



# Extract from Schedule of Native Title Applications

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**Application Reference:** Federal Court number: QUD6027/2001  
NNTT number: QC2001/028

**Application Name:** Kathleen Kearns & Ors on behalf of the Gunggari People #2 and State of Queensland & Others (Gunggari People #2)

**Application Type:** Claimant

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

**Date application filed:** 23/08/2001

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**Current status:** Full Approved Determination - 07/09/2012

**Registration information:** Please refer to the Register of Native Title Claims/National Native Title Register (as appropriate) for registered details of this application.

**Registration decision status:** Accepted for registration

**Registration history:** Registered from 08/04/2002 to 09/09/2012

**Date claim / part of claim determined:** 22/06/2012

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**Applicants:** Ms Kathleen Kearns, Ms Erica Walker, Ms Bernys Faulkner, Mr Bradley Saunders, Mr Marshall Foster

**Address(es) for Service:** Timothy Wishart  
Queensland South Native Title Services  
Level 4, 370 Queen Street  
BRISBANE QLD 4000  
**Phone:** 07 3224 1200

## Additional Information

Not applicable

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## Persons claiming to hold native title:

The Gunggari People are the descendants of the following people:

- (a) Jinnegah
- (b) Jimmy and Nelly Flourbag
- (c) Harry Collins
- (d) old Frog
- (e) Coombra Jack
- (f) Kitty of St George and Maggie of the Moonie
- (g) King Billy Dick
- (h) Maria of Tongi Station
- (i) Harry Rookwood
- (j) Lucy of the Balonne River
- (k) Charlotte Moffatt
- (l) Mary of the Maranoa
- (m) Nellie Walker
- (n) Clifton George
- (o) Mary of Bollon
- (p) Kate Meathers/Meadows

**Native title rights and interests claimed:**

The Gunggari People claim the non-exclusive rights to:

- (a) access, be present on, move about on and travel over the Application Area;
- (b) camp on the Application Area and, for that purpose, erect temporary shelters on the Application Area;
- (c) take (including by hunting and gathering) and use traditional natural resources from the Application Area for personal, domestic and non-commercial communal purposes;
- (d) conduct religious and spiritual activities and ceremonies on the Application Area;
- (e) 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, by lawful means, from physical harm;
- (f) teach on the Application Area the physical and spiritual attributes of the Application Area;
- (g) light fires on the Application Area for domestic purposes including cooking, but not for the purposes of hunting or clearing vegetation;
- (h) hunt and fish in or on, and gather from, the water for personal, domestic and non-commercial communal purposes; and,
- (i) take and use the water for personal, domestic and non-commercial communal purposes.

**Application Area:** **State/Territory:** Queensland  
**Brief Location:** Central South Queensland  
**Primary RATSIB Area:** Southern and Western Queensland Region  
**Approximate size:** 13589.2359 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):**

Areas within the boundary identified in Attachment B that are not covered by the application.

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

- a) a Scheduled Interest;
- b) a freehold estate;
- c) a 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 for 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:

- . s.47 - Pastoral leases etc covered by claimant application
- . s.47A - Reserves etc covered by claimant application
- . s.47B - Vacant Crown land covered by the 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.

QUD6021/01 Gunggari People 2 (QC01/28) (As amended)

External Boundary Description:

The application area covers all the lands and waters within the area described as:

Commencing at Latitude 27.026248°South, Longitude 146.447462°East, a point on the southern boundary of Native Title Determination Application QUD216/08 Bidjara People (QC08/5) and extending generally north easterly and generally easterly along southern boundaries of that application passing through the following coordinate points.

