

PORT CURTIS CORAL COAST NATIVE TITLE

NEWSLETTER



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1. INTRODUCTION

The authorisation meeting held on 23 and 24 July 2011 resolved:

1. Amend claim group description to include two new apical ancestors.
2. Remove and replace Applicants

But these decisions have no legal affect until the Court orders these amendments.

The New Applicant group is as follows;

Dean Sarra, Kerry Blackman, Richard Johnson, Matthew Cooke, Nat Minniecon, Lurleen Blackman, Neville Johnson.

The Court has expressed the opinion that the currently registered applicants are in “caretaker” mode and should therefore not engage in any new business.

2. FEDERAL COURT HEARINGS

On 25 May 2011 the Court ordered that, by 1 August 2011, the claim group description be amended to include additional apical ancestors for which evidence had been established. The Court also made Orders that various steps had to be taken by specific dates. The Court also ordered that, if any of the dates were not met, then the claim would be automatically dismissed without even going to the Court. Therefore, the authorisation meeting had to be held on 23 and 24 July 2011. Because that meeting amended the claim group description - that automatically required the claim group to either confirm the existing applicants to continue or to select new applicants. QSNTS expressed no opinion as to whether the existing applicants should continue or be changed. QSNTS also pointed out that if the meeting did not authorise the change of claim group description, then the only possible course of action would be to apply to the Judge to vacate the earlier Order and in order to do that there would need to be very substantial grounds.

Subsequently, the Court has had to address the applications to amend the claim group description and remove and replace applicants. The Court has also indicated that until those applications are resolved, the Applicant should consider themselves to be in caretaker mode.

On 1 December 2011, the Court made a further order setting down for hearing the applications to amend the claim group and to remove and replace applicants for 27, 28 and 29 February 2011. The Court also made Orders that documents be filed by the relevant parties by certain dates in preparation for that hearing.

One would anticipate that, after the hearing in February, the Court would then return to the issues of connection and tenure and require a report on progress. To that end, QSNTS is continuing to work on the connection and tenure issues whilst awaiting the decision of the Court regarding the change of claim group and change of Applicant.

3. NATIVE TITLE UPDATE

It is important to remember that notwithstanding Future Act arrangements with resource proponents and Cultural Heritage walks, the main application is an application to the Federal Court for a determination that native title exists. To do that one must establish two things;

(a) That there is a continuing connection to the original land holding society and that the connection involves a continuous observance of law and custom about the land from pre-sovereignty through until this date.

(b) The second issue is as to what land has not had native title completely extinguished. If the PCCC are not able to establish the connection, then the claim will fail and issues about land tenure would then be irrelevant. If the State were consenting to native title, then (subject to the approval of the judge) a court order will issue to the effect that the traditional society has continued and the destruction of

the PCCC society has not been complete. It is unfortunate that the involvement in the future act and cultural heritage matters has to some extent side tracked the main thrust of the Court proceedings.

4. CONNECTION REPORT UPDATE

As required by Court Order, QSNTS delivered final connection documents to the State on 31 August 2011 following suggestions from the State at the preliminary meeting on 24 June 2011. QSNTS met with the State again on 5 October 2011 at which time the State indicated the following concerns;

(a) Whether there has been a break in continuity of connection during the pastoral period.

(b) Whether the Bailai group is correctly a part of the PCCC normative society.

QSNTS is contacting members of the claim group individually to obtain further information. It is anticipated that all of this further information should be able to be completed by the beginning of February and a further submission to the State so that when the matter is mentioned immediately after the hearing in February, we will be able to inform the Judge as to whether there is a possibility of a consent determination.

If the Court finds that the authorisation meeting in July was invalid, that would mean that the currently registered Applicants continue and that the claim group has not been amended. In such circumstances, we think it is unlikely that the State would be prepared to negotiate a consent determination. There is even a possibility that the Judge may strike the claim out as being defective in that it does not include all persons who would be entitled to be part of the claim (see Section 61).

