



Extract from Schedule of Native Title Applications

Application Reference: Federal Court number: QUD6128/1998
NNTT number: QC1998/045

Application Name: Kenneth Murphy & Anor on behalf of the Jinibara People and State of Queensland & Ors (Jinibara People)

Application Type: Claimant

Application filed with: National Native Title Tribunal

Date application filed: 29/09/1998

Current status: Full Approved Determination - 20/11/2012

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 29/09/1998 to 22/11/2012

Date claim / part of claim determined: 20/11/2012

Applicants: Noel Blair, Kenneth Murphy

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Additional Information

Not applicable

Persons claiming to hold native title:

The native title claim group on whose behalf this application is made is the Jinibara People who are the biological descendants of the following people:

- (a) Wanambi James McKenzie (who was the father of Wangirmau Johnny McKenzie and the paternal grandfather of Gaiarbau Willie McKenzie);
- (b) Dil:l (who was the father of Jowalmel Fanny Mason, wife of Wangirmau Johnny McKenzie);
- (c) Edward Ross (who was the father of Dick Dahtell Ross);
- (d) Menvil Wanmuarn and his wife, Kitty (who was the daughter of King Sambo and Queen Beauty),

who identify as and are accepted by the Jinibara People as Jinibara People according to Jinibara traditional law and custom.

("the native title claim group")

Native title rights and interests claimed:

A description of the native title rights and interests claimed in relation to particular land or waters (including any activities in exercise of those rights and interests).

See "Attachment E", which reads as follows:

1. Over areas where a right to exclusive possession can be recognised, the nature and extent of the native title rights and interests claimed, other than in relation to Water, are the rights to possession, occupation, use and enjoyment of the area to the exclusion of all others;
2. Over other areas, the non-exclusive rights to:
 - (i) access, move about on and travel over the area;
 - (ii) camp, and live temporarily on the area as part of camping, and for that purpose build temporary shelters;
 - (iii) light fires on the area for personal and domestic purposes including cooking, but not for the purpose of hunting or clearing of vegetation;
 - (iv) fish, hunt, gather, take, keep, use, share and exchange Natural Resources from the area;
 - (v) conduct, and participate in, rituals and ceremonies on the area, including those relating to initiation, birth and death;
 - (vi) be buried and bury native title holders within the area;
 - (vii) maintain sites, objects, places and areas of significance to the native title holders under their traditional laws and customs and protect by lawful means those sites, objects, places and areas from physical harm or desecration;
 - (viii) teach on the area the physical, cultural and spiritual attributes of the area;
 - (ix) hold meetings on the area; and
 - (x) be accompanied on the area by certain non-native title holders, being:
 - (A) spouses of native title holders, pursuant to the exercise of traditional laws and customs;
 - (B) people required or permitted under the traditional laws acknowledged and traditional customs observed by the native title holders for the performance of, assistance with, or participation in, rituals, ceremonies or cultural activities; or
 - (C) people who have rights in relation to the area according to the traditional laws and customs of the native title holders.
3. The nature and extent of native title rights and interests claimed in relation to Water are the non-exclusive rights to:
 - (a) hunt, fish, gather, take, keep, use, share and exchange Natural Resources from the Water; and

(b) take, use, share and exchange the Water;

for personal, domestic or non-commercial (including cultural or spiritual) communal purposes.

4. The native title rights and interests are subject to and exercisable in accordance with:

(a) the Laws of the State and the Commonwealth; and

(b) the traditional laws acknowledged and the traditional customs observed by the native title holders.

5. The native title rights and interests referred to in paragraphs 2 and 3 do not confer possession, occupation, use or enjoyment to the exclusion of all others.

Application Area:

State/Territory: Queensland

Brief Location: South East Queensland

Primary RATSIB Area: Southern and Western Queensland Region

Approximate size: 719.2165 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):

In addressing the requirement a) above, see "Attachment B". "Attachment B" first describes the metes and bounds of an external boundary ("the External Boundary") which is then followed by a listing of claimable areas within the External Boundary that are specifically claimed in, and covered by, this application.

In addressing requirement b) above, this application does not cover:

1. any area where a previous exclusive possession act was done; or
2. any other area where native title has otherwise been extinguished,

except, in relation to paragraphs 1 and 2 above, where any extinguishment is required to be disregarded by force of sections 47, 47A or 47B of the Native Title Act 1993 (Cth).

Attachments:

1. Map of Claim Area, 1 page - A4, 01/11/2012
2. Description of External Boundary and Areas Subject to Claim (October 2012), 17 pages - A4, 01/11/2012
3. Map of claim area, 1 page - A4, 01/11/2012
4. Description of External Boundary and Areas Subject to Claim (October 2012), 17 pages - A4, 01/11/2012

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