



# Extract from Schedule of Native Title Applications

---

**Application Reference:** Federal Court number: QUD6036/2001  
NNTT number: QC2001/038

**Application Name:** Djungan People #4

**Application Type:** Claimant

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

**Date application filed:** 05/10/2001

---

**Current status:** Full Approved Determination - 02/08/2012

**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 05/11/2001 to 09/08/2012

**Date claim / part of claim determined:** 02/08/2012

---

**Applicants:** Desmond Grainer, Kenneth Wason, Vincent Wason, Hank Wason, Lee Smallwood, Amelia McMurtrie, William Mossman

**Address(es) for Service:** North Queensland Land Council  
PO Box 679N  
CAIRNS QLD 4870  
**Phone:** (07) 4042 7000

## Additional Information

Not applicable

---

## Persons claiming to hold native title:

The Djungan People are comprised of the descendants either patrilineal or matrilineal of the following ancestors:-

1. Tommy and Topsy Wason;

2. John Wason;
3. Dinah [Richards];
4. Jessie Wason;
5. Jack O'Neil and his spouse, Flora Richards;
6. Peter Ray Burns;
7. Jimmy Kingsburra and Lizzie Kingsburra (including the descendants of Joe Sands);
8. Charles James Archer (senior);
9. Lucy [Burns];
10. Pluto [Brumby];
11. Mollie and her spouse, Bert Gordon; and
12. Mick Richards.

**Native title rights and interests claimed:**

The Native Title rights and interests claimed are not to the exclusion of all others and are the rights and interests 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;
- v. use the claim area and the natural resources of the claim area for social purposes;
- vi. use the claim area and the natural resources of the claim area for cultural purposes;
- vii. use the claim area and the natural resources of the claim area for religious purposes;
- viii. use the claim area and the natural resources of the claim area for spiritual purposes;
- ix. use the claim area and the natural resources of the claim area for customary purposes;
- x. use the claim area and the natural resources of the claim area for traditional purposes;
- xi. reside on, the claim area;
- xii. to camp on the claim area;
- xiii. to travel across the claim area;
- xiv. exercise rights of use and disposal over the natural resources of the claim area;
- xv. to use the claim area for growing and producing plant material;
- xvi. to harvest plant material from the claim area;
- xvii. to exchange plant material from the claim area with other persons;
- xviii. to exchange the natural resources of the claim area with other persons;
- xix. to discharge cultural rights duties and obligations or responsibilities with respect to the claim area;

- xx. to discharge spiritual rights duties and obligations or responsibilities with respect to the claim area;
- xxi. to discharge traditional rights duties and obligations or responsibilities with respect to the claim area;
- xxii. to discharge customary rights duties and obligations or responsibilities with respect to the claim area;
- xxiii. preserve sights of significance to the Native Title holders and other Aboriginal people on the claim area;
- xxiv. conduct secular activities on the claim area;
- xxv. conduct ritual activities on the claim area;
- xxvi. conduct cultural activities on the claim area;
- xxvii. conduct burials on the claim area;
- xxviii. 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;
- xxix. inherit Native Title rights and interests in relation to the claim area in accordance with custom and tradition;
- xxx. dispose of Native Title rights and interests in relation to the claim area in accordance with custom and tradition;
- xxxi. resolve disputes between the Native Title holders and other Aboriginal persons in relation to the claim area;
- xxxii. construct structures for the purpose of exercising the Native Title rights on the claim area;
- xxxiii. maintain structures for the purpose of exercising the Native Title rights on the claim area.

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.

**Application Area:** **State/Territory:** Queensland  
**Brief Location:** Far North Queensland  
**Primary RATSIB Area:** Northern Queensland Region  
**Approximate size:** 52.3869 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 area covered by this application is the area within the boundaries set out on the attached Maps, marked "Attachment C1 and C2.

A metes and bounds description is provided in "Attachment B".

B The following areas are excluded from this Application:

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 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 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 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 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.

Note: all references to sections are references to sections in the Native Title Act 1993 (Cth).

- Attachments:**
- 1. Description of External Boundary of Application, 6 pages - A4, 13/06/2012
  - 2. Map of claim area, 1 page - A4, 13/06/2012
  - 3. Map of claim area, 1 page - A4, 13/06/2012

|                             |                   |  |
|-----------------------------|-------------------|--|
| <b>NNTT Contact Details</b> | <b>Address:</b>   | National Native Title Tribunal<br>Cairns Office<br>Level 14, Cairns Corporate Tower<br>15 Lake Street<br>CAIRNS QLD 4870<br><br>PO Box 9973<br>CAIRNS QLD 4870 |
|                             | <b>Telephone:</b> | +61 7 4046 9000  |
|                             | <b>Freecall:</b>  | 1800 640 501   |
|                             | <b>Fax:</b>       | +61 7 4046 9050  |
|                             | <b>Web Page:</b>  | <a href="http://www.nntt.gov.au">www.nntt.gov.au</a>   |

---

End of Extract