



Extract from Schedule of Native Title Applications

Application Reference: Federal Court number: QUD6009/1999
NNTT number: QC1999/013

Application Name: Barry Fisher & Ors on behalf of the Ewamian People #2 v State of Queensland & Ors (Ewamian People #2)

Application Type: Claimant

Application filed with: Federal Court of Australia

Date application filed: 18/03/1999

Current status: Full Approved Determination - 26/11/2013

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 3/12/2013,

Date claim / part of claim determined: 26/11/2013

Applicants: Barry Fisher, David Hudson, Noel Lacey

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Additional Information

Not applicable

Persons claiming to hold native title:

Identity of the Native Title Claim Group

The Native Title claim group identifies as and is recognised by other Aboriginal group in the area as Ewamian

Membership of the Group

The membership of the group are all those persons who are descendants of the following Ewamian ancestors:

Norman Clarke

Harry Plate

Emily Collins

Arthur Georgetown

Pearl Georgetown

Ethel Georgetown

Thomas Lacey

Dora Hudson

Frank Hudson

Minnie Willie

Mick Morris

Ben Sloppa aka Ben Mud

And the adopted children of Ethel Georgetown (dec.), Jim Harvey (dec.), Minnie Willie (dec.), John Edward Morris, and Alfred Richards.

Based on Dr Sandra Pannell's research the applicants are descendants of the above and therefore are members of the claimant group.

Native title rights and interests claimed:

The native title rights and interests claimed are the right to exclusive possession, occupation, use and enjoyment of the claimed area as against the whole world, pursuant to the traditional laws and customs of the claim group.

Where the area is covered by a valid, previous non-exclusive possession act (s.23F) the native title claim group does not claim possession, occupation, use and enjoyment of the area to the exclusion of all others and are more particularly set out in Schedule J.

Application Area:

State/Territory: Queensland

Brief Location: Far North Queensland

Primary RATSIB Area: Northern Queensland Region

Approximate size: 168.1213 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 written description of the land [by reference to lots or part lots] claimed is found in Attachment B.

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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 any 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 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 provisions of:

- 1) s.23B(9) - Exclusion of acts benefiting Aboriginal peoples 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

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

The areas described in Attachment B1 (including the areas shown on the map which forms part of B1) are not claimed.

Note: To the extent that there is any inconsistency between the written description of the area covered and the maps in Attachment C, the written description prevails.

- Attachments:**
1. QC1999_013 Description of claim area - Attachment B, 15 pages - A4, 13/11/2013
 2. QC1999/013 Areas not forming part of the claim area - Attachment B1, 5 pages - A4, 13/11/2013
 3. QC1999_013 Key map and sheets 1-35 - Attachment C, 36 pages - A4, 13/11/2013

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