



Extract from the Register of Native Title Claims

Application Information

Application Reference: Federal Court number: QUD592/2015
NNTT number: QC2015/007

Application name: Frank Button & Ors on behalf of the Koa People v State of Queensland (Koa People)

Registration History: Registered from 28/09/2015

Register Extract (pursuant to s. 186 of the *Native Title Act 1993*)

Application filed with: Federal Court of Australia

Date application filed: 16/07/2015

Date claim entered on Register: 28/09/2015

Applicants: Frank Button, Natasha Duncan, William Gorham, Pamela Hegarty, Michael Mace, Frank Peterson

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Additional Information:

Not Applicable

DESCRIPTION OF THE AREA COVERED BY THE CLAIM:

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 ('the application area') 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 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 commenced 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 provision 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:

- s. 47 - Pastoral leases etc covered by claimant application
- s 47A - Reserves etc covered by claimant application
- s 47B - 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.

PERSONS CLAIMING TO HOLD NATIVE TITLE:

The Koa People are the descendants of the following ancestors:

1. MaryAnn Watson
2. Zoe Button nee Watson aka Zoe Clements/Zoe Murdoch
3. George Mitchell
4. Topsy Mitchell aka Katie of Cork Station aka Katie O'Chin
5. Nancy Chambers nee Watson
6. Jack Chermside
7. Charley Chermside aka Charley Riley
8. Jacob Chermside
9. Lois Tighe/Tye
10. Maria Miller nee Creed aka Maria Jeffries
11. Timothy Creed
12. Valentine Mingo
13. Minnie Winton
14. Jack Watson
15. Tommy Watson
16. George Watson

REGISTERED NATIVE TITLE RIGHTS AND INTERESTS:

The following Native Title Rights & Interests were entered on the Register on 28/09/2015

The Koa People claim the following rights and interests:

- (b) access, be present on, move about on and travel over the application area;

- (d) take (including by hunting and gathering) and use traditional natural resources from the application area for personal, domestic and non-commercial communal purposes;
- (g) teach on the application area the physical and spiritual attributes of the application area;

The following Native Title Rights & Interests were entered on the Register on 19/06/2017

The Koa People claim the following rights and interests:

- (a) where claimable, including where section 47, 47A or 47B of the Native Title Act 1993 (Cth) applies to an area, the right to possess, occupy, use and enjoy the land and waters covered by the application to the exclusion of all others.
- (c) camp on the application area and, for that purpose, erect temporary shelters on the application area;
- (e) to assemble and conduct religious and spiritual activities and ceremonies on the application area;
- (f) 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, by lawful means, from physical harm;
- (h) light fires on the application area for domestic purposes including cooking, but not for the purpose of hunting or clearing vegetation;
- (i) be buried on the application area in accordance with traditional law and custom;
- (j) hunt, fish, travel in or on, and gather from, the water for personal, domestic and non-commercial communal purposes; and
- (k) take and use the water for personal, domestic and non-commercial communal purposes.

REGISTER ATTACHMENTS:

1. External Boundary Description, Attachment B of the Application, 3 pages - A4, 16/07/2015
2. Map of Claim Area, Attachment C of the application, 1 page - A4, 16/07/2015

Note: The Register of Native Title Claims may, in accordance with s. 188 of the Native Title Act 1993, contain confidential information that will not appear on the Extract.