



# Extract from Schedule of Native Title Applications

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**Application Reference:** Federal Court number: QUD6162/1998  
NNTT number: QC1997/055

**Application Name:** Richard Doyle & Ors on behalf of the Iman People # 2 v State of Queensland & Ors (Iman People #2)

**Application Type:** Claimant

**Application filed with:** National Native Title Tribunal

**Date application filed:** 30/10/1997

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**Current status:** Discontinued - 06/09/2017

**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:** 26/07/2002

**Registration decision status:** Accepted for registration

**Registration history:** Registered from 30/10/1997 to 28/07/1999, Registered from 26/07/2002 to 7/09/2017,

**Date claim / part of claim determined:** 11/11/2016

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**Applicants:** Richard Doyle, Patrick Silvester, Ken Waterton, Eve Fesl, Eddy Waddy, Graham Anderson, Arwa Waterton, Cynthia Kemp, Bradley Curtis, Dena Marie Dodd-Ugle, Heidi Ann-Marie Lawson, Stuart White, Jason Jarro, Bevan Tull

**Address(es) for Service:** Colin Hardie  
Just Us Lawyers  
238 Kelvin Grove Road  
KELVIN GROVE QLD 4059  
**Phone:** 07 3369 7145

## Additional Information

On 23 June 2016, the Federal Court of Australia made a determination that native title exists in all of the determination area - see Doyle on behalf of the Iman People #2 v State of Queensland [2016] FCA 743. Please note that the native title determination made on 23 June 2016 was amended by Court order on 24 August 2016 by amending Schedule 1 to: (a) Include in Part 3 the words 'and that is also within the External Boundary Description described in Part 5' after the words 'described in Part 6'; (b) Delete in Part 7 the reference to 'south-eastern corner of Lot 163 of FT999'; and (c) Insert in Part 7 the words 'south-western corner of Lot 163 of FT999'. It is also noted that the applicant never intended to claim Part Lot 25 on F4037 (Reserve), Part Lot 27 on FT627 (Reserve) and Part Lot 30 on NPW493 (National Park). Order 2 of the determination provides that the determination is to take effect upon the agreements referred to in paragraph 1 of Schedule 4 being registered on the Register of Indigenous Land Use Agreements. All of the agreements were on the Register of Indigenous Land Use Agreements as at 11 November 2016. The conditions attached to the determination have therefore now been met and the determination came into effect on 11 November 2016. Pursuant to s 190(4)(e), the details of the claim made in relation to the determination area are removed from the Register of Native Title Claims as and from 11 November 2016. The attached NNTT external boundary description and map are an interpretation by the NNTT of the remaining application area that is yet to be determined. These attachments do not form part of the application and are provided for general information only. Persons should seek their own independent advice in relation to the correct description of the area.

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### Persons claiming to hold native title:

The Native Title Claim group comprises the descendants of:

1. Mary Arwa
2. Jim Waterton
3. Ada Robinson
4. Maggie Palmtree
5. Lizzie Palmtree
6. Eliza Shields
7. Mary Ann (mother of Maggie Dunn)
8. Fanny Waddy/Sandy
9. Dick Bundi/Bundai and Alice Dutton
10. The mother of John Serico (known as Aggie)

### Native title rights and interests claimed:

1. Over areas where a claim to exclusive possession can be recognised (such as areas where there has been no prior extinguishment of native title or where s238, ss47, 47A or 47B apply), the claim group claims the right to possess, occupy, use and enjoy the lands and waters of the application area as against the whole world, pursuant to the traditional laws and customs of the claim group.

2. Over areas where a claim to exclusive possession cannot be recognised, the claim group claims the non-exclusive right to:

- (a) live and be present on the application area;
  - (b) take, use, share and exchange Traditional Natural Resources for personal, domestic and non-commercial, communal purposes;
  - (c) conduct burial rites;
  - (d) conduct ceremonies;
  - (e) teach on the area about the physical and spiritual attributes of the area;
  - (f) maintain places of importance and areas of significance to the native title holders under their traditional laws and customs and protect those places and areas from physical harm;
  - (g) light fires for domestic purposes including cooking but not for the purposes of hunting or clearing vegetation;
  - (h) be accompanied into the claim area by non claim group members being people required;
- (1) by traditional law and custom for the performance of ceremonies or cultural activities; and  
(2) to assist in observing and recording traditional activities on the claim area; and
- (i) in relation to Water, take and use;
- (1) Traditional Natural Resources from the Water for personal, domestic and non-commercial communal purposes; and

(2) for personal, domestic and non-commercial, communal purposes.

