



# Extract from Schedule of Native Title Applications

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**Application Reference:** Federal Court number: QUD6008/1998  
NNTT number: QC1994/013

**Application Name:** Agnes Walker & Ors on behalf of the Eastern Kuku Yalanji People v State of Queensland & Ors (Eastern Kuku Yalanji People)

**Application Type:** Claimant

**Application filed with:** National Native Title Tribunal

**Date application filed:** 07/12/1994

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**Current status:** Full Approved Determination - 09/12/2007

**Registration information:** Please refer to the Register of Native Title Claims/National Native Title Register (as appropriate) for registered details of this application.

**Registration decision status:** Accepted for registration

**Registration history:** Registered from 04/05/1995 to 19/12/2007

**Date claim / part of claim determined:** 09/12/2007

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**Old Act\* registered native title claimants:** Eileen Walker

**Address(es) for Service:** Cape York Land Council  
32 Florence Street  
CAIRNS QLD 4870  
**Phone:** 07 4053 9222

## Additional Information

Not applicable

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## Persons claiming to hold native title:

The native title claim group is the Eastern Kuku-Yalanji, often referred to as "Yalanji side" and

referred to in this application as "Eastern Kuku Yalanji, Eastern Kuku-Yalanji or Yalanji".

This named identity of the group is the name by which the group identifies itself and is identified in the Aboriginal community of the Southeast Cape York Region. The group is continuous both in terms of descent and in terms of continuous transmission of the Eastern Kuku-Yalanji identity from the group of the same name recorded in and around the claim area from late last century and in various written sources since.

#### Membership of the group

The current membership of the group is primarily identified by the principle of cognatic descent (i.e. descent traced through either one's father or one's mother) with an emphasis on patrilineal descent. Descent is traced from persons and groups recognised in the regional Aboriginal community as associated with Eastern Kuku-Yalanji identity, and with the claim areas, soon after European occupation. By these descent principles, the current membership of the Eastern Kuku-Yalanji people consists of the descent groups listed below:

- i. Descendants of siblings Wawuyilkinga, Lili Kajakaja, Ulurban, Kurlur, Juwalkji, Jinabaji
- ii. Descendants of Kilkil (Gilgil) and Yougie (Emera)
- iii. Descendants of Ngamubaralba
- iv. Descendants of Jimmy Johnson Snr and his brothers Toby King and Peter King
- v. Descendants of brothers Billy King, Willie King 1 and Willie King 2
- vi. Descendants of siblings Nambaji, Bijun (Dangara) and Jimmy (Mandilba) Rossville
- vii. Descendants of Old Mann Jimmy and Sarah
- viii. Descendants of Kurukuna and Nellie
- ix. Descendants of Bluja King Kunarra and his three wives Ngingkibaji #1 and Ngingkibaji #2 and Baral-Baral
- x. Descendants of Dimbanga and Mara Baril Baril
- xi. Descendants of sisters Mujala and Rosie
- xii. Descendants of brothers Dickie Springvale and Mundy Nunn
- xiii. Descendants of Jilngarr
- xiv. Descendants of Burradi and Wawu Dimbi
- xv. Descendants of siblings Jimmy, Polly (Jukura), Nellie (Wuynkul-baka), Charlie (Junjurr or Munjurr), Lily (Jabi or .
- xvi. Chubby) Blanket.
- xvii. Descendants of Rosie Gurrmurragudgee
- xviii. Descendants of brothers George Doughboy, Toby Bloomfield and Peter Bloomfield (Kalka Jurungu)
- xix. Descendants of brother Charlie Ball (Dirrakarr) and Billy Collins and Davey Douglas and Sandy Peterson
- xx. Descendants of Isabella Henderson (Wawu-kuwa)
- xxi. Descendants of Ginny Bamboo
- xxii. Descendants of siblings Archibald (Baulu) Mossman, Jessie Mossman (Bawanya) and Billy Mossman

