



# Extract from the National Native Title Register

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## Determination Information:

**Determination Reference:** Federal Court Number(s): QUD673/2014  
NNTT Number: QCD2024/017

**Determination Name:** [Ross on behalf of the Cape York United #1 Claim Group v State of Queensland \(No 32\) \(Central West Wik People and Northern Kaanju People overlap area - Part of Lot 2 on SP140870 determination\)](#)

**Date(s) of Effect:** 25/11/2024

**Determination Outcome:** Native title exists in the entire determination area

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## Register Extract (pursuant to s. 193 of the *Native Title Act 1993*)

**Determination Date:** 25/11/2024

**Determining Body:** Federal Court of Australia

### ADDITIONAL INFORMATION:

The native title rights and interests held by the Northern Kaanju People over an area in central Cape York Peninsula were recognised in a determination made on 5 July 2022 in *Ross on behalf of the Cape York United #1 Claim Group v State of Queensland (No 6) (Northern Kaanju determination)* [2022] FCA 770 (the **Northern Kaanju People Determination**).

The native title rights and interests held by the Central West Wik People over an area in central Cape York Peninsula were recognised in a determination made on 6 July 2023 in *Ross on behalf of the Cape York United #1 Claim Group v State of Queensland (No 16) (Central West Wik determination)* [2023] FCA 733 (the **Central West Wik People Determination**).

This Determination relates to an area of land, being part of Lot 2 on SP140870 (also known as being part of the Piccaninny Plains property), which is adjacent to both the Northern Kaanju People Determination and the Central West Wik People Determination.

In this Determination Area, the native title of the Northern Kaanju People and the separate and distinct native title of the Central West Wik People, wholly overlap geographically.

### REGISTERED NATIVE TITLE BODY CORPORATE:

Northern Kaanju Aboriginal Corporation RNTBC  
Trustee Body Corporate  
32 Florence Street  
PARRAMATTA PARK Queensland 4870

Ngan Aak-Kunch Aboriginal Corporation RNTBC  
Agent Body Corporate  
Level 1  
19 Aplin Street  
Cairns City Queensland 4870

*Note: current contact details for the Registered Native Title Body Corporate are available from the Office of the Registrar of Indigenous Corporations [www.oric.gov.au](http://www.oric.gov.au)*

## **COMMON LAW HOLDER(S) OF NATIVE TITLE:**

### **Schedule 1 – Native Title Holders**

1. The Central West Wik People are:

- (a) Brian Ross; and
- (b) those Aboriginal persons who are descended by birth, or adoption in accordance with the traditional laws acknowledged and the traditional customs observed by the Central West Wik People, from one or more of the following apical ancestors:
  - (i) Peempa Thum-Kalban Ku'ekka;
  - (ii) Daojan (Koondumbin);
  - (iii) Jimmy (father of Polly Perkins and Connie Tartempemmiya);
  - (iv) Father of Short Charlie and Long Charlie (Chaalongk);
  - (v) George Brown;
  - (vi) Chininga;
  - (vii) Ko'owata;
  - (viii) Mosey;
  - (ix) Dhaabangchiy;
  - (x) Jimmy Lawrence;
  - (xi) Palpal (Quinkan) Old Blowdy;
  - (xii) Warnkoola Ancestor (father of Nellie 'Eempen' Warnkoola, Rupert Kepple Warnkoola and Charlie Warnkoola); or
  - (xiii) Kepple Ancestor (father of Gilbert Kepple and Maamus Kepple).

2. The Northern Kaanju People are those Aboriginal persons who are descended by birth, or by adoption in accordance with the traditional laws acknowledged and the traditional customs observed by the Northern Kaanju People, from one or more of the following apical ancestors:

- (a) Billy and Annie/Alice (parents of George Lefthand Moreton);
- (b) Charlie Boko;
- (c) Billy Boyd;
- (d) Nancy Boyd (spouse of Monkey Boyd);
- (e) Father of Billy Chungo;
- (f) Billy George and Jenny (parents of Annie Thompson/Small);
- (g) Henry (father of Annie Densley and Joe Sullivan);
- (h) Jack (father of Nellie Creedy aka Nellie Fox and Mary Ann Malandadji aka Mary Ann Johnson);
- (i) Annie King (aka Long Annie) and her brother Roy Stevens;
- (j) Paddy King (spouse of Annie King);
- (k) Tommy Larsen;
- (l) George Mamoose (aka George Mamus);
- (m) Old Lady Mapoon (Mapun);
- (n) Mary Ann (mother of Trixie Prior) and her sister Rosie (Percy/Docherty);
- (o) Mickie and Nelly (parents of Annie Mullet);
- (p) George Moreton Snr;
- (q) Big Johnny (Nguulpam);
- (r) Annie Night Island;
- (s) Charlie James (Flathead) Pascoe;
- (t) Polly Roberson;
- (u) King Bob Robertson;
- (v) Jack (aka Johnny Rocky/Rockeby) and Jinnie/Jennie (parents of Old Lady Rosie);
- (w) Jimmy Saturday and Dolly (parents of Monkey Boyd);
- (x) Father of Billy Wenlock (Ukunchal); or
- (y) Ammanbunga (mother of Victoria John).

