



Extract from Schedule of Native Title Applications

Application Reference: Federal Court number: QUD344/2024
NNTT number: QC2024/005

Application Name: Elvie Sandow & Ors on behalf of the Bigambul People #5 v State Minister for the State of Queensland and Ors (Bigambul People #5)

Application Type: Claimant

Application filed with: Federal Court of Australia

Date application filed: 26/06/2024

Current status: Struck-out - 06/02/2025

Registration information: Please refer to the Register of Native Title Claims/National Native Title Register (as appropriate) for registered details of this application.

Registration decision status: Not currently identified for Reg. Decision

Registration history: -

Applicants: Elvie Sandow, James Schibrowski, Edward Mitchell, Sheridan Noble

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Additional Information

Not applicable

Persons claiming to hold native title:

The claim group are the biological descendants of
(i) Nellie Yumbeina;

National Native Title Tribunal

- (ii) Queen Susan of Welltown;
- (iii) Jack Noble;
- (iv) Sally Murray;
- (v) Susan, Mother of Duncan Daniels; or
- (vi) Jack and James Armstrong.

who identify and are recognised as Bigambul People in accordance with the traditional laws and customs acknowledged observed by them.

Native title rights and interests claimed:

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 claim group claims the right to possession, occupation, use and enjoyment of the area to the exclusion of all others.

2. Over areas where a claim to exclusive possession cannot be recognised, the claim group claims the 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 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, share and exchange 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 noncommercial communal purposes;
- f) conduct ceremonies on the area;
- g) be buried and bury native title holders within the area;
- h) teach on the area the physical, cultural and spiritual attributes of the area;
- i) 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;
- j) light fires on the area for domestic purposes including cooking, but not for the purpose of hunting or clearing vegetation; and
- k) be accompanied onto the area by certain non-Bigambul people, being people required for the performance of ceremonies and cultural activities.

3. For the purposes of (2.) above:

"Live" means to reside and for that purpose erect shelters and temporary structures but does not include a right to construct permanent structures;

"Traditional Natural Resource" means:

- (1) "animals" as defined in the Nature Conservation Act 1992 (Old);
- (2) "plants" as defined in the Nature Conservation Act 1992 (Old);
- (3) "charcoal, shells and resin"; and
- (4) "clay, soil, sand; ochre; gravel or rock on or below the surface";

"Water" means water as defined by the Water Act 2000 (Old);

4. The native title rights and interests are subject to:

- (a) The valid laws of the State of Queensland and the Commonwealth of Australia; and
- (b) The rights conferred under those laws.

Application Area:

State/Territory: Queensland

Brief Location: Area extends north and north west from the QLD/NSW border and is centred about 90 km west of Goodiwindi

Primary RATSIB Area: Southern and Western Queensland Region

Approximate size: 1544.2342 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):

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"**. *[A copy of ATTACHMENT "B" is attached to this Extract.]*

Areas within the boundary identified in **ATTACHMENT "B"** that are not covered by the application are set out below:

1. The area covered by the application excludes any land or waters that is or has been covered by:

- i. Scheduled Interest;

National Native Title Tribunal

Extract from Schedule of Native Title Applications

QUD344/2024

Page 2 of 3

- ii. a freehold estate;
- iii. 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 s.238(2)(c)(vii) of the Native Title Act 1993 (Cth); and
- viii. 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 any public work, where the construction or establishment of the public work commences on or before 23 December 1996.

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

- S.238(9) - Exclusion of acts benefiting Aboriginal Peoples or Torres Strait Islanders;
- S.238(9A) - Establishment of a national park or state park;
- S.238(9B) - Acts where legislation provides of non-extinguishment;
- S.238(9C) - Exclusion of Crown to Crown grants; and
- S.238(10) - Exclusion by regulation.

the area covered by the act is 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:

- S47 - Pastoral leases etc. covered by claimant application;
- S47A- Reserves etc. covered by claimant application;
- S47B - 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.

Attachments:

1. QC2024_005 Attachment B - Area of Land and Waters Covered by the Application, 2 pages - A4, 26/06/2024
2. QC2024_005 Attachment C - Map of the claim area, 1 page - A4, 26/06/2024

End of Extract