- xxiii. Descendants of siblings Jessie Buchanan (Babi Milbija or Narijinya) and King Charlie Diamond
- xxiv. Descendants of Henry Bloomfield
- xxv. Descendants of Yangki and Buji
- xxvi. Descendants of Willy Ngamu-Darba and his two wives Molly Kalumba and Yimaday
- xxvii. Descendants of Kalkamanangu and Duraja
- xxviii. Descendants of Kalkaymba
- xxix. Descendants of Rosie Maund Jankarji and her husbands Tommy Jinjarrba Lefthand, Tommy Ngangkun Johnson (Buchanan), Barney Lunn (Lund), Billie Lunn (Lund) and Tommy Jindalman Hide
- , xxx. Descendants of Big Friday Ngamu-Ngulmbay and Ruby
- xxxi. Descendants of Leslie Yerry
- xxxii. Descendants of brothers King Toby and Old Man Toby (Jinjirra)
- xxxiii. Descendants of Maggie Queen
- xxxiv. Descendants of siblings Miliji, Kalkabinda, Kuruwuja, Peter Smith (Marray-Marray or Murrabi or Jinakulu)
- xxxv. Descendants of Kitty Wulbar (Maymi)
- xxxvi. Descendants of Rosie Rosie
- xxxvii. Descendants of brothers Old Man Juwalba (Willie Cross-eye) and Wunbu Cross-eye
- xxxviii. Descendants of Jimmy Mossman
- xxxix. Descendants of Wabaji
- xl. Descendants of Old Kokoe
- xli. Descendants of Charlie Ogilvie and Maggie
- xlii. Descendants of Old Man Yorkey and Rosie
- xliii. Descendants of George Mero
- xliv. Descendants of Old Man Kooka and Maudie
- xlv. Descendants of Jerry Wotton and Frances Diamond

Membership of the group includes recruitment by adoption into the group, in accordance with traditional laws and customs. See Attachment A

**Native title rights and interests claimed:**

(1) In relation to areas (including but not limited to Unallocated State Land) where there has been no prior extinguishment of Native Title or where the non-extinguishment principle (Section 238 of the Native Title Act 1993 (Cth) applies or for those areas to which any of sections 47, 47A or 47B of the Native Title Act 1993 (Cth) apply where one of those provisions means that the prior extinguishment of native title rights and interest for an area described must be disregarded: The native title in the land and waters covered by the application ('the claim area') is equivalent to the fullest beneficial ownership, including possession, occupation, use and enjoyment to the exclusion of all others subject to the valid laws of the State of Queensland and the Commonwealth of Australia.

(2) in all other areas where the rights of the fullest beneficial ownership including possession, occupation, use and enjoyment to the exclusion of all others, are not recognised, the following rights and interests are claimed, subject to the valid laws of Queensland and the Commonwealth of Australia, to

- a. Speak for, on behalf of and authoritatively amongst Aboriginal people about the area covered by the application;
- b. Speak for, on behalf of and authoritatively amongst Aboriginal people about the use and access under traditional law and custom of the area covered by the application;
- c. Inherit and transmit the native title rights and interests;
- d. Confer customary use and access rights on other Aboriginal people who seek to use and access the area covered by the application under the traditional law and customs of the native title claim group;
- e. Determine as between the native title claim group what are the particular native title rights and interests that are held by particular members of the native title claim group in relation to particular parts of the area covered by the application;
- f. Uphold, regulate, monitor and enforce the customary laws of the native title claim group in relation to the use and access of the area covered by the application against other Aboriginal people;
- g. Resolve disputes about who is and who is not a native title holder;
- h. Be buried on, and to bury members of the native title claim group on, the area covered by the application;
- i. Occupy the area covered by the application;
- j. Use and enjoy the area covered by the application;
- k. Live on the area covered by the application;
- l. Establish residences on the area covered by the application;
- m. Establish outstations on the area covered by the application;
- n. Establish and maintain seasonal camps on the area covered by the application;
- o. Construct other infrastructure on the area covered by the application;
- p. Protect and care for the natural and cultural resources of the area covered by the application;
- q. Maintain and protect sites and areas within the area covered by the application which are of significance to the Native Title Holders under traditional law and custom;
- r. Hold ceremonies on the land;
- s. Hold ceremonies concerning the land;
- t. Take natural resources from the area covered by the application;
- u. Manufacture materials, artefacts objects and other products from the area covered by the application;
- v. Dispose of cultural resources taken from, and manufactured items derived from, the area covered by the application by customary trade, exchange or gift with other Aboriginal people;
- w. Engage in subsistence activities on the land;
- x. Engage in production, customary trade and other customary economic activities on the land as they relate to other Aboriginal people with respect to indigenous cultural resources;
- y. Care for the area for the benefit of the native title holders;
- z. Hunt and fish in the area covered by the application;
- aa. Use the area covered by the application for social, customary, religious and traditional purposes.

