



## Extract from Schedule of Native Title Applications

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**Application Reference:** Federal Court number: QUD243/2009  
NNTT number: QC2009/003

**Application Name:** Indjalandji-Dhidhanu

**Application Type:** Claimant

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

**Date application filed:** 08/10/2009

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**Current status:** Full Approved Determination - 09/05/2013

**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:** 27/11/2009

**Registration decision status:** Accepted for registration

**Registration history:** Registered from 27/11/2009 to 14/05/2013,

**Date claim / part of claim determined:** 09/05/2013

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### Additional Information

Not applicable

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### Persons claiming to hold native title:

The Native Title Claim Group is comprised of those people known as the Indjalandji-Dhidhanu

people. The Indjalandji-Dhidhanu people are those persons who are:

(a) descended from the following Indjalandji/Dhidanu ancestors:

(i) Idaya and his son Dijeru;

(ii) Kaduka (also known as Annie) and her son Frank Monkhouse; and

(iii) Georgina Jackson and her spouse Burketown Willy and their son Tom Fraser; or

(b) recruited by adoption in accordance with the traditional laws and customs of the Indjalandji-Dhidhanu people.

**Native title rights and interests claimed:**

1. For those areas where there has been no prior extinguishment of native title or where the non-extinguishment principle (section 238 of the Native Title Act 1993 (Cth)) applies or for those areas where sections 47, 47A or 47B of the Native Title Act 1993 (Cth) applies, the native title rights and interests claimed are, but for any other rights and interests in those areas, the right to possession, occupation, use and enjoyment of those areas to the exclusion of all others.

2. For all other areas, except Water, the native title rights and interests claimed are non-exclusive rights and interests, to be held, exercised and enjoyed according to the traditional laws and customs of the Native Title Claim Group, to:

(a) access, be present on and move about, in and on and use the claim area;

(b) conduct social, cultural, religious, spiritual or ceremonial activities and invite others to participate in those activities;

(c) pass on (or inherit and succeed to) the native title rights and interests;

(d) make decisions in accordance with traditional laws and customs concerning use and enjoyment of the claimed area by aboriginal people who are governed by the traditional laws acknowledged, and traditional customs observed by, the Native Title Claim Group;

(e) hunt, fish and gather for the purpose of satisfying the personal domestic, social, cultural, religious, spiritual, ceremonial and non-commercial communal needs of the Native Title Claim Group;

(f) live on the claim area, to camp, erect shelters and other structures;

(g) take, use and enjoy Natural Resources for the purpose of satisfying the personal domestic, social, cultural, religious, spiritual, ceremonial and non-commercial communal needs of the Native Title Claim Group;

(h) share or exchange Natural Resources from the area for personal, domestic, and non-commercial communal purposes;

(i) maintain and protect from physical harm, by lawful means, places and sites in the claim area of importance or significance to the Native Title Claim Group;

(j) use and enjoy the claim area and its Natural Resources for the purposes of teaching, communicating and maintaining cultural, social, environmental, spiritual and other knowledge, traditions, customs and practices of the Native Title Claim Group in relation to the claim area; and

(k) be buried and to bury members of the Native Title Claim Group on the claim area.

3. The native title rights and interests claimed in relation to Water on the claim area are non-exclusive rights and interests to:

(a) hunt, gather and fish on, in and from the Water for the purpose of satisfying the personal, domestic, social, cultural, religious, spiritual, ceremonial or communal needs of the Native Title Claim Group;

(b) take, use and enjoy the Water for the purpose of satisfying the personal, domestic, social, cultural, religious, spiritual, ceremonial or communal needs of the Native Title Claim Group.

4. In paragraphs 2 and 3 above:

(a) "Natural Resources" means "animals" as defined in the Nature Conservation Act 1992 (Qld), but not including animals that are the private personal property of another; plants' as defined in the Nature Conservation Act 1992 (Qld); and any clay, soil, sand, gravel, or rock on or below the surface of the Determination Area but does not include minerals as defined in the Minerals 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).