Latitude (South) Longitude (East)

27.006684	146.474532
26.973464	146.522874
26.933023	146.569839
26.905049	146.618838
26.858483	146.690909
26.821340	146.739325
26.781869	146.805204
26.753227	146.853458
26.736182	146.876685
26.717821	146.921729
26.709393	146.961324
26.709540	147.004638
26.707742	147.065129
26.709853	147.115911
26.712598	147.163707
26.712705	147.221212
26.712777	147.270501
26.712864	147.360119
26.712892	147.431814
26.712881	147.506495
26.722099	147.536403
26.731307	147.570049
26.735235	147.599197
26.739140	147.641793
26.741045	147.688863
26.746289	147.706820
26.750109	147.771835
26.757668	147.814591
26.763760	147.848699
26.774865	147.883320

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26.776704 147.913933  
26.769090 147.954436  
26.769090 148.006878

Then easterly to the intersection with the western bank of the Maranoa River at Latitude 26.772304°South; then generally southerly along western banks of that river to Latitude 27.791070°South; then generally south westerly and north westerly passing through the following coordinate points.

Latitude (South) Longitude (East)

27.800806 148.499891  
27.806786 148.499568  
27.812281 148.497144  
27.826797 148.475844  
27.833170 148.465436  
27.838264 148.458342  
27.850547 148.450313  
27.870453 148.437561  
27.883586 148.428113  
27.889699 148.423928  
27.899396 148.421666  
27.905376 148.423121  
27.754205 147.982681

Then westerly to the junction of Wallan Creek and Neabul Creek, then north westerly to the junction of Mungallala Creek and Tomoo Creek, south of Ashling Homestead; then south westerly to a point on Paterson Creek, southwest of Grassmere Homestead at Latitude 27.541193°South, Longitude 147.137543°East; then generally north westerly, generally westerly and generally north westerly passing through the following coordinate points back to the commencement point.

Latitude (South) Longitude (East)

27.151177 146.960507  
27.137302 146.954009  
27.043149 146.916295  
27.059675 146.784137  
27.091822 146.617061  
27.114607 146.516142  
27.114584 146.516130  
27.110330 146.514966  
27.105731 146.512903  
27.100902 146.511354  
27.097337 146.510577  
27.092392 146.509669

27.088369 146.507737  
27.084461 146.505547  
27.079174 146.501559  
27.073544 146.496415  
27.068602 146.492429  
27.064696 146.487675  
27.060446 146.483304  
27.056539 146.479706  
27.051941 146.476233  
27.047459 146.472250  
27.043093 146.466726  
27.039762 146.460820  
27.035510 146.456965

Latitude (South) Longitude (East)

27.031603 146.452213  
27.026660 146.447974

The following areas are excluded from the application area:

- Lots 1, 4, 5, 6, 7, 8, 9, 10, 16, 17, 18, 19, 20, 22, 23, 28, 29 and 30 on D4801;
- Lot 1 on USL45451;
- Lot 46 on KE92; and
- Lot 3 on UL33 (formally part of native title determination application QUD6031/98 Kooma People (QC96/16) as discontinued 22/03/2010).

**NOTE:**

The application does not include any areas subject to the following native title determination applications:

- QUD366/08 Mandandanji People (QC08/10) as accepted for Registration 30/03/2009.
- QUD216/08 Bidjara People (QC08/5) as accepted for Registration 12/09/2008.

**Data Reference and Sources:**

- Application boundary compiled by Queensland South Native Title Services, Based on information sourced from the Commonwealth of Australia, NNTT (October 2011).
- Rivers / Creeks based on Topographic 1:250 000 vector data is © Commonwealth of Australia, Geoscience Australia (2001).
- Lot references based on cadastral data sourced State of Queensland, DERM (November 2011).

**Reference Datum:**

Geographical coordinates are based on the spatial data sourced from the NNTT Geospatial Services and are referenced to the Geocentric Datum of Australia 1994 (GDA94), in decimal degrees and are based on the spatial reference data acquired from the various custodians at the time.

**Use of Coordinates**

Where coordinates are used within the description to represent cadastral or topographic boundaries or the intersection with such, they are intended as a guide only. As an outcome to the custodians of cadastral and topographic data continuously recalculating the geographic position of their data based on improved survey and data maintenance procedures, it is not possible to accurately define such a position other than by detailed ground survey.

Prepared by the Queensland South Native Title Services (9 November 2011).

**Attachments:** 1. Map of area of application, 1 page - A3, 15/12/2011

**NNTT Contact Details**

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