



Extract from the Register of Native Title Claims

Application Information

Application Reference: Federal Court number: QUD692/2016
NNTT number: QC2016/008

Application name: Bruce Banning & Ors on behalf of the Djabugay Nation and State of Queensland & Ors (Djabugay Nation Native Title Claim)

Registration History: Registered from 12/10/2016

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

Application filed with: Federal Court of Australia

Date application filed: 02/09/2016

Date claim entered on Register: 12/10/2016

Additional Information: Not Applicable

APPLICANT:

Person/s authorised as applicant: Bruce Banning, Alfred Gray Jnr, Barry Hunter Snr, Richard Bing Jnr, Florince Williams, Sydney Gray, Dianne Ambrym, Raymond Franks, Kathleen Lakatos, William Brim, Astro Brim, Earl Hobbler, George Singleton, Gavin Singleton Jnr, Mercy Baird

Condition/s on authority: Not Applicable

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DESCRIPTION OF THE AREA COVERED BY THE CLAIM:

The area covered by the application comprises all land and waters within the external boundary 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, s23B(9), s23B(9A), s23B(9C), or s23B(10) of the *Native Title Act 1993* (Cth) the area covered by the act is not excluded from this application.

Exclusive possession is not claimed over areas subject to valid previous non-exclusive possession acts of the Commonwealth or State as set out in Division 2B of Part 2 of the Act.

Any area subject to a native title determination or a registered native title claim at the time of filing this application is not claimed.

If there are discrepancies between the written description at 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).

PERSONS CLAIMING TO HOLD NATIVE TITLE:

The Cairns Regional Claim Native Title Claim Group is comprised of those who descend from one or more of the apical ancestors (including through traditional adoption) that follow:

1. Biddy Tangir Coleman;
2. George Coleman;
3. Ginny/Jinny Njujingai;
4. Worundu and Maritjima (parents of Ernest Bounghi);
5. Billy Boyle;
6. Nellie Kuranda nee Street (mother of Topsy Thomas and others);
7. Andrew Thomas aka Billy;
8. Jerry Bardon;
9. Maggie (mother Janie Clarke nee Brown);
10. Robert Clarke;
11. Joshua Barron;
12. Merukan (father of Toby Brim and others);
13. Annie Brim;
14. Barney Hunter and Minnie Street;
15. Tambo/Sambo Street and Kitty Street;
16. Jimmy Hobbler;
17. Billy Hobbler;
18. Tommy Newbury;
19. Jimmy Newbury and Polly Thompson;
20. Waikanigai;
21. Joe and Annie Davidson;
22. Andrew Dabah;
23. Billy Long and Nellie (parents of Nellie Hastie);
24. Jimmy and Nellie Street;
25. Jinny (mother of Tambo Banning);
26. Minnie (mother of Buttercup Banning);
27. Billy and Rosie (parents of Bella Robinson who raised Charlie Levers and Peter Banning);
28. Annie Courtney;

29. Polly Courtney;
30. Kitty Courtney (mother of Dick Richardson and others);
31. Charlie (who partnered Kitty Courtney);
32. Molly Dingga and her partners Ngunbitji and Patupita;
33. Tommy Hobson and his partners Cissie and Rose;
34. Kitty Donald;
35. Nellie and Micky (parents of Mary Anne Lawrence);
36. Cissie Hunter/ Fourmile;
37. Wulwai;
38. Waimbul and Jakere;
39. Jikangoman (mother of Charlie Hyde);
40. Nellie of Redlynch (who partnered Jiritju);
41. Charlie Fourmile;
42. Walter Fourmile;
43. Billy Jagar;
44. Kitty Ikitjiti (mother of Maggie Aleck);
45. Lizzie and Peter Harwood;
46. Frank and Jinnie of Redlynch;
47. Billy and Rosie of Speewah;
48. Jeanie Graper;
49. Charlie McGrath aka Frank Lyons;
50. Nellie (mother of Peter, Charlie, Mick and Phillip Reid);
51. Henry of Barron River;
52. Old Man Manga/Mange; and
53. Niju Wu of Double Island.

For clarity, the Djabugay-Yirrganydji-Bulway-Nyakali-Guluy People can trace descent from the above ancestors either through patrilineal or matrilineal links.

Attachment A provides an explanation of the difference between the proposed claim group as it was notified and the authorised claim group which appears in this Schedule.

REGISTERED NATIVE TITLE RIGHTS AND INTERESTS:

The following Native Title Rights & Interests were entered on the Register on 12/10/2016

1. In relation to land where there has been no prior extinguishment of native title or where s238 (the non-extinguishment principle) applies, the native title rights and interests claimed are the exclusive rights to possession, occupation, use and enjoyment of the claim area as against the whole world, pursuant to the traditional laws and customs of the claim group, but subject to the valid laws of the Commonwealth of Australia and the State of Queensland, and
2. With regard to all remaining land and waters within the claim area, the native title rights and interests claimed are not to the exclusion of all others and are the rights to speak for country, be present on, have access to and use the claim area and its cultural resources, namely the right to:
 - 1) Remain and live on the claim area;
 - 2) Speak for country and make decisions about the use and enjoyment of the Determination area by Aboriginal people who recognise themselves to be governed by the traditional laws and customs acknowledged by members of the native title holders;
 - 4) Use the claim area;
 - 5) Access the claim area;
 - 6) Traverse the claim area;
 - 7) Enjoy the claim area;
 - 8) Camp on the claim area;
 - 9) Erect temporary structures on the claim area;
 - 10) Erect permanent structures on the claim area;

- 11) Hunt on the claim area;
- 12) Fish on the claim area;
- 13) Gather on the claim area;
- 14) Light fires on the claim area for domestic purposes, including but not restricted to, cooking and warmth;
- 15) Light fires on the claim area for hunting purposes;
- 16) Light fires on the claim area for clearing vegetation and regenerating growth of natural resources;
- 17) Conduct religious activities on the claim area;
- 18) Conduct religious ceremonies on the claim area;
- 19) Conduct spiritual activities on the claim area;
- 20) Conduct spiritual ceremonies on the claim area;
- 21) Conduct and participate in ceremonies on the claim area;
- 22) Whilst on the claim area interact with the spirits and ancestral beings;
- 23) Maintain places of importance under traditional laws and customs on the claim area;
- 24) Protect against physical harm, places on the claim area, that are of importance under traditional laws and customs;
- 25) Teach on the claim area the physical and spiritual attributes of the claim area;
- 27) Consume natural resources of the claim area on the claim area;
- 28) Share natural resources on the claim area;
- 29) Exchange natural resources that come from the claim area;
- 31) Harvest natural resources on the claim area;
- 32) Construct material items from natural resources on the claim area including but not restricted to shields, baskets, and items of adornment;
- 35) Gather and use traditional bush medicine of the claim area;
- 36) Produce traditional bush medicines in the claim area;
- 37) Consume traditional bush medicines in the claim area;
- 40) Bury deceased claim group members on the claim area;
- 41) Conduct burials and burial rites and other ceremonies in relation to death on the claim area;
- 42) Conduct smoking ceremonies on the claim area;
- 43) Dance on the claim area;
- 44) Be buried on the claim area;
- 45) Hold meetings on the claim area.

The asserted native title rights and interests are subject to:

- 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:

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;

d) 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.

REGISTER ATTACHMENTS:

1. Attachment C Map of Claim Area, 1 page - A4, 02/09/2016

2. Attachment B External Boundary Description , 6 pages - A4, 02/09/2016

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.