

# Extract from the Register of Native Title Claims

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## Application Information

**Application Reference:** Federal Court number: QUD484/2025  
NNTT number: QC2025/005

**Application name:** Joseph Rainbow & Ors on behalf of the Kurtjar People v State Minister for the State of Queensland (Kurtjar People #2)

**Registration History:** Registered from 12/12/2025

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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:** 17/07/2025

**Date claim entered on Register:** 12/12/2025

**Additional Information:** Not Applicable

**APPLICANT:**

**Person/s authorised as applicant:** Joseph Rainbow, Fred Pascoe, Mildred Burns

**Condition/s on authority:**

The native title claim group have imposed the following conditions under section 251BA of the Act on the authority of the applicant to make the application and to deal with matters arising in relation to it:

(a) the applicant is to act at all times in the best interests of the native title claim group as a whole;

(b) the applicant is to act on the advice of its legal representative;

(c) all persons comprising the applicant must participate, either in person or electronically, in decisions made by the applicant;

(d) the applicant must attempt to make decisions by consensus but may make decisions by a majority vote;

(e) the applicant will not amend the application to reduce the area covered by the application or discontinue (or seek leave to discontinue) the application without the authorisation of the native title claim group given at a meeting of the native title claim group convened for the purpose of considering such a resolution; and

(f) should one or more of the persons comprising the applicant pass away, resign or no longer have legal capacity (as that term is defined in the *Guardianship and Administration Act 2000* (Qld)), those who remain shall continue to be the applicant without alteration, and shall continue to be authorised to make the application and to deal with matters arising in relation to it subject to any other conditions imposed by the native title claim group, unless and until a new applicant is authorised by the native title claim group.

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**DESCRIPTION OF THE AREA COVERED BY THE CLAIM:**

Information identifying the boundaries of:

(a) The area covered by the application.

(i) The area covered by the application is all the land and waters within the boundaries described in Attachment "B".

(ii) Where the act specified in paragraphs (b)(i) to (iii) of Schedule B falls within the provisions of:

(A) s23B(9), s23B(9A), s23B(9B) or s23B(10) of the Act; or

(B) s47, s47A, s47B or s47C of the Act,

then the area covered by the act is not excluded from this application.

(b) Any areas within those boundaries that are not covered by the application.

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

(ii) Any area in relation to which a previous exclusive possession act, as defined by s23B (including s23B(7)) of the Act, was done in relation to the area and the act was attributable to the Commonwealth.

(iii) 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.

(iv) 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 s253 of the Act; or

(C) an existing dedicated public road.

(v) Any area where the native title rights and interests claimed have otherwise been extinguished.

The written description of the area covered by the application is attached to this application as **Attachment B**.

## PERSONS CLAIMING TO HOLD NATIVE TITLE:

The Kurtjar People are the descendants of one or more of the following people, and who identify, and are identified by other Kurtjar People, as belonging to the Kurtjar People according to Kurtjar traditional law and custom:

- (a) Kangaroo;
- (b) Nellie;
- (c) Maggie;
- (d) Molly;
- (e) Bulley;
- (f) Polly;
- (g) George Gilbert, and his father, Ngkochimpay;
- (h) Norman Gilbert;
- (i) Billy Sailor;
- (j) Gilbert;
- (k) Alice Reid (also known as Alice Gee and Alice McGilvray), daughter of Lucy;
- (l) Jessie;
- (m) Jimmy;
- (n) Minnie;
- (o) Dick Stirling;
- (p) Rosie;
- (q) Captain;
- (r) Rosie (wife of Captain);
- (s) Kitty;
- (t) Kangaroo (husband of Kitty);
- (u) Iffley Tommy senior;
- (v) Paddy Macaroni;
- (w) Macaroni Tommy;
- (x) Nellie Gilbert (wife of Macaroni Tommy);
- (y) Sally;
- (z) Tommy Burns;
- (aa) Sloper Mudd;
- (bb) Rainbow Christie;
- (cc) Johnny Casey.

