



Extract from Schedule of Native Title Applications

Application Reference: Federal Court number: QUD504/2011
NNTT number: QC2011/007

Application Name: Grace Weatherall & Ors on behalf of the Kooma People #4 v State of Queensland & Ors (Kooma People #4)

Application Type: Claimant

Application filed with: Federal Court of Australia

Date application filed: 18/11/2011

Current status: Discontinued - 21/07/2016

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: 02/04/2012

Registration decision status: Accepted for registration

Registration history: Registered from 2/04/2012 to 28/07/2016,

Date claim / part of claim determined: 25/06/2014

Applicants: Cheryl Buchanan, Bill Chapman, Clarence Collis, Annette Daisy, Brett Leavy, Rosemary Lucas, Angus Mitchell, Jack Nelson, Mick Speedy, Grace Weatherall

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Additional Information

A consent determination of native title in respect of part of the application area was made by Justice Rangiah on 25 June 2014 - see *Weatherall on behalf of the Kooma People #4 Part A v State of Queensland* [2014] FCA 662. The details of the claim made in relation to the determination area are removed from the application area as and from 25 June 2014. The attached NNTT map and external boundary description dated 29 January 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 native title claim group is made up of families whose members identify as Kooma, in accordance with traditional laws acknowledged and traditional customs observed by them. Membership is based on the principle of cognatic descent (i.e. descent traced through either mother or father).

This application is brought on behalf of Aboriginal people whose members identify as Kooma People, who are descended from the following ancestors:

Descendants of Maggie of Bendena
Descendants of Kitty of Bollon
Descendants of Sarah of Fernlee
Descendants of Mary Button of Murra Murra
Descendants of Susan Mitchell
Descendants of Annie Murray
Descendants of Julia Powell
Descendants of Lucy Sheridan

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 or ss47, 47A or 47B apply), the Kooma People claim the right to possess, occupy, use and enjoy the land and traditional 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, live, camp, erect shelters, exist, move and be present on the application area;
- (b) take, use, share and exchange Traditional Natural Resources for personal domestic and non-commercial, communal purposes;
- (c) conduct burial rites;
- (d) conduct ceremonies;
- (e) hold meetings;
- (f) participate in cultural activities;
- (g) teach on the area about the physical and spiritual attributes of the area;
- (h) speak for and make non-exclusive decisions;
- (i) maintain and protect places of importance under traditional laws and areas of significance to the native title holders under their traditional laws and customs from physical harm;
- (j) light fires for domestic purposes including cooking but not for the purposes of hunting or clearing vegetation;
- (k) hunt;
- (l) fish;
- (m) gather the natural products (including food, medical plants, timber, stone, ochre and resin) according to traditional laws and customs;
- (n) cultivate and harvest native flora according to traditional laws and customs;
- (o) be accompanied into the claim area by non-claim group members being people required:

- i. by traditional law and custom for the performance of ceremonies or cultural activities; and
- ii. to assist in observing and recording traditional activities on the claim area; and

(p) in relation to water, take and use:

- i. Traditional Natural Resources from the water source for personal, domestic and non-commercial purposes;

- ii. for personal, domestic and non-commercial, communal purposes; and
- iii. Use the natural water resources of the application area including the beds and banks of the watercourses.

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:

- i. "animals" as defined in the Nature Conservation Act 1992 (Qld);
- ii. "plants" as defined in the Nature Conservation Act 1992 (Qld);
- iii. "charcoal, shells and resin"; and
- iv. "clay, soil, sand, ochre, gravel or rock" on or below the surface.

"Water" means water as defined in 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 West Queensland
Primary RATSIB Area: Southern and Western Queensland Region
Approximate size: 3133.0356 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):

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:

- 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 s23.B(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 the public work commenced 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 the 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 and waters referred to in:

- S47 - Pastoral leases etc covered by the claimant application
- S47A - Reserves etc covered by the claimant application
- S47B - 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 native title rights and interests claimed have been otherwise extinguished.

Attachments:

1. Area of land and waters covered by the application, Attachment B of the Application, 7 pages - A4, 11/06/2014
2. A map showing the external boundaries of the claim area, Attachment C of the Application, 1 page - A4, 11/06/2014
3. External Boundary Description of remaining application area yet to be determined, 2 pages - A4, 29/01/2016
4. Map of remaining application area yet to be determined, 1 page - A4, 29/01/2016

NNTT Contact Details

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