



Extract from Schedule of Native Title Applications

Application Reference: Federal Court number: QUD556/2015
NNTT number: QC2015/009

Application Name: Tanya Kum Sing & Ors on behalf of the Mitakoodi People #5 and State of Queensland & Ors (Mitakoodi and Mayi People #5)

Application Type: Claimant

Application filed with: Federal Court of Australia

Date application filed: 08/07/2015

Current stage(s): Notification Complete

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: 21/02/2020

Registration decision status: Accepted for registration

Registration history: Registered from 25/09/2015 to 8/11/2019, Registered from 21/02/2020

Applicants: Tanya Kum Sing, Pearl Connelly, Kay Douglas, Norman Douglas, Ronald Major, Sharn Fogarty, Clyde Fogarty, Justin Asse, Kristal Chapman

Address(es) for Service: Michael Pagsanjan
MPS Law
100 Carrington Street
Adelaide SA 5000
Phone: (08) 7221 1690
Fax: (08) 8127 8090

Additional Information

Not applicable

Persons claiming to hold native title:

The claim group on whose behalf this application is made is the Mitakoodi and Mayi People.

The Mitakoodi and Mayi People are Aboriginal people who:

1. Principally identify as Mitakoodi and Mayi People and as belonging to the traditional country of their Mitakoodi and Mayi forebears;
2. Are recognised by other Mitakoodi and Mayi People as the biological descendants of deceased Mitakoodi and Mayi people; and
3. Are the descendants of the following deceased Aboriginal People: Minnie; Thomas 'Tiger' Mitchell; Dinah; Topsy; Sophie; and Billy Chisholm.

Native title rights and interests claimed:

1. Over areas where a claim to exclusive possession can be recognized (such as areas where there has been no prior extinguishment of native title or where s238, ss47, 47A, 47B or 47C apply), the Mitakoodi and Mayi People claim the right to possess, occupy, use and enjoy the lands and waters of the application area as against the whole world, pursuant to the traditional laws and customs of the claim group.
2. Over the areas where a claim to exclusive possession cannot be recognised, the Mitakoodi and Mayi People claim the following non-exclusive right to:
 - a) access, be present on, move about on and travel over the application area;
 - b) camp, and live temporarily on the application area as part of camping, and for that purpose build temporary shelters;
 - c) hunt, fish and gather on the land and waters of the application area for personal, domestic, commercial and communal purposes;
 - d) take, use, share and exchange natural resources from the land and waters of the application area for personal, domestic, commercial and communal purposes;
 - e) take and use the water of the application area for personal, domestic, commercial and communal purposes;
 - f) conduct ceremonies and dance on the application area;
 - g) hold meetings on the application area;
 - h) teach on the area the physical and spiritual aspects of the application area;
 - i) light fires on the application area;
 - j) maintain places of importance and areas of significance to the native title holders under their traditional laws and customs, and protect those places and areas from physical harm;
 - k) be accompanied onto the application area by certain non-native title holders, being:
 - i. immediate family of native title holders, pursuant to the exercise of traditional laws acknowledged and customs observed by the native title holders; and
 - ii. people required under the traditional laws acknowledged and traditional customs observed by the native title holders for the performance of, or participation in, ceremonies and dance.
3. The native title rights and interest are subject to:
 - a) the valid laws of the State of Queensland and the Commonwealth of Australia; and
 - b) the rights conferred under those laws.

Application Area:

State/Territory: Queensland

Brief Location: In the vicinity of Cloncurry and Julia Creek, extending northerly from the Selwyn Range along the McKinlay Fullarton, Cloncurry and Saxby Rivers to the Norman River

Primary RATSIB Area: Southern and Western Queensland Region

Approximate size: 25716.6567 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):

Information identifying the boundaries of:

- a) the area covered by the application; and
- b) any areas within those boundaries that are not covered by the application.

In relation to (a) above, 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 are as follows:

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

- Scheduled Interest
- a freehold estate;
- a commercial lease that is neither an agricultural lease nor a pastoral lease;
- an exclusive agricultural lease or an exclusive pastoral lease;
- a residential lease;
- a community purpose lease;
- a lease dissected from a mining lease and referred to in s.23B(2)(c)(vii) of the Native Title Act 1993 (Cth); and
- any lease (other than a mining lease) that confers a right of exclusive possession over particular land and 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:

S23B(9) - Exclusion of acts benefiting Aboriginal Peoples or Torres Strait Islanders

S23B(9A) - Establishment of a national park or state park;

S23B(9B) - Acts where legislation provides for non-extinguishment

S23(9C) - Exclusion of Crown to Crown grants; and

S23B(10) - Exclusion by regulation

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 applicant;

S47A- Reserves etc covered by claimant application; and

S47B - Vacant Crown land covered by claimant application; and

S47C - National Parks etc covered by native title application where the operation of that section is agreed to in writing in accordance with paragraph 47C(1)(b)

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. External boundary description, Attachment B of application, 3 pages - A4, 15/01/2020

2. Map of claim area, Attachment C of application, 1 page - A4, 15/01/2020

End of Extract