



Extract from Schedule of Native Title Applications

Application Reference: Federal Court number: QUD413/2017
NNTT number: QC2017/008

Application Name: Harold Doyle & Ors on behalf of the Iman People #4 and State of Queensland (Iman People #4)

Application Type: Claimant

Application filed with: Federal Court of Australia

Date application filed: 21/08/2017

Current stage(s): Notification Complete, Part Determination

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: 02/10/2018

Registration decision status: Accepted for registration

Registration history: Registered from 2/10/2018

Date claim / part of claim determined: 12/09/2024

Applicants: Harold Doyle, Trent White, Samantha Booth, John Waterton

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Additional Information

On 12 September 2024, the Federal Court made a determination that native title exists in parts of the application area – see *Doyle on behalf of the Iman People #4 v State of Queensland* [2024] FCA 1045. That determination was registered on the National Native Title Register (NNTT) on 17/09/2024. 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.

Persons claiming to hold native title:

Subject to the traditional laws and customs of the Iman People, the Native Title Claim group comprises descendants of:

1. Mary Arwa
2. Jim Waterton
3. Ada Robinson
4. Maggie Palmtree
5. Lizzie Palmtree
6. Eliza Shields
7. Mary Ann (mother of Maggie Dunn)
8. Fanny Waddy/Sandy
9. Dick Bundi/Bundai and Alice Dutton
10. The mother of John Serico (known as Aggie)

Native title rights and interests claimed:

1. In areas where exclusive rights can be recognised:
 - (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. In areas where exclusive rights cannot be recognised-non-exclusive rights 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 native title holders within the area;
 - (h) 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;
 - (i) teach on the area the physical and spiritual attributes of the area;
 - (j) light fires on the area for domestic purposes including cooking, but not for the purpose of hunting or clearing vegetation; and
 - (k) be accompanied on the area by those persons who, though not native title holders, are:
 - (i) spouses of native title holders;
 - (ii) persons required or permitted under the traditional laws acknowledged and traditional customs observed by the native title holders for the performance of, assistance with or participation in rituals or ceremonies.
3. 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 [sic]

DEFINITIONS AND INTERPRETATION

4. In this schedule, unless the contrary intention appears:

"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:
 - (a) any animal, plant, fish and bird life found on or in the lands and waters of the Determination Area; and
 - (b) any clays, soil, sand, gravel or rock found on or below the surface of the Determination Area, that have traditionally been taken and used by the native title holders, but does not include:
 - (c) animals that are the private personal property of another;
 - (d) crops that are the private personal property of another; and
 - (e) 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; and

(b) any natural collection of water, whether permanent or intermittent.

Any references to acts, regulations or statutory instruments include those acts, regulations or statutory instruments as amended from time to time.

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

Application Area: **State/Territory:** Queensland
Brief Location: Application is composed of two areas - Area B approx. 62 km east south-east of Taroomb and Area C located approx. 49 km east of Roma
Primary RATSIB Area: Southern and Western Queensland Region
Approximate size: 8558.9366 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):

The area covered by the amended application is the area described in Attachment B.

Areas within the boundary identified in ATTACHMENT B for which the Applicant does not seek a determination of Native Title are set out below:

1. Where native title in land or waters is or has been extinguished because of a valid:

- (a) Scheduled Interest;
- (b) freehold estate;
- (c) commercial lease that is neither an agricultural lease nor a pastoral lease;
- (d) exclusive agricultural lease or an exclusive pastoral lease;
- (e) residential lease;
- (f) community purpose lease;
- (g) lease dissected from a mining lease and referred to in s.23B(2)(c)(vii) of the Native Title Act 1993 (Cth);
- (h) 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 where native title [sic] has been extinguished by the valid construction or establishment of any public work, where the construction or establishment of any 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,

a determination of Native Title is sought over the area covered by the act.

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,

a determination of Native Title is sought over the area covered by the act.

6. A determination of Native Title is not sought over land or waters where the native title rights and interests claimed have been otherwise extinguished.

Attachments:

- 1. Attachment B External Boundary Description, 9 pages - A4, 09/08/2018
- 2. Attachment C Map of Claim Area, 1 page - A4, 09/08/2018
- 3. Map of Remaining Area, 1 page - A3, 12/09/2024

End of Extract