

# Extract from the Register of Native Title Claims

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## Application Information

<b>Application Reference:</b>	<b>Federal Court number:</b> QUD556/2015 <b>NNTT number:</b> QC2015/009
<b>Application name:</b>	Tanya Kum Sing & Ors on behalf of the Mitakoodi People #5 and State of Queensland & Ors (Mitakoodi and Mayi People #5)
<b>Registration History:</b>	Registered from 25/09/2015 to 8/11/2019 Registered from 21/02/2020

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## Register Extract (pursuant to section 186 of the *Native Title Act 1993* (Cth))

**Application filed with:** Federal Court of Australia

**Date application filed:** 08/07/2015

**Date claim entered on Register:** 21/02/2020

### Additional Information:

On 25 March 2022, the Federal Court of Australia (Federal Court) ordered that the application be divided into two proceedings - 'Mitakoodi People Part A' and 'Mitakoodi People Part B'.

On 22 August 2024, the Federal Court made a determination that native title exists in the Mitakoodi People Part A area - see [Kum Sing on behalf of the Mitakoodi and Mayi People #5 v State of Queensland \(no 3\)](#) [2024] FCA 935. That determination was registered on the National Native Title Register (NNTR) on 29 August 2024 and is also attached to this Extract.

Order 2 of the determination provides that '[w]ith respect to the following parcels, which are included in Part 2 of Schedule 4, the determination will take effect upon the agreement referred to in paragraph 1 of Schedule 2 [Mitakoodi and Mayi People and State of Queensland Tenure Resolution ILUA] being registered on the Register of Indigenous Land Use Agreements:

- (a) Lot 151 on CP911698; and
- (b) Lot 51 on SP265801.'

That agreement was registered on 26 March 2025 and the determination has been updated on the NNTR to include the above parcels. Pursuant to s 190(4)(e) the application remains on the Register of Native Title Claims only to the extent that it relates to the undetermined area (Part B of the application).

A map and technical description showing the area of the application that remains to be determined, as interpreted by the National Native Title Tribunal, are attached for information only. These attachments do not form part of the application.

### APPLICANT:

**Person/s authorised as applicant:** Tanya Kum Sing, Pearl Connelly, Kay Douglas, Norman Douglas, Ronald Major

**Condition/s on authority:** [Schedule IA of the application sets out the Conditions on the Applicant's authority. A copy of Schedule IA is attached to this Register extract.]

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## 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 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.

## 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.

## **REGISTERED NATIVE TITLE RIGHTS AND INTERESTS:**

**The following Native Title Rights & Interests were entered on the Register on 15/12/2023**

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.

## **REGISTER ATTACHMENTS:**

1. External Boundary Description, Attachment B of the Application, 3 pages - A4, 15/01/2020
2. Map of claim area, Attachment C of the application, 1 page - A4, 15/01/2020
3. Schedule IA - Conditions on Applicant authority, 2 pages - A4, 20/10/2023
4. Mitakoodi & Mayi People #5 Part A Determination, 140 pages - A4, 22/08/2024
5. Part B - Description of Undetermined Area, 1 page - A4, 26/03/2025
6. Part B - Map of Undetermined Area, 1 page - A3, 26/03/2025

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