



## Attachment A

### s.61 *Native Title Act 1993* (Cth)

Adoption and incorporation are not open-ended or casual processes; they are acknowledged and practiced in accordance with Gumbaynggirr traditional law and custom.

If an objective test for **adoption** is required, it can be tested for by the following features based upon Gumbaynggirr traditional laws and customs:

- Has the person been included in a Gumbaynggirr family (descent group) by an adult member of that Gumbaynggirr family (descent group) who raised the child as one of their own? (This is commonly referred to as 'growing up' or being 'reared up' (by) that person).
- During the time the child was growing up, were they commonly identified as Gumbaynggirr by the other members?
- Were they given the same rights within the family (descent group) as other members? If so, this flows on to rights in land as well, since kin relations and relations in connection to country share a common structure – e.g. when one refers to 'my father(s) land', the relationship to that land is seen as of a similar order to, and derived from one's relationship to one's father.
- As the child matured, did they become recognised as a member of the adopting adult's family (descent group), and eventually by the senior people of the Gumbaynggirr native title community?
- Has the adopted person closely associated with the Gumbaynggirr family (descent group) throughout their life, and held an active association with, and knowledge of the traditional country of the Gumbaynggirr community, comparable to that of the rest of the Gumbaynggirr community?

Membership of the Gumbaynggirr People can also be through incorporation. '**Incorporation**' here applies where the person's biological parents were not Gumbaynggirr. Incorporation is acknowledged by the Gumbaynggirr people under traditional law and custom. If an objective test for incorporation is required, it can be tested for by the following features based upon Gumbaynggirr traditional laws and customs:

- Has the person been incorporated into a Gumbaynggirr family (descent group) by an adult member of the group?
- Did they identify as a member of that family (descent group), and were they commonly identified as such by the other members?
- Were they given the same rights within the descent group as other members? If so, this flows on to rights in land as well, since kin relations and relations in connection to country share a common structure – e.g. when one refers to 'my mother(s) land', the relationship to that land is seen as of a similar order to, and derived from one's relationship to one's mother.
- Were they recognised as a member of the incorporating adult's descent group, and eventually by the senior members of the Gumbaynggirr People?
- Have the incorporated person's descendants closely associated with the Gumbaynggirr group throughout their life, and held an active association with, and knowledge of the traditional country of the Gumbaynggirr community, comparable to that of the rest of the Gumbaynggirr community?