



Extract from Schedule of Native Title Applications

Application Reference: Federal Court number: QUD6002/1996
NNTT number: QC1995/010

Application Name: Western Yalanji or "Sunset" peoples v Alan & Karen Pedersen & Ors (Western Yalanji Peoples)

Application Type: Claimant

Application filed with: National Native Title Tribunal

Date application filed: 19/05/1995

Current status: Full Approved Determination - 29/06/2000

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: Not currently identified for Reg. Decision

Registration history: Registered from 09/07/1995 to 06/08/2002

Date claim / part of claim determined: 28/09/1998

Old Act* registered native title claimants: Norman Mitchell

Address(es) for Service: North Qld Land Council Aboriginal Corporation
PO Box 679N
CAIRNS NORTH QLD 4870
Phone: 07 4031 4779

Additional Information

Not applicable

Persons claiming to hold native title:

Western Yalanji or "Sunset" Yalanji Peoples

Native title rights and interests claimed:

- 1) The Western Yalanji, widely known by the term "Sunset Yalanji", are well recognised in Cape York Aboriginal society as the people of the Palmer and upper Mitchell Rivers. The Western Yalanji territory includes the area running from the sources of the Palmer, Mitchell and McCleod Rivers as far west as the vicinity of Maytown, and south to the Walsh River catchment.
- 2) Among the Western Yalanji each individual holds rights in sites of significance, in family areas and areas held by multi-family riverbased groupings, as well as on a wider shared basis to the total territory.
- 3) A system of laws and customs of the Western Yalanji distributes these rights internally among the Western Yalanji.
- 4) The Western Yalanji hold a belief that this system was initiated by creator beings in the ancient past, who also introduced most of the wider culture of the Western Yalanji, including hunting and food gathering practices, religious and related knowledge concerning the spirit world, and rules of kinship and social interaction.
- 5) The Western Yalanji also hold a belief that these ancestors left many signs of their former activities at what are known as 'story places' scattered across the Western Yalanji territory. Many of these sites have powers concerned with sickness, health, species reproduction and the maintenance of the natural world.
- 6) Some of these sites and other place names within the Western Yalanji territory are shown on the map attached to this application at Attachment A6.3.
- 7) Members of the Western Yalanji consist of anyone who has at least one Western Yalanji grandparent and identifies as a member of the Western Yalanji peoples.
- 8) The continuing native title rights and interests of the Western Yalanji peoples in relation to the area covered by the Application comprise and include:
 - (a) The right to occupy, use and enjoy and decide the future of the land, water, vegetation and wild life;
 - (b) possession of the land, water and resources;
 - (c) the right to manage, conserve and care for the land, water and sources;
 - (d) the right to live on and erect residences and other infrastructure on the land;
 - (e) an interest in the spiritual elements in the landscapes' dreaming story places, Bora grounds and other sites in accordance with laws and customs of the Western Yalanji peoples;
 - (f) the right to bestow and inherit native title rights in accordance with the Western Yalanji laws and customs;
 - (g) the right to develop and change Western Yalanji laws and customs in relation to the land, water and resources;
 - (h) the right to exclude strangers to the Western Yalanji peoples from the area except in so far as that right has been lawfully impaired by the Crown.

THE CLAIM TO RIGHTS AND POSSESSION AT:

a), b), c), d) and h) is QUALIFIED IN ITS EXCLUSIVITY BY CO-EXISTING RIGHTS AND INTERESTS HELD PURSUANT TO OCCUPATION LICENCE 14/285.

Application Area:

State/Territory: Queensland

Brief Location: Mt Molloy

Primary RATSIB Area: Northern Queensland Region

Approximate size: 247.1404 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):

Mt Molloy (Far North Qld):

With the exception of the cross-hatched highlighted area all the rest of occupational licence number 14/285, including all land and water as shown on attachment A, other than an area to the North West corner of the occupational licence, to be granted as freehold.

Described as:

Commencing at the confluence of the MITCHELL and HODGKINSON RIVERS and bounded by the right bank of the MITCHELL RIVER to the ST GEORGE RIVER, by the left bank of that river upwards to HURRICANE PASTORAL HOLDING by the south-western boundary of that holding south-easterly to the HODGKINSON RIVER and by the right bank of the river downwards to the point of commencement.

Attachment B identifies clearly the crosshatched highlighted area that is not being claimed, as it once was part of the HURRICANE PREFERRED PASTORAL LEASE.

Attachment C identifies indigenous names of the area and some sites.

Attachments:

1. Map of Claim Area, 1 page - A4, 24/05/1995
2. Map of Claim Area, 1 page - A4, 24/05/1995
3. Map of Claim Area, 1 page - A4, 24/05/1995

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