



Extract from the National Native Title Register

Determination Information:

Determination Reference: Federal Court Number(s): QUD243/2009
NNTT Number: QCD2012/015

Determination Name: [Saltmere on behalf of the Indjalandji-Dhidhanu People v State of Queensland](#)

Date(s) of Effect: 9/05/2013

Determination Outcome: Native title exists in parts of the determination area

Register Extract (pursuant to s. 193 of the *Native Title Act 1993*)

Determination Date: 18/12/2012

Determining Body: Federal Court of Australia

ADDITIONAL INFORMATION:

This determination was handed down by the Federal Court on 18 December 2012 and was conditional on the registration of 14 Indigenous Land Use Agreements:

QI2003/029	Kalkadoon and Indjilandji/Dithannoi Peoples Backlog Exploration Permit Project ILUA
QI2011/002	Dugalunji Camp ILUA
QI2012/096	Indjalandji-Dhidhanu People and Local Government ILUA
QI2012/098	Indjalandji-Dhidhanu People and Rocklands/Morstone ILUA
QI2012/099	Indjalandji-Dhidhanu People and Barr Creek ILUA
QI2012/111	Indjalandji-Dhidhanu People and Undilla ILUA
QI2012/113	Indjalandji-Dhidhanu People and Meltham ILUA
QI2012/115	Indjalandji-Dhidhanu People and Bluebush ILUA
QI2012/121	Indjalandji-Dhidhanu People and Ergon Energy ILUA
QI2012/125	Indjalandji-Dhidhanu People and Koolamara ILUA
QI2012/127	Camooweal Caves National Park Protected Area ILUA
QI2012/130	Indjalandji-Dhidhanu People and Barkly Downs ILUA

QI2012/131 Indjalandji-Dhidhanu People and Thornton ILUA

QI2012/135 Indjalandji-Dhidhanu People and Ardmore ILUA

All of the ILUAs were registered on the Register of Indigenous Land Use Agreements as at 9 May 2013.

The conditions attached to the determination have therefore now been met and the determination came into effect on 9 May 2013.

REGISTERED NATIVE TITLE BODY CORPORATE:

Indjalandji-Dhidhanu Aboriginal Corporation RNTBC
Agent Body Corporate
52 Miles Street
MOUNT ISA Queensland 4825

Note: current contact details for the Registered Native Title Body Corporate are available from the Office of the Registrar of Indigenous Corporations www.oric.gov.au

ORIGINAL REGISTERED NATIVE TITLE BODY CORPORATE(S):

Indjalandji-Dhidhanu Aboriginal Corporation

Note: details of the Corporation name change can be found on the Office of the Registrar of Indigenous Corporations website www.oric.gov.au

COMMON LAW HOLDER(S) OF NATIVE TITLE:

The native title holders are 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/Dhidhanu ancestors:
 - (i) Idayaand his son Dijeru;
 - (ii) Kaduka (also known as Annie) and her son Frank Monkhouse; or
 - (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.

MATTERS DETERMINED:

BY CONSENT THE COURT DETERMINES THAT:

