



Extract from the Register of Native Title Claims

Application Information

Application Reference:	Federal Court number: QUD331/2022 NNTT number: QC2022/003
Application name:	Walter Palm Island & Ors on behalf of the Manbarra People v State of Queensland (Manbarra People)
Registration History:	Registered from 14/03/2023

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

Application filed with:	Federal Court of Australia
Date application filed:	21/09/2022
Date claim entered on Register:	14/03/2023
Additional Information:	Not Applicable

APPLICANT:

Person/s authorised as applicant: Walter Palm Island, Richard Cassady, Alma Major

Condition/s on authority:

1. The Applicant is to act at all times in the interests of the Manbarra People.
2. The Applicant is to act on the advice of legal representatives.
3. The Applicant can make all decisions by majority.
4. If an Applicant's becomes deceased or is unable or unwilling to continue in the capacity as an Applicant then they will be replaced.
5. If the Applicant's authorized alternative replacement becomes deceased or is unable or unwilling to continue in the capacity as an Applicant, the surviving persons making up the Applicant are authorized as the Applicant.
6. The Applicant is not to engage another solicitor without a resolution being passed at an authorisation meeting.

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DESCRIPTION OF THE AREA COVERED BY THE CLAIM:

Area covered by the application

1. The area covered by the Application (**claim area**) comprises all the parcels of land and waters described at

Attachment B and shown on the map **Attachment C**; and which are not excluded by paragraph 2.

Areas not covered by the application

2. The following areas within the claim area, if any, are not covered by the application, except where any extinguishment by the acts mentioned is required to be disregarded by sections 47, 47A, 47B, or 47C of the Native Title Act 1993 (Cth):

3. (a) any area that, when the application is made, is subject to any of the following kinds of acts as they are defined in either the Native Title Act 1993 (Cth), as amended (where the act in question is attributable to the Commonwealth) or the Native Title Act (Queensland) Act 1993 (Qld), as amended (where the act in question is attributable to the State of Queensland):

(i) Category A past Acts;

(ii) Category A intermediate period acts;

(iii) Category B past acts that are wholly inconsistent with the continued existence of any native title rights or interests;

(iv) Category B intermediate period acts that are wholly inconsistent with the continued existence of any native title rights and interests;

(b) Any area in relation to which a previous exclusive possession act as defined by section 23B (including section 23B

(7)) of the Native Title Act 1993 (Cth) was done in relation to the area and the act was attributable to the Commonwealth.

(c) Any area in relation to which a previous exclusive possession act, as defined by the Native Title (Queensland) Act 1993 (QLD), was done in relation to the area and the act was wholly attributable to the State of Queensland.

(d) Any areas where native title rights and interests have otherwise been wholly extinguished, more particularly, any area where there has been:

(i) An unqualified grant of an estate in fee simple;

(ii) A public work as defined in section 253 of the Native Title Act 1993 (Cth), where such construction or establishment was commenced on or before 23 December 1996 or

(iii) An existing dedicated public road.

See **Attachment B**.

[A copy of Attachment B and Attachment C are attached to this Register extract.]

PERSONS CLAIMING TO HOLD NATIVE TITLE:

The Manbarra native title claim group is comprised of the biological or adoptive descendants (in accordance with traditional laws and customs) of the following apical ancestors:

a. *Korikubingu* / Jimmy, father of *Mingajumbal* / Dick Palm Island;

b. *Morowora* / Emily, the mother of *Mingajumbal* / Dick Palm Island;

c. Bidy Palm Island, the wife of *Mingajumbal* / Dick Palm Island, and probable daughter of *Yaboorageo* / Mick Palm Island

d. William Palm Island #1, whose known child is Marie Palm Island/Saunders;

e. Kitty Palm Island, whose known child is Mary Mundy / Coote/ Tanna;

f. Edward Palm Island, whose known child is William Palm Island #2;

g. Peter Lane the father of Harold Palm Island;

h. George Palm Island; and

i. Bob Palm Island.

REGISTERED NATIVE TITLE RIGHTS AND INTERESTS:

The following Native Title Rights & Interests were entered on the Register on 14/03/2023

Native title where traditional rights are wholly recognisable

1. Paragraph [2] applies to every part of the claim area;

(a) Where there has been no extinguishment to any extent of native title or where any extinguishment is required to be disregarded; and

2. Where this paragraph applies the rights possessed under traditional law and customs is properly interpreted as, and the native title right recognised by the common law of Australia is, the right of possession, occupation, use and enjoyment of land and waters as against all others.

Native title where traditional rights are partially recognisable

3. Paragraph [4] applies to every part of the claim area to which paragraph [2] does not apply.

4. Where this paragraph [4] applies, the rights possessed under traditional law and customs is properly interpreted as the right of possession, occupation, use and enjoyment of land and waters as against all others, but the native title rights and interests recognised by the common law of Australia are the rights to do all such things as may be done under the right referred to in paragraph [2] save for controlling access to or use of land or waters by others; being the non-exclusive rights to:

- i) Have access to, remain on, and use the land and waters ;
- ii) Have access to, and take the resources of the land and waters for any purpose;
- iii) Protect places, areas and things of traditional significance on the land and waters.

Rights subject to the laws of Australia

The members of the native title claim group acknowledge that their native title rights and interests are subject to and exercisable in accordance with valid and current laws of the Commonwealth and the State of Queensland including the common law.

In this Schedule E, "resources" does not include such minerals, petroleum, geothermal energy or geothermal energy resources, if any, as, under the laws of the Commonwealth and the State of Queensland including the common law as at the date of this application, wholly owned by the Crown.

REGISTER ATTACHMENTS:

1. QC2022_003 Attachment B - External boundary description, 4 pages - A4, 21/09/2022
2. QC2022_003 Attachment C - Map, 1 page - A4, 21/09/2022

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.