



Extract from Schedule of Native Title Applications

Application Reference: Federal Court number: QUD148/2015
NNTT number: QC2015/003

Application Name: Roberta Lightning and Ors on behalf of the Nywaigi People v State of Queensland (Nywaigi People)

Application Type: Claimant

Application filed with: Federal Court of Australia

Date application filed: 10/04/2015

Current status: Full Approved Determination - 20/04/2018

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: 05/06/2015

Registration decision status: Accepted for registration

Registration history: Registered from 5/06/2015 to 2/05/2018,

Date claim / part of claim determined: 20/04/2018

Applicants: Roberta Lightning, Victor Cassady, Victor Bligh, Phil Rist, Gerald Berry, John Anderson, Bernice Dwyer, Vannessa Oui

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Additional Information

Not applicable

Persons claiming to hold native title:

The native title claim group on whose behalf this application is made is the Nywaigi People who are the decedents of the following ancestors:

1. Billie and Jennie, whose known child is Rosie Addo, whose known child is Nellie/Clara Cassidy/Clara Quetta, whose known child is Ernest Addo Snr.;
2. Rosie Tootoolie, whose known children are Jack Addo and Charlie Addo;
3. Dora, whose known child is Emily King, whose children are Tommy Anderson Jnr., Frank Anderson Snr., and Ellen Anderson;
4. Tooya, whose known children are Amy Bligh, Kitchener Bligh, Reginald Bligh Snr/Roberts and Warren Bligh;
5. Billie and Jennie, whose known child is Rosie, whose known child is Billy Cassady;
6. Rosie Halifax, whose known children are Thomas Curley Snr, and Peter Wallace;
7. Heron and Alice, whose known child is Rosie Dennis, whose known children are Roy Heron, Jimmy Dennis, Henry Dennis Snr., Evelyn Dennis and Alexander Dennis;
8. Mungi, whose known child is Paddy Payne;
9. Charlie Lewis Snr/Henry and Rosie Lewis/ Mingabi, whose known children are Daphne Lewis/Roach, Joan Lewis/Tiers, Freddie Lewis and Charlie Lewis Jnr.;
10. Dylini, whose known child is Mary/Dyinbayi, whose known child is Willie Seaton Snr/'Bunurra';
11. Tommy Roach and Nora, whose known children are Peter Roach and Jack Roach/Wargurdal (an old 'Nywaigi King');
12. Billy Erin and Jeannie, whose known children are Long Erin/Long Heron, Charlie Roberts/Lambert, Bob Roberts/Robert Ingham, Rosie Roberts and Louisa Roberts;
13. Jimmy Kerr and Annie, whose known child is Tippo Ingham;
14. Brothers Maturra, Nitoo (also known as Ditchurogoo), Gilman (also known as Tommy Landerson), and Dilgorru (also known as King Bill); and
15. Elizabeth Bellyarre/Lizzie Balyarri whose parents are Billy and Kitty

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. With respect to all unallocated State land (USL) within the land and waters covered by the application ('claim area') where there has been no prior extinguishment of Native Title or where s238 applies, the Native Title rights and interests claimed are the right to possess, occupy, use and enjoy the claim area as against the whole world, pursuant to the traditional laws and customs of the claim group.

2. With respect to all remaining tenures 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 to:

- i. access, be present on, move about on and travel over the area;
- ii. camp, live temporarily on the area as part of camping, and for that purpose build temporary shelters;
- iii. hunt, fish and gather on the land and waters of the area for personal, domestic and non-commercial communal purposes;
- iv. take, use, share and exchange Natural Resources from the land and waters of the area for personal, domestic and non-commercial communal purposes;
- v. take and use the Water of the area for personal, domestic and non-commercial communal purposes;
- vi. conduct ceremonies on the area;
- vii. be buried and bury native title holders on the area;
- viii. 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;
- ix. teach on the area the physical and spiritual attributes of the area;
- x. hold meetings on the area; and

xi. light fires on the area for the domestic purposes including cooking, but not for the purpose of hunting or clearing vegetation.

3. The Native Title rights are subject to:

- a) the valid laws of the State of Queensland and the Commonwealth of Australia
- b) the rights (past or present) conferred upon persons pursuant to the laws of the Commonwealth and the laws of the State of Queensland.

Application Area: **State/Territory:** Queensland
Brief Location: Application covers about 835 square kilometres located 6km south of Ingham.
Primary RATSIB Area: Northern Queensland Region
Approximate size: 838.5748 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):

(A) Areas covered by the application:

The area covered by this Application includes all 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 as "Attachment C", and is also described by reference to the external boundary description set out in "Attachment B".

(B) Areas within the external boundaries not covered by the application:

1. Subject to (3) below (which describes an exception to this exclusion), the areas within the boundaries in (A) that are not covered by the application are:

(a) any area that is or was subject to any of the following acts as these are defined in the Native Title Act 1993 (Cth) and the act was or is attributable to the Commonwealth or the State of Queensland:

i. a Category A past act;

ii. a Category A intermediate period act;

iii. a Category B past act that is wholly inconsistent with the continued existence, enjoyment or exercise of any native title rights and interests.

iv. a Category B intermediate period act that is wholly inconsistent with the continued existence, enjoyment or exercise of any native title right and interests.

(b) any area in relation to which a 'a previous exclusive possession act', as defined in section 23B of the Native Title Act, was done and the act was an act attributable to the Commonwealth or the State of Queensland;

(c) any area in relation to which native title rights and interests have otherwise been wholly extinguished.

2. The area covered by the application excludes:

(a) a Scheduled interest;

(b) a freehold estate;

(c) a commercial lease that is neither an agricultural lease nor a pastoral lease;

- (d) an exclusive agricultural lease or exclusive pastoral lease;
- (e) a residential lease;
- (f) a community purpose;
- (g) a lease dissected from a mining and referred to in s 23B(2) (c) (vii) of the Native Title Act;
- (h) any lease (other than mining) that confers a right of exclusive possession over particular land or waters.

3. Despite (1) and (2) above, an area within the boundaries described in (A) is covered by the application if the area;

(a) is an area to which the non-extinguishment principle (as defined in section 238 of the Native Title Act) applies; or

(b) is an area to which any of sections 47, 47A or 47B of the Native Title Act apply meaning that any extinguishment of native title rights and interests for an area described in (1) or (2) must be disregarded.

- Attachments:**
- 1. Description of Claim Area, 3 pages - A4, 30/08/2017
 - 2. Map of Claim Area , 1 page - A4, 30/08/2017

NNTT Contact Details

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