



# Extract from Schedule of Native Title Applications

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**Application Reference:** Federal Court number: QUD483/2015  
NNTT number: QC2015/006

**Application Name:** Joseph Rainbow & Ors on behalf of the Kurtijar People v State of Queensland & Ors (Kurtijar People)

**Application Type:** Claimant

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

**Date application filed:** 18/06/2015

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**Current status:** Full Approved Determination - 26/07/2022

**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:** 15/04/2016

**Registration decision status:** Accepted for registration

**Registration history:** Registered from 15/04/2016 to 3/08/2022,

**Date claim / part of claim determined:** 26/07/2022

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**Applicants:** Joseph Rainbow, Irene Pascoe, Shirley McPherson

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## Additional Information

Not applicable

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## Persons claiming to hold native title:

The native title claim group on whose behalf the claim is made is the Kurtijar People.

The Kurtijar People are all the descendants of the following people:

Kangaroo and Nellie, Maggie, Molly, Bulley and Polly; George Gilbert, Norman Gilbert, Billy Sailor; Gilbert; Billy and Lucy; Jessie; Jimmy and Minnie and Dick Stirling; Rosie; Captain and Rosie; Lucy; Judy; Kitty and Kangaroo; Iffley Tommy, Paddy Macaroni, Macaroni Tommy and Nellie; and Sally; Tommy Burns; Sloper Mudd; Rainbow Christie and Johnny Casey who identify and are identified by other Kurtijar People as belonging to the Kurtijar People according to Kurtijar traditional law and custom.

“Descendants” for the purposes of this description include those individuals who have been adopted by the Kurtijar People.

**Native title rights and interests claimed:**

(a) The Kurtijar People claim the right to possession, occupation, use and enjoyment of the lands and waters covered by the Application area.

(b) The Kurtijar People claim the following non-exclusive rights and interests, including the right to conduct activities necessary to give effect to them, in relation to those areas:

(i) the right to access, remain on, traverse and to use those areas;

(ii) the right to access natural resources in those areas and to take, use, share and exchange those natural resources for any purpose;

(iii) without limiting the generality of subparagraphs (i) and (ii) above:

(A) the right to hunt on, and gather natural resources from, those areas;

(B) the right to fish in those areas;

(C) the right to take and use water on those areas;

(D) the right to live on those areas;

(E) the right to camp, and for that purpose to erect shelters and other structures, on those areas;

(F) the right to light fires on those areas for cultural, spiritual or domestic purposes, including cooking;

(G) the right to conduct and to participate in cultural and religious activities, practices and ceremonies, including the conduct of burials, on those areas;

(H) the right to conduct and to participate in meetings on those areas;

(I) the right to teach the physical, cultural and spiritual attributes of places and areas of importance under traditional laws and customs on those areas;

(J) the right to maintain and to protect from physical harm or desecration, places and areas of importance or significance under traditional laws and customs on those areas;

(K) the right to share and exchange the natural resources from those areas; and

(iv) the right to be accompanied onto those areas by persons who, though not native title holders, are:

(A) spouses, partners or parents of native title holders, together with their children and grandchildren;

(B) people required under traditional laws and customs for the performance of cultural activities, practices or ceremonies; and

(C) people requested by the native title holders to assist in, observe or record cultural activities, practices or ceremonies.

(c) The native title rights and interests referred to in paragraphs (a) and (b) do not confer possession, occupation, use or enjoyment of the lands and waters covered by the Application to the exclusion of all others.

(d) The native title rights and interests are subject to and exercisable in accordance with:

- (i) the laws of the State of Queensland and the Commonwealth of Australia including the common law;
- (ii) the rights (past or present) conferred upon persons pursuant to the laws of the State of Queensland and the Commonwealth of Australia; and
- (iii) the traditional laws acknowledged and traditional customs observed by the Kurtijar People.

**Application Area:**                    **State/Territory:** Queensland  
**Brief Location:** Gulf of Carpentaria region of North West Queensland  
**Primary RATSIB Area:** Carpentaria Gulf Region  
**Approximate size:** 12160.1548 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):**

Information identifying the boundaries of:

(a) The area covered by the application.

(i) The area covered by the application is all the land and waters within the boundaries described in Attachment "B" which has been amended.

(ii) Where the acts specified in clauses (b)(i) to (iii) fall within the provisions of:

(A) S.23B(9), S.23B(9A), S.23B(9B), S.23B(10); or

(B) S.47, S.47A or S.47B,

then the area covered by the act is not excluded from this application.

(a) Any areas within those boundaries that are not covered by the application.

(i) Any land and waters which are the subject of:

(A) A scheduled interest;

(B) A freehold interest;

(C) A commercial lease that is neither an agricultural or a pastoral lease;

(D) An exclusive agricultural lease or an exclusive pastoral lease;

(E) A community purpose lease;

(F) A residential lease;

(G) A lease dissected from a mining lease and referred to in Section 23B(2)(c)(vii); or

(H) Any lease (other than a mining lease) that confers a right of exclusive possession over particular land or waters, which was validly granted or vested on or before 23 December 1996.

(ii) Any land and waters which are the subject of a validly constructed or established public work.

(iii) Any land and waters where the native title rights and interests claimed have otherwise been extinguished.

The written description of the area covered by the application is attached to this application as Attachment 'B'.

- Attachments:**
1. External boundary description, Attachment B of the application, 2 pages - A4, 02/08/2019
  2. Map of claim area, Attachment C of the application, 1 page - A4, 02/08/2019

**NNTT Contact Details**

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