“Descendants” for the purposes of this description include those individuals who have been adopted by the Kurtjar People.

## REGISTERED NATIVE TITLE RIGHTS AND INTERESTS:

### The following Native Title Rights & Interests were entered on the Register on 12/12/2025

- (a) Paragraph (b) applies to every part of the lands and waters covered by the application:
  - (i) 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 ss47, 47A, 47B or 47C of the Act; and
  - (ii) which is not subject to the public right to navigate or the public right to fish.
- (b) Where paragraph (a) applies, the native title rights and interests possessed under the traditional laws and customs of the Kurtjar People confer possession, occupation, use and enjoyment of the lands and waters as against all others.
- (c) Paragraph (d) applies to every part of the land and waters covered by the application to which paragraph (b) does not apply.
- (d) Where paragraph (c) applies, the Kurtjar People claim the following non-exclusive native title rights and interests, including the right to conduct activities necessary to give effect to them, in relation to those areas:
  - (i) the right to access, be present on, move about on and travel over the area;
  - (ii) the right to access and take for any purpose resources in the area;
  - (iii) the right to access and take water in the area for any purpose not vested in the Crown in right of the State by reason of restrictions in such vesting in *The Rights to Water and Water Conservation and Utilization Act 1910* (Qld) and *The Water Act 1926 Act* (Qld);
  - (iv) light fires on the area for cultural, spiritual or domestic purposes, including cooking; and
  - (v) without limiting the generality of sub-paragraphs (i) and (iv) above:
    - (A) the right to hunt on, gather and fish from the area;
    - (B) the right to live on the area;
    - (C) the right to camp, and for that purpose, erect shelters and other structures on the area;
    - (D) the right to conduct or participate in cultural and religious activities, practices and ceremonies, including to conduct the burial of other Kurtjar People, on the area;
    - (E) the right to conduct and to participate in meetings on the area;
    - (F) the right to teach on the area the physical, cultural and spiritual attributes of the area;
    - (G) the right to maintain places and areas of importance or significance to the Kurtjar People under their traditional laws and customs and protect those places from physical desecration or harm;
    - (H) the right to share, exchange and trade the resources from the area; and
    - (I) the right to be accompanied onto the area by persons who, though not Kurtjar People, are:
      - (1) spouses, partners or parents of Kurtjar People, together with their children and grandchildren;
      - (2) people required for the performance of cultural activities, practices or ceremonies; and
      - (3) people requested by the Kurtjar People to assist in, observe or record cultural activities, practices or ceremonies.
- (e) The native title rights and interests are subject to and exercisable in accordance with:

- (i) the valid and current laws of the State of Queensland and the Commonwealth of Australia, including the common law; and
- (ii) the traditional laws acknowledged and traditional customs observed by the Kurtjar People.

Details of any activities in relation to the land or waters currently being carried out by the native title claim group include:  
(a) Members of the native title claim group carry out activities in relation to the land or waters as detailed in Schedules E and F of this application. These activities include hunting, gathering and fishing; and traversing and camping on the area. Examples are set out in **Attachment F** to this application.

(b) Members of the native title claim group actively maintain places and areas of importance or significance to the native title claim group under their traditional laws and customs and protect those places and areas from physical desecration or harm. Examples are set out in **Attachment F** to this application.

(c) Members of the native title claim group actively care for the area. Examples are set out in **Attachment F** to this application.

(d) Members of the native title claim group use plants from the area to obtain medicine to treat various ailments. Examples are set out in **Attachment F** to this application.

#### **REGISTER ATTACHMENTS:**

1. QC2025/005 Attachment B - Application Area External Boundary Description, 2 pages - A4, 17/07/2025
2. QC2025/005 Attachment C - Map of the Application Area, 1 page - A4, 17/07/2025

*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.*