- 5. The Determination Area is the land and waters described in Schedule 1, and depicted in the determination map attached to Schedule 1.
- 6. Native title exists in relation to that part of the Determination Area described in Part 1 of Schedule 1.
- 7. Native title does not exist in relation to that part of the Determination Area described in Part 2 of Schedule 1.
- 8. The native title is held by the Indjalandji-Dhidhanu People described in Schedule 3 ("the native title holders").
- 9. Subject to paragraphs 10, 11 and 12 below the nature and extent of the native title rights and interests in relation to the land and waters described in Part 1 of Schedule 1 are the 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 and use 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 Determination 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) be accompanied on to the Determination Area by the Bularnu Waluwarra Wangkayujuru law men who, though not native title holders, are people required by traditional law and custom for the performance of ceremonies related to the bushfire dreaming story on the Determination Area.
10. The native title rights and interests are subject to and exercisable in accordance with:
- (a) the Laws of the State and the Commonwealth;
 - (b) the traditional laws acknowledged and traditional customs observed by the native title holders; and
 - (c) the agreements referred to at paragraph 1 of Schedule 4.
11. The native title rights and interests referred to in paragraph 9 do not confer possession, occupation, use or enjoyment to the exclusion of all others.
12. There are no native title rights in or in relation to minerals as defined by the *Mineral Resources Act 1989* (Qld) and petroleum as defined by the *Petroleum Act 1923* (Qld) and the *Petroleum and Gas (Production and Safety) Act 2004* (Qld).
13. The nature and extent of any other interests in relation to the Determination Area (or respective parts thereof) are set out in Schedule 4.
14. The relationship between the native title rights and interests described in paragraph 9 and the other interests described in Schedule 4 (the "other interests") is that:
- (a) the other interests continue to have effect, and the rights conferred by or held under the other interests may be exercised notwithstanding the existence of the native title rights and interests;
 - (b) to the extent the other interests are inconsistent with the continued existence, enjoyment or exercise of the native title rights and interests in relation to the land and waters of the Determination Area, the native title continues to exist in its entirety but the native title rights and interests have no effect in relation to the other interests to the extent of the inconsistency for so long as the other interests exist; and
 - (c) the other interests and any activity that is required or permitted by or under, and done in accordance with, the other interests, or any activity that is associated with or incidental to such an activity, prevail over the native title rights and interests and any exercise of the native title rights and interests.

DEFINITIONS AND INTERPRETATION

15. In this Determination, unless the contrary intention appears:

"**External Boundary**" means the boundary described in Schedule 5;

"**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 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:

- (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 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;
- (b) any natural collection of water, whether permanent or intermittent; and
- (c) water from an underground water source.

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

SCHEDULE 1 – DETERMINATION AREA

A. Description of Determination Area

The Determination Area comprises all of the land and waters within the External Boundary described in Parts 1 and 2 below and depicted in the Determination map as shown in Schedule 1B, but does not include the areas described in Schedule 2.

Part 1 – Non-Exclusive Areas, depicted in blue on the determination map as shown in Schedule 1B:

Area Description	Sheet Number on Determination Map
1. Part of Lot 1 on UN7 that falls within the External Boundary	2, 3, 4, 6 & 7
2. Lot 1 on UN8	2
3. Lot 1 on WO31	5, 8 & 16

4.	Lot 2 on WO28	8
5.	Part of Lot 3 on SP117500 that falls within the External Boundary	14
6.	Lot 3 on UN803945	7
7.	Lot 3 on WO24	6
8.	Part of Lot 4 on UN803944 that falls within the External Boundary	4
9.	Lot 5 on CP862287	6, 7, 9 & 10
10.	Lot 6 on SP243934 (formerly part of Lot 6 on SP162423)	7, 10 & 11
11.	Lot 8 on SP243934 (formerly part of Lot 6 on SP162423)	10
12.	Part of Lot 12 on SP177392 (formerly part of Lot 12 on CP843242) that falls within the external boundary	1, 5, 6 & 16
13.	Lot 12 on USL48244	16
14.	Lot 21 on USL48241	16
15.	Lot 23 on WO22	17
16.	Lot 25 on USL48241	16
17.	Lot 28 on WO27	17
18.	Lot 39 on NPW198	5
19.	Part of Lot 42 on CP847157 that falls within the External Boundary	5, 6, 8, 9, 10, 12, 13 & 14
20.	Lot 66 on USL45799	16 & 17
21.	Lot 74 on USL48243	17
22.	Part of Lot 122 on SP162831 that falls within the External Boundary	1, 2, 5 & 6
23.	Lot 801 on C3932	17
24.	Lot 808 on C3932	17
25.	Part of Lot 2324 on SP162422 that falls within the External Boundary	10, 11, 14 & 15
26.	Part of Lot 2562 on PH2051 that falls within the External Boundary	2 & 3

