



Extract from Schedule of Native Title Applications

Application Reference: Federal Court number: QUD6008/1999
NNTT number: QC1999/012

Application Name: Graham Brady & Ors on behalf of the Western Yalanji People #4 v State of Queensland & Ors (Western Yalanji People #4)

Application Type: Claimant

Application filed with: Federal Court of Australia

Date application filed: 18/03/1999

Current status: Full Approved Determination - 24/09/2013

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

Date claim entered on Register of Native Title Claims: 16/04/1999

Registration decision status: Accepted for registration

Registration history: Registered from 16/04/1999 to 26/09/2013,

Date claim / part of claim determined: 24/09/2013

Applicants: Desmond Brickey, Dell Riley, Graham Brady

Address(es) for Service: Martin Dore
North Queensland Land Council Aboriginal Corp
61 Anderson Street
MANUNDA QLD 4870
Phone: 07 4031 4779

Additional Information

Not applicable

Persons claiming to hold native title:

Identity of the native title claim group

The native title claim group is known to itself and all neighbouring Aboriginal groups as the Western Yalanji. The group is often also referred to as the 'Maytown Mob' or Wulburrwarra, after the English and Aboriginal names of a central site in their traditional country (Maytown/Wulburrjuburr). The group is continuous both in terms of descent and in terms of continuous transmission of the Western Yalanji identity from the group of the same name recorded in and around the claim areas last century, and in various written sources since. More information is provided in the Western Yalanji Registration Test Report by Ray Woods labelled as "Attachment F".

Membership of the group

The current membership of the group is primarily identified by the principle of cognatic descent (descent traced through either one's father or one's mother). While other means of recruitment into the group, for example, adoption and naturalisation, occur in accordance with traditional law and custom, generally speaking, descent is traced from a limited set of persons recognised in the regional Aboriginal community as associated with the Western Yalanji/ Maytown identity and country, including the claim areas, soon after European occupation.

By these descent principles, the current membership of the Western Yalanji claim group are the descendents of one or more of the following people:

- (i) Sandy Tippo (also known as Deppo King), the father of Jack Cummins and others;
- (ii) Charlie Fox and Emily Fox (also known as Emily Skene, also known as Emily Skeen), the parents of Stella Rogers (nee Fox) and others;
- (iii) George Maytown (also known as William Dolo, also known as Janga);
- (iv) Billy (also known as Namukaia) and Maggie (also known as Wautalugu), the parents of Lizzie Riley and others;
- (v) Billy, the father of Jimmy Riley and others;
- (vi) Kitty, the mother of Caroline Rose Davis (nee Molloy/ Brown/ Roberts) and others;
- (vii) Charlie Lee Cheu, the father of Caesar Lee Cheu and others;
- (viii) Mary (also known as Railuinn), the mother of Rosie Grogan (nee Palmer, also known as Rosie Maytown) and others;
- (ix) George Maytown (also known as George Dodd Snr), the father of Dolly Maytown and others;
- (x) Jack Burton, the father of Nancy White (also known as Nancy Brickey) and others;
- (xi) Bula Burton (also known as Buller Burton);
- (xii) Ruby Meldrum, or her brother Rob Miller;
- (xiii) Biddy Mango (also known as Biddy Looney), the mother of Dolly McNamara and others;
- (xiv) 'Nama'minkidji and Wur'pura, the parents of Jannie Maytown (also known as Jennie Maytown) and others;
- (xv) Mitchell Earl, the father of Norman Mitchell and others;
- (xvi) Lena Palmer (also known as Lena Banjo, also known as Lena Gordon), or her brother Togo;
- (xvii) Charlie Curraghmore, or his brother Charlie Jubilee;
- (xviii) Dolly, the mother of Alice Roberts and others;
- (xix) Jimmy Roberts, the father of Jack Lawyer and others;

- (xx) Dolly, the mother of Charlotte Palmer and others;
- (xxi) Mary Anderson (also known as Maggie Anderson), or her sister Dianna (also known as Dinah), or their sister the mother of Rosie Simpson (née Murray)
- (xxii) Billy Snider (also known as Jimmie Snider), the father of Charlie Snider and others;
- (xxiii) Buiku Buiku, the father of Kitty and others;
- (xxiv) Sambo and Maggie, the parents of Minnie Williams and others;
- (xxv) Johnny Cake (also known as Johnny Stewart), the father of Kenneth Lloyd Stewart and others;
- (xxvi) Hilda, the mother of Jessie Pauletta Davis and others; or
- (xxvii) Maggie, the mother of James Andrew Mossman (also known as Jimmy Mossman) and others; or

(b) people who are recruited by adoption into one of the above descent groups in accordance with the traditional laws and customs of the Western Yalanji People.

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).

In areas of land and water covered by the application where there has been no prior extinguishment of native title, or where s238 of the Act (the non -extinguishment principle) applies, or where extinguishment has been disregarded pursuant to ss 47, 47A or 47B NTA, the rights to possession, occupation, use and enjoyment to the exclusion of all others (other than in relation to Water); and in relation to Water within these areas, the non-exclusive rights to:

- (a) hunt, fish and gather from the Water of the area;
- (b) take and use the Natural Resources of the Water in the area; and
- (c) take and use the Water of the area,

for personal, domestic and non-commercial communal purposes.

In all other areas covered by the application the nature and extent of the native title rights and interests in relation to the land and waters being sought are the non- exclusive rights to:

- (a) access, be present on, move about on and travel over the area;
- (b) camp, and live temporarily on the area as part of camping, and for that purpose build temporary shelters;
- (c) hunt, fish and gather on the land and waters of the area for personal, domestic and non- commercial, communal purposes;
- (d) take, use, share and exchange Natural Resources from the land and waters of the area for personal, domestic and non-commercial communal purposes;
- (e) take and use the Water of the area for personal, domestic and non-commercial communal purposes;
- (f) conduct ceremonies on the area;
- (g) be buried and bury native title holders within the area;
- (h) maintain places of importance and areas of significance to the native title holders under their traditional laws and customs and protect those places and areas from physical harm;

(i) teach on the area the physical and spiritual attributes of the area; and

G) light fires on the area for domestic purposes including cooking, but not for the purpose of hunting or clearing vegetation.

Application Area: **State/Territory:** Queensland
Brief Location: Far North Queensland
Primary RATSIB Area: Cape York Region
Approximate size: 2224.9091 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):

Information identifying the boundaries of:

- a) the area covered by the application; and
- b) any areas within those boundaries that are not covered by the application.

A. The above information is provided and labelled "Attachment B" (description area)

B. The area covered by the application excludes any land or waters covered by the following interests, which were validly granted on or before 23 December 1996:

- a) an interest listed at Schedule 1 of the Act
- 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.

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 interest claimed have otherwise been extinguished (except to the extent that the extinguishment must be disregarded under subsection 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 following provisions of the Act, the area covered by the act is not excluded from the application:

- 1) s.23B(9)- Exclusions of acts benefiting Aboriginal people or Torres Strait Islanders;
- 2) s.23B(9A)- Establishment of a national 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.

- Attachments:**
1. Attachment C Map of the application, 25 pages - A4, 03/07/2013
 2. Attachment B Area description, 10 pages - A4, 03/07/2013

NNTT Contact Details

Address:	National Native Title Tribunal Cairns Office Level 14, Cairns Corporate Tower 15 Lake Street CAIRNS QLD 4870 PO Box 9973 CAIRNS QLD 4870
Telephone:	+61 7 4046 9000
Freecall:	1800 640 501
Fax:	+61 7 4046 9050
Web Page:	www.nntt.gov.au

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