



Extract from Schedule of Native Title Applications

Application Reference: Federal Court number: QUD28/2019
NNTT number: QC2012/010

Application Name: Harriet Vea Vea & Ors on behalf of the Wadja People and State of Queensland & Ors (Wadja People)

Application Type: Claimant

Application filed with: Federal Court of Australia

Date application filed: 22/08/2012

Current stage(s): Notification Complete

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: 19/12/2012

Registration decision status: Accepted for registration

Registration history: Registered from 19/12/2012

Applicants: Harriet Vea Vea, Richard Sporne, Chris Priestley, Daisy Gibson, Judith Tatow, Phyllis Freeman

Address(es) for Service: Ricardo Martinez
Queensland South Native Title Services
Level 4, 293 Queen Street
BRISBANE QLD 4000
Phone: (07) 3224 1200

Additional Information

Not applicable

Persons claiming to hold native title:

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

- Myra Freeman
- Bidy Dutton, mother of Harriet Dutton
- Sarah Dodd
- Unnamed Wadjainggo woman whose Granddaughter was Eva Tyson

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, and/or ss47, 47A or 47B apply), the Wadja 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 their traditional laws and customs.

2. Over areas where a claim to exclusive possession cannot be recognised, the Wadja 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 live on the application area;
- (e) the right to move about the application area;
- (f) the right to exist and be present on the application area;
- (g) the right to hold meetings on the application area;
- (h) the right to hunt on the application area;
- (i) the right to fish on the application area;
- (j) the right to take and use the natural water resources of the application area, including the beds and banks of watercourses;
- (k) the right to take, use, share or exchange the natural resources on the application area;
- (l) 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;
- (m) the right to light campfires for cooking, heating and lighting purposes on the application area; domestic purposes including cooking but not for the purposes of hunting or clearing vegetation;
- (n) the right to teach about the physical and spiritual attributes of the application area;
- (o) the right to conduct ceremony on the application area;
- (p) the right to participate in cultural activities on the application area;
- (q) the right to maintain places of importance under traditional laws, customs and practices in the application area;
- (r) the right to protect places of importance under traditional laws, customs and practices in the application area;
- (s) the right to conduct burials on the application area;
- (t) the right to be accompanied onto the application area by non-claim group members required under traditional laws and customs for the performance of ceremonies or cultural activities and to assist in observing and recording traditional activities in the application area;
- (u) the right to transmit the cultural heritage of the native title claim group including knowledge of particular sites; and
- (v) 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.

4. The native title rights and interests do not include ownership of any minerals, petroleum or gas that are wholly owned by the Crown.

Application Area: **State/Territory:** Queensland
Brief Location: South East of Blackwater in Central Qld
Primary RATSIB Area: Southern and Western Queensland Region
Approximate size: 5518.9275 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 boundaries of the area covered by the application are shown on the map attached and marked "**Attachment C**" and a written description of the boundaries of the area covered by the application is attached and marked

"Attachment B".

2. Subject to paragraphs 4 and 5, the areas of land and waters within the boundaries referred to in 1 above that are not covered by the application are:

a. any area that is or has been subject to any of the following:

- i. a Scheduled Interest;
 - ii. a freehold estate (including any right in land or waters taken to be the vesting of a freehold estate by virtue of s 23B(3));
 - iii. a commercial lease that is neither an agricultural lease nor a pastoral lease;
 - iv. an exclusive agricultural lease or an exclusive pastoral lease;
 - v. a residential lease;
 - vi. a community purpose lease;
 - vii. a lease dissected from a mining lease and referred to in s.23B(2)(c)(vii) of the Native Title Act 1993 (Cth);
 - viii. any lease (other than a mining lease) that confers a right of exclusive possession over particular land or waters, which was validly granted or vested on or before 23 December 1996.
- b. any other area in relation to which native title rights and interest have otherwise been wholly extinguished.

3. Subject to paragraphs 4 and 5, the land and waters the subject of the application does not include any area covered by the valid construction or establishment of any public work (as defined by the Native Title Act 1993 (Cth)), where the construction or establishment of the public work commenced on or before 23 December 1996.

4. Where the act specified in paragraphs 2 or 3 falls within the provisions of:

- a. S.23B(9) - Exclusion of acts benefiting Aboriginal Peoples or Torres Strait Islanders;
- b. S.23B(9A) - Establishment of a national park or state park;
- c. S.23B(9B) - Acts where legislation provides of non-extinguishment;
- d. S.23B(9C) - Exclusion of Crown to Crown grants; and
- e. S.23B(10) - Exclusion by regulation the land and waters affected by the act is not excluded from the application.

5. Where an act referred to in paragraphs 2 or 3 affects or affected land or waters referred to in:

- a. S47 - Pastoral leases held by or on behalf of, or as trustee for any members of the claim group;
- b. S47A - Reserves etc covered by claimant applications; or
- c. S47B - Vacant Crown land covered by claimant applications the land and waters affected by the act is not excluded from the application.

6. Where there is any discrepancy between the map provided at attachment C and the written description contained in this schedule and in attachment B, the latter shall prevail.

[A copy of Attachment B and Attachment C is attached to this Extract.]

Attachments:

1. QC2012_010 External Boundary Description, Attachment B of the application, 4 pages - A4, 07/12/2022
2. QC2012_010 Map of application area, Attachment C of the application, 1 page - A4, 07/12/2022

End of Extract