



# Extract from Schedule of Native Title Applications

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**Application Reference:** Federal Court number: QUD673/2014  
NNTT number: QC2014/008

**Application Name:** Cape York United Number 1 Claim v State of Queensland (Cape York United Number 1 Claim)

**Application Type:** Claimant

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

**Date application filed:** 11/12/2014

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**Current stage(s):** Notification Complete, Part Determination

**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:** 06/02/2015

**Registration decision status:** Accepted for registration

**Registration history:** Registered from 6/02/2015

**Date claim / part of claim determined:** 25/11/2024 , 12/07/2024 , 11/07/2024 , 10/07/2024 , 02/11/2023 , 10/07/2023 , 06/07/2023 , 05/07/2023 , 06/10/2022 , 06/07/2022 , 05/07/2022 , 25/11/2021

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## Additional Information

On 25 November 2021, the Federal Court of Australia determined that native title exists in parts of the application area – see Ross on behalf of the Cape York United #1 Claim Group v State of Queensland (No 2) (Kuuku Ya'u determination) [2021] FCA 1464 and Ross on behalf of the Cape York United #1 Claim Group v State of Queensland (No 3) (Utaalnganu (Night Island) determination) [2021] FCA 1465. These determinations were registered on the National Native Title Register (NNTR) on 25 November 2021. On 5 July 2022, the Federal Court of Australia determined that native title exists in parts of the application area – see Ross on behalf of the Cape York United #1 Claim Group v State of Queensland (No 6) (Northern Kaanju determination) [2022] FCA 770 and Ross on behalf of the Cape York United #1 Claim Group v State of Queensland (No 7) (Southern Kaantju determination) [2022] FCA 771. On 6 July 2022, the Federal Court of Australia determined that native title exists in parts of the application area – see Ross on behalf of the Cape York United #1 Claim Group v State of Queensland (No 8) (Ayapathu determination) [2022] FCA 772 and Ross on behalf of the Cape York United #1 Claim Group v State of Queensland (No 9) (Lama Lama determination) [2022] FCA 773. These determinations were registered on the NNTR on 12 July 2022. On 6 October 2022, the Federal Court of Australia determined that native title exists in parts of the application area – see Ross on behalf of the Cape York United #1 Claim Group v State of Queensland (No 11) (Atambaya determination) [2022] FCA 1176; Ross on behalf of the Cape York United #1 Claim Group v State of Queensland (No 12) (Gudang Yadhaykenu determination) [2022] FCA 1177 and Ross on behalf of the Cape York United #1 Claim Group v State of Queensland (No 13) (NCY#2 independent parcels determination) [2022] FCA 1178. These determinations were registered on the NNTR on 10 & 11 October 2022. On 5 July 2023, the Federal Court of Australia determined that native title exists in parts of the application area – see Ross on behalf of the Cape York United #1 Claim Group v State of Queensland (No 14) (Taepithiggi determination) [2023] FCA 731 and Ross on behalf of the Cape York United #1 Claim Group v State of Queensland (No 15) (Weipa Peninsula People determination) [2023] FCA 732. On 6 July 2023, the Federal Court of Australia determined that native title exists in parts of the application area – see Ross on behalf of the Cape York United #1 Claim Group v State of Queensland (No 16) (Central West Wik determination) [2023] FCA 733 and Ross on behalf of the Cape York United #1 Claim Group v State of Queensland (No 17) (Umpila determination) [2023] FCA 734. On 10 July 2023, the Federal Court of Australia determined that native title exists in parts of the application area – see Ross on behalf of the Cape York United #1 Claim Group v State of Queensland (No 18) (Atambaya #2 determination) [2023] FCA 735. These determinations were registered on the NNTR on 12 July 2023. On 2 November 2023, the Federal Court of Australia determined that native title exists in parts of the application area– see Ross on behalf of the Cape York United #1 Claim Group v State of Queensland (No 19) (Kuku Warra determination) [2023] FCA 1314; Ross on behalf of the Cape York United #1 Claim Group v State of Queensland (No 20) (Thaypan determination) [2023] FCA 1315; Ross on behalf of the Cape York United #1 Claim Group v State of Queensland (No 21) (Possum determination) [2023] FCA 1316 and Ross on behalf of the Cape York United #1 Claim Group v State of Queensland (No 22) (Wik and Wik Way independent parcels determination) [2023] FCA 1317. These determinations were registered on the NNTR on 24 November 2023. On 16 November 2023, the Federal Court ordered by consent that the determination made on 6 July 2023 be varied. Please refer to the NNTR extract - QCD2023/003 for further details. On 10 July 2024, the Federal Court of Australia determined that native title exists in parts of the application area– see Ross on behalf of the Cape York United #1 Claim Group v State of Queensland (No 24) (Olkola determination) [2024] FCA 740 and Ross on behalf of the Cape York United #1 Claim Group v State of Queensland (No 25) (Kunjen Olkol determination) [2024] FCA 741. On 11 July 2024, the Federal Court of Australia determined that native title exists in parts of the application area– see Ross on behalf of the Cape York United #1 Claim Group v State of Queensland (No 26) (Kowanyama People #2 determination) [2024] FCA 742 and Ross on behalf of the Cape York United #1 Claim Group v State of Queensland (No 27) (Kowanyama People #3 identified parcels determination) [2024] FCA 743. On 12 July 2024, the Federal Court of Australia determined that native title exists in parts of the application area– see Ross on behalf of the Cape York United #1 Claim Group v State of Queensland (No 28) (Kunjen Olkol and Kowanyama People jointly held area determination) [2024] FCA 744; Ross on behalf of the Cape York United #1 Claim Group v State of Queensland (No 29) (Kunjen Olkol and Olkola jointly held area determination) [2024] FCA 745; Ross on behalf of the Cape York United #1 Claim Group v State of Queensland (No 30) (Kowanyama People, Kunjen Olkol and Olkola jointly held area determination) [2024] FCA 746; and Ross on behalf of the Cape York United #1 Claim Group v State of Queensland (No 31) (Southern Kaantju #2 determination) [2024] FCA 747. These determinations were registered on the NNTR on 31 July 2024 and 2, 6, 7, 9 & 12 August 2024. On 25 November 2024, the Federal Court of Australia determined that native title exists in parts of the application area - see Ross on behalf of the Cape York United #1 Claim Group v State of Queensland (No 32) (Central West Wik People and Northern Kaanju People overlap area - Part of Lot 2 on SP140870 determination) [2024] FCA 1360. This determination was registered on the NNTR on 9 December 2024. Pursuant to s 190(4)(e) the application remains on the Register of Native Title Claims only to the extent that it relates to the undetermined area. A map and technical description showing the area of the application that remains to be determined, as interpreted by the National Native Title Tribunal, are attached for information only. These attachments do not form part of the application.

