



Extract from Schedule of Native Title Applications

Application Reference: Federal Court number: QUD6022/1998
NNTT number: QC1996/005

Application Name: James Archer & Ors on behalf of the Djungan People # 2 v State of Queensland & Ors (Djungan People #2)

Application Type: Claimant

Application filed with: National Native Title Tribunal

Date application filed: 19/04/1996

Current status: Full Approved Determination - 02/08/2012

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 19/04/1996 to 14/08/2012

Date claim / part of claim determined: 02/08/2012

Old Act* registered native title claimants: Djungan People #2

Address(es) for Service: North Queensland Land Council Native Title
PO Box 679N
CAIRNS QLD 4870
Phone: 07 4042 7000

Additional Information

Not applicable

Persons claiming to hold native title:

The Djungan People are comprised of the descendants either patrilineal or matrilineal of the following

ancestors:-

1. Tommy and Topsy Wason;
2. John Wason;
3. Dinah [Richards];
4. Jessie Wason;
5. Jack O'Neil and his spouse, Flora Richards;
6. Peter Ray Burns;
7. Jimmy Kingsburra and Lizzie Kingsburra (including the descendants of Joe Sands);
8. Charles James Archer (senior);
9. Lucy [Burns];
10. Pluto [Brumby];
- 11 . Mollie and her spouse, Bert Gordon; and
12. Mick Richards.

Native title rights and interests claimed:

1) With respect to all unallocated State land (USL) within the land and waters covered by the application ('claim area') where there has been no prior extinguishment of Native Title or where the non-extinguishment principle applies (as found in s.238 of Native Title Act), the Native Title rights and interests claimed are the right to possess, occupy, use and enjoy the claim area as against the whole world, pursuant to the traditional laws and customs of the claim group.

2) With respect to all remaining tenures within the claim area the Native Title rights and interests claimed are not to the exclusion of all others and are the rights and interests to:

- i. maintain and use the claim area;
- ii. conserve the natural resources of the claim area;
- iii. protect the claim area and the natural resources of the claim area for the benefit of the Native Title holders;
- iv. care for the claim area for the benefit of the Native Title holders;
- v. use the claim area and the natural resources of the claim area for social purposes;
- vi. use the claim area and the natural resources of the claim area for cultural purposes;
- vii. use the claim area and the natural resources of the claim area for religious purposes;
- viii. use the claim area and the natural resources of the claim area for spiritual purposes;
- ix. use the claim area and the natural resources of the claim area for customary purposes;

- x. use the claim area and the natural resources of the claim area for traditional purposes;
- xi. reside on, the claim area;
- xii. to camp on the claim area;
- xiii. to travel across the claim area;
- xiv. exercise rights of use and disposal over the natural resources of the claim area;
- xv. to use the claim area for growing and producing plant material;
- xvi. to harvest plant material from the claim area;
- xvii. to exchange plant material from the claim area with other persons;
- xviii. to exchange the natural resources of the claim area with other persons;
- xix. to discharge cultural rights duties and obligations or responsibilities with respect to the claim area;
- xx. to discharge spiritual rights duties and obligations or responsibilities with respect to the claim area;
- xxi. to discharge traditional rights duties and obligations or responsibilities with respect to the claim area;
- xxii. to discharge customary rights duties and obligations or responsibilities with respect to the claim area;
- xxiii. preserve sights of significance to the Native Title holders and other Aboriginal people on the claim area;
- xxiv. conduct secular activities on the claim area;
- xxv. conduct ritual activities on the claim area;
- xxvi. conduct cultural activities on the claim area;
- xxvii. conduct burials on the claim area;
- xxviii. maintain the cosmological relationship beliefs, practices and institutions through ceremony and proper and appropriate custodianship of the claim area and special and sacred sites, to ensure the continued vitality of culture, and the well being of the Native Title holders;
- xxix. inherit Native Title rights and interests in relation to the claim area in accordance with custom and tradition;
- xxx. dispose of Native Title rights and interests in relation to the claim area in accordance with custom and tradition;
- xxxi. resolve disputes between the Native Title holders and other Aboriginal persons in relation to the claim area;

xxxii. construct structures for the purpose of exercising the Native Title rights on the claim area;

xxxiii. maintain structures for the purpose of exercising the Native Title rights on the claim area.

