

PORT CURTIS CORAL COAST NATIVE TITLE

NEWSLETTER



NEW APPLICANT GROUP ELECTED ON THE 24TH JULY, 2011 AT THE PROPERLY AUTHORISED MEETING CONDUCTED BY QSNTS BUT BECAUSE THE OLD APPLICANTS REFUSED TO ACCEPT THE DECISION OF THE WIDER PCCC CLAIM GROUP DID NOT OFFICIALLY TAKE OFFICE UNTIL THE 27TH FEBRUARY, 2012.

The New Applicant group is as follows; Kerry Blackman, Richard Johnson, Matthew Cooke, Nat Minniecon, Lurleen Blackman, Neville Johnson. Please note that DEAN SARRA HAS RESIGNED AS AN APPLICANT in August, 2012.

Please note this is the 5th Newsletter since the new applicants officially took office. The reason for the continued communication with the wider claim group is to maintain transparency and accountability which was lacking previously. The new applicants Mantra is to keep everything accountable and transparent.

NATIVE TITLE UPDATE

UPDATE ON FEDERAL COURT PROCEEDINGS:

PORT CURTIS CORAL COAST NATIVE TITLE CLAIM GROUP

- Last Court Date – 7 December 2012
- Registrar's Conference – 19 December 2012
- Timetable circulated to all Respondents together with progress report on tenure – 28 February 2013
- Next court date – 19 April 2013

Connection

The last batch of connection documents (including a detailed legal submission) will be sent to the State by 8 March 2013.

QSNTS is still seeking more Traditional Owner evidence to support the claim.

Tenure

“Tenure” is a word used to describe the way in which land is held (e.g. freehold title, leases, permits to occupy etc).

This aspect of native title is enormously complex, expensive and time consuming. The Applicants have been working with QSNTS and the State to develop a process for resolving tenure issues. Initially there were 85,500 parcels of land identified within the claim area (most of which is freehold title).

Native Title can only exist on land where there has been no extinguishing act and where connection can be shown to particular parcels of land. We cannot claim native title on land which is freehold title. Even with Unallocated State Land we have to be able to show good evidence of connection to that land according to traditional law and custom. The State is emphasising this requirement for ongoing connection particularly for Boyne Island and Curtis Island.

The Applicants have examined draft Indigenous Land Use agreements with the Local Governments and with the Pastoralists and have approved them in principle subject to some further developments.

Further Steps

Applicants meeting – early April 2013

State response on connection - early April 2013

Completing tenure work – May/June 2013

Claim Group meeting – July/August 2013

CONNECTION REPORT UPDATE FOR NATIVE TITLE DETERMINATION COMMUNICATION/STRUCTURE

THE New Applicants have agreed that all business including Cultural Heritage will be conducted in an open, honest, accountable and transparent communication through all written form or telecommunication. If the wider PCCC Claim group hear any gossip or innuendo they should go direct to one of the New Applicants so they can deal with issues or rumours quickly and swiftly to stop any division. At the present time Gidarjil has set up a Web Site and on there you can review any previous Newsletters, or information that the applicants decide should be posted on it for information that the wholeclaim group should be made aware of. www.Gidarjil.com.au

MEETINGS

The new applicant group has had several meetings to date since the last Newsletter the 4th Edition as follows;

31st October 2012 – A meeting was held with the Applicants and Arrow Energy Limited to agree on a Cultural Heritage Protocol and to discuss an online induction process so that all persons working on PCCC Country would need to complete an induction online. A timeframe was put in place to research various induction methods

1st November 2012 – We met with Paul Richards from QSNTS to discuss Consent Determination of the Claim.

1st November – A meeting was held with the Applicant and the Cultural Heritage Manager and their Archaeologist who provided the Applicants with information on the Arrow pipeline survey and Curtis Island survey.

30th November 2012 – A meeting was held with the Applicants and QGC to receive a presentation from QGC as to programs that had been put in place for training and jobs.

12th December 2012 – A meeting was held with the Applicants and Arrow Energy to further progress the online induction program.

6th February 2013 – A meeting was held with the Applicants and Gladstone Pacific Nickel.

7th February 2013 – A meeting was held with the Applicants and Rio Tinto.

21st February 2013 – A meeting was held with the Applicants and QSNTS and The State of Queensland to discuss PCCC's Consent Determination

1st March 2013 – A meeting was held with the Applicants and Evolution Mining

CULTURAL HERITAGE

There is over 300 Traditional owners registered on the data base for Cultural heritage work.

The applicants are sensitive to the wider PCCC Native Title claimants concerns that the Cultural Heritage work be distributed fairly across the four groups; (Gooreng Gooreng, Gurang, Bailai & Tarebilang Bunda). Please Phone the office to register for Cultural Heritage Monitoring and Survey work on 41-307700.

Please note it has also come to our attention that the PCCCAC Directors state in their 2011/12 Audit Report that they will continue to be a viable concern doing Cultural Heritage this is misleading and untrue as they are no longer the recognised Cultural Heritage Body. We would also recommend that the members of this Corporation make a complaint to ORIC and question if a proper AGM was notified and held as they claim to ORIC.

