



# Extract from the Register of Native Title Claims

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## Application Information

**Application Reference:** Federal Court number: QUD228/2024  
NNTT number: QC2024/003

**Application name:** Colin Bowen & Ors on behalf of the Gia and Ngaro Peoples v State Minister for the State of Queensland (Gia and Ngaro Peoples)

**Registration History:** Registered from 25/07/2024

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

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

**Date application filed:** 30/04/2024

**Date claim entered on Register:** 25/07/2024

**Additional Information:** Not Applicable

**APPLICANT:**

**Person/s authorised as applicant:** Colin Bowen, Georgina Butterworth, Guy Butterworth, Christopher Congoo, Emmakita Geia, Darren Lenoy, Sheryl Wake, Sean Williams

**Condition/s on authority:**

1. The Applicant can make decisions by a resolution supported by at least a majority of the members of the Applicant present at a properly notified and convened meeting of the Applicant at which at least a majority of the members of the Applicant are in attendance, whether in person or via audio visual link, in which case the decision will be binding on the Applicant despite the absence of any member or members of the Applicant;

2. The Applicant cannot undertake any of the following steps without a resolution being passed by the Claim Group at a properly notified and constituted authorisation meeting:

- i. discontinue or withdraw the Claim;
- ii. amend the Claim to change the composition of the native title claim group (e.g. by adding or removing a named apical ancestor) or to reduce the external boundaries of the area covered by the application;
- iii. engage a lawyer, other than a lawyer appointed by the NQLC, to be their legal representative;
- iv. nominate any corporation or legal entity to hold benefits on behalf of the Claim Group;
- v. approve any native title determination for the full or partial settlement of the claim;
- vi. nominate any corporation to be the prescribed body corporate to hold any determined native title rights and interests in trust on behalf of the native title holders or to act as agent; and
- vii. execute or sign a native title agreement that has the effect of consenting to future acts, dealing with compensation or extinguishing or impairing native title or otherwise affecting native title or confirming the prior extinguishment or impairment of native title within the external boundaries of the area covered by the application under Section 31 of the Native Title Act or by way of Indigenous Land Use Agreement.

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**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* (Qld) 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 validly 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).

**PERSONS CLAIMING TO HOLD NATIVE TITLE:**

The native title claim group comprises Aboriginal People who are the descendants (including by adoption according to traditional law and custom) of the following apical ancestors:

1. Maude (aka Maude King)
2. Nellie mother of George Wake
3. Jim Bowen
4. Nellie partner of Jim Bowen
5. Mary of Bowen
6. Maggie of Proserpine
7. Yellow Boy
8. Rosie partner of Yellow Boy
9. Nellie mother of Billy Lightning
10. Maggie of Pretty Bend
11. Father of Herbert Emmerson

#### **REGISTERED NATIVE TITLE RIGHTS AND INTERESTS:**

**The following Native Title Rights & Interests were entered on the Register on 25/07/2024**

##### **Native title where 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, where any extinguishment is required to be disregarded or where section 238 of the *Native Title Act 1993* (Cth) (the non-extinguishment principle) applies.

2. Where this paragraph applies, the rights and interests possessed under traditional laws and customs are the right to possession, occupation, use and enjoyment of the claim area as against the whole world.

##### **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 rights possessed under traditional laws and customs are the non-exclusive rights to:

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

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

- (a) the laws of the State of Queensland and the Commonwealth of Australia including the common law;
- (b) the rights (past or present) conferred upon persons pursuant to the laws of the State of Queensland and the Commonwealth of Australia; and
- (c) the traditional laws acknowledged and traditional customs observed by the members of the Gia and Ngaro Peoples.

#### **REGISTER ATTACHMENTS:**

1. QC2024/003 Attachment B - Description of External Boundaries, 2 pages - A4, 30/04/2024
2. QC2024/003 Attachment C Map, 1 page - A4, 30/04/2024

*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.*