



# Extract from the Register of Native Title Claims

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## Application Information

**Application Reference:** Federal Court number: QUD15/2019  
NNTT number: QC2013/005

**Application name:** Sam Dallachy and Ors on behalf of the Barada Kabalbara Yetimarala People #2 and State of Queensland & Ors (Barada Kabalbara Yetimarala People #2)

**Registration History:** Registered from 23/08/2013

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## Register Extract (pursuant to section 186 of the *Native Title Act 1993* (Cth))

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

**Date application filed:** 12/07/2013

**Date claim entered on Register:** 23/08/2013

**Additional Information:** Not Applicable

### APPLICANT:

**Person/s authorised as applicant:** Samuel Dallachy, Lalu Asela, Elizabeth Doyle, Juanita Mason, Skye Muller, Norman Ross, Deborah Santo, Vanessa Saunders, Michael Smith, Davina Tilberoo Snr, Claudine Walsh

**Condition/s on authority:** Not Applicable

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### DESCRIPTION OF THE AREA COVERED BY THE CLAIM:

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

#### **PERSONS CLAIMING TO HOLD NATIVE TITLE:**

The native title claim group on whose behalf this application is made is the Barada Kabalbara Yetimarala People who are the biological descendants of the following apical ancestors:

1. Lizzy/Kitty/Unnamed Barada Woman (mother of Saltbush George Budby, Rosie Barber, Eddie Budby and Albert Brown);
2. Ada/Ina Cotherstone, Daisy Wilson and Alick Smith Snr (and his wife Topsy Barron/Barren);
3. Polly (wife of Robert Noble) and Laura (wife of Duke/George Barker, Neddy/Teddy Sauney and Adam Bowen);
4. Lizzie (wife of Paddy Flynn);
5. Polly (late in life wife of Thomas Mitchell);
6. Arthur Miles;
7. Kitty (aka Kitty Eaglehawk);
8. Yatton Boney; and
9. Maggie (mother of Jack Mack and Gypsy Tyson).

#### **REGISTERED NATIVE TITLE RIGHTS AND INTERESTS:**

**The following Native Title Rights & Interests were entered on the Register on 25/10/2019**

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 the native title holders.

#### **REGISTER ATTACHMENTS:**

1. External Boundary Description, Attachment B of the application, 3 pages - A4, 02/10/2019
2. Map of External Boundary, Attachment C of the application, 1 page - A4, 02/10/2019

*Note: The Register of Native Title Claims may, in accordance with section 188 of the Native Title Act 1993 (Cth), contain confidential information that will not appear on the Extract.*