3) The Native Title rights are subject to:

a) the valid laws of the State of Queensland and the Commonwealth of Australia.

b) the rights (past or present) conferred upon persons pursuant to the laws of the Commonwealth and the laws of the State of Queensland.

Application Area:

State/Territory: Queensland

Brief Location: Kingsborough/Thornborough Rsvs Mareeba

Primary RATSIB Area: Northern Queensland Region

Approximate size: 271.9207 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):

The claim area consists of a number of discrete parcels of land being:

17 C15330 15 C8104 12 C882 20 HG725

20 K2351 207 K2351 209 K2351 210 K2351

212 K2351 213 K2351 214 K2351 215 K2351

216 K2351 217 K2351 218 K2351 302 K2351

310 K2351 311 K2351 312 K2351 313 K2351

314 K2351 315 K2351 316 K2351 317 K2351

318 K2351 411 K2351 412 K2351 413 K2351

414 K2351 415 K2351 416 K2351 417 K2351

501 K2351 502 K2351 507 K2351 508 K2351

509 K2351 510 K2351 511 K2351 512 K2351

606 K2351 607 K2351 608 K2351 609 K2351

610 K2351 701 K2351 702 K2351 703 K2351

704 K2351 705 K2351 706 K2351 707 K2351

708 K2351 709 K2351 710 K2351 711 K2351

712 K2351 713 K2351 714 K2351 715 K2351

716 K2351 717 K2351 718 K2351 719 K2351

720 K2351 11 K2352 13 K2352 19 K2352

14 N25173 1 T2131 10 T2131 2 T2131

21 T2131 22 T2131 3 T2131 4 T 2131

424 T2131 425 T2131 426 T2131 427 T2131

5 T2131 6 T2131 7 T2131 701 T2131

702 T2131 703 T2131 704 T2131 705 T2131

706 T2131 707 T2131 708 T2131 709 T2131

710 T2131 711 T2131 801 T2131 802 T2131

803 T2131 804 T2131 805 T2131 806 T2131

901 T2131 902 T2131 903 T2131 904 T2131

905 T2131 906 T2131 907 T2131 908 T2131

910 T2131 911 T2131 912 T2131 913 T2131

914 T2131 915 T2131 916 T2131 917 T2131

918 T2131 919 T2131 920 T2131 3 T2132

6 T2132 7 T2132 8 T2132 44 USL9115

B The area covered by the application excludes any land or waters covered by:

- a) a scheduled interest;
- b) a valid freehold estate;
- c) a commercial lease that is neither an agricultural lease nor a pastoral lease;
- d) an exclusive agricultural lease or an exclusive pastoral lease;
- e) a residential lease;
- f) a community purpose lease;
- g) a lease dissected from a mining lease and referred to in s.23B(2)(vii);
- h) any lease (other than a mining lease) that confers a right of exclusive possession over particular land or waters;
- i) a public road

which was validly granted or vested on or before 23 December 1996.

C Subject to paragraph (E), the area covered by the application excludes any land or waters covered by the valid construction or establishment of any public work, where the construction or establishment of the public work commenced on or before 23 December 1996.

D The area covered by the application excludes land or waters where the native title rights and interests claimed have otherwise been extinguished (except to the extent that the extinguishment is required to be disregarded under subsections 47(2), 47A(2) or 47B(2)) pursuant to s.190B(9)(c).

E Where the act specified in paragraphs B & C falls within the provisions of:

- 1) s.23B(10) - Exclusion by regulation
- 2) s.23B(9) - Exclusion of acts benefiting Aboriginal Peoples or Torres Strait Islanders;
- 3) s.23B(9A) - Establishment of a national park or state park;
- 4) s.23B(9B) - Acts where legislation provides for non-extinguishment;
- 5) s.23B(9C) - Exclusion of Crown to Crown grants; and

the area covered by the act is not excluded from the application.

Note: all references to sections are references to sections in the Native Title Act 1993 (Cth).

Attachments: 1. Map of Claim Area, 1 page - A4, 13/06/2012

NNTT Contact Details

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