



Extract from Schedule of Native Title Applications

Application Reference: Federal Court number: QUD6119/1998
NNTT number: QC2014/001

Application Name: Kowanyama People v State of Queensland & Ors (Kowanyama People)

Application Type: Claimant

Application filed with: Federal Court of Australia

Date application filed: 07/02/2014

Current status: Full Approved Determination - 11/03/2015

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: 08/04/2014

Registration decision status: Accepted for registration

Registration history: Registered from 8/04/2014 to 11/03/2015,

Date claim / part of claim determined: 11/03/2015

Applicants: Lawrence Daphney, Chris Henry, Charlotte Yam, Michael Mitchell, Arthur Luke, Teddy Bernard, Colin Lawrence Jr., Charmaine Lawrence, Lavinia Inkerman, Celza Inkerman, Hilton Noble

Address(es) for Service: Adam McLean
Cape York Land Council
32 Florence Street
CAIRNS QLD 4870
Phone: 07 4053 9222
Fax: 07 4051 0097

Additional Information

On 31 October 2014 a determination of native title was made by the Federal Court: Daphney on behalf of the Kowanyama People v State of Queensland [2014] FCA 1149. The determination is conditional on the registration of an agreement on the Register of Indigenous Land Use Agreements and will only come into effect when the agreement is registered. The determination will then be entered on the National Native Title Register and this application will be removed from the Register of Native Title Claims.

Persons claiming to hold native title:

The claim is lodged on behalf of the Kowanyama People who comprise those people known as the Yir Yoront (sometimes called Kokomenjen), Koko Bera, Kunjen and Koko Berrin peoples including the applicants and other claimants, who together form the native title group.

More information is provided and labeled as "Attachment A"

Native title rights and interests claimed:

1. In relation to the exclusive areas, the native title rights and interests that are possessed under their traditional laws and customs are, subject to the traditional laws and customs that govern the exercise of native title rights and interests by the native title holders, possession, occupation, use and enjoyment to the exclusion of all others.

2. In relation to the non-exclusive areas, the native title rights and interests of the native title holders that are possessed under their traditional laws and customs are, subject to the traditional laws and customs that govern the exercise of the native title rights and interests by the native title holders, non-exclusive rights to use and enjoy those areas being:

- a) the right to access, be present on, move about on and travel over the area;
- b) the right to hunt and fish in or on, and gather from the land and water;
- c) the right to take, use, share and exchange natural resources;
- d) the right to take and use water;
- e) the right to live, to camp and for that purpose to erect shelters and other structures on those areas;
- f) light fires on the area for cultural, spiritual or domestic purposes, including cooking, but not for the purpose of hunting or clearing vegetation;

- g) be buried and bury native title holders within the area;
- h) conduct ceremonies on the area;
- i) hold meetings on the area;
- j) teach on the area the physical and spiritual attributes of the area;
- k) maintain places of importance and areas of significance to the native title holders under their traditional laws and customs and protect those places and areas from harm; and
- l) be accompanied on to the area by those persons who, though not native title holders, are:
 - a) spouses or partners of native title holders;
 - b) people who are members of the immediate family of a spouse or partner of a native title holder;
 - c) people reasonably required by the native title holders under traditional law and custom for the performance of ceremonies or cultural activities on the Determination Area; or
 - d) people who have specialised knowledge based on their training, study or experience who are requested by the native title holders to observe or record traditional activities or otherwise to

investigate matters of cultural significance on the Determination Area.

These native title rights and interests do not confer on the native title holder's possession, occupation, use and enjoyment of the non-exclusive areas, to the exclusion of all others.

The native title rights and interests are subject to and exercisable in accordance with the valid laws of Queensland and the Commonwealth of Australia.

Application Area: **State/Territory:** Queensland
Brief Location: Kowanyama and south west Cape York
Primary RATSIB Area: Cape York Region
Approximate size: 557.6426 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 the application is outlined in detail at "Attachment B"
- B. The claim area does not include any land or waters subject to validly granted Previous Exclusive Possession Acts (PEPAs), as defined by s23B of the Native Title Act 1993 (Cth), except to the extent that sections 47, 47A or 47B of the Native Title Act 1993 (Cth) may apply.
- C. To the extent that any area of the claimed area is or has been the subject of a Previous Non-Exclusive Possession Act (PNEPAs), as defined by s23F of the Native Title Act 1993 (Cth), the native title claim group do not claim possession, occupation, use and enjoyment of the area to the exclusion of all others, except to the extent that sections 47, 47A or 47B of the Native Title Act 1993 (Cth) may apply.
- D. For any land or waters in the claim area subject to a validly granted PNEPA, as defined by s23G of the Native Title Act 1993 (Cth), then the native title rights and interests claimed in relation to such land or waters do not include any native title rights or interests which were extinguished by that validly granted PNEPA, except to the extent that sections 47, 47A or 47B of the Native Title Act 1993 (Cth) may apply.

Combination Details

Date of order to combine: 07/02/2014

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 |
|--------------------------|--|-------------------------------|---------------------------------|---|
| QUD282/2012,QC2012/007 | Kowanyama #2 | 13/06/2012 | N/A | |
| QUD6119/1998, QC1997/009 | Glenette Greenwool & Ors on behalf of the Kowanyama People and State of Queensland & Ors | 25/03/1997 | N/A | Registered from 25/03/1997 to 10/09/1999 Registered from 24/12/2001 to 14/06/2013 Registered from 21/06/2013 to 8/04/2014 |

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|----------------------------|--|------------|-----|--|
| QUD743/2013,Q C2013/009 | Lawrence Daphney & Ors on behalf of the Kowanyama People #3 | 08/11/2013 | N/A | |
|----------------------------|--|------------|-----|--|

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

- Attachments:**
1. Description of Claim Group, 3 pages - A4, 07/02/2014
 2. Written Description of Claim Area, 3 pages - A4, 07/02/2014
 3. Map of Claim Area, 1 page - A4, 07/02/2014

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

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