



Attachment E

s.62(2)(d) Native Title Act 1993 (Cth)

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

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 Widjabul Wia-bal as defined in Schedule A of 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 New South Wales.
2. Where exclusive native title cannot be recognised, the Widjabul Wia-bal as defined in Schedule A of 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 live being 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 manage natural resources of the application area;
 - (m) the right to share and exchange resources derived from the land and waters within the application area;
 - (n) the right to participate in cultural and spiritual activities on the application area;
 - (o) the right to maintain and protect places of importance under traditional laws, customs and practices in the application area;
 - (p) the right to conduct ceremonies and rituals on the application area;
 - (q) the right to transmit traditional knowledge to members of the native title claim group including knowledge of particular sites on the application area;
 - (r) the right to speak for and make non-exclusive decisions about the application area in accordance with traditional laws and customs;
 - (s) the right to speak authoritatively about the application area among other Aboriginal People in accordance with traditional laws and customs; and



- (t) the right to control access to or use of the lands and waters within the application area by other Aboriginal People in accordance with traditional laws and customs.
3. The native title rights and interests referred to in paragraph 2 do not confer possession, occupation, use or enjoyment of the lands and waters of the application area to the exclusion of all others.
4. The native title rights and interests are subject to and exercisable in accordance with:
- (a) the laws of the State of New South Wales and the Commonwealth of Australia including the common law;
 - (b) the rights (past or present) conferred upon persons pursuant to the laws of the Commonwealth and the laws of the State of New South Wales; and
 - (c) the traditional laws and customs of the Widjabul Wia-bal for personal, domestic and communal purposes (including social, cultural, religious, spiritual and ceremonial purposes).