



Extract from Schedule of Native Title Applications

Application Reference: Federal Court number: QUD111/2004
NNTT number: QC2004/008

Application Name: Warrungu People #2

Application Type: Claimant

Application filed with: Federal Court of Australia

Date application filed: 30/06/2004

Current status: Full Approved Determination - 23/09/2013

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: 22/04/2005

Registration decision status: Accepted for registration

Registration history: Registered from 22/04/2005 to 9/10/2013,

Date claim / part of claim determined: 23/09/2013

Applicants: Reginald Joseph Morganson , Danny Hooligan, Walter Blohm

Address(es) for Service: Jennifer Jude
North Queensland Land Council Native Title Representative
Body Aboriginal Corporation
61 Anderson Street
MANUNDA QLD 4870
Phone: 07 4042 7000
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Additional Information

Not applicable

Persons claiming to hold native title:

Membership of the native title claim group - membership of the claim group is based on cognatic descent from apical ancestors known as Wombino, Lena sister to Wombino and the wife of Old Billy Morganson, Alf Palmer and Billy Simmonds who, with the exception of Alf Palmer, are well recognised in the regional Aboriginal community as being associated with the Warrungu identity & claim area at the time of European occupation; Alf Palmer was adopted into the Warrungu tribe in accordance with traditional law & custom.

The applicant, and, members of the claim group, make the claim on behalf of the Warrungu People. The Warrungu People are the biological or adopted descendants of one or more of the following People.

Wombino;

Lena, sister to Wombino and wife of Old Billy Morganson;

Alf Palmer;

Billy Simmonds.

The above native title claim group was authorised pursuant to a resolution passed at an authorisation meeting which took place at Mt Garnett on 19 April 2013.

Native title rights and interests claimed:

1. In relation to land where there has been no prior extinguishment of native title or where s238 (the non-extinguishment principle) applies, the native title rights & interests claimed are the right to possession, occupation, use & enjoyment of the claim area as against the whole world, pursuant to the traditional law & custom of the claim group, but subject to the valid laws of the Commonwealth of Australia & the State of Queensland, and

2. With respect to all remaining tenure within the claim area the native title rights & interests claimed are not to the exclusion of all others, and are the rights to have access to & use the claim area & its cultural resources, namely to:

1. maintain and use the claim area
2. conserve the cultural resources of the claim area
3. protect the claim area and its cultural resources for the benefit of native title holders
4. care for the claim area for the benefit of the native title holders
5. use the claim area and the cultural resources of the claim area for social, cultural, economic, religious, spiritual, customary & traditional purposes, & more particularly to
6. reside, camp on & travel across the land
7. use and dispose of cultural resources
8. exercise & carry out economic life on the claim area, including the creation, growing, production, husbanding, harvesting & exchange of natural resources including use of sand and gravel and that which is produced by the exercise of the native title rights & interests
9. discharge cultural, spiritual, traditional & customary rights, duties, obligations & responsibilities on, in relation to and concerning the claim area and its welfare
10. preserve sites of significance to the native title holders & other Aboriginal people on the claim area
11. conduct secular, ritual and cultural activities on the claim area
12. conduct burials on the claim area
13. maintain the cosmological relationship between beliefs, practices & institutions through ceremony and proper & appropriate custodianship of the claim area and special & sacred sites, to ensure the continued vitality of culture,

and the well-being of the native title holders

14. inherit or dispose of native title rights & interests in relation to the claim area in accordance with custom & tradition

15. resolve disputes between the native title holders and other Aboriginal persons in relation to the claim area

16. determine who are the native title holders in relation to the claim area,

Provided that the native title rights & interests for both exclusive and non exclusive areas are both subject to the

a. valid laws of the State of Queensland & the Commonwealth of Australia, and

b. rights (past or present) conferred upon persons pursuant to the valid laws of the Commonwealth & the laws of the State of Queensland, and

The asserted native title rights & interests for both exclusive and non exclusive areas

a. 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 continuing native title rights & interests residing in those substances

b. are not exclusive rights or interests if they relate to waters in an offshore place, and will not apply if they have been extinguished in accordance with valid State & Commonwealth laws.

To avoid doubt, references to cultural resources include natural & traditional resources.

Application Area:

State/Territory: Queensland

Brief Location: Central Queensland

Primary RATSIB Area: Northern Queensland Region

Approximate size: 1922.3700 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):

The area covered by the application comprises all that land within the external boundary described in Attachment B, as set out in the map at Attachment C, but excluding any area covered by a Crown to Crown freehold grant, or any grant or vesting of:

(a) a freehold estate

(b) a residential lease

(c) a scheduled interest

(d) a community purpose lease

(e) exclusive agricultural lease or an exclusive pastoral lease

(f) a commercial lease that is neither an agricultural lease nor a pastoral lease

(g) a lease dissected from a mining lease & referred to in s23B(2)(c)(vii), or

(h) any lease (other than a mining lease) that confers a right of exclusive possession over particular land or waters, validly granted or vested on or before 23 December 1996, and any area

(i) covered by the valid construction or establishment of any public work, where such construction or establishment was commenced on or before 23 December 1996,

(j) which has been vested in any person by or under State of Queensland legislation where a right of exclusive

possession is expressly or impliedly conferred on the person by or under the legislation, or

(k) where the native title rights & interests claimed have otherwise been validly extinguished

provided that, where the acts specified in (a) - (k) fall within the provisions of s.47, s.47A, s.47B, s.23B(9), s.23B(9A), s.23B(9B), s.23B(9C) or s.23B(10), then the area covered by the act is not excluded from this application, and

Exclusive possession is not claimed over areas subject to valid previous non-exclusive possession acts of the Commonwealth or State as set out in Division 2B of Part 2 of the Act.

An overlap area of .001 sq ks with the Gugu Badhun determination QUD85/05 is not claimed.

A resolution authorising this change was passed at an authorisation meeting held on 19 April 2013 at Mt Garnet.

Attachments:

1. Attachment B Area Description, 7 pages - A4, 01/07/2013
2. Attachment C Map of Application, 1 page - A4, 01/07/2013

NNTT Contact Details

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