



Extract from Schedule of Native Title Applications

Application Reference: Federal Court number: NSD6054/1998
NNTT number: NC1996/041

Application Name: Gumbaynggirr People

Application Type: Claimant

Application filed with: National Native Title Tribunal

Date application filed: 16/12/1996

Current status: Full Approved Determination - 15/08/2014

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: 16/12/1996

Registration decision status: Accepted for registration

Registration history: Registered from 16/12/1996 to 28/08/2014,

Date claim / part of claim determined: 15/08/2014

Applicants: Barry Phyllis, Bridgett Jarrett, Peter Williams, Larry Kelly, Colin Jarrett, Michele Donovan, Richard Pacey, Trevor Ballangarry, Aden Ridgeway, Conway Edwards

Address(es) for Service: NTSCORP Limited
PO Box 2105
REDFERN NSW 2016
Phone: (02) 9310 3188
Fax: (02) 9310 4177

Additional Information

Not applicable

Persons claiming to hold native title:

The Gumbaynggirr People are the native title claim group on whose behalf the Applicant makes this application is made or a sufficiently clear description of the persons so that it can be ascertained

whether any particular person is 1 of those persons.

The Gumbaynggirr People are the native title claim group on whose behalf the Applicant makes this application. The native title claim group comprises all the descendants of the following apical ancestors:

1. King Ben Bennelong;
2. Maggie Buchanan and Davy Cowling;
3. Bidy, th emother of Lavina Duncan (Bina Whaddy);
4. Fanny Purrapine, the mother of Lily Kelly and Hilda Kelly Robinson;
5. Darby Kelly;
6. The father of Maggie Kelly's mother Bidy;
7. William 'Old Bill' Dotti;
8. John 'Jack' Dottie;
9. Lucy Flanders;
10. Dave Ballangarry;
11. Robert Walker and Louise Linwood;
12. John 'Jack' Long;
13. Bridget 'Biddy' Briggs Needam;
14. Mary Bridggs and Fred Briggs;
15. Susan, mother of Charles Jarrett Snr;
16. Rose Taylor;
17. Charles Layton;
18. Mick McDougall;
19. Clara Skinner;
20. Sylvie Craig;
21. Elizabeth 'Kitty' Campbel/Cameron (known as Elizabeth Blakeney);
22. Emily Sutton;
23. Fred Hookey;
24. Nobby Neville;
25. Mary Jane Ferguson;
26. Billy Lardner Jnr;
27. King Bobby of Oban;
28. The parent of Charlie Whitton and Lucy Larrigo (nee Whitton);
29. Walter Smith and Stella Jane Davis;
30. Jane Gard/Maskey;and

persons who have been adopted into the families of those persons (and the biological descendants of any such adopted persons); and

persons who have been otherwise incorporated, or who are direct descendants of a person who has been otherwise incorporated, as a member of the Gumbaynggirr People and who identify as and are accepted as a Gumbaynggirr person, in accordance with Gumbaynggirr laws and customs.

Native title rights and interests claimed:

A description of the native title rights and interests claimed in relation to particular land or waters (including any activities in exercise of those rights and interests)

1. Subject to paragraphs 2 and 3 the nature and extent of the native title rights and interests held by the Gumbaynggirr People in the Consent Determination Area are the non-exclusive rights to use and enjoy the land and waters of the Consent Determination Area in accordance with Gumbaynggirr traditional laws and customs being:

- a. the right to have access to and camp on the Consent Determination area;
- b. the right to take and use waters on or in the Consent Determination Area;
- c. the right to hunt and gather natural resources of the Consent Determination Area for personal, domestic and non-commercial communal use;
- d. the right to take fish in the temporary waters occurring above the mean high water mark in the Consent Determination Area;
- e. the right to do the following activities on the land;
 1. conduct ceremonies;
 11. teach the physical, cultural and spiritual attributes of places and areas of importance on or in the land and waters; and
 111. to have access to, maintain and protect from physical harm, sites in the Consent Determination Area which are of significance to Gumbaynggirr People under their traditional laws and customs.

2. The native title rights and interests referred to in paragraph 1 are exercised for personal, domestic and non-commercial communal purposes and do not confer on the native title holders possession, occupation, use or enjoyment to the exclusion of all others. The native title rights and interests do not confer any right to control public access or public use of the land and waters of the Consent Determination Area.

3. The native title rights and interests in the Consent Determination Area are subject to and exercisable in accordance with:

- a. the laws of the State of New South Wales and the Commonwealth including the common law; and
- b. the traditional laws acknowledged and traditional customs observed by the Gumbaynggirr People

Application Area:

State/Territory: New South Wales

Brief Location: Warrell Creek, Nambucca Heads

Primary RATSIB Area: New South Wales

Approximate size: 6.2291 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):

The area covered by the application ('the Application Area') comprises all the land and waters within the parcels described in this schedule and depicted in the map at Attachment C as purple hachure.

- (a) That part of Lot 7310 of DP1149441 not subject to an easement 15 metres wide for access, pipeline and rising main to Lot 1 of DP710419
- (b) Lot 7311 of DP1149441
- (c) Lot 7312 of DP1149441
- (d) Lot 7313 of DP1149441
- (e) Lot 7314 of DP1149441
- (f) Lot 7315 of DP1149441
- (g) Lot 235 of DP755539
- (h) Lot 236 of DP755539
- (i) Lot 237 of DP755539
- (j) Lot 238 of DP755539
- (k) Lot 239 of DP755539
- (l) Lot 240 of DP755539
- (m) Lot 241 of DP755539
- (n) Lot 242 of DP755539
- (o) Lot 243 of DP755539
- (p) Lot 244 of DP755539
- (q) Lot 245 of DP755539
- (r) Lot 246 of DP755539

Attachments: 1. Attachment C Map, 1 page - , 12/08/2014

NNTT Contact Details

Address:	National Native Title Tribunal Sydney Office Level 14, Law Courts Queens Square SYDNEY NSW 2000 GPO Box 9973 SYDNEY NSW 2001
Telephone:	+61 2 9227 4000
Freecall:	1800 640 501
Fax:	+61 8 9425 1193
Web Page:	www.nntt.gov.au

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