



Extract from Schedule of Native Title Applications

Application Reference: Federal Court number: QUD13/2019
NNTT number: QC2013/004

Application Name: Sam Dallachy and Ors on behalf of the Barada Kabalbara Yetimarala People v State of Queensland & Ors (Barada Kabalbara Yetimarala People)

Application Type: Claimant

Application filed with: Federal Court of Australia

Date application filed: 02/07/2013

Current stage(s): Currently identified for registration decision, Notification Complete

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: 02/10/2014

Registration decision status: Accepted for registration

Registration history: Registered from 27/09/2013 to 31/07/2014, Registered from 2/10/2014

Applicants: Samuel Dallachy, Lalu Asela, Elizabeth Doyle, Juanita Mason, Skye Muller, Norman Ross, Deborah Santo, Vanessa Saunders, Michael Smith, Davina Tilberoo Snr, Claudine Walsh

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Additional Information

On 31 July 2014, Justice Logan ordered that the registration test decision of the delegate of 27 September 2013 be set aside.

Persons claiming to hold native title:

Those persons who are descendants of the following apical ancestors (including through adoption or raising up):

- (a) Unnamed Barada Woman (spouse of Johnny and Charlie Budby);
- (b) Lucy and/or Jimmy Barber;
- (c) Kitty (aka Kitty Eaglehawk);
- (d) Yatton Boney;
- (e) Maggie (mother of Jack Mack and Gypsy Tyson); and
- (f) King Boco.

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 Barada Kabalbara Yetimarala 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 Barada Kabalbara Yetimarala People claim the following rights and interests:

- (a) To access, be present on, move about on and travel over the area
- (b) To camp on the area and for that purpose, erect temporary shelters on the area
- (c) To hunt, fish and gather on the land or waters of the area for personal, domestic and non-commercial communal purposes.
- (d) To have access to, take and use natural resources from the land and waters of the area for personal, domestic and non-commercial communal purposes
- (e) To hold meetings in the application area
- (f) To conduct ceremonies in the area
- (g) To maintain places of importance and areas of significance to the native title holders under their traditional laws and customs and protect those places
- (h) Teach on the area the physical and spiritual attributes of the area
- (i) To be buried or bury native title holders on the area
- (j) To live on the application area
- (k) To move about the application area
- (l) To speak authoritatively about the application area among other Aboriginal People in accordance with traditional laws & customs
- (m) To make decisions about the use and enjoyment of the area by Aboriginal people who recognise themselves to be governed by the traditional laws and customs acknowledged and observed by the native title holders
- (n) To transmit the cultural heritage of the native title claim group including knowledge of particular sites

3. The native title rights are subject to and exercisable in accordance with:

- a) The valid laws of the State of Queensland and the Commonwealth of Australia;
- b) The traditional laws acknowledged and the traditional customs observed by native title holders.

Application Area:

State/Territory: Queensland

Brief Location: An area extending between Sarina and Rockhampton, Central Queensland

Primary RATSIB Area: Southern and Western Queensland Region

Approximate size: 7512.4857 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 addressing requirement b) above, this application does not cover:

- 1) Any area where a previous exclusive possession act (PEPA) was done; or
- 2) Any other area where native title has been otherwise extinguished

except, in relation to paragraph 1 and 2 above, where any extinguishment is required to be disregarded by force of sections 47, 47A and/or 47B of the Native Title Act 1993 (Cth).

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

- Attachments:**
1. Description of external boundary, Attachment B of the application, 7 pages - A4, 21/08/2014
 2. Map of external boundary, Attachment C of the application, 1 page - A4, 21/08/2014
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End of Extract