## **MATTERS DETERMINED:**

### THE COURT ORDERS THAT:

1. There be a determination of native title in the terms proposed in these orders, despite any actual or arguable defect in the authorisation of the applicant to seek and agree to a consent determination pursuant to s 87A of the *Native Title Act 1993* (Cth).

### BY CONSENT THE COURT ORDERS THAT:

1. There be a determination of native title in the terms set out below (the **Determination**).

### BY CONSENT THE COURT DETERMINES THAT:

#### DEFINITIONS AND INTERPRETATION

3. In this Determination, unless the contrary intention appears:

“Animal” has the meaning given in the *Nature Conservation Act 1992* (Qld);

“Central West Wik People” means the people described in paragraph 1 of Schedule 1;

“Central West Wik Native Title” means native title rights and interests held by the Central West Wik People;

“External Boundary” means the area described in Schedule 3;

“land” has the same meaning as in the *Native Title Act 1993* (Cth);

“Laws of the State and the Commonwealth” means the common law and the laws of the State of Queensland and the Commonwealth of Australia, and includes legislation, regulations, statutory instruments, local planning instruments and local laws;

“Local Government Area” has the meaning given in the *Local Government Act 2009* (Qld);

“Native Title Determination Application” means the Cape York United #1 native title claim filed on 11 December 2014 in QUD 673 of 2014;

“Natural Resources” means:

(a) an Animal, a Plant, or any other non-human life form; and

(b) inorganic material;

but does not include:

(c) Animals that are the private personal property of any person;

(d) crops that are the private personal property of another;

(e) minerals as defined in the *Mineral Resources Act 1989* (Qld); and

(f) petroleum as defined in the *Petroleum Act 1923* (Qld) and the *Petroleum and Gas (Production and Safety) Act 2004* (Qld);

“Northern Kaanju People” means the people described in paragraph 2 of Schedule 1;

“Northern Kaanju Native Title” means native title rights and interests held by the Northern Kaanju People;

“Plant” has the meaning given in the *Nature Conservation Act 1992* (Qld);

“Register of Indigenous Land Use Agreements” has the same meaning as in the *Native Title Act 1993* (Cth);

“Reserve” means a reserve dedicated, or taken to be a reserve, under the *Land Act 1994* (Qld);

“Spouse” has the meaning given in the *Acts Interpretation Act 1954* (Qld);

“Water” means:

(a) water which flows, whether permanently or intermittently, within a river, creek or stream;

(b) any natural collection of water, whether permanent or intermittent; and

(c) water from an underground water source.

“waters” has the same meaning as in the *Native Title Act 1993* (Cth).

Other words and expressions used in this Determination have the same meanings as they have in Part 15 of the *Native Title Act 1993* (Cth).

4. The determination area is the land and waters described in Schedule 4 and depicted in the map attached to Schedule 6 to the extent those areas are within the External Boundary and not otherwise excluded by the terms of Schedule 5 (the **Determination Area**). To the extent of any inconsistency between the written description and the Determination Area map, the written description prevails.

5. Native title exists in relation to the whole of the Determination Area described in Schedule 4 and is held by the Northern Kaanju People and the Central West Wik People respectively.