(b) "Water" means water as defined in the Water Act 2000 (Qld).

5. The traditional laws acknowledged and traditional customs observed by the Native Title Claim

Group include the authority as between Aboriginal people to:

(a) resolve disputes about who is or who is not an Indjalandji-Dhidhanu person;

(b) determine as between Indjalandji/Dhidhanu persons what are the particular native title rights and interests that are held by particular Indjalandji-Dhidhanu persons in relation to particular parts of the claim area;

(c) exclude particular Indjalandji-Dhidhanu persons from the exercise of particular native title rights and interests in relation to particular parts of the claim area; and

(d) resolve disputes between Aboriginal people concerning native title rights and interests in relation to the claim area, with the assistance of native title holders of adjoining areas where such assistance is necessary.

6. To the extent that any part of the claim area is or has been the subject of a previous non exclusive possession act, as defined by the Native Title Act 1993 (Cth), the Native Title Claim Group does not claim possession, occupation, use and enjoyment of the area to the exclusion of all others.

7. The native title rights and interests claimed:

(a) do not operate exclusive of the Crown's valid ownership of any minerals, petroleum or gas;

(b) are not claimed in relation to any part of the area covered by the Application where they have been validly extinguished by operation of laws of the State of Queensland or the Commonwealth of Australia; and

(c) are always subject to and exercisable in accordance with:

(i) the laws of the State of Queensland and the Commonwealth of Australia, including the common law; and

(ii) the traditional laws acknowledged and traditional customs observed by the Native Title Claim Group.

**Application Area:**

**State/Territory:** Queensland

**Brief Location:** Brisbane

**Primary RATSIB Area:** Southern and Western Queensland Region

**Approximate size:** 19671.4433 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.

1. The areas covered by this Application include the land and waters described as follows.

2. Subject to paragraphs 5 and 6, the area covered by the application excludes any land or waters 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 section 23B(2)(vii) of the Native Title Act 1993 (Cth);
- (h) any lease (other than a mining lease) that confers a right to exclusive possession over particular land or waters, which was validly granted or vested on or before 23 December 1996.

3. Subject to paragraphs 5 and 6, the area covered by the application excludes any land or waters where native title has otherwise been extinguished.

4. Subject to paragraphs 5 and 6, the area covered by the application excludes any area 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.

5. Where the act specified in paragraphs 2, 3 or 4 falls within the provisions of:

- (a) section 23B(9) - Exclusion of acts benefiting Aboriginal peoples or Torres Strait Islanders;
- (b) section 23B(9A) - Establishment of a national park or state park;
- (c) section 23B(9B) - Acts where legislation provides for non-extinguishment;
- (d) section 23B(9C) - Exclusion of Crown to Crown grants; or
- (e) section 23B(10) - Exclusion by regulation,

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

6. Where an act referred to in paragraphs 2, 3 or 4 covers land or waters referred to in:

- (a) section 47- pastoral leases held by or on behalf of as trustee for any of the members of the native title claim group;
- (b) section 47A - reserves etc. covered by claimant applications; or
- (c) section 47B - vacant Crown land or unallocated State land covered by claimant applications, the area covered by the act is not excluded from the application, but only to the extent that any extinguishment by that act, for the purposes of sections 47, 47A or 47B, must be disregarded.

Note 1: The Native Title Claim Group notes that the map of Application Area in Attachment C appears to convey the impression that all of the land and waters within the township of Camooweal are covered by the Application. The Native Title Claim Group acknowledges that the majority of areas within the township of Camooweal are subject to interests of the kind identified in paragraphs 2 and 4 of this Attachment B, namely scheduled interests, freehold estates, residential leases and public works in respect of which the Application cannot be made (see sections 23B, 23E and 61A and sections 20 and 21 of the Native Title (Queensland) Act 1993 (Old)). As contemplated by paragraphs 2 and 4 of this Attachment B, but subject to the limited exclusions set out in paragraphs 5 and 6 of this Attachment B, these land and waters have been excluded from the Application Area.

