



Extract from Schedule of Native Title Applications

Application Reference: Federal Court number: QUD6116/1998
NNTT number: QC1997/006

Application Name: James Archer & Ors on behalf of the Djungan People # 3 v State of Queensland & Ors (Djungan People #3)

Application Type: Claimant

Application filed with: National Native Title Tribunal

Date application filed: 19/02/1997

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 19/02/1997 to 09/08/2012

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

Old Act* registered native title claimants: Djungan People #3

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) Where Section 47 or 47A of the Native Title Act applies and there is no other extinguishment, the claim is for the right to possess, occupy use and enjoy the claim area to the exclusion of all others.

2) Where section 47 or 47A does not apply, 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: Pastoral Lease, Mareeba Shire, FNQ
Primary RATSIB Area: Northern Queensland Region
Approximate size: 1487.6205 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):

- A The application is over lot 5112 HG843453
- B The area covered by the application excludes any land or waters covered by:
 - a) a scheduled interest;
 - b) a valid non- Aboriginal 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(9) - Exclusion of acts benefiting Aboriginal Peoples or Torres Strait Islanders;
- 2) s.23B(9A) - Establishment of a national park or state park;
- 3) s.23B(9B) - Acts where legislation provides for non-extinguishment;
- 4) s.23B(9C) - Exclusion of Crown to Crown grants; and
- 5) s.23B(10) - Exclusion by regulation

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 QC97/6 Djungan People & QC97/11 Kuku Djungan People, 1 page - A4, 13/06/2012

NNTT Contact Details

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