However, assuming that the authorisation meeting is held to be valid, we would hope that the State would then consent to a determination. From the time one knows of the State's willingness to consent to the time of the

actual determination would be some six to twelve months because of the work in completing issues relating to land tenure.

If the State will not negotiate for a consent determination, QSNTS would then be required to submit all relevant information to a Senior Counsel to obtain advice on prospects of success. Whilst Counsel may indicate that there are some areas where the connection can be further investigated and renegotiated, it is also possible that Counsel may come to the conclusion that the matter does not have reasonable prospects of success on trial in which case it is unlikely that further funding would be applied to the claim.

Therefore, you can see the importance of contributing to information supporting the continuation of connection during the pastoral period and the inclusion of the Bailai group as part of PCCC normative society.

In addition to the information contained in your draft newsletter, you may also wish to include a reference to the meeting held on 23 October 2011 by QSNTS with both currently registered Applicants and newly elected Applicants to discuss connection material.

Contributed by the New Applicant:

The members of the PCCCAC Corporation are expressing concerns that the PCCCAC Corporation may be intending to use Corporation funds to expend on the legal fees to contest the will of the substantial majority of members of the claim group in effecting amendments to the claim group and applicants. Certain "A" class members have written to ORIC to investigate the matter.

It may be improper for the dissidents who are challenging the Wider PCCC Claim Group to misuse the funds of PCCCAC for personal use when those funds are for the benefit of the Wider PCCC Claim group.

5. 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.

Meetings

The new applicant group has had several meetings to date;

A meeting with QSNTS on the 27th August, 2011 to brief us on the status of the claim and the connection report progress for the Court and any other business the new applicants need to be made aware of.

On the 4th September, 2011 Arrow Energy has set a meeting to inform the new applicant group about their proposed ILUA deal with PCCC Native Title Claim group.

On the 7th September, 2011 Gladstone Ports Corporation has set a meeting to discuss their ILUA process with the new applicant group.

On the 21st November & 22nd December, 2011 Arrow Energy met again with the newly elected applicants to inform them of their intended process to move forward once the 'Newly Elected Applicants' are installed on the Federal Court Register.

Cultural Heritage

The New PCCC Native Title Applicant Group have made a decision for Gidarjil Cultural Heritage Corporation to be an interim Cultural Heritage Body until a New "Entity" is set up. On that basis the new applicant Group has written to the Director of the Cultural Heritage Unit-DERM requesting that the Port Curtis Coral Coast Aboriginal Corporation be immediately de-registered as the registered Port Curtis Coral Coast Cultural Heritage Body.

Once Gidarjil is certified as the interim Cultural Heritage Body they will put out a newsletter on the

processes they will implement to manage the Cultural Heritage program.

Please find attached register for the T/O's to put their names forward for the Cultural Heritage Monitoring and Survey work.

6. FUTURE VISION AND ASPIRATIONS FOR OUR PEOPLE

To continue the pathway set at the 1st Summit 2011 gathering of the wider PCCC Native Title Claim group. The claim group developed a Regional Strategic Framework Plan 2011 and Beyond for the Future to reach our Dreams and Aspirations to Unite us in Culture, Spirit, Identity and Focus undergirded by a set of values and principles.

The Strategic Priorities are;

- Cultural Leadership, Governance and Decision making
- Education and Training
- Land, Sea and Heritage Care, Management and preservation
- Nurturing our Young People
- Caring For our Elders
- Economic Growth and Wealth Creation
- Construction Company
- Cultural Festival
- Communication Structure
- Funeral Plan
- Promotions and Marketing

And to ensure we implement the Vision together we need to have a; Monitoring, Evaluating and Reporting process to report back at least twice a year! The "Newly Elected Applicants" will be holding a series of workshops around the region and a 2nd Summit in 2012 to progress the Regional Strategic Plan and finalise it with a well thought out "Vision" for the future.