(3) The native title rights and interests claimed:-

- a) are pursuant to the traditional laws and customs of the native title holders;
- b) are not exclusive rights and interest if they relate to tidal waters, and;
- c) do not include ownership of any minerals, petroleum or gas wholly owned by the Crown.

d) over any areas covered by the application that are subject to a Previous Non-Exclusive Possession Act (PNEPA), as defined by s23F of the Native Title Act 1993 (Cth) do not confer possession, occupation, use and enjoyment of the area covered by the application to the exclusion of all others, except to the extent that the non-extinguishment principle as defined in section 238 of the Native Title Act 1993 (Cth) applies, including those areas to which any of sections 47, 47A or 47B of the Native Title Act 1993 (Cth) apply where one of those provisions means that the prior extinguishment of native title rights and interest for an area described must be disregarded.

e) that are subject to a validly granted PNEPA, as defined s23F of the Native Title Act 1993 (Cth), do not include any native title rights or interests which were extinguished by that PNEPA, except to the extent that any of sections 47, 47A or 47B of the Native Title Act 1993 (Cth) apply where one of those provisions means that the prior extinguishment of native title rights and interest for an area described must be disregarded or the non-extinguishment principle as defined in section 238 of the Native Title Act 1993 (Cth) may apply.

f) do not include rights and interests that have been extinguished by application of the common law.

For a description of activities, see Schedule G.

**Application Area:** **State/Territory:** Queensland  
**Brief Location:** East Cape York Peninsula sth of Cooktown  
**Primary RATSIB Area:** Cape York Region  
**Approximate size:** 1268.0959 sq km  
(Note: There may be areas within the external boundary of the application that are not claimed.)  
**Does Area Include Sea:** No

**Area covered by the claim (as detailed in the application):**

(1) The boundaries of the area covered by the application are as set out in the document entitled "Description of External Boundaries" which is annexed as Attachment B but the area covered by this application does not include the area described in (2).

(2) Subject to (3) (which describes an exception to this exclusion), the areas within the boundaries in (1) that are not covered by the application are:

(a) any area that is or was subject to any of the following acts as these are defined in the Native Title Act 1993 (Cth) and the act was or is attributable to the Commonwealth or the State of Queensland):

(i) a Category A past act;

(ii) a Category A intermediate period act;

(iii) a Category B past act that is wholly inconsistent with the continued existence, enjoyment or exercise of any native title rights and interests;.

(iv) a Category B intermediate period act that is wholly inconsistent with the continued existence, enjoyment or exercise of any native title rights and interests.

(b) any area in relation to which a 'previous exclusive possession act', as defined in section 23B of the Native Title Act 1993 (Cth), was done and the act was an act attributable to the Commonwealth or the State of Queensland; and

(c) any area in relation to which the native title rights and interests have otherwise been wholly extinguished.

(3) Despite (2), an area within the boundaries in (1) is covered by the application if the area:

(a) is an area to which the non-extinguishment principle (as defined in section 238 of the Native Title Act 1993 (Cth)) applies; or

(b) is an area to which any sections 47, 47A or 47B of the Native Title Act 1993 (Cth) apply where one of those provisions mean that the extinguishment of native title rights and interests for an area described in (2) must be disregarded.

See Attachment B for description of external boundaries.

**Attachments:**

1. Native Title Claim Group - Adoption, 1 page - A4, 21/11/2007
2. Information identifying the boundaries of the area covered by the application and areas not covered., 2 pages - A4, 21/11/2007
3. Map showing boundaries of the area covered by the application , 1 page - A3, 21/11/2007

**NNTT Contact Details**

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