



Extract from Schedule of Native Title Applications

Application Reference: Federal Court number: QUD579/2005
NNTT number: QC2010/004

Application Name: Kalkadoon People #4

Application Type: Claimant

Application filed with: Federal Court of Australia

Date application filed: 14/12/2010

Current status: Full Approved Determination - 12/06/2012

Registration information: Please refer to the Register of Native Title Claims/National Native Title Register (as appropriate) for registered details of this application.

Registration decision status: Accepted for registration

Registration history: Registered from 15/03/2011 to 13/06/2012

Date claim / part of claim determined: 12/12/2011

Applicants: William Doyle, Noeleen Dempsey, Illona Parter, Lawrence (Sonny) Condren, Hazel Munro, Sue Sarmardin (Jr), Patricia Kyle, Cornelia Craigie, Douglas Bruce

Address(es) for Service: Queensland South Native Title Services Limited
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Additional Information

Not applicable

Persons claiming to hold native title:

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

The Kalkadoon People are the biological descendants of the following people:

Lardie Roberts (Lardie Moonlight)
Dolly Prosser
Kitty Frogg
Annie Whip (mother of Martin Connelly (Snr))
Ida (aka Ada) Elston
Leichardt Toby
Rosie Waddibungera (mother of George Thorpe)
Willy Malcolm
Nancy Daniels
Fanny (Nellie) McLennan
Nellie and Jimmy (parents of Topsy Harry, Annie Sam and Jack Kippen)
Maggie Sautelle
Daisy Barton (nee McLean)
Mundi MacDonald (King Mundie)
Bessie Ah Fat
Charlie Caldwell (Snr)
Carbine
Jimmy Rolleston and Louisa Muni (parents of Bessie Mowbray)
Gypsy Reid (Gypsy Ryan)
Nellie Monkira
Polly Wilson (nee Hopkins) Marajundu
Jack Elston
Jessie Frogg (Snr)
Polly Alroy (Polly George)
Nobie Clay
Spider
Maryann (mother of Annie Reid and Eva Patterson)
Sophie MacDonald
Julie (mother of Eulie and Lizzie Hickson)

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.238, ss47, 47A or 47B apply), the Kalkadoon People claim the right to possess, occupy, use and enjoy the lands and waters of the application areas 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 Kalkadoon People claim the following rights and interests:

- (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 use the natural water resources of the application area;
- (j) the right to gather the natural products of the application area (including food, medicinal plants, timber, stone, ochre and resin) according to traditional laws and customs;
- (k) the right to conduct ceremony on the application area;
- (l) the right to participate in cultural activities on the application area;
- (m) the right to maintain places of importance under traditional laws, customs and practices in the application area;
- (n) the right to 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 for and make non-exclusive decisions about the application area;
- (q) the right to speak authoritatively about the application area among other Aboriginal People in accordance with traditional laws and customs;
- (r) the right to control access to the application area by other Aboriginal People in accordance with traditional laws and customs;
- (s) the right to control use of the application area by other Aboriginal people who seek access to or use of the lands and waters in accordance with traditional laws and customs;
- (t) the right to determine and regulate membership of and recruitment to the native title claim group; and
- (u) the right to transmit the cultural heritage of the native title claim group including knowledge of particular sites.

3. The native title rights and interests are subject to:

- (a) the valid laws of the State of Queensland and the Commonwealth of Australia; and
- (b) the rights conferred under those laws.

Application Area:
State/Territory: Queensland
Brief Location: Near Mount Isa, QLD
Primary RATSIB Area: Southern and Western Queensland Region
Approximate size: 38607.7041 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):

Please note: On 12 December 2011 a determination of native title was made by the Federal Court - see Doyle & Ors on behalf of the Kalkadoon People #4 v State of Queensland (unreported, FCA, 12 December 2011, Dowsett J)

The determination is conditional on the registration of a number of agreements on the Register of Indigenous Land Use Agreements and will only come into effect when the agreements are registered. The determination will then be entered on the National Native Title Register and this application will be removed from the Register of Native Title Claims.

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:

- S.47 - Pastoral leases etc covered by claimant application
- S.47A - Reserves etc covered by claimant application
- S.47B - 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 native title rights and interests claimed have been otherwise extinguished.

Combination Details

Date of order to combine: 08/12/2010

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
QUD579/2005,Q C2005/012	Kalkadoon People #4	22/12/2005	N/A	Registered from 04/09/2006 to 16/03/2011
QUD15/2006,Q C2006/002	Kalkadoon People #5	13/01/2006	N/A	Registered from 11/12/2006 to 16/03/2011

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

Attachments:

1. Description of external boundary , 20 pages - A4, 14/12/2010
2. Map of Claim Area - Combined Kalkadoon, 1 page - A4, 14/12/2010

End of Extract