



Extract from the Register of Native Title Claims

Application Information

Application Reference: Federal Court number: QUD356/2022
NNTT number: QC2022/007

Application name: Warren Ross-Kelly Kulka & Ors on behalf of the Eastern Kuku Yalanji People #2 v State of Queensland (Eastern Kuku Yalanji People #2)

Registration History: Registered from 27/02/2023

Register Extract (pursuant to section 186 of the *Native Title Act 1993* (Cth))

Application filed with: Federal Court of Australia

Date application filed: 07/10/2022

Date claim entered on Register: 27/02/2023

Additional Information: Not Applicable

APPLICANT:

Person/s authorised as applicant: Warren Ross-Kelly Kulka, Lucille Eda Cassar, Michelle Christine Friday, Daphne Naden, Patrick Daniel Michael O'Shane, Peter Raymond Wallace

Condition/s on authority: The authority of the Applicant to make the Application, and to deal with matters arising in relation to it, is subject to the following conditions:

1. The Applicant can make decisions by majority;
2. The Applicant must bring any decisions as to a final consent determination, or decision to go to trial, back to the claim group; and
3. The Applicant must not change solicitors or legal representation without that decision being made by the claim group at a claim group meeting.

Address for service: North Queensland Land Council Native Title Representative Body
Aboriginal Corporation
61 Anderson Street
Cairns QLD 4870
Phone: 07 4042 7000

DESCRIPTION OF THE AREA COVERED BY THE CLAIM:

Area covered by the Application:

1. The external boundaries of the area of land and waters covered by the Application are described in **Attachment B**.

Areas within the external boundaries not covered by the Application

2. Subject to paragraph [3], the areas of land and waters within the external boundaries that are **not** covered by the Application, if any, are:

- a. any area that is, or was, subject to any of the following acts as defined in the *Native Title Act 1993* (Cth) as amended (where the act in question is attributable to the Commonwealth) or the *Native Title (Queensland) Act 1993* (Qld) as amended (where the act in question is attributable to the State of Queensland):
 - i. Category A past acts;
 - ii. Category A intermediate period acts;
 - iii. Category B past acts that are wholly inconsistent with the continued existence, enjoyment or exercise of any native title rights or interests;
 - iv. Category B intermediate period acts that are wholly inconsistent with the continued existence, enjoyment or exercise of any native title rights or interests;
 - b. any area in relation to which a previous exclusive possession act under section 20 or 21 of the *Native Title (Queensland) Act 1993* was done and that act is attributable to the State of Queensland;
 - c. any area in relation to which a previous exclusive possession act as defined by section 23B of the *Native Title Act 1993* (Cth) was done in relation to the area and the act was attributable to the Commonwealth;
 - d. any area where native title rights and interests have otherwise been wholly extinguished.
3. Notwithstanding paragraph [2], the area covered by the Application includes any area where extinguishment of native title rights and interests is required to be disregarded by sections 47, 47A, 47B or 47C of the *Native Title Act 1993* (Cth).

[A copy of Attachment B and Attachment C is annexed to this Register Extract]

PERSONS CLAIMING TO HOLD NATIVE TITLE:

The Eastern Kuku Yalanji People's native title claim group is comprised of those Aboriginal persons who are descended by birth or by adoption in accordance with the traditional laws and customs of the Eastern Kuku Yalanji People from one or more of the following ancestors:

1. Siblings Wawuyilkinga, Lily Kajakaja, Ulurban, Kurlur, Juwalkji, Jinabaji;
2. Kilkil (Gilgil) and Yougie (Emera);
3. Ngamubaralba;
4. Jimmy Johnson Snr and his brothers Toby King and Peter King;
5. Brothers Billy King, Willie King 1 and Willie King 2;
6. Siblings Nambaji, Bijun (Dangara) and Jimmy (Mandilba) Rossville;
7. Old Man Jimmy and Sarah;
8. Kurukuna and Nellie;
9. Bluja King Kunarra and his three wives Ngingkibaji #1 and Ngingkibaji #2, and Baral-Baral;
10. Dimbanga and Mara Baril Baril;
11. Sisters Mujala and Rosie;
12. Brothers Dickie Springvale and Mundy Nunn;
13. Jilngarr;
14. Burradi and Wawu Dimbi;
15. Siblings Jimmy, Polly (Jukura), Nellie (Wuynkul-baka), Charlie (Junjurr or Munjurr), Lily (Jabi or Chubby) Blanket;
16. Rosie Gurrmurragudgee;
17. Brothers George Doughboy, Toby Bloomfield and Peter Bloomfield (Kalka Jurungu);
18. Brothers Charlie Ball (Dirrakari) and Billy Collins and Davey Douglas and Sandy Peterson;
19. Isabella Henderson (Wawu-kuwa)
20. Ginny Bamboo;
21. Siblings Archibald (Baully) Mossman, Jessie Mossman (Bawanya) and Billy Mossman;
22. Siblings Jessie Buchanan (Babi Milbija or Narrijinya) and King Charlie Diamond;
23. Henry Bloomfield;
24. Yangki and Buji;
25. Willy Ngamu-Darrba and his two wives Molly Kalumba and Yimaday;
26. Kalkamanangu and Duraja;
27. Kalkaymba;
28. Rosie Maund Jankarji and her husbands Tommy Jinjarrba Lefthand, Tommy Ngangkun Johnson (Buchanan), Barney Lunn (Lund), Billie Lunn (Lund) and Tommy Jindalman Hide;
29. Big Friday Ngamu-Ngulmbay and Ruby;
30. Leslie Yerry;
31. Brothers King Toby and Old Man Toby (Jinjirra);
32. Maggie Queen;
33. Siblings Miliji, Kalkabinda, Kuruwuja, Peter Smith (Marray-Marray or Murranbi or Jinakulu);
34. Kitty Wulbar (Maymi);
35. Rosie Rosie;
36. Brothers Old Man Juwalba (Willie Cross-eye) and Wunbu Cross-eye;

37. Jimmy Mossman;
38. Wabaji;
39. Old Kokoe;
40. Charlie Ogilvie and Maggie;
41. Old Man Yorkey and Rosie;
42. George Mero;
43. Old Man Kooka and Maudie;
44. Jerry Wotton and Frances Diamond.

REGISTERED NATIVE TITLE RIGHTS AND INTERESTS:

The following Native Title Rights & Interests were entered on the Register on 27/02/2023

Native title where the traditional rights are wholly recognisable

1. Paragraph [2] applies to every part of the Claim Area where there has been no extinguishment to any extent of native title rights and interests or where any such extinguishment is required to be disregarded pursuant to ss 47, 47A, 47B or 47C of the NTA.

2. Where this paragraph applies, the native title rights and interests possessed under traditional laws and customs confer possession, occupation, use and enjoyment of the land and waters as against all others.

Native title where traditional rights are partially recognisable

3. Paragraph [4] applies to every part of the Claim Area to which paragraph [2] does not apply.

4. Where this paragraph applies, the customary rights and interests possessed under traditional laws and customs that are able to be and should be recognised by the common law of Australia being the (non-exclusive) rights to:

- (a) have access to, remain on and use the land and waters;
- (b) access, take and use the resources of the land and waters for any purpose; and
- (c) access, maintain and protect places, areas and things of traditional significance on the land and waters.

Rights and interests subject to laws of Australia

7. The members of the native title claim group acknowledge that their native title rights and interests are subject to and exercisable in accordance with valid and current laws of the Commonwealth of Australia and the State of Queensland, including the common law.

REGISTER ATTACHMENTS:

1. QC2022/007 External Boundary Description - Attachment B of the application, 2 pages - A4, 07/10/2022
2. QC2022/007 Map of the application area - Attachment C of the application, 1 page - A4, 07/10/2022

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