FUTURE VISION AND ASPIRATIONS FOR OUR PEOPLE

The New Applicants have now held two (2) Summits to progress the Regional Strategic Plan and Annual Action Plans and now we as the whole claim group have finalised it with a well thought out "Vision" and plan for the future. Please phone Kerry Blackman 41 30 7700 if you require a copy.

NEW STRUCTURE FOR PCCC

See the Attached Structure which shows we now only have two (3) more parts to implement which will involve the participation, input and endorsement of the Wider PCCC Claim group;

- (1) Council of Elders

- (2) The setting up of the New “Entity” to receive all the compensation monies, Native Title benefits, Assets including Land.
- (3) The Directors of the new Entity.
- (4) Develop a Draft Constitution to be endorsed by the wider claim group.

The New Applicants are reluctant to set up a New PCCC “Entity” in isolation of the wider claim group in fact they will not do it without your input, participation, endorsement and ownership which can only be done at Summits when funds become available.

The New Applicants are absolutely committed to not repeating what the Old Applicants did when they set up the PCCCAC and then self appointed themselves as Interim directors but many still remain on that board today which has become paralysed and dysfunctional by politics to the point of disenfranchising people of their membership for trivial issues. In some cases have expelled traditional owners from membership.

The new PCCC “Entity” entitles all PCCC Native Title holders to become members by birth right which can never be revoked we all must ensure this in the structure of the New PCCC “Entity”.

We the whole PCCC claim group need to set up and endorse three (3) Corporate bodies to do separate business under as follows;

- (A) Set up a PCCC Land Holding Body to receive and deal with all freehold land with commercial value.
- (B) Set up a PCCC “Entity/Trust” to deal with all the compensation monies and benefits and to do all things necessary to improve the quality of life for our people Socially, Culturally, Environmentally and Economically.
- (C) Set up a prescribed Body Corporate (PBC) to hold our Native Title determination, Unallocated State Land (USL) Reserves and National Parks through joint management arrangements.

It is vitally important to have three (3) unified bodies working together because if they are adversarial then the whole process could become locked down and progress halted.

THE NEXT STEP IN SETTING UP THE NEW PCCC ENTITY.

Dillon Lawyers from Townsville are the new Legal Firm appointed by the new applicants to undertake Section 24 & 29 Notices and to help put together a new PCCC Entity. The first step Dillon Lawyers will do is develop a Draft Constitution for consultation with the wider PCCC Claim group and further input and be workshopped at the next Summit.

The current applicants are restricted in moving forward in setting up a “New Entity” until the compensation funds are transferred from Gaden Lawyers Trust into Dillon Lawyers trust then important decisions can be made to move forward. Jeff Dillon will explain more in his report following.

THE REPORT FROM DILLON LAWYERS THE PCCC LAWYER FOR SECTION 24 & 29 NOTICES AND ILUA NEGOTIATIONS AND ILUA AUTHORISATION MEETINGS IN RELATION TO AGREEMENTS MADE BY PCCC WITH VARIOUS PROPONENTS:

Rio Tinto – on the 7th February 2013 the Rio Tinto CHMP was reviewed and amendments were requested.

Evolution Mining CHMA – on the 1st March 2013 a CHMA with Evolution Mining and the Applicants was finalised.

Gladstone Pacific Nickel have indicated they wish to pursue an ILUA with the Group in relation to an aluminium refinery.

A draft Constitution and Charitable Trust was provided to the Applicants for their feedback. This will comprise the landholding body. Once this is finalised we will request the State to transfer the Tannum Sands and Boyne Island land to this corporate body. There will be independent directors in respect of this corporation.

Gadens have been provided with a Deed of Retirement of Trustee so that they are removed as Trustee and funds held by them can be placed in Trust. We are waiting to hear back from Gadens to finalise this matter.

THE NEW APPLICANT GROUP CONTACT LIST

Please see the attached list of the Elected Applicants for your information and please feel free to contact anyone of them if you have questions, need information or need some direction about your issues

around our Native Title business. Remember deal direct with the Elected Applicants and leave the Gossip and inuendo for those who revel in such “Small Minded” negative activity.

To the wider Claim group, The applicant will always try and keep you informed of the progress we are making for the 17 families represented in the PCCC Native Title Claim.

Your input ,feedback and constructive criticism/s are always appreciated and we take on board any issues that you may raise with us.

We as the applicant have been working together for the betterment of all our people. There have been many opportunities presented to us and as your representative we will continue to strive for the best possible outcomes for our people. There has been much robust discussions in our negotiations with proponents, there is a lot more that we must do to ensure that we are recognised by the wider community as being the Traditional Owners of our claimed area. We urge each and every one of our claim members provide feedback on any issue pertaining to our Traditional Owner rights. We look forward to seeing you at our future Summits or Authorisation meetings. Your input is valued and appreciated.



“Murri’s need to have a Vision and a Plan”

The New Applicants have a Vision and a Plan to move forward together.