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## Persons claiming to hold native title:

1. The members of the native title claim group in aggregate comprise the descendants (including by

adoption in accordance with traditional laws and customs) of the persons identified in the table at Attachment A (Apical Ancestors).

### **Native title rights and interests claimed:**

Native title where traditional rights are wholly recognisable

1. Paragraph 2 applies to every part of the Claim Area:

- (a) 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 or 47B of the NTA; and
- (b) which is not subject to the public right to navigate or the public right to fish.

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 and take the resources of the land and waters; and
- (c) protect places, areas and things of traditional significance on the land and waters.

Area covered by the native title and who holds the rights

5. Each of the native title rights and interests referred to in each of paragraphs 2 and 4 exist in relation to the whole of each part of the Claim Area to which those paragraphs respectively apply and is held by the members of the native title claim group subject to and in accordance with traditional laws and customs.

Activities currently carried on

6. Activities in exercise of the native title rights and interests referred to in Schedule E are all such activities as are contemplated by those rights and interests, and include the activities identified in Schedule G.

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.

8. In this Schedule, "resources" does not include such minerals, petroleum or gas, if any, as are, under the laws of the Commonwealth or the State of Queensland, including the common law, as at the date of this application, wholly owned by the Crown.

9. More information is provided for the purposes of Schedule E in Schedules F, G and M to meet the requirements of ss 62(2)(d) to (f) and 190B(5), (6) and (7) of the NTA.

### **Application Area:**

**State/Territory:** Queensland

**Brief Location:** Cape York, Far north Queensland

**Primary RATSIB Area:** Cape York Region

**Approximate size:** 20051.5296 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):**

a) *the area covered by the application*

The area covered by the application (Claim Area) comprises all the parcels of land and waters and all other land and

waters above the High Water Mark, which are within the external boundaries of the Cape York Representative Aboriginal/Torres Strait Islander Body Area as shown on the map at Attachment C, subject to clause (b).

b) *areas within those boundaries that are not covered by the application*

The following areas within the external boundaries of the Claim Area, if any, are not covered by the Application, save for any such areas where extinguishment by the acts referred to is required to be disregarded by ss 47, 47A or 47B of the NTA:

1. Any area that, when the application is made, is subject to any of the following kinds of acts, as defined in the NTA (where the act in question is attributable to the Commonwealth) or in the Native Title (Queensland) Act 1993 (Qld) (NTQA), as amended (where the act in question is attributable to the State of Queensland):

(a) Category A past acts;

(b) Category A intermediate period acts;

(c) Category B past acts that are wholly inconsistent with the continued existence of any native title rights or interests;

(d) Category B intermediate period acts that are wholly inconsistent with the continued existence of any native title rights or interests.

