



Extract from Schedule of Native Title Applications

Application Reference: Federal Court number: QUD133/2021
NNTT number: QC2021/002

Application Name: Aaron Charles Paterson & Anor on behalf of the Yandruwandha Yawarrawarrka People and State of Queensland (Yandruwandha Yawarrawarrka People)

Application Type: Claimant

Application filed with: Federal Court of Australia

Date application filed: 28/04/2021

Current status: Full Approved Determination - 03/07/2024

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: Not Accepted for registration

Registration history: -

Date claim / part of claim determined: 03/07/2024

Applicants: Aaron Charles Paterson, Robert Darren Singleton

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Additional Information

Not applicable

Persons claiming to hold native title:

The native title claim group consist of those living Aboriginal people who identify as, and are recognised by other Yandruwandha Yawarrawarrka People as Yandruwandha or Yawarrawarka (or both), because:

(a) he or she is biologically descended from one or more of the following Yandruwandha Yawarrawarrka:

- (i) Annie (born at Cordillo Downs), mother of Archie Guttie;
- (ii) Clara Nirrpinni, mother of Frank Book and Alice Miller (nee Booth);
- (iii) Cora the mother of Bob Parker and Nellie Parker;
- (iv) The parents of Flash Ted Bikehandle and Flash Tommy;
- (v) Kimi (born at Innamincka) and his wife;
- (vi) Maramundu Jack "The Ripper" Parker;
- (vii) Caroline (born at Cordillo Downs) the mother of Mary Stafford (nee Moore), Jack Moore, Charlie Moore, female twins (Winifred and Freida) and Albert Moore;
- (viii) Brothers Walter Harris(on) and Dick Harrison;
- (ix) The parents of Lily (whose married name is Parker) and her sister Kathlene (whose married name is George);
- (x) Annie and her husband, who are the parents of Coongie Maggie (born at Coongie Lakes in South Australia);
- (xi) The parents of siblings set – Billy Parker, Jessy Parker, Peter "Petekin" Parker, and Paddy Parker;
- (xii) The parents of siblings set – Merty George and Merty Johnny and Merty Mick;
- (xiii) Larriken Mick; or

(b) he or she is biologically descended from such other ancestor who is acknowledged by the Yandruwandhu Yawarrawarrka People as a Yandruwandha or Yawarrawarrka apical ancestor.

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 and/or ss47, 47A and 47B apply), members of the native title claim group claim, subject to paragraph [5] below, the right to possess, occupy, use and enjoy the lands and waters of the Application Area as against the whole world, pursuant to their traditional laws and customs.

2. Over areas where a claim to exclusive possession cannot be recognised, the nature and extent of the native title rights and interests claimed in relation to the Application Area are the non-exclusive rights to use and enjoy the land and waters in accordance with traditional laws and customs being:

- (a) the right to access and move about the Application area;
- (b) the right to live, to camp and, for the purpose of exercising the Native Title Rights and Interests, to erect shelters and other structures on the Application Area;
- (c) the right to fish and hunt on the land and waters of the Application Area without limitation as to purpose;
- (d) the right to gather and use the natural resources of the Application Area, such as food, medicinal plants, wild tobacco, timber, resin and stone but not the matters specified in paragraph [3] below;
- (e) the right to share and exchange the subsistence and other traditional resources of the Application Area but not the matters specified in paragraph [3] below;
- (f) the right to use the water of the Application Area;

- (g) the right to cook on the Application Area and to light fires for domestic purposes but not for the clearance of vegetation;
- (h) the right to engage and participate in cultural activities including those relating to births and deaths;
- (i) the right to conduct ceremonies and hold meetings on the Application Area;
- (j) the right to bury Yandruwandha Yawarrawarrka people on the Application Area;
- (k) the right to teach on the Application Area the physical and spiritual attributes of locations and sites;
- (l) the right to visit, maintain and protect sites and places of cultural and religious significance to the Native Title Holders under their traditional laws and customs on the Application Area;
- (m) the right to be accompanied onto the Application Area by those people who, though not Native Title Holders are:
 - (i) spouses of Native Title Holders; or
 - (ii) people required by traditional law and custom for the performance of ceremonies or cultural activities on the Application Area; or
 - (iii) people who have rights in relation to the Application Area according to the traditional laws and customs acknowledged by the Native Title Holders; or
 - (iv) people required by native title holders to assist in, observe, or record traditional activities on the Application Area.

3. For paragraphs [2(d)] and [2(e)] above, the matters are:

- (a) animals that are the private personal property of another;
- (b) crops that are the private personal property of another; and
- (c) minerals as defined in the *Mineral Resources Act 1989* (Qld); or
- (d) petroleum as defined in the *Petroleum Act 1923* (Qld) and the *Petroleum and Gas (Production and Safety) Act 2004* (Qld).

4. The Native Title Rights and Interests are subject to and exercisable in accordance with:

- (e) The traditional laws and customs of the Native Title Holders;
- (f) The laws of the State of Queensland, and the Commonwealth of Australia, including the common law.

5. The whole of the application area is subject to an agreement made in the course of mediation in the Federal Court proceeding QUD851/2018. That agreement was made between the Applicant in the present proceeding and the Applicant in proceeding QUD851/2018. By reason of the agreement, the present Applicant acknowledges that the Applicant in proceeding QUD851/2018 is entitled to assert and claim non-exclusive native title rights over the whole of the application area.

Application Area: **State/Territory:** Queensland
Brief Location: South-West Queensland
Primary RATSIB Area: Southern and Western Queensland Region
Approximate size: 6367.4017 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):

See attached Schedule B 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.

Attachments:

1. Attachment C Map, 1 page - A4, 28/04/2021
2. Schedule B Information identifying the boundaries of the application, 2 pages - A4, 28/04/2021

End of Extract

