



Extract from Schedule of Native Title Applications

Application Reference: Federal Court number: QUD6018/2001
NNTT number: QC2001/016

Application Name: Barry Fisher & Ors on behalf of the Ewamian People #3 v State of Queensland & Ors (Ewamian People #3)

Application Type: Claimant

Application filed with: Federal Court of Australia

Date application filed: 30/04/2001

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: 29/05/2001

Registration decision status: Accepted for registration

Registration history: Registered from 29/05/2001 to 3/12/2013,

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

Applicants: Barry Fisher, David Hudson, Noel Lacey

Address(es) for Service: Martin Doré
North Queensland Land Council
PO Box 679N
NORTH CAIRNS QLD 4870
Phone: (07) 4042 7000
Fax: (07) 4031 9489

Additional Information

Not applicable

Persons claiming to hold native title:

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

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: Georgetown area, North Queensland

Primary RATSIB Area: Northern Queensland Region

Approximate size: 25995.3645 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 Subject to paragraphs B, C, D, E and F below, the area covered by this application is the area within the boundaries set out on the attached maps, marked "Attachment C sheets 1-16." A metres and bounds description is provided as part of the written description of the area claimed - see attachment B.

B The following areas are excluded from this Application:

1) Any land or waters covered by the Ewamian Native Title claimant application (#2) QUD6009/1999 (QC99/13)

which covers State Land and Reserves, Mining Tenements and Aboriginal Freehold.

For clarity it is noted Lot 4620 PH 1283 commonly referred to as Bulleringa National Park is not claimed.

2) Any land or waters covered by:

- a) a scheduled interest;
- b) a 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 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 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.

F The areas described in Attachment B1 (including 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. QC2001_016 Description of Claim Area - Attachment B of the application, 9 pages - A4, 13/11/2013
2. QC2001/016 Areas not forming part of the claim area - Attachment B1, 5 pages - A4, 13/11/2013
3. QC2001/016 Key map and sheets 1-16 - Attachment C of the application, 17 pages - A4, 13/11/2013

End of Extract