27.	Lot 2656 on PH1611	6
28.	Part of Lot 2799 on PH2075 that falls within the External Boundary	8 & 12
29.	Lot 4673 on PH1612	6 & 7
30.	Lot 5303 on PH1640	2 & 3
31.	the road delineated by stations 3-3c-2-1-3b-3, 4-k-5-4, 8-7-6-5-8, 15-14-13-12-11-10-9-z-e-17-d-c-b-a-15 on Survey Plan 135293	16 & 17
32.	the road delineated by stations z-y-x-w-8-5-k-j-h-g-f-e-z on Survey Plan 135293	16 & 17
33.	the road as shown on Lot 2 on Survey Plan 177392 (formerly part of Lot 12 on CP843242)	5
34.	Lot 1 on C39311	17
35.	Lot 1 on C3937	17
36.	Lot 1 on NS7	8
37.	Lot 1 on WO15	6
38.	Lot 2 on C39312	17
39.	Lot 2 on NS7	8
40.	Lot 3 on BR5	6
41.	That part of Lot 3 on CP909530 not subject to the area covered by former Lot 6 on RP909531	17
42.	Lot 3 on WO29	5
43.	Lot 6 on C39312	6
44.	Lot 6 on C3937	17
45.	Lot 8 on WO21	16
46.	Lot 11 on WO9	16
47.	Lot 12 on C3933	16
48.	Lot 19 on WO19	5
49.	Lot 20 on WO19	5
50.	Lot 21 on SP135293	5, 16 & 17

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| 51. | Lot 22 on SPSP247873 (formerly part of
Lot 22 on SP159002) | 5, 16 & 17 |
| 52. | Lot 24 on SP247873 (formerly part of Lot 22 on
SP159002) | 5 |
| 53. | Lot 23 on C3932 | 17 |
| 54. | Lot 23 on CP892035 | 16 |
| 55. | Lot 24 on CP892035 | 17 |
| 56. | Lot 25 on WO26 | 17 |
| 57. | That part of Lot 27 on WO30 not subject to the
Area covered by Lot A on IS121290 | 17 |

Waters

58. All the waters within the External Boundary, subject to Schedule 1 Part 2 and Schedule 2, including but not limited to:
- (a) Georgina River; and
 - (b) Kaiser Creek.

Part 2 – Areas within the Determination Area where native title does not exist:

1. Native Title has been extinguished over the areas of land and waters within the boundaries of the leases listed at paragraph 2 - 14 of Schedule 4 on which any permanent improvement consisting of:
- a house, shed or other outbuilding;
 - an airstrip;
 - a constructed dam or any other constructed stock watering point, bore, turkey nest, squatters' tank or any other water storage facility; or
 - stock yard or trap yard,

that, at the date of the Determination, have been constructed or established (including any adjacent land the exclusive use of which is reasonably necessary for the enjoyment of the improvement) in accordance with the rights of the lessee under the lease.

2. Native title has been compulsorily acquired over:

Area Description	Sheet Number on determination map
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SCHEDULE 1 - PART B - MAP OF DETERMINATION AREA

[See NNTR attachment 1: "Schedule 1 - Part B - Map of Determination Area"]

SCHEDULE 2 - AREAS NOT FORMING PART OF THE DETERMINATION AREA

[See NNTR attachment 2: "Schedule 2 - Areas Not Forming Part of the Determination Area"]

SCHEDULE 3 – NATIVE TITLE HOLDERS

1. The native title holders are 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/Dhidhanu ancestors:
 - (i) Idaya and his son Dijeru;
 - (ii) Kaduka (also known as Annie) and her son Frank Monkhouse; or
 - (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.

SCHEDULE 4 - OTHER INTERESTS IN THE DETERMINATION AREA

[See NNTR attachment 3: "Schedule 4 - Other Interests in the Determination Area"]

SCHEDULE 5 - EXTERNAL BOUNDARY

[See NNTR attachment 4: "Schedule 5 - External Boundary"]

REGISTER ATTACHMENTS:

1. Schedule 1 – Part B – Map of Determination Area, 19 pages - A4, 18/12/2012
2. Schedule 2 – Areas Not Forming Part of the Determination Area, 5 pages - A4, 18/12/2012
3. Schedule 4 – Other Interests in the Determination Area, 5 pages - A4, 18/12/2012
4. Schedule 5 – External Boundary, 4 pages - A4, 18/12/2012

Note: The National Native Title Register may, in accordance with s. 195 of the Native Title Act 1993, contain confidential information that will not appear on the Extract.