



Extract from Schedule of Native Title Applications

Application Reference: Federal Court number: QUD6115/1998
NNTT number: QC2013/001

Application Name: Bularnu Waluwarra & Wangkayujuru People

Application Type: Claimant

Application filed with: Federal Court of Australia

Date application filed: 14/01/2013

Current status: Full Approved Determination - 27/05/2014

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: 10/07/2013

Registration decision status: Accepted for registration

Registration history: Registered from 10/07/2013 to 27/06/2014,

Date claim / part of claim determined: 27/05/2014

Applicants: Elizabeth Dempsey, Charles Page, Thelma Parker, David Riley, Mavis Sarmardin, Marlene Speechley

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Additional Information

Not applicable

Persons claiming to hold native title:

The members of the native title claim group on whose behalf the application is made are all the descendants of the following apical ancestors including those who have been adopted in accordance with traditional law and custom:

1. Charlie Toby and Jinny;
2. Jack Wilde;
3. Nellie Lynch;
4. George (Snr) Catchinda;
5. Derby Daylight;
6. Pipalkarinya

NB: The claim group members prefer to name the claim as being on behalf of Bularnu, Waluwarra and Wangkayujuru peoples rather than the former generic reference to them as the Waluwarra/Georgina River Peoples.

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 s.23B and/or ss.47, 47A and 47B apply), the Bularnu, Waluwarra and Wangkayujuru Peoples 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 recognised, the following rights and interests are claimed:

- (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 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 cook on the application area
- (j) the right to have access to and use the natural water resources of the application area
- (k) the right to gather and use the natural products of the application area (including food, medicinal plants, timber, stone, ochre and resin) according to traditional laws and customs
- (l) the right to conduct ceremonies on the application area
- (m) the right to participate in cultural activities on the application area
- (n) the right to maintain and 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 authoritatively about the application area among other Aboriginal People in accordance with traditional laws and customs
- (q) the right to make decisions about the use and enjoyment of the area by Aboriginal people who recognise themselves to be governed by the traditional laws and customs acknowledged and observed by the native title holders
- (r) the right to transmit the cultural heritage of the native title claim group including knowledge of particular sites;
- (s) the right to take and use, share and exchange the traditional resources of the application area.

3. The native title rights are subject to:

- (a) the valid laws of the State of Queensland and the Commonwealth of Australia
- (b) the rights (past or present) conferred upon persons pursuant to the laws of the Commonwealth and the laws of the State of Queensland.

Application Area: **State/Territory:** Queensland
Brief Location: NW Queensland extending from the NT boundary in the west to approximately Dajarra in the east
Primary RATSIB Area: Southern and Western Queensland Region
Approximate size: 23665.4687 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) A description of the area covered by the application is provided at Attachment B.
(b) Areas within the boundary identified in Attachment B that are not covered by the [application are:]

1. Any land covered by past or present freehold title or by previous valid exclusive possession acts as defined by section 23B of the Native Title Act (1993) (C'th).

The area covered by the application excludes:

- 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.

3. Subject to paragraphs 5 and 6, 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 commenced on or before 23 December 1996.

4. Subject to paragraphs 5 and 6, exclusive possession is not claimed over areas which are subject to valid previous non-exclusive possession acts done by the Commonwealth, State or territory.

5. Subject to paragraph 7 below, where the act specified in paragraphs 2, 3 and 4 falls within the provisions of:

- a) s.23B(9A) - Exclusion of acts benefiting Aboriginal Peoples or Torres Strait Islanders;
- b) s.23B(9B) - Establishment of a national park or state park;
- c) s.23B(9C) - Acts where legislation provides for non-extinguishment;
- d) s.23B(10) - Exclusion by regulation

the area covered by the act is not excluded from the application.

6. Where an act specified in paragraphs 2, 3 and 4 affects or affected land or waters referred to in:

- a) s.47 Pastoral leases etc covered by claimant application;
- b) s.47A Reserves covered by claimant application;
- c) s.47B Vacant Crown land covered by claimant application

the area covered by the act is not excluded from the application.

7. The area covered by the application excludes land or waters where the native title rights and interest claimed have been otherwise extinguished.

Combination Details

Date of order to combine: 20/12/2012

This application is a combination of the following applications:

Application number(s)	Application name	Date application lodged/filed	Date claim entered on Register*	Registration History
QUD6006/2002, QC2002/006	Bularnu Waluwarra & Wangkayujuru People #2	12/03/2002	N/A	Registered from 9/04/2003 to 10/07/2013
QUD6115/1998, QC1997/005	Bularnu Waluwarra & Wangkayujuru People #1	06/02/1997	N/A	Registered from 6/02/1997 to 10/07/2013

*For further information on pre-combined applications, see the Schedule extract for each pre-combined application.

- Attachments:**
1. Description of External Boundary, Attachment B of the Application, 9 pages - A4, 14/01/2013
 2. Combined BWW People – Attachment C – Map of External Boundary, 1 page - A4, 14/01/2013

NNTT Contact Details

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