2. Any area in relation to which a previous exclusive possession act, as defined by s 23B (including s 23B(7)) of the NTA, was done in relation to the area and the act was attributable to the Commonwealth.

3. Any area in relation to which a previous exclusive possession act, as defined by the NTQA, was done in relation to the area and the act was attributable to the State of Queensland.

4. Any area where native title rights and interests have otherwise been wholly extinguished, more particularly, any area where there has been:

(a) an unqualified grant of an estate in fee simple;

(b) a public work, as defined in s 253 of the NTA; or

(c) an existing dedicated public road.

5. The area that is subject to Indigenous Land Use Agreement (as registered) – QIA2001/002 Comalco (WACCA) ILUA - 24 August 2001.

6. The areas that are subject to the following native title determination applications as at the date the details of the claim were included on the Register of Native Title Claims (Register) or, in the case of an amended application, the date the Register was updated with details of the amended claim:

(a) QUD6158/1998 Ankamuthi People (QC1999/026) as included or amended on the Register on 21 September 1999;

(b) QUD6022/2002 Wuthathi People #2 (QC2002/025) as included or amended on the Register on 20 December 2013;

(c) QUD6023/2002 Wuthathi, Kuuku Y'au & Northern Kaanju People (QC2002/026) as included or amended on the Register on 26 May 2003;

(d) QUD269/2008 Gudang Yadhaykenu People (QC2008/008) as included or amended on the Register on 3 March 2009;

(e) QUD157/2011 Northern Cape York Group #1 (QC2011/002) as included or amended on the Register on 14 August 2014; and

(f) QUD6119/1998 Kowanyama People (QC2014/001) as included or amended on the Register on 8 April 2014.

7. The area that is subject to QUD392/2014 Ankamuthi People #2 (QC2014/003) as made in the Federal Court of Australia on 29 July 2014.

8. The areas that are subject to following native title determinations (as determined by the Federal Court):

(a) QUD174/1997 Hopevale QCD1997/001 - 8 December 1997;

(b) QUD6001/1998 Wik and Wik-Way Peoples QCD2000/006 - 3 October 2000;

- (c) QUD6001/1998 Wik and Wik Way Native Title Determination No.2 QCD2004/002 - 13 October 2004;
- (d) QUD6001/1998 Wik and Wik Way Native Title Determination No.3 QCD2004/003 - 13 October 2004;
- (e) QUD6089/1998 Western Yalanji People QCD2006/001 - 17 February 2006;
- (f) QUD6005/2003 Strathgordon Mob QCD2007/001 - 26 July 2007;
- (g) QUD6008/1998 Eastern Kuku Yalanji People QCD2007/002 - 9 December 2007;
- (h) QUD6016/1998 Kuuku Ya'u (QCD2009/001) - 25 June 2009;
- (i) QUD6029/2001 Wik and Wik Way People (QCD2009/002) - 29 July 2009;
- (j) QUD6119/1998 Kowanyama People QCD2009/003 - 22 October 2009;
- (k) QUD6001/1998 Wik and Wik Way Native Title Determination No. 4 QCD2012/010 - 11 October 2012;
- (l) QUD6119/1998 Kowanyama People Part B QCD2012/016 - 5 December 2012;
- (m) QUD6119/1998 Kowanyama People Part C QCD2012/017 - 5 December 2012;
- (n) QUD6008/1999 Western Yalanji People #4 QCD2013/002 - 24 September 2013;
- (o) QUD6003/2001 Western Yalanji Combined #5 and #7 QCD2013/003 - 24 September 2013; and
- (p) QUD156/2011 Northern Cape York Group #2 (QC2011/003) - 20 June 2014.

**Attachments:**

1. QC2014/008 NNTT Description of Undetermined Area, 3 pages - A4, 25/11/2024
2. QC2014/008 NNTT Map of Undetermined Area, 1 page - A4, 25/11/2024
3. Description of NT Claim Group, Attachment A of the application, 24 pages - A4, 11/12/2014
4. Map of Claim Area, Attachment C of the application, 1 page - A4, 11/12/2014
5. NNTT Map of Claim Area, 1 page - A4, 28/05/2015

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End of Extract