



Extract from Schedule of Native Title Applications

Application Reference: Federal Court number: QUD6006/2000
NNTT number: QC2000/007

Application Name: Elliott Anderson & Ors on behalf of the Wulli Wulli People v State of Queensland & Ors (Wulli Wulli People)

Application Type: Claimant

Application filed with: Federal Court of Australia

Date application filed: 17/07/2000

Current status: Full Approved Determination - 18/07/2017

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: 06/04/2001

Registration decision status: Accepted for registration

Registration history: Registered from 6/04/2001 to 26/07/2017,

Date claim / part of claim determined: 18/07/2017 , 29/01/2016

Applicants: Elliot Anderson, Robert Bond, Elizabeth Blucher, Brian Clancy, Robert Clancy, Desmond Dodd, Elizabeth Law, Ivan Saltner, Neil Saltner, Jeffrey Williams

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Additional Information

A consent determination of native title in respect of part of the application area was made by Justice Collier on 13 August 2015, see *Anderson on behalf of the Wullli Wullli People v State of Queensland (No 3)* [2015] FCA 821 (13 August 2015). The determination was to take effect upon the registration of eleven agreements on the Register of Indigenous Land Use Agreements (ILUAs). The last of these ILUAs was registered on the Register of Indigenous Land Use Agreements on 29 January 2016. The determination came into effect and was registered on the National Native Title Register on 29 January 2016. Details of the claim made in relation to the determination area are removed from the application as and from 29 January 2016. The attached NNTT map and external boundary description dated 12 February 2016 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.

Persons claiming to hold native title:

The claim group are persons:

1. who are recognised by other members of the claim group as being descended (which may include by adoption) from a deceased person who they recognise as having been a member of the aboriginal landholding group for the application area depicted in ATTACHMENT "C" ("an apical ancestor"); and
2. who are a descendant of an apical ancestor and identifies himself or herself as a Wullli Wullli person.

It is accepted that adoption may take place and where adoption has occurred it confers upon the adoptee the right to identify as a member of the claim group.

The following deceased persons are recognised as having been apical ancestors from whom claim group members are descended:

- * Tommy (father of Wonga Pope)
- * Jessie Fuller
- * Grace, the mother of Fanny Joyce
- * Tilly, the mother of Harry Blucher
- * Jack Hornet Senior, the father of Jack Hornet
- * Jackanapes
- * Thomas Clancy
- * Ginalene, the mother of Ernest Pope
- * Billy and Selina, parents of Jacob
- * Maria, the mother of Isabella Hooper
- * Amy, wife of John Bond
- * Rosie, the mother of John Barra
- * The unnamed adoptive father of Maggie McLean
- * Mergwin Blay
- * Jinnie, the wife of George Logan

Native title rights and interests claimed:

1. In relation to the land and waters described in paragraph seven of Schedule B the claim group claims the right to possession, occupation, use and enjoyment of the area to the exclusion of all others and in relation to Water, the non-exclusive rights to:

- a. hunt, fish and gather from the Water of the area;
- b. take and use the Natural Resources of the Water in the area; and
- c. take and use the Water of the area, for personal, domestic and on-commercial purposes.

2. In relation to all other land and waters described in Schedule B, the claim group claims the non-exclusive rights to:

- a. access, be present on, move about on and travel over the area;
- b. camp, and live temporarily on the area as part of camping, and for that purpose build temporary shelters;
- c. hunt, fish and gather on the land and waters of the area for personal, domestic and non-commercial purposes;
- d. take, use, share and exchange Natural Resources from the land and waters of the area for personal, domestic and non-commercial communal purposes;
- e. take and use the Water of the area for personal, domestic and non-commercial communal purposes;

- f. conduct ceremonies on the area;
- g. be buried and bury native title holders within the area;
- h. maintain places of importance and areas of significance to the native title holders under their traditional laws and customs and protect those places and area from physical harm;
- i. teach on the area the physical and spiritual attributes of the area;
- j. hold meetings on the area; and
- k. light fires on the area for domestic purposes including cooking, but not for the purpose of hunting or clearing vegetation.

3. For the purposes of paragraphs 1 and 2 above:

“Land” and “Waters”, respectively, have the same meanings as in the Native Title Act 1993 (Cth);

“Natural Resources” means:

- a. any animal, plant, fish and bird life found on or in the lands and waters of the Application Area; and
- b. any clays, soil, sand, gravel or rock found on or below the surface of the Application Area,

that have traditionally been taken and used by the native title holders, but does not include:

- a. animals that are the private personal property of another;
- b. crops that are the private personal property of another; and
- c. minerals as defined in the Minerals Resources Act 1989 (Qld) or petroleum as defined in the Petroleum Act 1923 (Qld) and the Petroleum and Gas (Production and Safety) Act 2004 (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.

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: Area surrounding Theodore - Central Qld
Primary RATSIB Area: Southern and Western Queensland Region
Approximate size: 0.2873 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 or 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:

- a. S.23B(9) – Exclusion of acts benefiting Aboriginal Peoples or Torres Strait Islanders;
 - b. S.23B(9A) – Establishment of a national park or state park;
 - c. S.23B(9B) – Acts where legislation provides of non-extinguishment;
 - d. S.23B(9C) – Exclusion of Crown to Crown grants; and
 - e. 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 falls within the provisions of S47B of the Native Title Act 1993 (Cth), the area covered by the act is included in the application.

6. The area covered by the application excludes land or waters where native title rights and interests claimed were determined by order of the Court made on 13 August 2015.

7. For the avoidance of doubt, exclusive possession is claimed over the following areas: -

32 – MPH22181
106 – MPH14020
211 – MPH14019
212 – MPH14019
224 – MPH14019
242 – MPH14019
49 – MPH14019
3 – DW542
4 – DW542
5 – DW542
6 – DW542
7 – DW542
158 – MPH14019
336 – MPH117
124 – MPH14020
43 – MPH22181
45 – MPH22181
46 – MPH22181
47 - MPH22181
326 – MPH115
38 – MPH14020
11 – USL36832
493 – DW218
497 – AP15544
542 – DW549
279 – SP104416

8. For the avoidance of doubt, non-exclusive native title is claimed over Lot 1 on SP179686.

Attachments:

1. Description of the area covered by the application, Attachment B of the application, 2 pages - A4, 24/05/2017
2. Maps showing the external boundaries of the claim area, Attachment C of the application, 3 pages - A4, 24/05/2017
3. External Boundary Description of remaining application area yet to be determined, 1 page - A4, 12/02/2016
4. QC2000/007 Map of remaining application area yet to be determined, 1 page - A4, 12/02/2016

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