



Extract from Schedule of Native Title Applications

Application Reference: Federal Court number: QUD7/2019
NNTT number: QC2007/001

Application Name: Dorothy (Cindy) Anderson & Ors on behalf of the Mardigan People and State of Queensland & Ors

Application Type: Claimant

Application filed with: Federal Court of Australia

Date application filed: 17/01/2007

Current status: Full Approved Determination - 18/12/2019

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: 06/06/2007

Registration decision status: Accepted for registration

Registration history: Registered from 6/06/2007 to 20/12/2019,

Date claim / part of claim determined: 18/12/2019

Applicants: Dorothy 'Cindy' Anderson, Daphne Jackson, Brian Shillingsworth

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Additional Information

Not applicable

Persons claiming to hold native title:

The native title claim group (hereafter the 'claim group') on whose behalf the claim is made is the Mardigan People.

The Mardigan People are the biological descendants of the following people:

- * Charlie Zouch
- * Judie and Tinker Wells
- * Mother of Fred Collins, Jesse Dixon, Jack Dixon, Nancy Colin and Tom Napoleon
- * Paddy Murphy
- * Charlotte Wandilla
- * Tommy Conbar
- * Mary Darrie
- * Henry 'Goodyenee' Tilbooroo
- * Henry Clive (also known as Harry Clive)
- * Nellie Ardock
- * Mary Rebel

Native title rights and interests claimed:

1. Over areas where a claim to exclusive possession can be recognized (such as areas where there has been no prior extinguishment of native title or where s238, ss47, 47A or 47B apply), the Mardigan People claim 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 recognized, the Mardigan People claim the following rights and interests:

- (a) The right to access the application area;
- (b) The right to camp on the application area;
- (c) The right to erect shelters on the application area;
- (d) The right to exist on the application area;
- (e) The right to move about the application area;
- (f) The right to hold meetings on the application area;
- (g) The right to hunt on the application area;
- (h) The right to fish on the application area;
- (i) The right to use the natural water resources of the application area including the beds and banks of watercourses;
- (j) The right to gather the natural products of the application area (including food, medicinal plants, timber, stone, ochre and resin) according to traditional laws and customs;
- (k) The right to conduct ceremony on the application area;
- (l) The right to participate in cultural activities on the application area;
- (m) The right to maintain places of importance under traditional laws, customs and practices in the application area;
- (n) The right to protect places of importance under traditional laws, customs and practices in the application area;
- (o) The right to conduct burials on the application area;
- (p) The right to speak for and make non-exclusive decisions about the application area;
- (q) The right to cultivate and harvest native flora according to traditional laws and customs

3. 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: Surrounding Quilpie in Central South QLD

Primary RATSIB Area: Southern and Western Queensland Region

Approximate size: 15405.0755 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

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 s23B(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:

- S23B(9) - Exclusion of acts benefiting Aboriginal Peoples or Torres Strait Islanders;
- S23B(9A) - Establishment of a national park or state park;
- S23B(9B) - Acts where legislation provides of non-extinguishment;
- S23B(9C) - Exclusion of Crown to Crown grants; and
- S23B(10) - Exclusion by regulation

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. External Boundary Description, Attachment B of the application, 9 pages - A4, 26/10/2018
 - 2. Map of claim area, Attachment C of the application, 1 page - A4, 26/10/2018

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