



Extract from Schedule of Native Title Applications

Application Reference: Federal Court number: QUD6002/1998
NNTT number: QC1994/004

Application Name: Djabugay People and State of Queensland & Others (Djabugay People)

Application Type: Claimant

Application filed with: National Native Title Tribunal

Date application filed: 13/05/1994

Current status: Full Approved Determination - 26/07/2005

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 26/05/1994 to 11/01/2000 Registered from 17/01/2002 to 11/08/2005

Date claim / part of claim determined: 17/12/2004

Applicants: Barry Hunter, Ivan Brim, Lloyd Levers, Gerald Hobbler, Melvyn Hunter, Patrick Hastie, Rhonda Brim

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Additional Information

Not applicable

Persons claiming to hold native title:

The native title claim group is Djabugay People.

For the purposes of this Application, Djabugay People comprise those related families who have descended from the indigenous inhabitants of the coastal, rainforest and Tablelands areas to the north and the west of the present city of Cairns, and south and to the west of the Mowbray Valley to the south of Port Douglas. Those ancestors were known to others members of the Djabugay language group, and comprise:

Toby Brim

Annie Hunter

Tommy Hobson

Nellie Hastie

Jimmy Street

Jimmy Hobbler

Billy Hobbler

Minnie Hunter

Barney Hunter

Paddy Newbury

Willy Newbury

Tommy Newbury

Waikanigai

George Kuranda Carroll

Jinnie Kuranda

Maggie Bowen

Kitty Banning

Peter Banning

Tambo Banning

Kitty Street

Sambo Street

Annie Courtney

Polly Courtney

Dick Richardson

Charlie Levers

Andrew Dabah

Joe Davidson

Annie Davidson

Biddy Coleman

Djabugay People comprise those men, women and children who can demonstrate descent from at least one of the above ancestors.

Native title rights and interests claimed:

Djabugay People are entitled as against the whole world to:

- (a) occupy the claim area
- (b) be physically present on the claim area;
- (c) camp on the claim area;
- (d) access, use and enjoy the claim area;
- (e) hunt, fish and gather on the claim area;
- (f) take, use and enjoy the natural resources of the claim area;
- (g) maintain and protect places of importance within the claim area;
- (h) perform social, cultural, religious, spiritual or ceremonial activities on the claim area and invite others to participate in those activities;
- (i) inherit, dispose of or confer native title rights and interests in relation to the claim area on others, and
- (j) make decisions about the use and enjoyment of the claim area by Aboriginal people who are governed by the traditional laws and customs acknowledged and observed by Djabugay Peoples

in accordance with valid State and Commonwealth laws.

Djabugay People do not claim native title rights and interests that have been extinguished by operation of law.

The native title claim group do not assert that they possess exclusive possession to any land or waters within the claim area.

Application Area:

State/Territory: Queensland

Brief Location: Barron Falls Nat.Park

Primary RATSIB Area: Northern Queensland Region

Approximate size: 27.4954 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 this application ("the claim area") comprises the land and waters of the Barron Gorge National Park being Lot 880 on Plan NPW 459 but does not include:

1. Land subject to former Lot on K40115 and former Lots 12, 13 and 14 on Plan NR 7579 (being former Allotments 1, 2, 3, and 4 of Suburban Section 1, town of Kuranda).
2. Land subject to former Lots 21 and 22 on Plan NR 7579.
3. Land subject to part of Term Lease 0/213315 being Lot D on CP 894159, Lot E in strata on CP 891025, Lot F in strata on CP 891027, Lot G in strata CP 894159 and Lot H in strata on CP 894157.
4. Airspace subject to part of Term Lease 0/213315 (being Lot E in strata on CP891025 and Lot F in strata on CP891027, Lot G in strata on CP894159 and Lot H in strata on CP894157).
5. Land subject to part of former Special Lease 53088 being Lot D in strata on CP866960, Lot E in strata on CP 866963 and Lot F in strata on CP 866965.
6. Airspace subject to part of former special Lease 53088 (being Lot D in strata on CP866960, Lot E in strata on CP 866963 and Lot F in strata on CP866965).

7. Land subject to former portion 164 Parish of Cairns on NR 1735.
 8. Land subject to former portion 194 Parish of Cairns on NR 1735.
 9. Land subject to former Portion 383 Parish of Cairns on NR 3594.
 10. Former Lengthmens Camp Reserves 85, 169 and 171.
 11. Land the subject to a public work, being the boardwalk that links the Barron Gorge train station with the Barron Gorge National Park car park off Barron Falls Road.
 12. Land subject to public work being part of Lot 111 on SP 129892, Lot 91 on SP 129891 and part of Lot 81 on SP 219890 being that part of the Cairns Kuranda Railway corridor that traverses the Barron Gorge National Park.
 13. Land or waters on which any other public work is constructed, established or situated.
 14. Land 20 metres either side of the centre line of the penstock between the intake structure at the Kuranda Weir on Lot 150 on NR 4991 and the underground machine hall on Lot 752 on NR 5189 ("the penstock corridor") for the Barron gorge Hydro-Electric Power Station.
 15. Any land or waters that are subject to previous exclusive possession act, as that term is defined in s.23B of the Native Title Act 1993 (Cwth)
 16. Minerals or petroleum.
- Djabugay People do not claim native title rights and interests that have been extinguished by operation of law.

Attachments: 1. Map showing the boundaries of the area covered by the application, 1 page - A4, 08/12/2004

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