



Extract from Schedule of Native Title Applications

Application Reference: Federal Court number: QUD31/2019
NNTT number: QC2011/005

Application Name: Robert Clancy & Ors on behalf of the Auburn Hawkwood People and State of Queensland & Ors (Auburn Hawkwood People)

Application Type: Claimant

Application filed with: Federal Court of Australia

Date application filed: 23/09/2011

Current status: Full Approved Determination - 25/11/2019

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: 16/12/2011

Registration decision status: Accepted for registration

Registration history: Registered from 16/12/2011 to 26/11/2019,

Date claim / part of claim determined: 25/11/2019

Applicants: Robert Clancy, Elizabeth Law, Erica Gyemore, Brian Clancy, Elizabeth Blucher, Ashley Saltner, Christine Bosworth, Jennifer Wragge, Julieanne Eisemann

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Additional Information

Not applicable

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 is a descendant of an apical ancestor and identifies himself or herself as being a descendant of an apical ancestor.

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:

Bojimba & Narrygn
Ginalene, the mother of Ernest Pope
Tilly, the mother of Harry Blucher
Grace, the mother of Fanny Joyce
Jack Horner Snr, the father of Jack Horner
Thomas Clancy
Jessie Fuller
Maria, the mother of Isabella Hooper
Amy, wife of John Bond
Billy and Selena, parents of Jacob
Bessie Rawbelle
Billy McKenzie
Maggie West
Jackanapes
Jinnie, the mother of Ranji Logan
Maggie Hart
Rosie, the mother of John Barra
Mi Mi
Mergwin-Blay
Kitty of Boondooma
King Billy & Maria of Boondooma

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) access, be present on, move about on and travel over the application 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, communal purposes;
- (d) take and use Traditional Natural Resources for personal, domestic and non-commercial, communal purposes;
- (e) be buried and bury native title holders within the area;
- (f) teach on the area about the physical and spiritual attributes of the area;
- (g) 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;
- (h) light fires on the area for domestic purposes including cooking but not for the purposes of hunting or clearing vegetation;
- (i) conduct ceremonies on the area;
- (j) hold meetings on the area;
- (k) take and use the Water of the area 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: South East Queensland

Primary RATSIB Area: Southern and Western Queensland Region

Approximate size: 9786.6638 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 the 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. External Boundary Description, Attachment B of the Application, 8 pages - A4, 30/09/2019
 2. Map of claim area, Attachment C of the Application, 1 page - A4, 30/09/2019

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