

Decision Section

Reason for Decision

Module AA – Identification of your proposed dealing and the proposed dealing area

An application was received for under section 120 of the Water Act 2000 to amend a water licence to increase the take of water within Lot 4180 on PH143 (Thirlestone Pastoral Holding) to take water for rural purposes (water for cattle).

Module AB – Dealings that may proceed without further reference to native title

The proposed dealing cannot proceed without further reference to native title.
Module AB does not apply.

Module AC – Is there a registered ILUA over the proposed dealing area?

A search in QNTIME was undertaken on 24 September 2018 which revealed that no ILUAs cover the proposed dealing area.
Module AC does not apply.

Module AD – Determining that native title continues to exist or doesn't exist over the proposed dealing area

A search in QNTIME was undertaken on 24 September 2018 which revealed that the proposed dealing area is not covered by a native title determination.
Module AD does not apply.

Module BA – Previous exclusive possession acts

The Pastoral Holding 23/4180 does not satisfy the requirements of this module.
Module BA does not apply.

Module CA – Public works

The proposed dealing area is not an area that was or is subject to public works.
Module CA does not apply.

Module CB – State Road Policy

The proposed dealing area is not an area that was or is dedicated or declared as road.
Module CB does not apply.

Module GB – Primary production activities on non-exclusive pastoral lease

Requirement 1 – The proposed dealing area is not listed in the exclusions table.
Requirement 2 – The proposed dealing is not an excluded dealing.
Requirement 3 – The proposed dealing area is a non-exclusive pastoral lease (Thirlestone Pastoral Holding) validly granted prior to 23 December 1996.
Requirement 4 – The pastoral lease was granted prior to 1 January 1994 and is valid with respect to Native Title. (5 November 1964)
Requirement 5 – The proposed dealing is an activity associated with primary production.

The dealing may proceed in accordance with section 24GB of the *Native Title Act 1993* (Cth) and Module GB of the Native Title Work Procedures.

The State must provide notification and the opportunity to comment to the Jangga People #2 (QC2018/002) as the registered Native Title Claimants and to the North Queensland Land Council as the ATSI representative body.

Attachments

Annexure 1:

Map of Permit Area

Annexure 2:

Title Search Lot 4180 on PH143 – Title Ref: 17667146

Copy of Plan PH143

Copy of Instrument – Title Ref: 17667146

Native Title Parties & Procedural Rights (if relevant)

Types of native title parties	Names of native title parties	Procedural rights to be provided to the native title parties
Registered Native Title Body Corporate	Nil	Nil
Registered Native Title Claimants	Jangga People #2 (QC2018/002, QUD387/2018)	Notification and the opportunity to comment
Native Title Representative Body	North Queensland Land Council	Notification and the opportunity to comment