



Extract from Schedule of Native Title Applications

Application Reference: Federal Court number: QUD607/2016
NNTT number: QC2016/006

Application Name: Michael James Congoo and Ors on behalf of the Bar Barrum People #10 v State of Queensland (Bar Barrum Rivers Claim)

Application Type: Claimant

Application filed with: Federal Court of Australia

Date application filed: 05/08/2016

Current status: Full Approved Determination - 12/12/2017

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: 30/01/2017

Registration decision status: Accepted for registration

Registration history: Registered from 30/01/2017 to 3/01/2018,

Date claim / part of claim determined: 12/12/2017

Applicants: Michael James Congoo, Shelton Murphy, Andrew Timothy Congoo, Warren Congoo, Cameron Gosam, Stanley Freeman

Address(es) for Service: Gregory Bell
North Queensland Land Council Native Title Representative
Body Aboriginal Corporation
PO Box 679N
CAIRNS NORTH QLD 4870
Phone: 07 4042 7000
Fax: 07 4042 7071

Additional Information

Not applicable

Persons claiming to hold native title:

The Bar Barrum native title claimant group is comprised of the biological and adopted (in accordance with traditional law and custom) descendants of:

- (a) Rosie aka Lucy (mother of William Congo);
- (b) Nellie (mother of Albert Bennett);
- (c) Millie (mother of Alick/Aleck Collins aka Chalk aka Stevens) and of her siblings Fred and Jack Solomon;
- (d) Maggie Watsonville (mother of May Thynne);
- (e) Nora Miller nee Clark and of her brother Billy;
- (f) Lizzie Simmonds (mother of Mamie Simmonds);
- (g) Arkaragan and Kurimbu (parents of Jack Robinson);
- (h) Archie Perrott aka Campbell (father of Margaret Perrott);
- (i) Jack Brumby (father of Peter Fagan and Monday);
- (j) John Burt Grainer (father of John Grainer and Paddy Hastie);
- (k) Nellie Williams and of her sister Ethel Perrott; and
- (l) Bessie Tiger (mother of Peter Freeman); or

people who are or were adopted into one of the above descent groups in accordance with the traditional laws and customs of the Bar Barrum People.

Native title rights and interests claimed:

1. With regard to all remaining land within the claim area, the native title rights and interests claimed are not to the exclusion of all others and are non-exclusive rights to:

- (a) Access, be present on, move about on and travel over the area;
- (b) Camp, and live temporarily on the area as part of camping, and for that purpose build temporary shelters;
- (c) Hunt, fish and gather on the land and waters of the area for personal, domestic and non-commercial communal purposes;
- (d) Take and use natural resources from the land and water of the area for personal, domestic and non-commercial communal purposes;
- (e) Take and use the water of the area for personal, domestic and non-commercial communal purposes;
- (f) Conduct ceremonies on the area;
- (g) Maintain 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;
- (h) Teach on the area the physical and spiritual attributes of the area;
- (i) Hold meetings on the area;and
- (j) Light fires on the area for domestic purposes including cooking but not for the purposes of hunting or clearing vegetation;

3. [sic] For water, the non-exclusive rights to:

- (a) Hunt, fish and gather from the water of the area;

- (b) Take and use the natural resources of the water in the area; and
- (c) Take and use the water of the area, for personal, domestic and non-commercial communal purposes.

4. [sic] The asserted native title rights and interests for both exclusive and non-exclusive areas are subject to the:

- (a) Valid laws of the State of Queensland and the Commonwealth of Australia;
- (b) Rights past and present conferred upon persons pursuant to the valid laws of the Commonwealth and the laws of the State of Queensland; and

The asserted native title rights and interests for both exclusive and non-exclusive areas:

- (c) Do not include a claim to ownership of any minerals, petroleum or gas wholly owned by the Crown in a manner which is inconsistent with continuing native title rights and interests residing in those substances; and
- (d) Are not exclusive rights or interests if they relate to waters including in an offshore place (if applicable), and will not apply if they have been extinguished in accordance with valid State or Commonwealth laws.

Note: Natural Resources includes but is not limited to ochres, clays, stones, sand, plants, fruits, grasses, bark and waters.

Application Area: **State/Territory:** Queensland
Brief Location: Walsh River area on Atherton Tablelands
Primary RATSIB Area: Northern Queensland Region
Approximate size: 17.5697 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 the application comprises all the land and waters within the external boundary of the area described in **Attachment B** to this application, and as set out in the map in **Attachment C** to this application, but excludes any area covered by a Crown to Crown freehold grant, or any grant of vesting of:

- (a) a freehold estate;
- (b) a residential lease;
- (c) a scheduled interest;
- (d) a community purpose lease;
- (e) an exclusive agricultural lease or an exclusive pastoral lease;
- (f) a commercial lease that is neither an agricultural lease nor a pastoral lease;
- (g) a lease dissected from a mining lease & referred to in s23B(2)(c)(vii), or
- (h) any lease (other than a mining lease) that confers a right of exclusive possession over particular land or waters, validly granted or vested on or before 23 December 1996, and any area
- (i) covered by the valid construction or establishment of any public work, where such construction or establishment was commenced on or before 23 December 1996,
- (j) which has been vested in any person by or under State of Queensland legislation where a right of exclusive possession is expressly or impliedly conferred on the person by or under the legislation,
- (k) a public road; or

(l) any area where the native title rights & interests claimed have otherwise been validly extinguished.

However, if the acts specified in paragraphs (a)-(l) above fall within the provisions of s47, s47A, s47B, s 23B(9), s23B(9A), s23B(9B), s23B(9C), or s23B(10) of the *Native Title Act 1993 (Cth)* the area covered by the act is not excluded from this application.

Any area subject to a native title determination registered at the time of filing this application is not claimed, nor is any area claimed which is subject to any native title application registered at the time of filing this application.

In the case of any discrepancies between the written description contained in Attachment B and the map contained at Attachment C, the written description at Attachment B prevails.

Note: all references to sections are references to sections of the *Native Title Act 1993 (Cth)*.

The areas covered by this application are the waterways not included in earlier lot based Bar Barrum applications. Therefore, exclusive possession is not claimed.

Attachments:

1. Area Description, 2 pages - A4, 31/10/2017
2. Map of claim area, 1 page - A4, 31/10/2017

End of Extract