3. For the purposes of 2. Above;

"Live" means to reside and for that purpose erect shelters and temporary structures but does not include a right to construct permanent structures;

"Traditional Natural Resource" means:

- (1) "animals" as defined in the Nature Conservation Act 1992 (Qld);
- (2) "plants" as defined in the Nature Conservation Act 1992 (Qld);
- (3) "charcoal, shells and resin"; and
- (4) "clay, soil, sand, ochre, gravel or rock on or below the surface";

"Water" means water as defined by the Water Act 2000 (Qld);

4. The native title rights and interests are subject to:

- (a) The valid laws of the State of Queensland and the Commonwealth of Australia; and
- (b) The rights conferred under those laws.

**Application Area:** **State/Territory:** Queensland  
**Brief Location:** Central and South West Qld  
**Primary RATSIB Area:** Southern and Western Queensland Region  
**Approximate size:** 35.0410 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):**

Information identifying the boundaries of:

- a) the area covered by the application; and
- b) any areas within those boundaries that are not covered by the application.

In relation to (a) above a description of the area of land and waters covered by the application is provided at Attachment "B".

Areas within the boundary identified in Attachment "B" that are not covered by the application are set out below:

1. The area covered by the application excludes any land or waters that is or has been covered by:

- (a) Scheduled Interest;
- (b) a freehold estate;
- (c) commercial lease that is neither an agricultural lease nor a pastoral lease;
- (d) an exclusive agricultural lease or an exclusive pastoral lease;
- (e) a residential lease;
- (f) a community purpose lease;
- (g) a lease dissected from a mining lease and referred to in s.23B(2)(c)(vii) of the Native Title Act 1993 (Cth);
- (h) any lease (other than a mining lease) that confers a right of exclusive possession over particular land or waters.

2. Subject to paragraphs 4 and 5, the area covered by the application excludes any land or waters covered by the valid construction or establishment of any public work, where the construction or establishment of the public work commences on or before 23 December 1996.

3. Subject to paragraphs 4 and 5, exclusive possession is not claimed over areas which are subject to valid previous non-exclusive possession acts done by the Commonwealth or State of Queensland.

4. Subject to paragraph 6, where the act specified in paragraphs 1, 2 and 3 falls within the provisions of:

- \* S.23B(9) - Exclusion of acts benefiting Aboriginal Peoples or Torres Strait Islanders;
- \* S.23B(9A) - Establishment of a national park or state park;
- \* S.23B(9B) - Acts where legislation provides of non-extinguishment;

- \* S.23B(9C) - Exclusion of Crown to Crown grants; and
- \* S.23B(10) - Exclusion by regulation;

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

5. Where an act specified in paragraphs 1, 2 and 3 affects or affected land or waters referred to in:

- \* S47 - Pastoral leases etc covered by claimant application
- \* S47A - Reserves etc covered by claimant application
- \* S47B - Vacant Crown land covered by claimant application

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

6. The area covered by the application excludes land or waters where the native title rights and interests claimed have been otherwise extinguished.

**Attachments:**

1. Attachment B External Boundary Description, 37 pages - A4, 13/06/2014
2. Attachment C Map of application, 1 page - A4, 13/06/2014
3. Application Area Part B - Technical Description, 1 page - A4, 23/06/2016
4. Application Area Part B - Map, 1 page - A4, 23/06/2016

**NNTT Contact Details**

**Address:** National Native Title Tribunal  
Brisbane Office  
Level 5, Harry Gibbs Commonwealth Law Courts  
119 North Quay  
BRISBANE QLD 4000  
GPO Box 9973  
BRISBANE QLD 4001

**Telephone:** +61 7 3307 5000  
**Freecall:** 1800 640 501  
**Fax:** +61 7 4046 9050  
**Web Page:** [www.nntt.gov.au](http://www.nntt.gov.au)

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