



Extract from Schedule of Native Title Applications

Application Reference: Federal Court number: QUD80/2005
NNTT number: QC2005/006

Application Name: Elizabeth Dodd & Ors on behalf of the Gudjala People Core Country Claim #1 v State of Queensland & Ors (Gudjala People)

Application Type: Claimant

Application filed with: Federal Court of Australia

Date application filed: 22/03/2005

Current status: Full Approved Determination - 13/12/2016

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: 22/04/2005

Registration decision status: Accepted for registration

Registration history: Registered from 22/04/2005 to 19/12/2016,

Date claim / part of claim determined: 13/12/2016 , 18/03/2014

Applicants: Andrew (Smokey) Anderson, Christine Hero, Elizabeth Dodd, Priscilla Michelle Huen, Gloria Santo

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Additional Information

A consent determination of native title in respect of part of the application area was made by Justice Logan on 18 March 2014 - see Dodd on behalf of the Gudjala People Core Country Claim #1 v State of Queensland (No 3) [2014] FCA 231, 18 March 2014. That determination was registered on the National Native Title Register on 18 March 2014. A copy of that determination is attached to this extract Pursuant to s 190(4)(e), details of the claim made in relation to the determination area are removed from the application area as and from 18 March 2014. Attached to this extract is a map that has been produced by the National Native Title Tribunal which is an interpretation of the area that remains part of the application following the determination on 18 March 2014 referred to above. This map does not form part of the application.

Persons claiming to hold native title:

The criteria for membership of the Gudjala native title claim group is in accordance with traditional laws acknowledged and customs observed by the Gudjala people who are traditionally connected to the area described in Schedule B ("application area") through:

1. Physical, spiritual and religious association; and
 2. Genealogical descent; and
 3. Processes of succession; and
- who have communal native title in the application area, from which rights and interests derive.

The Gudjala native title claim group is comprised of all persons descended from the following ancestors:

- * Alice Anning (also known as Alice White) of Bluff Downs station;
 - * Cissy McGregor
 - * Maggie "Ton Ton" Thomson
 - * Topsy Hann
- * Zoe (mother of Hoya Siemon / Bowman).

Native title rights and interests claimed:

The rights and interests claimed in relation to

- 1) Land and waters where there has been no prior extinguishment of Native Title or where section 238 (the non-extinguishment principle) applies:

The native title rights and interests claimed are the right to possession, occupation, use and enjoyment of the claim area as against the whole world, pursuant to the traditional laws and customs of the claim group but subject to the valid laws of the Commonwealth of Australia and the State of Queensland.

- 2) All remaining land and waters within the claim area the Native Title rights and interests claimed are not to the exclusion of all others and are the rights to use and enjoy the claim area in accordance with the traditional laws acknowledged and customs observed by the Gudjala for the purposes of:

- * Accessing land and waters;
- * Entering and remaining on the land being claimed;
- * Hunting;
- * Fishing;
- * Gathering and using the products of the claim area such as food, medicinal plants, timber, bark, ochres and earths, stone and resin, minerals, and using natural water resources of the area;
- * Camping and erecting shelters;
- * Engaging in cultural activities;
- * Conducting ceremonies and holding meetings;

- * Teaching the physical and spiritual attributes of locations and sites;
- * Participating in cultural practices relating to births, marriages and deaths on the claim area; and
- * Making decisions, pursuant to Aboriginal law and custom about the use and enjoyment of the land by Aboriginal people.

The application does not include a claim for exclusive possession over previous non-exclusive possession act areas as defined under section 23F of the Native Title Act 1993 save where the Native Title Act 1993 and/or the common law allows such a claim to be part of the a Native Title Determination application.

Application Area: **State/Territory:** Queensland
Brief Location: In the vicinity of Charters Towers, Qld.
Primary RATSIB Area: Northern Queensland Region
Approximate size: 8509.4597 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):

1. The area covered by this application ("the application area") includes all the land and waters inside the external boundary of the application area.

The external boundary of the application area is shown on the map and marked "Attachment C", and is also identified by reference to the external boundary description set out in "Attachment B".

2. Areas that are excluded from the application area:-

i) Subject to (iv) [sic], valid acts that occurred on or before 23 December 1996 comprising such of the following that are considered extinguishing acts within the meaning of the Native Title Act 1993 (Cth) as amended, namely:

(a) Category A past acts as defined in s.228 and s.229 of the Native Title Act 1993 (Cth) and

(b) Category A intermediate acts as defined in s.232A and s.232B of the Native Title Act 1993 (Cth);

ii) Subject to (iv) [sic], any valid previous exclusive possession act(s), as set out in Division 2B of Part 2 of the Native Title Act 1993 (Cth) done in relation to the claim area; and the act(s) were attributable to the Commonwealth or State;

iii) Subject to (iv) [sic], any areas over which native title has otherwise been extinguished;

iv) The paragraphs above and below are subject to the provisions of s.47, s.47A and s.47B of the Native Title Act 1993 (Cth) as may apply to any part of the application area. Areas subject to acts referred to in (2)(i),(ii) & (iii), and (3), to which the provisions of s.47, s.47A and s.47B of the Native Title Act 1993 (Cth) apply, are not excluded from the application area.

3. Save that exclusive possession is not claimed over areas that have been subject to valid previous non-exclusive possession act(s), done by the Commonwealth or the State, as set out in Division 2B or Part 2 of the Act.

4. Other areas excluded from the application area as a result of a determination under s 87A of the Native Title Act 1993 (Cth)

in relation to part of the land and waters within the external boundary of the application area, described below:

(i) On 18 March 2014, the Federal Court of Australia, by consent, made orders under s 87A determining that native title exists in relation to part of the area of land and waters within the application area, referred to as the 'Determination Area'. The Determination Area is the land and waters described in Schedule 1, and depicted on the map attached to Schedule 1 of the Determination Orders dated 18 March 2014. To the extent of any inconsistency between the written description and the map, the written description prevails. Schedule 2 of the Determination Orders contains a written description of particular areas of land or waters within the external boundaries of the area of land and waters covered by the application that are not claimed.

(ii) As a result of the Determination Orders, the following areas within the external boundary of the application area are excluded from the area of land and waters covered by the claim:

(a) The Determination Area, defined in Schedule 1 of the Determination Orders

(b) The area of land and waters defined in Part A(1) and specifically identified in Parts A (2) and (3) of Schedule 2 of the Determinations Orders

(c) The area of land and waters specifically listed in Part B of Schedule 2 of the Determination Orders

(d) The areas of land and waters defined in Part C of Schedule 2 of the Determination Orders.

*Note: there is a mistaken reference in the Form 1 to Paragraph 2(v) that has been transposed into this record on the Register of Native Title Claims.

Attachments:

1. External Boundary Description, 4 pages - A4, 12/12/2013
2. Map of application area, 1 page - A3, 12/12/2013
3. Federal Court Order - Determination, 69 pages - A4, 18/03/2014
4. NNTT map of remaining area - does not form part of the application, 1 page - A3, 18/09/2014

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