



# Extract from Schedule of Native Title Applications

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**Application Reference:** Federal Court number: QUD308/2014  
NNTT number: QC2014/002

**Application Name:** Doris Kinjun & Ors on behalf of the Gulngay People v State of Queensland (Gulngay People)

**Application Type:** Claimant

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

**Date application filed:** 27/06/2014

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**Current status:** Full Approved Determination - 04/04/2019

**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:** 26/09/2014

**Registration decision status:** Accepted for registration

**Registration history:** Registered from 26/09/2014 to 17/04/2019,

**Date claim / part of claim determined:** 04/04/2019

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**Applicants:** Doris Kinjun, Clarence Kinjun, Joanne Kinjun

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Aboriginal Corporation  
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61-73 Sturt Street  
Townsville City QLD 4810  
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## Additional Information

Not applicable

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## **Persons claiming to hold native title:**

The Gulngay Native Title Group is comprised of people descended from Joe Kinjin (Ginydjubayil) aka Kinjufile sometimes referred to as King of the Gulngay People.

## **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 and interests claimed are the exclusive rights to possession, occupation, use and enjoyment of the claim area as against the whole world, pursuant to the traditional laws and customs of the claim group, but subject to the valid laws of the Commonwealth of Australia and the State of Queensland, and

2. With regard to all remaining land and waters within the claim area the native title rights and interests claimed are not to the exclusion of all others and are the rights to speak for country, be present on, have access to and use the claim area and its cultural resources, namely to:

- (a) speak for country in the claim area;
- (b) traverse and travel across the claim area;
- (c) conserve and maintain the claim area;
- (d) hunt on the claim area;
- (e) fish on the claim area;
- (f) gather bush food on the claim area;
- (g) gather natural resources on the claim area;
- (h) gather bush medicines on the claim area;
- (i) protect and maintain the claim area and its natural and cultural resources for the benefit of native title holders;
- (j) care for the claim area on behalf of and for the benefit of the native title holders;
- (k) use the claim area on behalf of and for the benefit of the native title holders;
- (l) use the natural resources of the claim area for social, cultural, economic, religious, spiritual, customary, healing and traditional purposes;
- (m) use the bush medicines in the claim area for cultural, economic, religious, spiritual, customary, healing and traditional purposes;
- (n) reside on the claim area;
- (o) build permanent and temporary structures on the claim area;
- (p) camp on the claim area;
- (q) exercise and carry out economic life on the claim area;
- (r) take natural resources in the claim area for sharing, trade and exchange;
- (s) prepare food in the claim area for sharing, exchange and trade;
- (t) grow, husband, harvest and produce food in the claim area for sharing, exchange and trade;
- (u) produce artifacts in the claim area for exchange and trade;
- (v) use of sand in the claim area;
- (w) use of ochres in the claim area;

- (x) use of clays in the claim area;
- (y) use of gravels in the claim area;
- (z) use of rocks in the claim area;
- (aa) use of products produced by the exercise of native title rights and interests in the claim area;
- (bb) discharge cultural rights, duties, obligations and responsibilities on and in relation to the claim area and its welfare;
- (cc) discharge spiritual rights, duties, obligations and responsibilities on and in relation to the claim area and its welfare;
- (dd) discharge traditional rights, duties, obligations and responsibilities on and in relation to the claim area and its welfare;
- (ee) discharge customary rights, duties, obligations and responsibilities on and in relation to the claim area and its welfare;
- (ff) preserve sites of significance to the native title holders in the claim area;
- (gg) conduct secular activities in the claim area concerning the claim area and its welfare;
- (hh) conduct ritual activities in the claim area concerning the claim area and its welfare;
- (ii) conduct spiritual activities in the claim area concerning the claim area and its welfare;
- (jj) conduct religious activities in the claim area concerning the claim area and its welfare;
- (kk) conduct cultural activities in the claim area concerning the claim area and its welfare;
- (ll) conduct ceremonial activities in the claim area concerning the claim area and its welfare;
- (mm) conduct burials and be buried on the claim area;
- (nn) maintain the cosmological relationship between beliefs, practices, customs and institutions through ceremony, custodianship and teaching of the claim area;
- (oo) maintain special and sacred sites in the claim area;
- (pp) inherit and dispose of native title rights and interests in relation to the claim area in accordance with traditional laws and customs;
- (qq) resolve disputes between native title holders and other Aboriginal persons in relation to the claim area;
- (rr) light fires in the claim area for domestic purposes including cooking but not for the purpose of hunting or clearing vegetation;
- (ss) take and use water for domestic, personal, cultural, spiritual, ceremonial and non commercial communal use in the claim area;

The asserted native title rights and interests for both exclusive and non exclusive areas are subject to:

- (a) Valid laws of the State of Queensland and the Commonwealth of Australia;
- (b) Rights past and present conferred upon persons pursuant to the valid laws of the Commonwealth and the laws of the State of Queensland; and

The asserted native title rights and 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 and interests residing in those substances;
- (b) Are not exclusive rights or interests if they relate to waters including in an offshore place (if applicable), and will

not apply if they have been extinguished in accordance with valid State or Commonwealth laws.

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

**Application Area:**                   **State/Territory:** Queensland  
**Brief Location:** Around Tully  
**Primary RATSIB Area:** Northern Queensland Region  
**Approximate size:** 775.6727 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 the land and waters 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 of vesting of:

- (a) a freehold estate;
- (b) a residential lease;
- (c) a scheduled interest;
- (d) a community purpose lease;
- (e) an 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 a 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,
- (K) a public road; or any area
- (l) 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 s47, s47A, s47B, s23B(9), s23B(9A), s23B(9B), s23B(9C), or s23B(10) of the Native Title Act 1993 (Cth) 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.

Any area subject to a native title determination in favour of the Mamu People, the Djuru People or the Jirrbal People

is not claimed.

- Attachments:**
1. Attachment B External Boundary Description, 3 pages - A4, 27/06/2014
  2. Attachment C Map of claim area, 1 page - A4, 27/06/2014

**NNTT Contact Details**

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End of Extract