



Extract from Schedule of Native Title Applications

Application Reference: Federal Court number: QUD492/2013
NNTT number: QC2013/006

Application Name: Eileen Beryl Pegler & Ors on behalf of the Widi People Of The Nebo Estate #2 v State of Queensland (Widi People Of The Nebo Estate #2)

Application Type: Claimant

Application filed with: Federal Court of Australia

Date application filed: 29/07/2013

Current status: Full Approved Determination - 30/08/2016

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: 14/03/2014

Registration decision status: Accepted for registration

Registration history: Registered from 14/03/2014 to 2/09/2016,

Date claim / part of claim determined: 30/08/2016 , 29/06/2016

Applicants: Eileen Beryl Pegler, Paul Royce Butterworth, Lorraine Joyce McLennan, Ronald Jock Watson, Kenneth Stewart Peters Dodd, Graham Ian Sauney, Oswald Alfred Skeen, Athol Noel Goltz, Linda Wailu (nee Budby), Marilyn Joyce Elizabeth Duncan

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Additional Information

A consent determination of native title in respect of part of the application area was made by Justice Dowsett on 29 June 2016, see attachment to this Schedule Extract. This determination was registered on the National Native Title Register on 18 July 2016. Details of the claim made in relation to the determination area are removed from the application as and from 29 June 2016.

Persons claiming to hold native title:

1. The native title claim group is comprised by the Widi People who, according to traditional laws acknowledged, and customs observed:

(a) are traditionally connected with the area described in Schedule B ("the area claimed") through:

- spiritual, religious, and physical associations;
- biological, classificatory or adoptive descent through the four grandparental lines of father's father, mother's father, father's mother, and mother's mother; and
- processes of succession.

(b) have communal native title in the application area, from which rights and interests derive.

2. By definition the claimants, in relation to the area claimed, are comprised by all persons descended-from the Widi ancestors identified in paragraph (3).

3. The Widi ancestors referred to in paragraph (2) are more particularly identified as follows:

The Native Title Claim Group is described as those Widi People (Wiri Language People of the Nebo Estate) who are the biological or adopted descendants of the following people:

- a. Jean White, mother of Albert Butterworth;
- b. Mr Clark ('of Suttor Station') & Jinny (of 'Stockton Station'), whose known children are Charlie Clark and Dick Clark
- c. Jinny (of 'Stockton Station'), whose known child (with Mr Watson) is Charlie Watson;
- d. Siblings Tommy Emmerson/Iffley and Arthur Emmerson;
- e. Roger ('of Nebo district'), whose known child is Emily Rogers;
- f. Neddy Thorney, whose known child is Sarah Mate Mate nee Thorney/Sauney;
- g. Sophie ('of Nebo'), whose known children are Jack Skeen, William Skeen and Norman Skeen;
- h. Dick ('of Nebo'), whose known child is Sam Murray;
- i. Billy ('of Nebo') & Molly (of 'Oxford Downs Station'), whose known children are Jessie and Billy Sullivan;
- j. Harry Monsell Snr ('of Lake Elphinstone') whose known children are Lily Sullivan, Flora Doyle and Harry Monsell Jnr;
- k. King ('of Fort Cooper') & Meg ('of Fort Cooper'), whose known children are Johnny, Mick, Mitchell Dalton, Paddy, Emma and Annie;
- l. Ida, whose known child is Rene Hess ('from Nebo');
- m. Maggie, whose known children are Norman Brown Snr, George 'Duke' Barker and Ina Darwin.

Native title rights and interests claimed:

The Widi #2 Applicant acknowledges that the further amended claim area is also subject to the native title determination application of the Barada Barna People in QUD380 of 2008. The Widi #2 Applicant does not oppose recognition of the native title rights and interests claimed by the Barada Barna People in the further amended claim area of Widi #2

Subject to such determination of rights and interests claimed in QUD380 of 2008 as may be made the rights and interests claimed in relation to

1) Land and waters where there has been no prior extinguishment of Native Title or where section 238 (the non-extinguishment principle) applies:

the native title rights and interests claimed are the right 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 State of Queensland.

2) 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 and interests set out in Paragraph 3 below:

3) Native Title rights and interests claimed:

- a) the right to live on the claim area;
- b) the right to move about, be present on, travel over and access the claim area;
- c) the right to cook, camp, erect shelters and other structures in the claim area;
- d) the right to speak for and make decisions about the claim area;
- e) the right to control others' access;
- f) the right to maintain and protect places and areas of importance, such as sacred sites, rock art, camping areas, burial grounds and archaeological remains in the claim area;
- g) the right to conduct meetings in the claim area;
- h) the right to use, hunt, fish, gather, take and enjoy natural resources, such as food, water, medicinal plants and trees, tubers, charcoal (made by using fire), firewood, ochre, stone, resin and wax;
- i) the right to make fire;
- j) the right to share, exchange or trade resources;
- k) the right to control others' use and enjoyment of resources;
- l) the right to engage in cultural activities, such as conducting ceremonies, births, burial rites, and holding meetings;
- m) the right to teach cultural activities, such as teaching the significance of areas and places of importance;
- n) the right to maintain, protect and prevent the misuse of cultural knowledge, customs and practices;
- o) the right to determine and regulate membership of the claim group.

The application does not include a claim for exclusive possession over previous non-exclusive possession act areas as defined under section 23F of the Native Title Act 1993 save where the Native Title Act 1993 and/or the common law allows such a claim to be part of the Native Title Determination application.

Application Area: **State/Territory:** Queensland
Brief Location: West of Mackay near the town of Nebo in North Queensland
Primary RATSIB Area: Northern Queensland Region
Approximate size: 882.2080 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):

1. The area covered by this application ("the application area") includes all the land and waters inside the external boundary of the application area.

The external boundary of the application area is shown on the map and marked "Attachment C", and is also identified by reference to external boundary description set out in "Attachment B".

2. Areas that are excluded from the application area:-

(i) Subject to (iv), valid acts that occurred on or before 23 December 1996 comprising such of the following that are considered extinguishing acts within the meaning of the Native Title Act 1993 (Cth) as amended, namely:

(a) Category A past acts as defined in s.228 and s.229 of the Native Title Act 1993 (Cth) and

(b) Category A intermediate acts as defined in s.232A and s.232B of the Native Title Act 1993 (Cth);

(ii) Subject to (iv), any valid previous exclusive possession act(s), as set out in Division 2B of Part 2 of the Native Title Act 1993 (Cth) done in relation to the claim are; and the act(s) were attributable to the Commonwealth or State;

(iii) Subject to (iv), any areas over which native title has otherwise been extinguished;

(iv) The paragraphs above and below are subject to the provisions of s.47, s.47A and s.47B of the Native Title Act 1993 (Cth) as may apply to any part of the application area. Areas subject to acts referred to in (2)(i),(ii) & (iii), and (3), to which the provisions of s.47 and s.47B of the Native Title Act (1993) Cth apply, are not excluded from the application area.

3. Save that exclusive possession is not claimed over areas that have been subject to valid previous non-exclusive possession act(s), done by the Commonwealth or the State, as set out in Division 2B or Part 2 of the Act.

Attachments:

1. Attachment B External Boundary Description, 5 pages - A4, 02/07/2015
2. Attachment C Map of Claim Area, 2 pages - A4, 02/07/2015
3. QCD2016/008 Widi People of the Nebo Estate #2 Determination, 170 pages - A4, 29/06/2016
4. Description of Remaining Area, 7 pages - A4, 29/06/2016
5. Map of Remaining Area, 1 page - A4, 29/06/2016

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