

PORT CURTIS CORAL COAST NATIVE TITLE

NEWSLETTER



NEW APPLICANT GROUP ELECTED ON THE 24TH JULY, 2011 AT THE AUTHORISATION MEETING CONDUCTED BY QSNTS

The New Applicant group is as follows; Dean Sarra, Kerry Blackman, Richard Johnson, Matthew Cooke, Nat Minniecon, Lurleen Blackman, Neville Johnson.

NATIVE TITLE UPDATE

66B and Amendment hearing:

Under the 66b notice of motion already filed in the Federal Court by QSNTS to amend the claim to change the applicants on the register should be a mere technical formality to install the New Applicants on the Federal Court register.

This will reflect the decision made by the whole PCCC Claimant group under 66b of the Native Title Act at the Authorisation Meeting on the 24th July, 2011.

HOWEVER;

The notices of motion for the amendment of the claim group description and s66B was filed on Friday the 29th July, 2011. Unfortunately the return date for the hearing of those motions has been listed for 28th October, 2011.

QSNTS response from CEO Kevin Smith Quote "I don't know why it is so far off, presumably that is the date of the next regional directions hearing. Paul Richards is back in the office on the 22nd August. I will ask Paul to take steps to bring this date forward but there could be

a range of reasons why this might not be achievable including Judge availability as the Full Federal Court is hearing appeals over this period (Full Federal Court appeals take three judges and sometimes five judges out of circulation – it is just one of those things)

On a related matter, I am aware that the Federal Court is receiving affidavits from other PCCC claimants challenging the authorization meeting. A hotly contested hearing would work against the date being moved forward – if it was straight forward it could be dealt with very quickly but it is shaping up to be matter that will need a day or so set aside for hearing. We intend to brief a senior counsel to ensure that the objective of amending the application and changing the applicant is achieved.

We will try to get this date brought forward but this is a matter for the court" **Unquote.**

It is very important to the members of the Applicant group to obtain the decision of the Federal Court on our application under s.66B of the Native Title Act. There is a Case Management Conference with Registrar Daniel on 25 August, 2011. There is an urgent need for the Applicant to take steps to comply with the Orders made by Justice Dowsett on the 25th May, 2011. In order to ensure that the new Applicant group can carry out its responsibilities to the claim group and under the Act, we request that there be an urgent hearing of the s.66B application.

Until the validity of the appointment of the new Applicant group is decided by Justice Dowsett, we are concerned that no effective action can be taken by the

new Applicant group to fulfil its duties and responsibilities. Regrettably, we do not expect any cooperation from the members of the old Applicant group who are not members of the new Applicant group to ensure a smooth transition of responsibilities. Therefore, we have respectfully requested that QSNTS draw our concerns to the court and request they make application for an urgent hearing of the s.66B application to Justice Dowsett.

Another legal reality is that until the claim is amended, registration tested and the OLD applicants replaced. Sarah Toohey of Gaden's has every legal right and professional obligation to still receive instructions on behalf of the "registered native title claimant" who is defined as those people on the native title claims register for all future act matters even though this against the expressed wishes of the wider PCCC Claim group. Painfully technical but painfully true. Asserting our legitimate and highly persuasive moral authority under the Native Title Act mandated by the wider PCCC Native Title claim group on the legal framework is our best leverage at this point until the Federal Court register changes.

The following is another legal Quote from QSNTS; "Bearing in mind the notice to the effect that the authority of the applicants has been withdrawn by the claim group, we suggest that it would not be proper for the applicants who remain on the register to take any actions which would be based on the presumption that they remained holding the authority of the whole claim group.

Accordingly, we would suggest that if there is any urgent aspect of commercial matters relating to future act or cultural heritage matters, then please contact us and we will discuss the specifics of the particular matter and work with you in a way to resolve such matter without controversy. In our view, Section 41(2) of the Native Title Act confirms that for Section 31 agreements, "the native title claim group" is the party"
Unquote.

FEDERAL COURT HEARING TO CHANGE THE APPLICANTS ON THE REGISTER

The return date for the hearing of those motions has been listed for 28 October, 2011 in the Federal Court.

We are also aware that the Federal Court is receiving affidavits from the vocal minority from the Authorisation Meeting 23rd & 24th July, 2011 who are opposing the outcomes of the Authorisation. It appears the vocal minority do not want to abide by the Majority of the wider PCCC Claimants who voted for change. On the surface the objections appear to be frivolous and vexatious. The objections include five (5) affidavits from the OLD Applicants and one(1) from a dissident, one (1) of the main protagonist of the vocal minority.

Until the Federal Court register is changed we all have to be patient and wait for the expressed wishes of the wider PCCC Claim group to be actioned. In the mean time no business can be transacted by the OLD Applicants or the New Applicants.

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 and division.

MEETINGS

The new applicant group will be having their first

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.

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.

CONNECTION REPORT UPDATE

QSNTS is in the final stages of completing the connection report to present to the QLD State Govt and the Federal Court for a determination of the PCCC Native Title Claim.

Consultant Anthropologist Michael Southon was contracted in late 2009 to commence work on a connection report for the PCCC Native Title Claim Group. Federal Court Orders placed tight timeframes on QSNTS to complete the connection report in full and have it served to all respondent parties by October 2010; giving Michael Southon roughly one year to complete a full connection report.

Given this incredibly tight timeframe to conduct research with a large and complex Native Title claim group like PCCC, Michael Southon was able to produce a report which has been received favourably by the State Government.

From the period of completing the connection report in October last year and serving and serving it to respondent parties for comment, the Native Title Assessment Unit at the State Government's Department of Environment and Resource Management (DERM) has reviewed the report and given their feedback as to whether or not they feel the report has met the

conditions by the Native Title Act to prove connection (for those interested, these conditions can be found in Section 223 of the Native Title Act).

The State's assessment has been reasonably favourable to the interests of the PCCC claim group and the State has asked QSNTS, as your legal representatives, to conduct some further work to gain additional information about several topics which remained unresolved for the state.

On these issues QSNTS has recently been in touch with members of the PCCC claim group to gather further information and evidence on affidavit (a form of a witness statement) and have court orders to provide these to the State by the 1st September.

The aim of conducting further work (including taking further affidavits) is to progress negotiations with the State Government in the hopes of resolving your Native Title Claim by way of a Consent Determinations. In order to reach a consent determination (and avoid settling your claim through a trial hearing in the Federal Court) all parties must reach an agreement that the members of the PCCC claim group are the rightful traditional owners of the lands and waters being claimed and that the PCCC claim group's laws, customs and practices in relation to those lands and waters from before Sovereignty continue to be observed.

The PCCC team at QSNTS would like to thank everybody that has been a part of the research for their time, assistance and knowledge in progressing your collective Native Title interests.

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
- 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!

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.

PROPOSED 2ND SUMMIT 2011

The new applicants are keen to hold a 2nd SUMMIT sometime this year 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.

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.

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.

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!

CULTURAL FESTIVAL

The Cultural Festival on the 30th September, 2011 to be held under the Old Bridge at Lions Park is 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. See the attached program for all the activities for the special day.

TUMRA- means; Traditional Use Marine Resource Agreement. (See attached map)



THE NEW APPLICANT GROUP CONTACT LIST

Please see the attached list for those details 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.