



Extract from Schedule of Native Title Applications

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)

Application Type: Claimant

Application filed with: Federal Court of Australia

Date application filed: 21/09/2022

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: 14/03/2023

Registration decision status: Accepted for registration

Registration history: Registered from 14/03/2023

Applicants: Walter Palm Island, Richard Cassady, Alma Major

Address(es) for Service: Oscar John Cole
North Queensland Land Council Native Title Representative
Body Aboriginal Corporation
61 Anderson Street
Manunda QLD 4870
Phone: 07 4042 7000

Additional Information

Not applicable

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. Biddy Palm Island, the wife of *Mingajumbal* / Dick Palm Island, and probable daughter of *Yabooragoo* / 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.

Native title rights and interests claimed:

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.

Area covered by native title and who holds the rights

5. Each of the native title rights referred to in paragraph [2] and [4] exist in relation to the whole of each part of the claim area to which those paragraphs respectively apply and is held by the members of the native title claim group subject to and in accordance with traditional law and customs, as further described in paragraphs [2] and [3] in schedule F.

Activities currently carried on

6. Activities in the exercise of the native title rights referred to in Schedule E are all such activities as are contemplated by those rights and interests and include the activities identified in Schedule G.

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.

Application Area: **State/Territory:** Queensland
Brief Location: Palm Island
Primary RATSIB Area: Northern Queensland Region
Approximate size: 5498.1693 sq km
(Note: There may be areas within the external boundary of the application that are not claimed.)
Does Area Include Sea: Yes

Area covered by the claim (as detailed in the application):

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**.

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

End of Extract