



Extract from the National Native Title Register

Determination Information:

Determination Reference: Federal Court Number(s): QUD45/2015
NNTT Number: QCD2017/001

Determination Name: [Sullivan on behalf of the Yulluna People #4 v State of Queensland](#)

Date(s) of Effect: 20/02/2017

Determination Outcome: Native title exists in the entire determination area

Register Extract (pursuant to s. 193 of the *Native Title Act 1993*)

Determination Date: 20/02/2017

Determining Body: Federal Court of Australia

ADDITIONAL INFORMATION:

Not Applicable

REGISTERED NATIVE TITLE BODY CORPORATE:

Yulluna Aboriginal Corporation RNTBC
Trustee Body Corporate
PO Box 161
Cloncurry Queensland 4824

Note: current contact details for the Registered Native Title Body Corporate are available from the Office of the Registrar of Indigenous Corporations www.oric.gov.au

COMMON LAW HOLDER(S) OF NATIVE TITLE:

4. The native title is held by the Yulluna People described in Schedule 2 ("the native title holders").

1. The native title holders are the Yulluna People. The Yulluna People:

(a) are the biological descendants (if any) of:

(i) Mick Moonlight;

- (ii) Willie Sullivan;
- (iii) Rosie O'Sullivan;
- (iv) Kitty Casey;
- (v) Momas;
- (b) identify themselves as members of the Yulluna People; and
- (c) are recognised by others who are Yulluna People as being Yulluna People.

MATTERS DETERMINED:

BY CONSENT THE COURT ORDERS THAT:

1. There be a determination of native title in the terms set out below ("the determination").
2. Each party to the proceedings is to bear its own costs.

BY CONSENT THE COURT DETERMINES THAT:

3. Native title exists in relation to the Determination Area described in Schedule 1.
4. The native title is held by the Yulluna People described in Schedule 2 ("the native title holders").
5. Subject to paragraphs 6, 7 and 8 below the nature and extent of the native title rights and interests in relation to the land and waters described in Schedule 1 are the non exclusive rights to:
 - (a) access the area;
 - (b) camp, and for that purpose build temporary shelters on the area;
 - (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 Natural Resources from the land and waters of the area for personal, domestic and non-commercial communal purposes;
 - (e) take and use the Water of the area for personal, domestic and non-commercial communal purposes;
 - (f) conduct ceremonies on 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) teach on the area the physical and spiritual attributes of the area; and
 - (i) light fires on the area for domestic purposes including cooking, but not for the purpose of hunting or clearing vegetation.

6. The native title rights and interests are subject to and exercisable in accordance with:
- (a) the Laws of the State and the Commonwealth; and
 - (b) the traditional laws acknowledged and traditional customs observed by the native title holders.
7. The native title rights and interests referred to in paragraph 5 do not confer possession, occupation, use or enjoyment to the exclusion of all others.
8. There are no native title rights in or in relation to minerals as defined by the *Mineral Resources Act 1989* (Qld) and petroleum as defined by the *Petroleum Act 1923* (Qld) and the *Petroleum and Gas (Production and Safety) Act 2004* (Qld).
9. The nature and extent of any other interests in relation to the Determination Area (or respective parts thereof) are set out in Schedule 3.
10. The relationship between the native title rights and interests described in paragraph 5 and the other interests described in Schedule 3 (the "other interests") is that:
- (a) the other interests continue to have effect, and the rights conferred by or held under the other interests may be exercised notwithstanding the existence of the native title rights and interests; and
 - (b) the other interests and any activity that is required or permitted by or under, and done in accordance with, the other interests, or any activity that is associated with or incidental to such an activity, prevail over the native title rights and interests and any exercise of the native title rights and interests.

DEFINITIONS AND INTERPRETATION

11. In this determination, unless the contrary intention appears:

"Determination Area" is the land and waters described in Schedule 1A and depicted on the map in Schedule 1B. To the extent of any inconsistency between the written description and the map, the written description prevails;

"land" and "waters", respectively, have the same meanings as in the *Native Title Act 1993* (Cth);

"Laws of the State and the Commonwealth" means the common law and the laws of the State of Queensland and the Commonwealth of Australia, and includes legislation, regulations, statutory instruments, local planning instruments and local laws;

"Natural Resources" means any animal, plant, fish and bird life, and ochre, found on or in the lands and waters

of the Determination Area that have traditionally been taken and used by the native title holders, but does not include minerals as defined in the *Mineral Resources Act 1989* (Qld) or petroleum as defined in the *Petroleum Act 1923* (Qld) and the *Petroleum and Gas (Production and Safety) Act 2004* (Qld);

"Water" means:

- (a) water which flows, whether permanently or intermittently, within a river, creek or stream;
- (b) any natural collection of water, whether permanent or intermittent;
- (c) water from an underground water source.

Other words and expressions used in this determination have the same meanings as they have in Part 15 of the *Native Title Act 1993* (Cth).

THE COURT DETERMINES THAT:

12. The native title is held in trust.

13. The Yulluna Aboriginal Corporation RNTBC (ICN 7112), incorporated under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (Cth), is to:

- (a) be the prescribed body corporate for the purpose of ss 56(2)(b) and 56(3) of the *Native Title Act 1993* (Cth); and
- (b) perform the functions mentioned in s 57(1) of the *Native Title Act 1993* (Cth) after becoming a registered native title body corporate.

SCHEDULE 1 DETERMINATION AREA

A. Description of Determination Area

The Determination Area comprises all of the land and waters within Lot 103 on USL703, located near the town of Duchess in the State of Queensland and depicted in the map attached.

B. Map of Determination Area

[See NNTR attachment 1: "Schedule 1 - Map of Determination Area"]

SCHEDULE 2 NATIVE TITLE HOLDERS

1. The native title holders are the Yulluna People. The Yulluna People:
 - (a) are the biological descendants (if any) of:
 - (i) Mick Moonlight;
 - (ii) Willie Sullivan;
 - (iii) Rosie O'Sullivan;
 - (iv) Kitty Casey;
 - (v) Momas;
 - (b) identify themselves as members of the Yulluna People; and
 - (c) are recognised by others who are Yulluna People as being Yulluna People.

SCHEDULE 3 OTHER INTERESTS IN THE DETERMINATION AREA

The nature and extent of the other interests in relation to the Determination Area are the following as they exist as at the date of the determination:

1. The rights and interests granted by the State of Queensland pursuant to statute, regulation or subordinate legislation, or in the exercise of its executive power including, but not limited to, the rights and interests of persons holding licences, permits, authorities, allocations, leases, claims, agreements or other instruments.
2. Any other rights and interests:
 - (a) held by the State of Queensland or Commonwealth of Australia; or
 - (b) existing by reason of the force and operation of the Laws of the State and the Commonwealth.

REGISTER ATTACHMENTS:

1. Schedule 1 - Map of Determination Area, 1 page - A4, 20/02/2017

Note: The National Native Title Register may, in accordance with s. 195 of the Native Title Act 1993, contain confidential information that will not appear on the Extract.