



# Extract from Schedule of Native Title Applications

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**Application Reference:** Federal Court number: QUD6030/1999  
NNTT number: QC1999/036

**Application Name:** Tableland Yidinji People

**Application Type:** Claimant

**Application filed with:** Federal Court of Australia

**Date application filed:** 25/10/1999

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**Current status:** Full Approved Determination - 02/05/2014

**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:** 24/02/2000

**Registration decision status:** Accepted for registration

**Registration history:** Registered from 24/02/2000 to 9/05/2014,

**Date claim / part of claim determined:** 25/10/2013

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**Applicants:** Catherine (Nola) Joseph, Evelyn (Dawn) Johnson

**Address(es) for Service:** Martin Dore  
North Queensland Land Council  
61 Anderson Street  
Manunda QLD 4870  
**Phone:** 07 4042 7000  
**Fax:** 07 4031 9489

## Additional Information

Not applicable

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## Persons claiming to hold native title:

The Tableland Yidinji People are the biological descendants of:

- (a) Jinny/Jeannie/Jinnie Cowley aka Pott/Putt aka Nimble/Nimble/Baker;
- (b) Charlie Cowley and Polly Cowley;
- (c) Billy Camp;
- (d) Johnny;
- (e) Annie aka Lucy Tanna;
- (f) Billy Possum; or
- (g) Lucy Kairi

**Native title rights and interests claimed:**

The Native Title rights and interests claimed in relation to the claim area are not to the exclusion of all others and are the rights to have access to and use the claim area and its natural resources namely 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;
- (iv) use the claim area and the natural resources of the claim area for social, cultural, economic, religious, spiritual, customary and traditional purposes;

and more particularly to:

- A. reside on, camp on and travel across the land;
- B. exercise rights of use and disposal over the natural resources;
- C. exercise and carry out economic life on the claim area including the creation, growing, production, husbanding, harvesting and exchange of natural resources and that which is produced by the exercise of the Native Title rights and interests;
- D. discharge cultural, spiritual, traditional and customary rights, duties, obligations and responsibilities on, in relation to, and concerning the claim area and its welfare;
- E. preserve sights of significance to the Native Title holders and other Aboriginal people on the claim area;
- F. conduct secular, ritual and cultural activities on the claim area;
- G. conduct burials on the claim area;
- H. 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;
- I. inherit or dispose of Native Title rights and interests in relation to the claim area in accordance with custom and tradition;
- J. resolve disputes between the Native Title holders and other Aboriginal persons in relation to the claim area; and
- K. construct and maintain structures for the purpose of exercising the Native Title.

2. 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

3. In relation to the Native Title rights and interests asserted:

- They do not include a claim to ownership of any minerals, petroleum or gas wholly owned by the Crown in a manner which is inconsistent with the continuing Native Title rights residing in those substances;
- They are not exclusive rights or interests if they relate to waters in an offshore place; and
- They will not apply if they have been extinguished in accordance with valid State and Commonwealth laws.

**Application Area:**                   **State/Territory:** Queensland  
**Brief Location:** Vicinity of Atherton Tableland area  
**Primary RATSIB Area:** Northern Queensland Region  
**Approximate size:** 164.7031 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" as set out in the Map at "Attachment C".

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 the following 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 subsection 47(2), 47A(2) or 47B(2) pursuant to section 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.

### Combination Details

Date of order to combine: 29/10/1999

This application is a combination of the following applications:

Application number(s)	Application name	Date application lodged/filed	Date claim entered on Register*	Registration History
QUD6205/1998, QC1998/035	Tableland Yidinji People #1(Irene Davis) v State of Queensland	01/07/1998	N/A	Registered from 01/07/1998 to 24/02/2000
QUD6206/1998, QC1998/036	Tableland Yidinji People #2(Irene Davis) v State of Queensland	01/07/1998	N/A	Registered from 01/07/1998 to 24/02/2000

\*For further information on pre-combined applications, see the Schedule extract for each pre-combined application.

### Attachments:

1. Description of External Boundary, 4 pages - A4, 17/12/2012
2. Attachment C - Map of claim area, 1 page - A4, 17/12/2012

### 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](http://www.nntt.gov.au)

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