



Extract from Schedule of Native Title Applications

Application Reference: Federal Court number: QUD460/2018
NNTT number: QC2009/005

Application Name: Gemma Cronin & Ors on behalf of the Butchulla People Land & Sea Claim #2 and State of Queensland and Ors (Butchulla Land & Sea Claim #2)

Application Type: Claimant

Application filed with: Federal Court of Australia

Date application filed: 27/11/2009

Current status: Full Approved Determination - 11/12/2020

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 14/12/2020,

Date claim / part of claim determined: 11/12/2020 , 13/12/2019

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

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Additional Information

On 13 December 2019, the Federal Court made a determination that native title exists in the determination area - see Cronin on behalf of the Butchulla People (land & sea claim #2) v State of Queensland [2019] FCA 2082. That determination is attached to this Extract. Among other things, the Court ordered that: 1. There be a determination of native title (the "Determination") in the terms set out below for the Determination Area other than for Lot 2 on Plan AP6551 and Lot 3 on Plan AP6551. 2. Subject to paragraph 3 of this Order, on 11 December 2020, there be a determination of native title (also, the "Determination") in the terms set out below for Lot 2 on Plan AP6551 and Lot 3 on Plan AP6551. 3. The Applicant and the State of Queensland have liberty to apply to the Court on or before 13 November 2020 in relation to paragraph 2 of this Order. Pursuant to s 190(4)(e), the areas of the application where it has been determined that native title exists from 11 December 2020 will remain on the Register of Native Title Claims until that date. A map and technical description showing the areas of the application where the determination is yet to take effect, as interpreted by the National Native Title Tribunal, are attached for information only. These attachments do not form part of the application.

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:
 - a) to hunt and fish in the area covered by the application in line with traditional laws and customs;
 - b) to access and move about on the land and waters;
 - c) to gather and use natural products on the land;
 - d) to hold meetings on the area covered by the application;
 - e) to conduct burials on the area covered by the application;
 - f) to live on the area covered by the application;
 - g) to establish residence on the area covered by the application area;
 - h) to erect shelters and other structures on the area covered by the application;
 - i) to manufacture materials, artefacts, objects and other products from resources in the area covered by the application;
 - j) to dispose of cultural resources taken from, and manufactured items derived from the area covered by the application, by customary trade, exchange, or gift with other Aboriginal people;
 - k) to engage in production, customary trade and other customary economic activities on the lands as they relate to other Aboriginal people with respect to indigenous cultural resources;
 - l) to use the area covered by the application for ceremonial, cultural, social, customary, religious and traditional purposes;

m) to move about the area covered by the application;
n) to camp on the area covered by the application; and
o) to gather and use natural products (including food, timber, medicinal plants, stone, ochre and resin) from the area covered by the application, in line with traditional laws and customs.

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: In the vicinity of Hervey Bay

Primary RATSIB Area: Southern and Western Queensland Region

Approximate size: 1.3812 sq km

(Note: There may be areas within the external boundary of the application that are not claimed.)

Does Area Include Sea: Yes

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 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, Attachment B of the application, 3 pages - A4, 24/10/2019
2. Map showing the external boundaries of the area covered by this application, Attachment C of the application, 1 page - A4, 24/10/2019
3. Butchulla People Land & Sea Claim #2 determination, 118 pages - A4, 13/12/2019
4. NNTT Written description of remaining area, 1 page - A4, 13/12/2019
5. NNTT Map of remaining area, 1 page - A4, 13/12/2019

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