



Extract from Schedule of Native Title Applications

Application Reference: Federal Court number: QUD741/2015
NNTT number: QC2015/010

Application Name: Abraham Muriata & Anor on behalf of the Girramay People #2 v State of Queensland. (Girramay People #2)

Application Type: Claimant

Application filed with: Federal Court of Australia

Date application filed: 21/08/2015

Current status: Full Approved Determination - 08/01/2019

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: 03/11/2015

Registration decision status: Accepted for registration

Registration history: Registered from 3/11/2015 to 10/01/2019,

Date claim / part of claim determined: 08/01/2019

Applicants: Abraham Muriata, Claude Frank Beeron

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Additional Information

A consent determination of native title in respect of the application area was made by Justice Rangiah on 1 August 2018 – see Muriata on behalf of the Girramay People #2 v State of Queensland [2018] FCA 1120. Order 2 of the determination provides that 'The determination will take effect upon the agreements referred to in paragraphs 1(d) to (f) of Schedule 4 being registered on the Register of Indigenous Land Use Agreements.' Once in effect, the determination will be entered on the National Native Title Register.

Persons claiming to hold native title:

The Girramay People Native Title Claim Group is comprised of people descended from the following:

- (a) Charles Williams;
- (b) Bella Williams (Yurbil);
- (c) Rosie Williams (Djarrmay)(aka Rosie Runaway);
- (d) Clara Williams (aka Clara Boogal);
- (e) Clarke Kennedy (Blencoe);
- (f) Jimmy Beeron (Yalbiri);
- (g) Jimmy Bugal (Nganygurru);
- (h) Jimmy Henry (Manidjunayi);
- (i) Jimmy Wallaby ('Billycan') and his wife Maggie (Ridjar);
- (j) Walter Cardwell (aka Simpson)(aka Blackman) (Djubarriny);
- (k) Tommy Dickman (Dubulmanu)(aka Tommy Digman);
- (l) Lucy, the wife of Tommy Dickman (Dubulamanu) aka Tommy Digman;
- (m) One Arm Jack (Manguburur);
- (n) Cissy (Ganabulan);
- (o) Claire (mother of Lily Murray nee Wade);
- (p) Billy and his wife Jenny (including Charlie Clark Kennedy);
- (q) Polly Wyle(s);
- (r) Tommy Djingadjinga (Budalayiny);
- (s) Charlie Nolan (Ibirri)
- (t) Charlie Nolan's mother's sister Ngawu (Marnie);
- (u) Jimmy Jacobs (Rindin);
- (v) Toby McAvoy;
- (w) Johnny Dallachy;
- (x) Billy Murray (Walguy aka Walguyi) and Nellie Murray (Mudjunin);
- (y) Frank McLean (aka Frank Barry)(Gandigurrungu) and his wife Nellie;
- (z) Mailman.

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 the right to:

- (a) occupy the claim area;
- (b) use the claim area;
- (c) access the claim area;
- (d) traverse the claim area;
- (e) enjoy the claim area;
- (f) speak for the claim area;
- (g) speak to the claim area;
- (h) camp on the claim area;
- (i) erect structures on the claim area including those that are both temporary and permanent;
- (j) hunt on the claim area;
- (k) fish on the claim area;
- (l) gather on the claim area;
- (m) light fires on the claim area for domestic purposes, including but not restricted to, cooking and warmth;
- (n) light fires on the claim area for hunting purposes;
- (o) light fires on the claim area for clearing vegetation and regenerating growth of natural resources;
- (p) conduct religious activities on the claim area;
- (q) conduct religious ceremonies on the claim area;
- (r) conduct spiritual activities on the claim area;
- (s) conduct spiritual ceremonies on the claim area;
- (t) conduct secular activities on the claim area;
- (u) conduct secular ceremonies on the claim area;
- (v) interact with the spirits and ancestral beings on the claim area;
- (w) maintain places of importance under traditional laws and customs on the claim area;
- (x) protect places of importance under traditional laws and customs on the claim area from physical harm;
- (y) teach on the claim area the physical and spiritual attributes of the claim area;
- (z) consume natural resources on the claim area;
- (aa) share natural resources on the claim area;
- (bb) exchange natural resources on the claim area;

- (cc) harvest natural resources on the claim area;
- (dd) construct material items from natural resources on the claim area including but not restricted to shields, baskets, bagu, and items of adornment;
- (ee) trade on the claim area;
- (ff) carry out commercial activities on the claim area;
- (gg) practice traditional bush medicine on the claim area;
- (hh) produce traditional bush medicines in the claim area;
- (ii) consume traditional bush medicines in the claim area;
- (jj) inherit native title rights and interests in the claim area in accordance with traditional laws and customs;
- (kk) dispose of native title rights and interests in the claim area in accordance with traditional laws and customs;
- (ll) bury claim group members on the claim area;
- (mm) be buried on 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 off shore place (if applicable), and will not apply if they have been extinguished in accordance with valid State or Commonwealth laws

Note: Natural resources includes but is not limited to ochres, clays, stones, sand, plants, fruits, grasses, bark and waters

Application Area: **State/Territory:** Queensland
Brief Location: Inland from Cardwell in Far North Queensland
Primary RATSIB Area: Northern Queensland Region
Approximate size: 1250.6293 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 the Girramay peoples determination in action QUD6240/1998

A. The area covered by the application also excludes any land or waters covered by:

- a) a scheduled interest;
- b) a valid 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.

B. Subject to paragraph (D), 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.

C. 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).

D. 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. External Boundary Discription, 2 pages - A4, 21/08/2015
 - 2. Map of Claim Area, 1 page - A4, 21/08/2015

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