



# Extract from Schedule of Native Title Applications

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**Application Reference:** Federal Court number: QUD435/2006  
NNTT number: QC2006/015

**Application Name:** Mark Wallace & Anor on behalf of the Boonthamurra People v State of Queensland & Ors (Boonthamurra People)

**Application Type:** Claimant

**Application filed with:** Federal Court of Australia

**Date application filed:** 02/11/2006

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**Current status:** Discontinued - 23/06/2017

**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:** 30/07/2007

**Registration decision status:** Accepted for registration

**Registration history:** Registered from 30/07/2007 to 23/06/2017,

**Date claim / part of claim determined:** 07/01/2016

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**Applicants:** Barbara Olsen, Mark Wallace, Barbara Bond

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## Additional Information

A consent determination of native title in respect of part of the application area was made by Justice Mansfield on 25 June 2015 and was to take effect upon the registration of 25 Indigenous Land Use Agreements (ILUAs) on the Register of Indigenous Land Use Agreements - see Wallace on behalf of the Boonthamurra People v State of Queensland [2015] FCA 600 (25 June 2015). The last of those ILUAs was registered on the Register of Indigenous Land Use Agreements on 7 January 2016 and the determination was registered on the National Native Title Register on 7 January 2016. The details of the claim made in relation to the determination area are removed from the application area as and from 7 January 2016. The attached NNTT map and external boundary description dated 19 January 2016 are an interpretation by the NNTT of the remaining application area that was yet to be determined. These attachments do not form part of the application and are provided for general information only. Persons should seek their own independent advice in relation to the correct description of the area. This claim was discontinued by the Federal Court on 23 June 2017.

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### Persons claiming to hold native title:

The native title claim group (hereafter the 'claim group') on whose behalf the claim is made is the Boonthamurra People.

The Boonthamurra People are descendants of the following people:

- (a) Kangaroo; or
- (b) Dick Ray

who identify and are accepted as Boonthamurra People according to Boonthamurra traditional law and custom.

### Native title rights and interests claimed:

Non-exclusive rights to:

- (a) the right to access, be present on, move about on and travel over the area;
- (b) camp, and live temporary on the area as part of camping, and for that purpose build temporary shelters on the area;
- (c) the right to hunt, fish and gather on the land and waters of the area for personal, domestic and non-commercial communal purposes;
- (d) the right to take, use, share and exchange Natural Resources from the land and waters of the area for personal, domestic and non-commercial communal purposes;
- (e) the right to take and use the Water of the area for personal, domestic and non-commercial communal purposes;
- (f) the right to conduct smoking ceremonies and dance on the area;
- (g) the right to hold meetings on the area;
- (h) the right to teach on the area the physical and spiritual attributes of the area;
- (i) the right to maintain places of importance and areas of significance of the native title holders under their traditional laws and customs and protect those places and areas from physical harm;
- (j) the right to light fires on the area for domestic purposes including cooking, but not for the purpose of hunting or clearing vegetation; and
- (k) the right to be accompanied onto the area by certain non-Boonthamurra people being:

- i. immediate family of the native title holders, pursuant to the exercise of traditional laws acknowledged and customs observed by the native title holders; and
- ii. people required under the traditional laws acknowledged and customs observed by the native title holders for the performance of, or participation in, ceremonies and dance.

3. The native title rights and interests are subject to, and exercisable in accordance with:

- (a) the Laws of the State and Commonwealth; and
- (b) the traditional laws acknowledged and traditional customs observed by the native title holders.

**Application Area:** **State/Territory:** Queensland  
**Brief Location:** S E of Windorah in South West QLD  
**Primary RATSIB Area:** Southern and Western Queensland Region  
**Approximate size:** 0.0919 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 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 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 or waters referred to in:

- S47 - Pastoral leases etc covered by claimant application
- S47A - Reserves etc covered by claimant application
- S47B - 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. External Boundary Description of remaining application area yet to be determined, 1 page - A4, 19/01/2016
2. Map of remaining application area yet to be determined, 1 page - A4, 19/01/2016
3. Attachment B Boundary Description, 17 pages - A4, 16/06/2015
4. Attachment C Map of application area, 1 page - A4, 16/06/2015

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End of Extract