



Extract from Schedule of Native Title Applications

Application Reference: Federal Court number: QUD287/2009
NNTT number: QC2009/004

Application Name: Bronwyn De Satge & Ors on Behalf of the Butchulla People #2 v State of Queensland & Ors (Butchulla People #2)

Application Type: Claimant

Application filed with: Federal Court of Australia

Date application filed: 27/11/2009

Current status: Full Approved Determination - 24/10/2014

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: 30/06/2010

Registration decision status: Accepted for registration

Registration history: Registered from 30/06/2010 to 24/10/2014,

Date claim / part of claim determined: 24/10/2014

Applicants: Bronwyn De Satge, Roderick Tobane, Belinda Barrowcliffe, Shirley Blake, Gemma Cronin, Sandra Page, Lurline Lillian Burke, Cepha Roma, Brett Nutley

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Additional Information

Not applicable

Persons claiming to hold native title:

The native title claim group (hereafter the 'claim group') on whose behalf the claim is made is the Butchulla People.

The Butchulla People are the biological descendants of the following people:

1. Father / Mother of Gracie and Maudie Daramboi;
2. Mother of Jessie Aldridge's mother and Lappy;
3. Mother of Charles Richards;
4. Garry Owens;
5. Annie Morris / Anna Gala nee Morris;
6. Granny Polcus / Jenny Brown;
7. Willy Brown / Mamboo / Namboo;
8. George Gundy;
9. Willy Wondunna;
10. Jack Morris;
11. Mary Ann (mother of Susan Rooney);
12. Roger Bennett;
13. Percy Coulson;
14. Mother of John and Rosie Broome;
15. Mother of Clara, Henry, Percy and Lucy Wheeler.

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 s238, ss47, 47A or 47B apply), the Butchulla People claim the right to possess, occupy, use and enjoy the lands and waters of the application area as against the whole world, pursuant to the traditional laws and customs of the claim group.

2. Over areas where a claim to exclusive possession cannot be recognised, the Butchulla People claim the following rights and interests - the right to:

- a) hunt, fish, harvest, collect and in general use, take and enjoy the natural resources and attributes of the claimed area for customary purposes;
- b) use the claimed area for all social, ritual and economic purposes, including the right to rear, socialise, and educate their children on the claimed area;
- c) inherit native title rights and interests;
- d) bestow and acquire native title rights and interests;
- e) resolve amongst themselves any disputes concerning the claimed area;
- f) move freely about the claimed area;
- g) live on and erect residences and other infrastructure on and in the claimed area;
- h) manufacture materials, tools, artefacts, objects and weapons from natural resources in the claimed area;
- i) dispose of products of the claimed area and manufactured products derived from the claimed area by trade, exchange or gift;
- j) manage, conserve and care for the claimed area;
- k) conduct funerals and ceremonies on and in relation to and to bury members and ancestors of the native title claim group on the claimed area.

3. The native title rights and interests are subject to:

- (a) the valid laws of the State of Queensland and the Commonwealth of Australia; and
- (b) the rights conferred under those laws.

Application Area:

State/Territory: Queensland

Brief Location: Area covering Fraser Island, SE QLD

Primary RATSIB Area: Southern and Western Queensland Region

Approximate size: 1646.2019 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):

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.

In relation to (a) above a description of the area of land and waters covered by the application is provided at Attachment B.

b) Areas within the boundary identified in Attachment B shown above, that are not covered by the application:

1. The area covered by the application excludes any land or waters that is or has been covered by:

- 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.

2. Subject to paragraph 4 and 5, 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 commences on or before 23 December 1996.

3. Subject to paragraph 4 and 5, exclusive possession is not claimed over areas which are subject to valid previous non-exclusive possession acts done by the Commonwealth or State of Queensland.

4. Subject to paragraph 6, where the act specified in paragraphs 1, 2 and 3 falls within the provisions of:

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

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

5. Where an act specified in paragraphs 1, 2 and 3 affects or affected land or waters referred to in:

- * s.47A - Pastoral leases etc covered by claimant application
- * s.47A - Reserves etc covered by claimant application
- * s.47B - Vacant Crown land covered by claimant application

the area covered by the act 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 of the Claim Area, Attachment B of the Application, 1 page - A4, 03/06/2010
- 2. Map of Claim Area, Attachment C of the Application, 1 page - A4, 03/06/2010

NNTT Contact Details

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