

Decision Section

Reason for Decision

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

An application was received to relocate a water licence under section 126 of the *Water Act 2000* to Cattle Creek adjoining Lot 3 on C124456 to take water for rural purposes (water for sugar cane).

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 proposed dealing area (Cattle Creek) does not satisfy the requirements of this module.
Module BA does not apply.

Module CA – Public works

The proposed dealing area (Cattle Creek) 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 (Cattle Creek) 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

The proposed dealing area is not a non-exclusive pastoral lease.
Module GB does not apply.

Module GD – Off-farm activities directly connected to primary production

Requirement 1: The proposed dealing and dealing area are not listed in the exclusions table.
Requirement 2: The Applicant's tenure is a valid freehold estate granted prior to 23 December 1996 that adjoins the proposed dealing area. The freehold estate is valid with respect to Native Title as it was granted prior to 1 January 1994. (Granted on 15 January 1931 Title Ref: 20273188)
Requirement 3: The proposed dealing is the relocation of a water licence under the *Water Act 2000*.
Requirement 4: The point of take is in Cattle Creek that adjoins the Applicant's land.

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

The State must provide notification and the opportunity to comment to the Yuwibara People (QC2013/007) 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 3 on C124456 – Title Ref: 21537040

Copy of Plan C124456

Copy of Deed of Grant – Title Ref: 20273188

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	Yuwibara People (QC2013/007)	Notification and the opportunity to comment
Native Title Representative Body	North Queensland Land Council	Notification and the opportunity to comment