



Extract from the Register of Native Title Claims

Application Information

Application Reference: Federal Court number: QUD811/2018
NNTT number: QC2018/005

Application name: Errol Neal & Ors on behalf of the Djungan People #5 and State of Queensland (Djungan People #5)

Registration History: Registered from 10/01/2019

Register Extract (pursuant to s. 186 of the *Native Title Act 1993*)

Application filed with: Federal Court of Australia

Date application filed: 09/11/2018

Date claim entered on Register: 10/01/2019

Applicants: Desmond Grainer, Errol (Mala) Neal, William Mossman

Address for service: Chris Harriss
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Additional Information:

Not Applicable

DESCRIPTION OF THE AREA COVERED BY THE CLAIM:

The area covered by the application comprises all the land and waters described at **Attachment B** and as set out in the map in **Attachment C** to this application, but excludes 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 s 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, validly granted or vested on or before 23 December 1996; and any area
- i) Covered by the valid construction or establishment of any 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
- l) Any area where the native title rights & interests claimed have otherwise been validly extinguished.

However, if the acts specified in paragraphs (a) - (l) above fall within the provisions of s47, s47A, s47B, s 23B(9), s23B(9A), s23B(9B), s23B(9C) or s23B(10) of the *Native Title Act 1993* (Cth) the area covered by the act is not excluded from this application.

Any area subject to a native title determination registered at the time of filing this application is not claimed.

Note: all references to sections are references to sections of the *Native Title Act 1993* (Cth).

PERSONS CLAIMING TO HOLD NATIVE TITLE:

The Djungan People native title claim group is comprised of the descendants (including through adoption or raising up in accordance with traditional laws and customs) of the following apical ancestors:

- (i) Tommy and Topsy Wason;
- (ii) John Wason;
- (iii) Dinah [Richards];
- (iv) Jessie Wason;
- (v) Jack O'Neil and his spouse, Flora Richards;
- (vi) Peter Ray Burns;
- (vii) Jimmy Kingsburra and Lizzie Kingsburra (including the descendants of Joe Sands);
- (viii) Charles James Archer (Senior);
- (ix) Lucy [Burns];
- (x) Pluto [Brumby];
- (xi) Mollie and her spouse, Bert Gordon; and
- (xii) Mick Richards.

REGISTERED NATIVE TITLE RIGHTS AND INTERESTS:

The following Native Title Rights & Interests were entered on the Register on 10/01/2019

The rights and interests claimed in relation to:

1) Land and waters where there has been no prior extinguishment of Native Title or where section 238 (the non-extinguishment principle) applies:

The native title rights and interests claimed are the right 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.

2) 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. the quiet enjoyment of 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;
- ll. bury deceased claim group members on the claim area;
- mm. be buried on the claim area.

REGISTER ATTACHMENTS:

1. Attachment B Identification of Boundaries , 3 pages - A4, 09/11/2018
2. Attachment C Map, 1 page - A4, 09/11/2018

Note: The Register of Native Title Claims may, in accordance with s. 188 of the Native Title Act 1993, contain confidential information that will not appear on the Extract.