Note 2: All the above section references are to the provisions of the Native Title Act 1993 (Cth).

#### External Boundary Description

Commencing at a point on the Queensland / Northern Territory border at Latitude 19.285818° South, being the southwestern corner of native title determination application QUD6022/99 Waanyi Peoples (QC99/23) and extending generally south easterly and generally easterly along the southern boundary of that native title determination application passing through the following coordinate points.

Longitude (East)    Latitude (South)

138.008678    19.290597

138.015423    19.294425

138.026666    19.300803

138.036110 19.306332  
138.039707 19.308884  
138.046902 19.312285  
138.051399 19.314837  
138.050501 19.316966  
138.051853 19.321649  
138.056350 19.325052  
138.057252 19.328883  
138.059954 19.336971  
138.061306 19.342506  
138.066255 19.348889  
138.070753 19.353569  
138.074352 19.357399  
138.077500 19.359951  
138.082896 19.362502  
138.089642 19.366755  
138.097736 19.371433  
138.106281 19.376961  
138.114374 19.379510  
138.125166 19.384186  
138.136857 19.389287  
138.142703 19.392689  
138.149897 19.393535  
138.154844 19.396938  
138.162488 19.400765  
138.171929 19.401610  
138.180921 19.403732  
138.189464 19.405855  
138.195759 19.408831  
138.203403 19.412232  
138.212393 19.410948  
138.224531 19.411791  
138.234420 19.409654  
138.242960 19.408370  
138.250154 19.409217

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138.254650 19.410917  
138.263191 19.410059  
138.271281 19.408350  
138.278023 19.405791  
138.285662 19.400676  
138.289257 19.397693  
138.295100 19.396837  
138.300042 19.392576  
138.306785 19.392145  
138.318923 19.392136  
138.324319 19.394687  
138.327918 19.400220  
138.331967 19.404899  
138.345456 19.409573  
138.360293 19.412118  
138.374678 19.412959  
138.391315 19.418056  
138.395811 19.419331  
138.401205 19.419327  
138.406151 19.421452  
138.406153 19.424433  
138.409302 19.428262  
138.413352 19.432943  
138.417400 19.437198  
138.419648 19.438048  
138.421898 19.440601  
138.423698 19.443580  
138.426394 19.442727  
138.428631 19.447297  
138.432691 19.449109  
138.434939 19.447830  
138.436739 19.451235  
138.439887 19.454213  
138.443036 19.455489  
138.445284 19.457189

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138.452926 19.456758

138.459669 19.456753

Then north easterly to a point on the southern bank of the O'Shannassy River, at Longitude 138.465960° East; then generally north easterly and generally south easterly along southern banks of O'Shannassy River, the southern banks of Seymour River and the southern banks of Coppermine Creek; again being boundaries of native title determination application QUD6022/99 Waanyi Peoples (QC99/23); to its intersection with native title determination application QUD579/05 Kalkadoon People 4 (QC05/12) at Longitude 139.087265° East; then generally southerly along the western boundary of that native title determination application to the northern boundary of Lot 5 on Plan CP865892 (Calton Hills Pastoral Holding) at Longitude 139.014863° East; then westerly and southerly along boundaries of that lot to a northern boundary of Lot 6 on Plan SP162423 (Yelvertoft); then generally easterly and generally southerly along northern and eastern boundaries of that lot, Lot 1 on Plan BR11 and again Lot 6 on Plan SP162423 (Yelvertoft) to a northern boundary of Lot 2324 on Plan SP1622422 (Meltham Pastoral Holding); then easterly and south easterly along northern boundaries of that lot to the centreline of Wilfred Creek; then generally south westerly along the centreline of that creek to the intersection with the centreline of Mingera Creek at Latitude 20.433154° South; then north westerly to Longitude 139.071614° East, Latitude 20.431308° South; then south westerly through Longitude 139.055119° East, Latitude 20.459883° South to again the centreline of Mingera Creek at Latitude 20.487323° South; again along boundaries of native title determination application QUD579/05 Kalkadoon People 4 (QC05/12); then easterly, generally south easterly and generally south westerly through coordinate points.

