

Decision section

Reason for Decision

Module CA – Public works

Lot 1 on Plan W4099 – Title Reference No. 40010366 (Wallumbilla Police Station) held as a 'Reserve for Police Purposes' (R.87) gazetted on 25 March 1911 page 1320.

Requirement 1: The category of public work is a building, or other structure that is a fixture. The works included the construction of the police station, cells, closet building, gates, fence and stables.

Requirement 2: The work was constructed/established prior to 23 December 1996. Construction started on **24/6/1912** following the acceptance of the tender by the Department of Public Works.

Requirement 3:

(1) The public work is valid with respect to Native Title as it was constructed/established prior to 1 January 1994.

(2) The works were constructed under the authority of the Department of Police for the State of Queensland.

Requirement 4: The works were constructed on behalf of the Department of Public Works for the State of Queensland.

Section 251D Area

The land adjacent to the police station is necessary for, or incidental to, the construction, establishment or operation of the public work. This includes all of the area within the boundary fence, which is the entire area of Lot 1 on Plan W4099.

The proposed dealing (grant of freehold) may proceed without further reference to Native Title.

Module BB – Does not apply to public works

Conclusion:

The area is or was covered by a valid public work - namely a building for the Wallumbilla Police Station, other associated fixtures and the adjacent land. The works were constructed and established prior to 23 December 1996. The Wallumbilla Police Station was constructed by Fisher and Sons Pty Ltd on behalf of the Department of Public Works for the State of Queensland.

Buildings and other structures that are a fixture are defined as a public work under s253 of the *Native Title Act 1993* (Cth) (NTA), and under s251D of the NTA include areas necessary for, or incidental to, the construction, establishment and operation of the work.

The public work is a previous exclusive possession act (PEPA) under s23B(7) of the NTA and extinguishes Native Title under s21 of the *Native Title (Queensland) Act 1993*.