6. The Northern Kaanju People Native Title is held by, and only by, the Northern Kaanju People.

7. The Central West Wik People Native Title is held by, and only by, the Central West Wik People.

8. Subject to orders 9, 10, and 11 below, the nature and extent of the native title rights and interests in relation to the Determination Area are the non-exclusive rights to:

(a) access, be present on, move about on and travel over the area;

(b) live and camp on the area and for those purposes to erect shelters and other structures thereon;

(c) hunt, fish and gather on the land and waters of the area;

(d) take the Natural Resources from the land and waters of the area;

(e) take the Water of the area for personal, domestic and non-commercial communal purposes;

(f) be buried and to bury, respectively, Northern Kaanju People and Central West Wik People within the area;

(g) maintain places of importance and areas of significance to, respectively, the Northern Kaanju People and Central West Wik People under their respective traditional laws and customs, and protect those places and areas from harm;

(h) teach on the area the physical and spiritual attributes of the area and the traditional laws and customs[;]

(i) hold meetings on the area;

(j) conduct ceremonies on the area;

(k) light fires on the area for cultural, spiritual or domestic purposes including cooking, but not for the purpose of

hunting or clearing vegetation; and

(l) be accompanied on to the area by those persons who, though not Northern Kaanju People or Central West Wik People, are:

(i) Spouses of Northern Kaanju People or Central West Wik People;

(ii) people who are members of the immediate family of a Spouse of Northern Kaanju People or Central West Wik People; or

(iii) people reasonably required by the Northern Kaanju People or Central West Wik People under their respective traditional laws and customs for the performance of ceremonies or cultural activities on the area.

9. The native title rights and interests are subject to and exercisable in accordance with:

(a) the Laws of the State and the Commonwealth; and

(b) the traditional laws acknowledged and traditional customs observed by, respectively, the Northern Kaanju People and the Central West Wik People.

10. The native title rights and interests referred to in order 8 do not confer possession, occupation, use or enjoyment to the exclusion of all others.

11. There are no native title rights in or in relation to minerals as defined by the *Mineral Resources Act 1989* (Qld) and petroleum as defined by the *Petroleum Act 1923* (Qld).

and the *Petroleum and Gas (Production and Safety) Act 2004* (Qld).

12. The nature and extent of any other interests in relation to the Determination Area (or respective parts thereof) are set out in Schedule 2 (the **Other Interests**).

13. The relationship between the native title rights and interests described in order 8 and the Other Interests described in Schedule 2 is that:

(a) the Other Interests continue to have effect, and the rights conferred by or held under the Other Interests may be exercised notwithstanding the existence of the native title rights and interests;

(b) to the extent the Other Interests are inconsistent with the continued existence, enjoyment or exercise of the native title rights and interests in relation to the land and waters of the Determination Area, the native title rights and interests continue to exist in their entirety but the native title rights and interests have no effect in relation to the Other Interests to the extent of the inconsistency for so long as the Other Interests exist; and

(c) the Other Interests and any activity that is required or permitted by or under, and done in accordance with, the Other Interests, or any activity that is associated with or incidental to such an activity, prevail over the native title rights and interests and any exercise of the native title rights and interests.

#### **THE COURT DETERMINES THAT:**

14. The Northern Kaanju Native Title is held in trust by the Northern Kaanju Aboriginal Corporation (ICN: 9756).

15. The Northern Kaanju Aboriginal Corporation (ICN: 9756), incorporated under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (Cth), is to:

(a) be the prescribed body corporate for the purpose of ss 56(2)(b) and 56(3) of the *Native Title Act 1993* (Cth); and

(b) perform the functions mentioned in s 57(1) of the *Native Title Act 1993* (Cth) after becoming a registered native title body corporate,

in relation to the Northern Kaanju Native Title.

16. The Central West Wik Native Title is not held in trust.

17. The Ngan Aak-Kunch Aboriginal Corporation RNTBC (ICN: 4097), incorporated under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (Cth), is to:

(a) be the prescribed body corporate for the purpose of s 57(2) of the *Native Title Act 1993* (Cth); and

(b) perform the functions mentioned in s 57(3) of the *Native Title Act 1993* (Cth) after becoming a registered native title body corporate,

in relation to the Central West Wik Native Title.

#### **REGISTER ATTACHMENTS:**

1. QCD2024\_017 Schedule 2 - Other Interests in the Determination Area, 4 pages - A4, 25/11/2024

2. QCD2024\_017 Schedule 3 - External Boundary, 1 page - A4, 25/11/2024

3. QCD2024\_017 Schedule 4 - Description of Determination Area, 1 page - A4, 25/11/2024

4. QCD2024\_017 Schedule 5 - Areas Not Forming Part of the Determination Area, 2 pages - A4, 25/11/2024

5. QCD2024\_017 Schedule 6 - Map of the Determination Area, 1 page - A4, 25/11/2024

*Note: The National Native Title Register may, in accordance with s. 195 of the Native Title Act 1993, contain confidential information that will not appear on the Extract.*