Longitude (East) Latitude (South)

139.040466 20.487323

139.124914 20.487323

139.137452 20.487381

139.136041 20.494720

139.136323 20.498954

139.141404 20.507986

139.142063 20.508229

139.158053 20.517112

139.163382 20.524810

139.157460 20.543168

139.153907 20.557380

139.159829 20.568631

139.170488 20.577513

139.179371 20.586988

139.180555 20.598240

139.163382 20.607123

139.153315 20.614821

139.153315 20.629626

139.148578 20.639693

139.159829 20.648575

139.181148 20.661604

139.192399 20.668118

139.206611 20.671079

139.219047 20.670487

139.229114 20.669302

Again being boundaries of that native title determination application to Latitude 20.672263° South; then generally south westerly passing through the following coordinate points:

Description	Longitude (East)	Latitude (South)
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Spot Height 372	139.117040	20.756590
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Spot Height 313	139.014710	20.748090
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Spot Height 315	138.983350	20.783320
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-	138.783333	20.800000
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Spot Height 263	138.712390	20.833420
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Then south westerly to Chad No1 Bore, at Longitude 138.651700° East and Latitude 20.901440° East; then south westerly along a line drawn to the junction of Templeton River and Polygonum Creek to intersect with the northern boundary of Lot 9 on Plan PU839944 (Headingly Pastoral Holding) and native title determination application QUD6115/98 Waluwarra/Georgina River People (QC97/5); then generally westerly and southerly along boundaries of that pastoral holding and that native title determination application to its intersection with an unnamed road at Latitude 21.002300° South; then north westerly, generally northerly and generally north westerly passing through the following coordinate points.

Description	Longitude (East)	Latitude (South)
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-	138.146060	20.991575
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Salty Bore	138.146060	20.958830
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-	138.146060	20.901266
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Tower (140)	138.117910	20.873500
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-	138.098260	20.837790
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-	138.069720	20.837790
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Mt Michael	138.069720	20.799800
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-	138.069720	20.750000
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Then easterly to the Queensland / Northern Territory border at Latitude 20.750000° South; then generally northerly along that border back to the commencement point.

This application excludes Lot 7 on CP894132 (being granted to the Injilandji Aboriginal Land Trust under the Aboriginal Land Act 1991) and the land and waters within the following adjoining native title determination applications:

(a) QUD6022/99 Waanyi People (QC99/23) as accepted for registration 15 September 1999.

(b) QUD579/05 Kalkadoon People 4 (QC05/12) as accepted for registration 04 September 2006.

(c) QUD6115/98 Waluwarra/Georgina River People (QC97/5) as accepted for registration 08 August 2006.

NOTE:

Cadastral data sourced from Department of Environment & Resource Management, Qld (February 2009).

Rivers and creeks are based on Cadastral data where possible. Otherwise reference is made to 100k topographic vector data.

Spot Heights and Topographic vector data is © Commonwealth of Australia (Geoscience Australia) 2003.

Localities data is © Commonwealth of Australia (Geoscience Australia) 2001.

#### Reference datum

Geographical coordinates have been provided by the NNTT Geospatial Services and are referenced to the Geocentric Datum of Australia 1994 (GDA94), in decimal degrees and are based on the spatial reference data acquired from the various custodians at the time

#### Use of Coordinates

Where coordinates are used within the description to represent cadastral or topographical boundaries or the intersection with such, they are intended as a guide only. As an outcome to the custodians of cadastral and topographic data continuously recalculating the geographic position of their data based on improved survey and data maintenance procedures, it is not possible to accurately define such a position other than by detailed ground survey.

Prepared by Geospatial Services, National Native Title Tribunal (24 September 2009)

**Attachments:** 1. Map of application area, Attachment C of the Application, 1 page - A3, 08/10/2009

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End of Extract