



Extract from Schedule of Native Title Applications

Application Reference: Federal Court number: QUD780/2016
NNTT number: QC2016/009

Application Name: Northern Cape York Group #3 and State of Queensland (Northern Cape York Group #3)

Application Type: Claimant

Application filed with: Federal Court of Australia

Date application filed: 07/10/2016

Current status: Full Approved Determination - 26/07/2017

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: 07/11/2016

Registration decision status: Accepted for registration

Registration history: Registered from 7/11/2016 to 4/08/2017,

Date claim / part of claim determined: 26/07/2017

Applicants: John Henry Anderson, Francis Jimmy Brisbane, Jonothan Albany Yusia, Gina Marilyn Nona

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Additional Information

Not applicable

Persons claiming to hold native title:

National Native Title Tribunal

Extract from Schedule of Native Title Applications

QUD780/2016

Page 1 of 4

The native title group is made up of all persons descended by birth or adoption from the following apical ancestors:

Peter (Pahding) Pablo;
Wymarra (Wymara/Outaiakindi);
Mathew (Charlie) Gelapa;
Annie Blanco;
Ela/Illa (father of Tommy Dodd, Polly Polly and Tommy Somerset);
Wooundinagrun and Tariba (parents of Tom Redhead);
Charlotte Ware;
Queen Baki and Chief Tchiako/Tchiaku/Chiaku;
Jipsit and Dolly;
Mary McDonnell and Jack Snake;
Ourinda and Emara McDonnell Charcoal (grandparents of Willy and Louisa Charcoal);
Ralph Coconut;
Charlie Nataki;
William McDonnell;
Charlie Otomo McDonnell and his wife, Agemo (parents of Charlie Woolhead (Pascoe));
Wondorognu Alligator McDonnell and Mary Brown;
Wargo (father of Kitty McDonnell, Jacko and Frank Doyle);
Clara and Jimmy McDonnell;
Epidin and Eteman (parents of Doris Harry);
Kaio;
Sambo Wooleye (father of Simon and Sarah Peter);
Woobumu and Inmare;
Bullock (father of Mamoose Pitt, husband of Rosie/Lena Braidley);
Charlie Mamoose (father of Silas, Larry, Johnny and Harry Mamoose);
Charlie Seven River;
Toby Seven River (father of Jack Toby);
Asai Charlie;
Sam and Nellie (parents of George Stephen);
Mammus/Mamoos/Mark/Mamoose plus his siblings Peter and Elizabeth;
Charlie Maganu (husband of Sarah McDonnell);
Polly (wife of Wautaba Charlie Ropeyam).

Native title rights and interests claimed:

A description of the native title rights and interests in relation to the Claim Area is as follows:

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 the 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 travel over, to move about, and to have access to those areas;
- b) the right to be present on, hunt and to fish on and gather from the land and waters of those areas;
- c) the right to take, use, share and exchange the natural resources of those areas such as food, medicinal plants, timber, stone and resin;
- d) the right to take and to use the natural water on those areas;
- e) the right to live, to camp and for that purpose to erect shelters and other structures on those areas;
- f) the right to light fires on those areas;
- g) the right to conduct and to participate in the following activities on those areas:
 - (i) cultural activities;
 - (ii) cultural practices relating to birth and death, including burial rites and the right to bury native title holders within the area;
 - (iii) ceremonies;
 - (iv) meetings; and
 - (v) teaching the physical and spiritual attributes of sites and places on those areas that are of significance under their traditional laws and customs.

- h) the right to maintain and to protect sites and places on those areas that are of significance under their traditional laws and customs;
- i) the right to share or exchange subsistence and other traditional resources obtained on or from those areas;
- j) the right to be accompanied on to those areas by persons who, though not native title holders, are:
 - (i) spouses or partners of native title holders;
 - (ii) people who are members of the immediate family of a spouse or partner of a native title holder;
 - (iii) people reasonably required by the native title holders under traditional law and custom for the performance of ceremonies or cultural activities on the areas; and
 - (iv) people required by the native title holders to assist in, observe, or record traditional activities on the areas;
- k) the right to conduct activities necessary to give effect to the rights referred to in (a) to (k) hereof.

These native title rights and interests do not confer on the native title holder's possession, occupation, 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: The application covers part of several lots north of the Ducie River in Cape York, Queensland
Primary RATSIB Area: Cape York Region
Approximate size: 1285.4601 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):

Boundary Description

The application area covers all the land and waters within the external boundary described as:

- Part of Lot 8 on MPH14466 north of the Ducie River.
- Lot 1 on S067.
- Part of Lot 8 on SP252492 (formerly part of Lot 1 on WP53) being the part north of the Ducie River and South Palm Creek.

Note

Data Reference and source

- Application boundary data compiled by National Native Title Tribunal based on information or instructions provided by the applicants.
- Cadastre data sourced from Department of Natural Resources and Mines (August 2015)
- Rivers/ Creeks based on cadastral data, else 250k Topographic vector data is © Commonwealth of Australia (Geoscience Australia) 2016.

Prepared by Geospatial Services, National Native Title Tribunal (08 February 2016)

Attachments: 1. Map of Claim Area, 1 page - A4, 07/10/2016

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