



Extract from the National Native Title Register

Determination Information:

Determination Reference: Federal Court Number(s): NSD6019/1998
NNTT Number: NCD2007/001

Determination Name: [Trevor Close on behalf of the Githabul People v Minister for Lands](#)

Date(s) of Effect: 29/11/2007

Determination Outcome: Native title exists in the entire determination area

Register Extract (pursuant to s. 193 of the *Native Title Act 1993*)

Determination Date: 29/11/2007

Determining Body: Federal Court of Australia

ADDITIONAL INFORMATION:

Not Applicable

REGISTERED NATIVE TITLE BODY CORPORATE:

Githabul Nation Aboriginal Corporation RNTBC
Agent Body Corporate
64 Kyogle Road
KYOGLE New South Wales 2474

Note: current contact details for the Registered Native Title Body Corporate are available from the Office of the Registrar of Indigenous Corporations www.oric.gov.au

COMMON LAW HOLDER(S) OF NATIVE TITLE:

2. Native title is held by the "Githabul People" who are a group comprising Aboriginal persons who are:

(a) the biological descendants of Yagoi, Billy Williams, Doctor or Billy Williams, Julia Charles, Hughie Williams, Mary Williams, Elizabeth Williams, Lily Williams, Elsa/Eileen Williams, Euston Williams, Jimmy Sambo, Dan Sambo, Emily Sambo, Margaret Sambo, Jean Sambo, Timegar Sambo, Jerry Wagner, Alec Bond, Rene Bond, Anne Hippine, Lily Harrison, Dillon Harrison, Elizabeth Sutherland, Arthur Bundock, Fred Yarrrie, Margaret Yarrrie, Sam Yarrrie, Bob Yarrrie, Syd Yarrrie, Kitty, Billy McBride, Elizabeth McBride, Gergan Williams, Minnie Williams, Clara Williams, Girille, Lena Weekly, Emily Weekly, John Devan, Dolly Devan, Tom Close, Nellie Devine, Roy Close, Violet Cliff, Sarah Kenny, Lizzy Andrew, Digger Marine or Mareen, Bill Williams, Nellie Williams, Alice Williams, Arthur Williams, Faraway Hart, Tommy Boyd, Roger Boyd, Bill Hill Snr, King Edward Derry, Billy King Snr, Bill Brown, and Tommy Kenny; and

(b) persons adopted into the families of those persons (and the biological descendants of any such adopted persons);

and

(c) identify themselves as members of the Githabul People; and

(d) are recognised by the Githabul People as being members of the Githabul People.

MATTERS DETERMINED:

THE COURT ORDERS, DECLARES AND DETERMINES BY CONSENT THAT:

EXISTENCE OF NATIVE TITLE

1. Native title exists in relation to the land and waters described in Attachment 1 ("Consent Determination Area")

NATIVE TITLE HOLDERS

2. Native title is held by the "Githabul People" who are a group comprising Aboriginal persons who are:

(a) the biological descendants of Yagoi, Billy Williams, Doctor or Billy Williams, Julia Charles, Hughie Williams, Mary Williams, Elizabeth Williams, Lily Williams, Elsa/Eileen Williams, Euston Williams, Jimmy Sambo, Dan Sambo, Emily Sambo, Margaret Sambo, Jean Sambo, Timegar Sambo, Jerry Wagner, Alec Bond, Rene Bond, Anne Hippine, Lily Harrison, Dillon Harrison, Elizabeth Sutherland, Arthur Bundock, Fred Yarrie, Margaret Yarrie, Sam Yarrie, Bob Yarrie, Syd Yarrie, Kitty, Billy McBride, Elizabeth McBride, Gergan Williams, Minnie Williams, Clara Williams, Girllie, Lena Weekly, Emily Weekly, John Devan, Dolly Devan, Tom Close, Nellie Devine, Roy Close, Violet Cliff, Sarah Kenny, Lizzy Andrew, Digger Marine or Mareen, Bill Williams, Nellie Williams, Alice Williams, Arthur Williams, Faraway Hart, Tommy Boyd, Roger Boyd, Bill Hill Snr, King Edward Derry, Billy King Snr, Bill Brown, and Tommy Kenny; and

(b) persons adopted into the families of those persons (and the biological descendants of any such adopted persons); and

(c) identify themselves as members of the Githabul People; and

(d) are recognised by the Githabul People as being members of the Githabul People.

