



Extract from Schedule of Native Title Applications

Application Reference: Federal Court number: QUD380/2008
NNTT number: QC2008/011

Application Name: Les Budby and Cecil Brown Jnr & Ors on behalf of the Barada Barna People and State Of Queensland (Barada Barna People)

Application Type: Claimant

Application filed with: Federal Court of Australia

Date application filed: 12/11/2008

Current status: Discontinued - 24/01/2017

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: 13/08/2013

Registration decision status: Accepted for registration

Registration history: Registered from 9/10/2009 to 12/04/2013 Registered from 13/08/2013 to 24/01/2017

Date claim / part of claim determined: 31/08/2016

Applicants: Les Budby, Cecil Brown Jnr

Address(es) for Service: Jeffrey Dillon
Dillon Bowers Lawyers
62 Blackwood Street
TOWNSVILLE QLD 4810
Phone: 07 4721 2477
Fax: 07 4724 5055

Additional Information

Not applicable

Persons claiming to hold native title:

The application is made on behalf of the Barada Barna People being the descendants of the following apical ancestors:

1. Bob Lotus
2. Lizzy Payne
3. Daisy (wife of Booyah McDonald)
4. Maggie (wife of Toby Barker & Peter Darwin & Michael Angus)
5. "Polly" Mary (wife of Robert Noble & Bert Fox)
6. Lizzie (wife of Paddy Flynn),
7. Polly (wife of Thomas Mitchell)
8. Lucy Ross
9. Laura (wife of Duke/George Barker, Needy/Teddy Sauney and Adam Bowen) and
10. Charles Budby (father of George "Salt Bush" Budby).

Native title rights and interests claimed:

1. The Applicant acknowledges that, in relation that part of the application area which at the time of filing this Further Amended Native Title Determination Application is also the subject of a native title determination application in proceedings QUD 492 of 2013 ("the Widi #2 Application"), rights and interests are held by the Barada Barna People as well as by the claimant group described in the Widi #2 Application. The Applicant does not oppose recognition of the co-existence of the native title rights and interests claimed in the Widi #2 Application.

2. The nature and extent of the native title rights and interests claimed in relation to land and waters are the non-exclusive rights to:

1. access, be present on, move about on and travel over the application area;
2. camp, and live temporarily on the application area as part of camping, and for that purpose build temporary shelters;
3. hunt, fish and gather on the land and waters of the application area for personal, domestic and non-commercial communal purposes;
4. take, use, share and exchange Natural Resources from the land and waters of the area for personal, domestic and non-commercial communal purposes;
5. take and use the Water of the application area for personal, domestic and non-commercial communal purposes;
6. conduct ceremonies on the application area;
7. be buried and bury native title holders within the application area;
8. maintain within the application area 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;
9. teach on the application area the physical and spiritual attributes of the application area;
10. hold meetings on the application area; and
11. light fires on the area for domestic purposes including cooking, but not for the purpose of hunting or clearing vegetation.

See Anthropological Report of Ms Karen McFadden, Dr Charmaine Jones, Dr Hilda Maclean and Dr Paul Gorecki and Affidavits of Cecil Brown Jnr and Les Budby Snr filed herein.

Application Area: **State/Territory:** Queensland
Brief Location: Area west of Rockhampton
Primary RATSIB Area: Southern and Western Queensland Region
Approximate size: 16330.1402 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):

- a) The area covered by the application is described in Attachment B.
- b) The areas within the boundaries that are not covered by the application are:

1. Any land covered by past or present freehold title or by previous valid exclusive possession acts as defined by section 23B of the Native Title Act (1993) (Cth).

2. The area covered by the application does not include:

- a) a Scheduled interest;
- b) a freehold estate;
- c) a commercial lease that is neither an agricultural lease nor a pastoral lease;
- d) an exclusive agricultural lease or an exclusive pastoral lease;
- e) a residential lease;
- f) a community purpose lease;
- g) a lease dissected from a mining lease and referred to in s.23B(2)(c)(vii) of the Native Title Act 1993 (Cth);
- h) any lease (other than a mining lease) that confers a right of exclusive possession over particular land or waters.

3. Subject to paragraphs 4, the area covered by the application excludes any land or waters covered by the valid construction or establishment of any public work, where the construction [or] establishment of the public work commenced on or before 23 December 1996.

4. Where the act specified in paragraphs 2 and 3 falls within the provisions of:

- a) s.23B(9) - Exclusion of acts benefiting Aboriginal Peoples or Torres Strait Islanders;
- b) s.23B(9A) - Establishment of a national park or state park;
- c) s.23B(9B) - Acts where legislation provides for non-extinguishment;
- d) s.23C(9C) - Exclusion of Crown to Crown grants; or
- e) s.23B(10) - Exclusion by regulation

the area covered by the acts is not excluded from the application.

6. The area covered by the application excludes land or waters where the native title rights and interests claimed have been otherwise extinguished.

- Attachments:**
- 1. External Boundary Description, Attachment B of the Application, 11 pages - A4, 01/02/2016
 - 2. Map of Claim Area, Attachment C of the Application, 1 page - A4, 01/02/2016

NNTT Contact Details	Address:	National Native Title Tribunal Melbourne Office Level 10, Commonwealth Law Courts 305 William Street MELBOURNE VIC 3000 GPO Box 9973 MELBOURNE VIC 3001
	Telephone:	+61 3 9920 3000
	Freecall:	1800 640 501
	Fax:	+61 8 9425 1193
	Web Page:	www.nntt.gov.au

End of Extract