7. NEW STRUCTURE FOR PCCC

See the Attached Structure which shows we now only have two (2) 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.

8. PROPOSED 2ND SUMMIT 2011

The new applicants are keen to hold a 2nd SUMMIT on the 26th January, 2012 to move the above agenda items forward;

- (1) The Regional PCCC Strategic Plan
- (2) The New Structure
- (3) The New "Entity" or "Entities"
- (4) The Land use Strategies and Options for PCCC owned Land.

9. REGISTER OF CONFLICTS OF INTERESTS OF THE NEW APPLICANT GROUP

The new applicant group have developed a template to register the following;

- Directors of Companies
- Share Holdings
- Other Conflicts of interest's

This will reflect the New Structure (see attached) the New Applicants will continue to implement a Structure of Accountability and Transparency and for all our business dealings to be done openly and honestly as applicants.

10. FUTURE VISION FOR THE PCCC PBC (PRESCRIBED BODY CORPORATE).

The PCCC Native Title T/O claimant group (That's You!) need to implement a Prescribed Body Corporate when the Federal Court makes a determination that Native Title exists, Native Title holders are required by the Native Title Act 1993 (Cth) (the NTA) to establish a Body Corporate to represent them as a group and manage their native Title right and interests. This body is called a "Prescribed Body Corporate) (PBC) a PBC is a Native Title for the whole group.

Once the Corporation is established by the "Native Title holders" and approved by the Traditional Owners of PCCC Native Title claim membership! (The definition of the membership of the PBC

should be the same definition of the claim in the Native Title claim proceedings).

Then it is approved by the court and it is entered on to the National Native Title Register and becomes a registered Native Title Prescribed Body Corporate.

As you can see the PCCCAC is not a PBC because the membership definition of the PBC is the same on the claim in the Native Title proceedings.

Unlike PCCCAC! you are an automatic member of a PBC Traditional Owner Body when it is set up you can never be suspended or expelled you are a member by birth right from the day you are born until you leave mother earth.

11. NEW NAME FOR PORT CURTIS CORAL COAST NATIVE TITLE CALIM GROUP DESCRIPTION

QSNTS HAS ADVISED THE WIDER CLAIM AT THE AUTHORISATION MEETING ON THE 23/24TH JULY, 2011 AND HAS CHALLENGED THE WIDER PCCC CLAIM GROUP TO COME UP WITH A LANGUAGE NAME FOR THE CLAIM RATHER THAN PCCC.

12. CULTURAL FESTIVAL

The Cultural Festival was held on the 30th September, 2011 under the Old Bridge at Lions Park-Bundaberg to Celebrate the symbolic ceremony of the Accreditation of the TUMRA for the Gooreng Gooreng, Gurang, Bailai and Tarebilang Bunda Peoples the Traditional Owners of the Port Curtis Coral Coast Native Title claim area including our Sea Country.

The TUMRA is between the PCCC Traditional Owners and GBRMPA. About 500 people attended the Ceremony.

TUMRA- means; Traditional Use Marine Resource Agreement.



14. THE NEW APPLICANT GROUP CONTACT LIST

Please see the attached list of the New 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 New Elected Applicants and leave the Gossip and inuendo who revel in such "Small Minded" negative activity.

Quote "There are three kinds of minds: the small mind, the average mind and the great mind. 1. "Small" minds discuss people and gossip eg; "Did you hear what happened to Jane Doe" or "Did you see the girl John Doe was dating last night "Their chit-chat is simply gossip that contributes to nothing of substance" 2. "Average minds" discuss events e.g. "Did you see the rugby league grand final" or " Let me tell you what happened on our last fishing trip". We may learn a few facts, but that's about all. 3. "Great minds" however, discuss "IDEAS" their conversations are filled with powerful thoughts and creative innovations and are highly motivated and focussed on achieving outcomes "Unquote

