



# Extract from Schedule of Native Title Applications

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**Application Reference:** Federal Court number: QUD20/2019  
NNTT number: QC2013/003

**Application Name:** Alex Davidson & Ors on behalf of the Kabi Kabi First Nation Traditional Owners Native Title Claim Group v State of Queensland (Kabi Kabi First Nation)

**Application Type:** Claimant

**Application filed with:** Federal Court of Australia

**Date application filed:** 31/05/2013

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**Current status:** Pre-combination - 08/02/2019

**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:** 07/08/2013

**Registration decision status:** Accepted for registration

**Registration history:** Registered from 7/08/2013 to 8/02/2019

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**Applicants:** Alex Davidson, Bianca Beetson, Norman Bond, Kerry Neill, Helena Gulash, Kerry Jones, Brian Warner

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## Additional Information

Not applicable

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## Persons claiming to hold native title:

The Kabi Kabi First Nation Traditional Owners are those people:

(a) Who are descendants of the following apical ancestors:

1. Maggie Cadenti/Cadente/Cantidi: "Maggie"
2. George Parson
3. Albert Williams
4. Ngimburum
5. Kaloma-kuta/Galmaguda/Haloma-kuta/Kal-ma-kuta
6. Mother of Albert Smith and Peter Graham
7. Willie Kina
8. Susan Andy
9. Jacky Ball (or Baul)
10. Maggie Cain/Caine
11. James Crow/Crowe
12. Maggie Palmer
13. Emma Dunne
14. William/Billy Glenbar
15. Annie Laurie
16. May Burnett
17. Tuppernywoe/"King" Tommy of Noosa
18. Dundalli
19. Cob
20. Sarah Di:naba Moreton
21. Marian/Mary Ann Thompson
22. Dil:l
23. Edward Ross
24. Menvil Wanmuarn/Jackie Delaney

And

(b) Who identify as and are recognised as members of the Kabi Kabi First Nation Traditional Owners in accordance with the system of traditional laws and customs.

#### **Native title rights and interests claimed:**

The non-exclusive rights to:

- a. access, be present on, move about on and travel over area;
- b. camp on the area, and for that purpose, erect temporary shelters on the area;
- c. hunt, fish and gather on the land and waters of the area for personal, domestic and non-commercial communal purposes;
- d. take, use and share Natural Resources from the land and waters 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. participate in cultural activities on the area;
- g. hold meetings on the area;
- h. maintain places of importance and areas of significance to the native title holders under their traditional laws and customs and to protect those places and areas from physical harm;
- i. teach on the area the physical and spiritual attributes of the area;
- j. light fires on the area for domestic purposes including cooking, but not for the purpose of hunting or clearing vegetation;
- k. be buried and bury native title holders within the area.

#### **Application Area:**

**State/Territory:** Queensland

**Brief Location:** Gympie and surrounding area, south to Caboolture, north to Howard

**Primary RATSIB Area:** Southern and Western Queensland Region

**Approximate size:** 11689.7218 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):**

1. The boundaries of the area covered by the application are shown on the map attached and marked "Attachment

C" and a written description of the boundaries of the area covered by the application is attached and marked "Attachment B".

2. Subject to paragraphs 4 and 5, the areas of land and waters within the boundaries referred to in 1 above that are not covered by the application are:

a. any area that is or has been subject to any of the following:

i. scheduled Interest;

ii. a freehold estate including

- any Crown to Crown grant of freehold; and
- any post 23 December 1996 grant of freehold

iii a commercial lease that is neither an agricultural lease nor a pastoral lease;

iv an exclusive agricultural lease or an exclusive pastoral lease;

v a residential lease;

vi a community purpose lease;

vii a lease dissected from a mining lease and referred to in s23.B(2)(c)(vii) of the Native Title Act 1993 (Cth);

viii any lease (other than a mining lease) that confers a right of exclusive possession over particular land or waters, which was validly granted or vested on or before 23 December 1996.

b. any area that is subject to the following categories of leases:

- Boat Harbour
- Housing lease
- Railway
- Freeholding lease
- Grazing Homestead Perpetual Lease
- Perpetual lease
- Non-competitive lease
- Manufacturing, Industrial, Residential or Business

c. any other area in relation to which native title rights and interests have otherwise been wholly extinguished.

3. Subject to paragraphs 4 and 5, the land and waters the subject of the application do not include any area covered by the valid construction or establishment of any public work (as defined by the Native Title Act 1993 (Cth)), where the construction or establishment of the public work commenced on or before 23 December 1996.

4. Subject to paragraph 6, where the act specified in paragraphs 2 or 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.23B(10) - Exclusion by regulation

the land and waters covered by the act are not excluded from the application.

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

a. S47 - Pastoral leases held by or on behalf of, or as trustee for any of the native title claim group;

b. S47A - Reserves etc. covered by the claimant application; and

c. S47B - Vacant Crown land covered by the claimant application

the land or waters covered by the act are not excluded from the application.

6. Where there is any discrepancy between the map provided at "Attachment C" and the written description contained here and in "Attachment B", the latter shall prevail [Attachment B and Attachment C are attached to this Extract].

## Combination Details

Date of order to combine: 29/11/2018

Combination application number: 29/11/2018

This application is a combination of the following applications:

Application number(s)	Application name	Date application lodged/filed	Date claim entered on Register*	Registration History
QUD908/2016,Q C2016/011	Alex Davidson & Ors on behalf of the Kabi Kabi Undambi Area Claim and State of Queensland	30/11/2016	N/A	Registered from 30/03/2017 to 8/02/2019
QUD20/2019,Q C2013/003	Alex Davidson & Ors on behalf of the Kabi Kabi First Nation Traditional Owners Native Title Claim Group v State of Queensland	31/05/2013	N/A	Registered from 7/08/2013 to 8/02/2019
QUD20/2019,Q C2013/003	Alex Davidson & Ors on behalf of the Kabi Kabi First Nation Traditional Owners Native Title Claim Group v State of Queensland	31/05/2013	N/A	Registered from 7/08/2013 to 8/02/2019

\*For further information on pre-combined applications, see the Schedule extract for each pre-combined application.

- Attachments:**
1. Description of External Boundary - Attachment B of the Application, 7 pages - A4, 13/12/2016
  2. Map of the Claim Area - Attachment C of the Application, 1 page - A4, 13/12/2016

**NNTT Contact Details**

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End of Extract