of s23F NTA, the applicants claim the native title rights and interests set out above subject to the rights and interests created in the "non-exclusive possession act" which are not inconsistent with the rights and interests claimed and, in the case of rights granted which are inconsistent with the rights and interests claimed, subject to any suspension or regulation of the native title rights and interests which those inconsistent rights and interests cause.
- b. With respect to those parts of the application area, other than land or waters to which s47A NTA applies, which are, or have been, the subject of:
 - i. a Category B intermediate period act within the meaning of s232C NTA; or
 - ii. a Category C intermediate period act within the meaning of s232D NTA; or
 - iii. a Category D intermediate period act within the meaning of s232E NTA,

the applicants claim the native title rights and interests set out above subject to the rights and interests created in the "non-exclusive possession act" which are not inconsistent with the rights and interests claimed and, in the case of rights granted which are inconsistent with the rights and interests claimed, subject to any suspension or

regulation of the native title rights and interests which those inconsistent rights and interests cause.

c. With respect to those parts of the application area, other than land or waters to which s47A NTA applies, which are, or have been, the subject of:

- i. a Category B past act within the meaning of s230 NTA; or
- ii. a Category C past act within the meaning of s231 NTA; or
- iii. a Category D past act within the meaning of s232 NTA,

the applicants claim the native title rights and interests set out above subject to the rights and interests created in the "non-exclusive possession act" which are not inconsistent with the rights and interests claimed and, in the case of rights granted which are inconsistent with the rights and interests claimed, subject to any suspension or regulation of the native title rights and interests which those inconsistent rights and interests cause.

Footnote 1. Other than minerals wholly owned by the Crown, and petroleum. "Minerals" has the meaning attributed to it in the Mineral Resources Act 1989 (Qld) as in force at the date of this application. "Petroleum" has the meaning attributed to it in the Petroleum Act 1923 (Qld) as in force at the date of this application.

Application Area: **State/Territory:** Queensland
Brief Location: South east Queensland
Primary RATSIB Area: Southern and Western Queensland Region
Approximate size: 1637.2856 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 description of the area of land and waters covered by the application is provided at Attachment B.

Areas within the boundary identified in Attachment B that are not covered by the application.

1. The area covered by the application excludes any land or waters that is or has been covered by:

- a) a Scheduled Interest;
- b) a freehold estate;
- 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 purpose lease;
- g) a lease dissected from a mining lease and referred to in s.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.

2. Subject to paragraphs 4 and 5, the area covered by the application excludes any land or waters covered by the valid construction or establishment of any public work, where the construction or establishment of the public work commences on or before 23 December 1996.

3. Subject to paragraphs 4 and 5, exclusive possession is not claimed over areas which are subject to valid previous non-exclusive possession acts done by the Commonwealth or State of Queensland.

4. Subject to paragraph 6, where the act specified in paragraphs 1, 2 and 3 falls within the provisions of:

- * S.23B(9) - Exclusion of acts benefiting Aboriginal Peoples or Torres Strait Islanders;
- * S.23B(9A) - Establishment of a national park or state park;
- * S.23B(9B) - Acts where legislation provides for non-extinguishment;
- * S.23B(9C) - Exclusion of Crown to Crown grants; and
- * S.23B(10) - Exclusion by regulation

the area covered by the act is not excluded from the application.

5. Where an act specified in paragraphs 1, 2 and 3 affects or affected land or waters referred to in:

- * S47 - Pastoral leases etc covered by claimant application
- * S47A - Reserves etc covered by claimant application
- * S47B - Vacant Crown land covered by claimant application

the area covered by the act is not excluded from the application.

6. The area covered by the application excludes land or waters where the native title rights and interests claimed have been otherwise extinguished.

Attachments:

1. Description of claim area , Attachment B of the Application, 4 pages - A4, 13/05/2010

2. Map showing the boundaries of the area covered by the application, Attachment C of the Application, 1 page - A4, 13/05/2010

NNTT Contact Details

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