

ATTACHMENT E - NATIVE TITLE RIGHTS AND INTERESTS CLAIMED



1. In relation to the land and waters covered by Lot 4536 on SP204559, the Applicant asserts that the Gangalidda People have the right to possess, occupy, use and enjoy that land, to the exclusion of all others.
2. In relation to the remainder of the land and waters within the Application area, the Applicant asserts that the nature and extent of the native title rights and interests claimed by the Gangalidda People, other than in relation to the use and enjoyment of Water, are non-exclusive rights:
 - (a) to access, to be present on and to traverse the area;
 - (b) to hunt, fish and gather Natural Resources from the area for personal, domestic, and non-commercial communal purposes;
 - (c) to take, use, share and exchange Natural Resources from the area for personal, domestic, and non-commercial communal purposes;
 - (d) to camp on the area but not to reside permanently or to erect permanent structures or fixtures;
 - (e) to light fires on the area for domestic purposes including cooking but not for the purposes of hunting or clearing vegetation;
 - (f) to conduct religious and spiritual activities and ceremonies on the area;
 - (g) to be buried on, and bury Native Title Holders on the area; and
 - (h) to maintain places and areas of importance or significance to the Native Title Holders under their traditional laws and customs and protect those places and area from physical harm.
3. The nature and extent of the native title rights and interests in relation to the use and enjoyment of Water within the Determination Area, are non-exclusive rights:
 - (a) to hunt and fish in and on and gather Natural Resources from the Water;
 - (b) to take, use, share and exchange Natural Resources from the Water; and
 - (c) to take, use and enjoy the Water,for personal, domestic, and non-commercial communal purposes.

"Natural Resources" means:

- (a) "animals" as defined in the *Nature Conservation Act 1992* (Qld) and, for certainty, includes honey;
- (b) "plants" as defined in the *Nature Conservation Act 1992* (Qld) and, for certainty, includes charcoal, sap, wax and resin; and
- (c) any clay, soil, sand, gravel, or rock on or below the surface of the Determination Area but does not include minerals (except ochre taken in accordance with the traditional laws and customs of the Native Title Holders) as defined in the *Mineral Resources Act 1989* (Qld) or petroleum as defined in the *Petroleum Act 1923* (Qld) and the *Petroleum and Gas (Production and Safety) Act 2004* (Qld).

"Water" means all or any of the following:

- (a) water that permanently or intermittently is in, or flows in, a watercourse, lake or spring, regardless of the frequency;
- (b) any natural collection of water, whether permanent or intermittent;
- (c) water from an underground water source; or
- (d) tidal water.

"watercourse" has the meaning that it has in the *Water Act 2000* (Qld).