



Extract from Schedule of Native Title Applications

Application Reference: Federal Court number: QUD156/2011
NNTT number: QC2011/003

Application Name: Maryanne Coconut & Ors on behalf of the Northern Cape York Group #2 v State of Queensland & Ors (Northern Cape York Group #2)

Application Type: Claimant

Application filed with: Federal Court of Australia

Date application filed: 01/07/2011

Current status: Full Approved Determination - 27/10/2014

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: 16/12/2011

Registration decision status: Accepted for registration

Registration history: Registered from 16/12/2011 to 27/10/2014,

Date claim / part of claim determined: 20/06/2014

Applicants: Maryanne Coconut , Grace John, Malcom Callope, Charles Budby , Gabriel Mairu, Florence Hector , Ivy Gordon , Andrea Toby , Maurice Woodley , Victoria Kennedy , Celia Fletcher, Agnes Mark, Alma Day , Harriet Flinders, Florence Luff, Neville Motton , Rhonda Parry , Allison Sailor, Raymond Ah Mat, Linda McLachlan , Michelle KostECKI (nee Ah Mat)

Address(es) for Service: Adam McLean
Cape York Land Council Aboriginal Corporation
32 Florence Street
CAIRNS QLD 4870
Phone: 07 4053 9222
Fax: 07 4051 0097

Additional Information

Not applicable

Persons claiming to hold native title:

The names (including Aboriginal names) of the persons (the native title claim group) on whose behalf the application is made or a sufficiently clear description of the persons so that it can be ascertained whether any particular person is one of those persons.

See Attachment A.

Native title rights and interests claimed:

A description of the native title rights and interests in relation to the part of the Claim Area that is:

- part of the Comalco ILUA (Western Cape Communities Co-existence Agreement) (National Native Title Tribunal File No: QIA2001/002),

is 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, domestic or non-commercial communal needs of the members 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 native title claim group,
- and the right to inherit and succeed to the native title rights and interests.
2. Subject to paragraph 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);

"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 Mineral 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) the right to travel over, to move about, and to have access to those areas;
- b) the right to hunt and to fish on the land and waters of those areas;
- c) the right to gather and to use the natural resources of those areas such as food, medicinal plants, timber, stone and resin;
- d) the right to take and to use the natural water on those areas;
- e) the right to live, to camp and for that purpose to erect shelters and other structures on those areas;
- f) the right to light fires on those areas for domestic purposes, but not for the clearance of vegetation;
- g) the right to conduct and to participate in the following activities on those areas:
 - i. cultural activities;
 - ii. cultural practices relating to birth and death, including burial rites;
 - iii. ceremonies;
 - iv. meetings, and
 - v. teaching the physical and spiritual attributes of sites and places on those areas that are of significance under their traditional laws and customs.
- h) the rights to maintain and to protect sites and places on those areas that are of significance under their traditional laws and customs;
- i) the right to share or exchange subsistence and other traditional resources obtained on or from those areas;
- j) the right to be accompanied on to those areas by persons who, though not native title holders, are:
 - i. people required by traditional law and custom for the performance of ceremonies or cultural activities on the areas;
 - ii. people who have rights in relation to the areas according to the traditional laws and customs acknowledged by the native title claim group members; and
 - iii. people required by the native title holdersto assist in, observe, or record traditional activities on the areas;
- k) the right to conduct activities necessary to give effect to the rights referred to in (a) to (k) hereof.

These native title rights and interests 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: Cape York region
Primary RATSIB Area: Cape York Region
Approximate size: 3936.3318 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):

See Attachments B and B1

Attachments:

1. Attachment A Native Title Claim Group, 1 page - A4, 12/06/2014
2. Attachment B Identification of Boundaries, 1 page - A4, 12/06/2014
3. Attachment B1 Description of External Boundary, 1 page - A4, 12/06/2014
4. Attachment C Map of claim area, 1 page - A4, 12/06/2014

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

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