



Extract from the Register of Native Title Claims

Application Information

Application Reference: Federal Court number: QUD277/2019
NNTT number: QC2012/003

Application name: Florence Bell and Ors on behalf of the Wakka Wakka People #4 and State of Queensland & Ors (Wakka Wakka People #4)

Registration History: Registered from 5/04/2012

Register Extract (pursuant to section 186 of the *Native Title Act 1993* (Cth))

Application filed with: Federal Court of Australia

Date application filed: 10/02/2012

Date claim entered on Register: 05/04/2012

Additional Information: On 13/10/2017, the Court made orders to administratively partition the application into two parts, Part A and Part B. On 1/11/2021, Part A and Part B were further divided to create Part C.

On 12/04/2022, the Federal Court made a determination that native title exists in Part A of the application area – see [Bell on behalf of the Wakka Wakka People #4 \(No 2\) v State of Queensland \[2022\] FCA 371](#). That determination was registered on the National Native Title Register (NNTR) on 19/04/2022.

On 21/09/2023, the Federal Court made a determination that native title exists in Part B of the application area - see [Bell on behalf of the Wakka Wakka People #4 v State of Queensland \(No 3\) \[2023\] FCA 1114](#). That determination was registered on the NNTR on 26/09/2023.

Pursuant to s 190(4)(e) the application remains on the Register of Native Title Claims only to the extent that it relates to the undetermined area.

A map showing the area of the application that remains to be determined, as interpreted by the National Native Title Tribunal, is attached for information only. This attachment does not form part of the application.

APPLICANT:

Person/s authorised as applicant: Florence Bell, Michael Bond Snr, Gary Cobbo, Robert Lacey, Stephen Pickering, Carl Simpson, Cheryl Smith, Robert West, James Chapman, Marissa Cobbo, Edwin James MiMi, Irene Simpson, Sidney Smith, Katrina Watson, Shane Dynevor Jnr, Patricia Bond

Condition/s on authority: See Attachment IA

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DESCRIPTION OF THE AREA COVERED BY THE CLAIM:

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 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 s23 B(2)(c)(vii) of the *Native Title Act 1993 (Cth)*; and
- 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 a 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; and
- 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 the native title rights and interests claimed have been otherwise extinguished.

PERSONS CLAIMING TO HOLD NATIVE TITLE:

The native title claim group is made up of families whose members identify as Wakka Wakka, 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 the Aboriginal people whose members identify as Wakka Wakka people, who are descended from the following ancestors:

1. Jenny and David Carlo (parents of Princess Carlo);
2. Minnie Bly (mother of Thomas Simpson), Ethel and Bill Button;
3. Mother of Maggie Hart (Grandmother of Crabbie Chapman and Henry Hart);
4. Mother of Willie Boy Pickering;
5. King Billy and Maria of Boondooma (parents of Tommy Dodd of Taabinga);
6. Maggie West;
7. Kitty of Boonara;
8. MiMi;
9. Kitty (mother of Jack Bulong);
10. John Bond;
11. Kitty (mother of Jenny Lind), Jenny Lind and Mick Buck;
12. Boubijan Cobbo;
13. Stockman Bligh and Aggie Bligh;
14. Tommy (aka Boondoon) and Maggie (parents of Willie Bone), Billy McKenzie (father of Chlorine McKenzie), Chlorine McKenzie;
15. Kate/Katie/Kitty Law;
16. Emily of Degilbo, mother of Annie;
17. Taabinga Harry.

REGISTERED NATIVE TITLE RIGHTS AND INTERESTS:

The following Native Title Rights & Interests were entered on the Register on 26/11/2021

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, ss47, 47A or 47B apply):

- a. other than in relation to Water, the right to possession, occupation, use and enjoyment of the area to the exclusion of all others; and
- b. in relation to Water, the non-exclusive rights to:
 - i. hunt, fish and gather from the Water of the area;
 - ii. take and use the Natural Resources of the Water in the area; and
 - iii. take and use the Water of the area, for personal, domestic and non-commercial communal purposes.

2. Over areas where a claim to exclusive possession cannot be recognised, the non-exclusive right to:

- a) access, be present on, move about on and travel over the area;
- b) camp, and live temporarily on the area as part of camping, and for that purpose build temporary shelters;
- c) hunt, fish and gather on the land and waters of the area for personal, domestic and non-commercial communal purposes;
- d) take, use, share and exchange 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) be buried and bury members of the native title claim group within the area;
- h) maintain places of importance and areas of significance to the members of the native title claim group under their traditional laws and customs and protect those places and areas from physical harm;
- i) teach on the area the physical and spiritual attributes of the area;
- j) hold meetings on the area;
- k) light fires on the area for domestic purposes including cooking, but not for the purpose of hunting or clearing vegetation; and
- l) be accompanied onto the area by those persons who, though not members of the native title claim group, are persons required or permitted under the traditional laws acknowledged and traditional customs observed by the members of the native title claim group to be present on the area.

3. For the purposes of 1 and 2 above;

“Natural Resource” means:

- a) any animal, plant, fish and bird life found on or in the lands and waters of the application area; and
- b) any clays, soil, sand, gravel or rock found on or below the surface of the application area, that have traditionally been taken and used by the members of the native title claim group.

“Water” means:

- a) water which flows, whether permanently or intermittently, within a river, creek or stream; and
- b) any natural collection of water, whether permanent or intermittent.

4. 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 members of the native title claim

group.

REGISTER ATTACHMENTS:

1. QC2012/003 Attachment B External Boundary Description, 6 pages - A4, 15/12/2020
2. QC2012/003 Attachment C Map of the application area, 1 page - A4, 15/12/2020
3. QC2012/003 Attachment IA Terms and Conditions of Appointment of Applicant, 3 pages - A4, 20/07/2021
4. QC2012/003 Description of Undetermined Area, 7 pages - A4, 21/09/2023
5. QC2012/003 Map of Undetermined Area, 1 page - A3, 21/09/2023

Note: The Register of Native Title Claims may, in accordance with section 188 of the Native Title Act 1993 (Cth), contain confidential information that will not appear on the Extract.