



Extract from Schedule of Native Title Applications

Application Reference: Federal Court number: QUD548/2012
NNTT number: QC2012/013

Application Name: Marshall Foster & Ors on behalf of The Gunggari People #3 v State of Queensland & Ors (Gunggari People #3)

Application Type: Claimant

Application filed with: Federal Court of Australia

Date application filed: 10/10/2012

Current status: Full Approved Determination - 06/05/2015

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: 16/01/2013

Registration decision status: Accepted for registration

Registration history: Registered from 16/01/2013 to 6/05/2015,

Date claim / part of claim determined: 06/05/2015

Applicants: Marshall Foster, Bradley Saunders, Reeghan Finlay, Don Harding, Jamie Robert Frid, Michelle Saunders, Grant Jackson

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Additional Information

On 5 December 2014 a determination of native title was made by the Federal Court: Foster on behalf of the Gunggari People #3 v State of Queensland [2014] FCA 1318 The determination is conditional on the registration of 4 agreements on the Register of Indigenous Land Use Agreements and will only come into effect when the agreements are registered. The determination will then be entered on the National Native Title Register and this application will be removed from the Register of Native Title Claims.

Persons claiming to hold native title:

The Gunggari People are the descendants of the following people:

- (a) Jinnegah
- (b) Jimmy and Nelly Flourbag
- (c) Harry Collins
- (d) Old Frog
- (e) Coombra Jack
- (f) Kitty of St George and Maggie of the Moonie
- (g) King Billy Dick
- (h) Maria of Tongy Station
- (i) Harry Rookwood
- (j) Lucy of the Balonne River
- (k) Charlotte Moffatt
- (l) Mary of the Maranoa
- (m) Nellie Walker
- (n) Clifton George
- (o) Mary of Bollon
- (p) Kate Meathers/Meadows

Native title rights and interests claimed:

The Gunggari People claim the non-exclusive rights to:

- (a) access, be present on, move about on and travel over the Application Area;
- (b) camp on the application area and, for that purpose, erect temporary shelters on the application area;
- (c) take (including by hunting and gathering) and use traditional natural resources from the application area for personal, domestic and non-commercial communal purposes;
- (d) conduct religious and spiritual activities and ceremonies on the application area;
- (e) 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, by lawful means, from physical harm;
- (f) teach on the application area the physical and spiritual attributes of the application area;
- (g) light fires on the application area for domestic purposes including cooking, but not for the purposes of hunting or clearing vegetation;
- (h) hunt and fish in or on, and gather from, the water for personal, domestic and non-commercial communal purposes; and
- (i) take and use the water for personal, domestic and non-commercial communal purposes.

Application Area: **State/Territory:** Queensland
Brief Location: West of Roma
Primary RATSIB Area: Southern and Western Queensland Region
Approximate size: 146.1594 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.

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 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 for 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:

- s.47 - Pastoral leases etc covered by claimant application
- s.47A - Reserves etc covered by claimant application
- s.47B - 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. Map showing external boundaries of the claim area, Attachment C of application, 1 page - A4, 17/10/2014
- 2. Area of Land and Waters covered by application, Attachment B of application, 5 pages - A4, 17/10/2014

NNTT Contact Details

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