



Extract from Schedule of Native Title Applications

Application Reference: Federal Court number: QUD331/2017
NNTT number: QC2017/007

Application Name: Cindy Dargin & Ors on behalf of the Danggan Balun (Five Rivers) People v State of Queensland

Application Type: Claimant

Application filed with: Federal Court of Australia

Date application filed: 27/06/2017

Current stage(s): 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: 14/09/2017

Registration decision status: Accepted for registration

Registration history: Registered from 14/09/2017

Applicants: Cindy Dargin, Ken Markwell, Tony Gordon, Shaun Davies, Anthony Dillon, Chris Levinge, Rory O'Connor, Melanie Gordon, Dina Paulson

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Additional Information

Not applicable

Persons claiming to hold native title:

Those persons who are descendants of the following Apical Ancestors and who identify and are recognised under the traditional laws and customs of the native title claim group as Danggan Balun (Five Rivers):

- Sarah *Warri/Warru* Clarke;
- George *Daramlee* Drumley;
- Jack Slab/Slabb Snr (husband of Lizzie *Waggil* Slabb & father of Charlotte, Frank, John/Jack Jnr, Olive & Victor);
- Kitty Blow (wife of Joseph Blow & mother of Frank Blow & Hughie Blow);
- Jackey Jackey aka *Bilin Bilin* aka *Bilin* aka John "Johnny" Logan (father of Emily Logan & Johnny Logan);
- Kipper Tommy Andrews (father of Lizzie Malay (nee Tommie);
- Julia Sandy (wife of Arthur Ford);
- Billy *Terribah/Didiba* Andrews (father of Elizabeth "Lizzie" Boyd (nee Andrews);
- Mary Ann Mitchell (mother of Mary Ann Drumley (nee Sandy), Ida Bell (nee Sandy), Norman Sandy Snr & Lindsay "Billy" Sandy);
- Unnamed mother of Matilda "Mittie" Fogarty (nee Sandy) and Lizzie (mother of William "Billy" Brown);
- Alice Edwards (nee Coolwell) (mother of Jack Jnr, Florence, Minnie, Eva, Eileen, Maud, Catherine, Evelyn & Julia);
- *Coolum* (husband of Nancy Culham (nee Coolwell) & father of Joseph "Joe", Maude, Lucy & Lena);
- Unnamed mother of Nancy Culham (nee Coolwell) (wife of *Coolum* & mother of Joseph "Joe", Maude, Lucy & Lena);
- *Yarry* (father of Frederick "Fred" Yarrie/Yarry);
- Joseph Coolwell (husband of Polly Allen/Dalton & father of Alfred, Eva, Edward, Rose, Campbell, Michael & Andrew);
- Polly Allen/Dalton (wife of Joseph Coolwell & mother of Eva, Edward, Rose, Campbell, Michael & Andrew);
- Elizabeth Wheeler/Tomes;
- Jim Edwards Snr (husband of Topsy (of Ipswich) & father of Jimmy Edwards Jnr).
- William Williams (Snr.)

Native title rights and interests claimed:

1. Where exclusive native title can be recognised (such as areas where there has been no prior extinguishment of native title or where s.238 and/or ss.47, 47A and 47B apply), the native title claimants as defined in this application, claim the right to possession, occupation, use and enjoyment of the lands and waters of the application area to the exclusion of all others subject to the valid laws of the Commonwealth and the State of Queensland.

2. Where exclusive native title cannot be recognised, the native title claimants as defined in this application, claim the following non-exclusive rights and interests including the right to conduct activities necessary to give effect to them:

- a) the right to access the application area;
- b) the right to use and enjoy the application area;
- c) the right to move about the application area;
- d) the right to camp on the application area;
- e) the right to erect shelters and other structures on the application area;
- f) the right to enter and remain on the application area;
- g) the right to hold meetings on the application area;
- h) the right to hunt on the application area;
- i) the right to fish in the application area;

- j) the right to have access to and use the natural water resources of the application area;
- k) the right to gather and use the natural resources of the application area (including food, medicinal plants, timber, tubers, charcoal, wax, stone, ochre and resin as well as materials for fabricating tools, hunting, implements, making artwork and musical instruments);
- l) the right to share and exchange resources derived from the land and waters within the application area;
- m) the right to participate in cultural and spiritual activities on the application area;
- n) the right to maintain and protect places of importance under traditional laws, customs and practices in the application area;
- o) the right to conduct ceremonies and rituals on the application area;
- p) the right to transmit traditional knowledge to members of the native title claim group including knowledge of particular sites on the application area.

Application Area: **State/Territory:** Queensland
Brief Location: South of Brisbane, QLD
Primary RATSIB Area: Southern and Western Queensland Region
Approximate size: 3094.3686 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”**.

In relation to (b) above, areas within the boundary identified in Attachment B that are not covered by the application are outlined below.

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 form [sic] a mining lease and referred to in section 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 paragraphs 4 and 5, the area covered by the application excludes any land or waters covered by the valid construction or establishment of a public work commenced on or before 23 December 1996.

3. Subject to paragraphs 4 and 5, exclusive possession is not claimed over area, which are subject to valid previous non-exclusive 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:

- a) Section 23B(9) – Exclusion of acts benefiting Aboriginal Peoples or Torres Strait Islanders;
- b) Section 23B(9A) – Establishment of a national park or state park;
- c) Section 23B(9B) – Acts where legislation provides for non-extinguishment;
- d) Section 23(9C) – Exclusion of Crown to Crown grants; and
- e) Section 23(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 1, 2 and 3 affects or affected land or waters referred to in:

- Section 47– Pastoral leases etc covered by claimant application;
- Section 47A – Reserves etc covered by claimant application;
- Section 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.

Where there is any discrepancy between the map provided at “Attachment C” and the written description contained here and in “Attachment B”, the latter prevails.

For the avoidance of doubt, the above sections relate to sections contained in the *Native Title Act 1993* (Cth).

- Attachments:**
- 1. External Boundary Description, Attachment B of the application, 3 pages - A4, 27/06/2017
 - 2. Map of the claim area, Attachment C of the application, 1 page - A4, 27/06/2017

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