NATURE AND EXTENT OF NATIVE TITLE RIGHTS AND INTERESTS

3. The nature and extent of the rights and interests held by the Githabul People in the Consent Determination Area are the non-exclusive rights to:

(i) access, and camp on, the Consent Determination Area;

(ii) fish, hunt and gather animal and plant resources for personal, domestic and non-commercial communal consumption;

(iii) take and use water for personal, domestic and non-commercial communal purposes;

(iv) access the Consent Determination Area for spiritual purposes and to access sites of sites of spiritual significance in the Consent Determination Area; and

(v) protect, by lawful means, places of importance to the Githabul People in the Consent Determination Area from physical harm.

4. The native title rights and interests held by the Githabul People do not confer possession, occupation, use and enjoyment of the Consent Determination Area to the exclusion of all others nor any right to control access or to make decisions concerning the use of the land and waters in the Consent Determination Area.

5. Native title does not exist in:

(a) minerals as defined in the Mining Act 1992 (NSW) and the Mining Regulation 2003 (NSW); and

(b) petroleum as defined in the Petroleum (Onshore) Act 1991 (NSW) and the Petroleum (Submerged Lands) Act 1982 (NSW); and

(c) uranium.

NATURE AND EXTENT OF OTHER INTERESTS

6. The nature and extent of other interests in relation to the Consent Determination Area are as follows:

- (a) the rights and interests described in Attachment 2;
- (b) the valid and validated rights and interests granted by the Crown pursuant to or otherwise conferred by the laws of the State of New South Wales or Commonwealth, or by any executive act;
- (c) rights and interests of members of the public arising under the laws of the State of New South Wales or Commonwealth or arising under the common law;
- (d) the rights and interests of Telstra Corporation Limited:
 - (i) as the owner or operator of telecommunications facilities within the Consent Determination Area, including customer radio terminals and overhead and underground cabling;
 - (ii) as the holder of a carrier licence under the Telecommunications Act (1997) (Cth);
 - (iii) created pursuant to the Post and Telegraph Act 1901 (Cth), the Telecommunications Act 1975 (Cth), the Australian Telecommunications Corporation Act 1989 (Cth), the Telecommunications Act 1991 (Cth) and the Telecommunications Act 1997 (Cth), including the right to install customer radio terminals and the right to install cabling; and
 - (iv) for its employees, agents or contractors to enter the Consent Determination Area in the performance of their duties, to access its telecommunications facilities in, and in the vicinity of, the Consent Determination Area;
- (e) the rights of any of the following parties, or any of their employees or agents, to access the Consent Determination Area for the performance of their duties:
 - (i) the State of New South Wales and its agencies and instrumentalities;
 - (ii) the Commonwealth and its agencies and instrumentalities;
 - (iii) Casino Rural Lands Protection Board; and
 - (iv) local government authorities, including the Kygole Shire Council and Tenterfield Shire Council; and
- (f) the rights and interests of an electricity supply authority within the meaning of the Electricity (Consumer Safety) Act 2004 (NSW) to exercise functions, powers or rights in accordance with the laws of the State of New South Wales or Commonwealth and as owner and operator of electricity transmission facilities and associated infrastructure situated on the Consent Determination Area including but not limited to the right to enter the Consent Determination Area in order to access, use, maintain, repair, replace, upgrade or otherwise deal with facilities and infrastructure.

REALTIONSHIP BETWEEN NATIVE TITLE RIGHTS AND OTHER INTERESTS

7. The relationship between the native title rights and interests and the other interests in the Consent Determination Area is that:

- (a) the other rights and interests continue to have effect; and
- (b) the other rights and interests and any activity done in accordance with or incidental to the exercise of a right conferred or held under the other rights and interests, while they are in existence, prevail over but do not extinguish the native title rights and interests and any exercise of those native title rights and interests.

8. 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 ; and
- (b) the traditional laws acknowledged and traditional customs observed by the Githabul People;
- (c) the terms of the Indigenous Land Use Agreement registered by the National Native Title Tribunal on 15 August 2007.

PRESCRIBED BODY CORPORATE

9. In accordance with the Applicant's nomination of the Githabul Corporation, it shall:

- (a) be the prescribed body corporate for the purposes of sections 56, 57(2) and 57(3) of the Native Title Act 1993 (Cth);

(b) not hold the native title in trust;

(c) act as agent for the Githabul People who are common law holders of the native title rights and interests;

(d) perform the functions set out in the Native Title Act 1993 (Cth) and the Native Title (Prescribed Bodies Corporate) Regulations 1999 (Cth).

DEFINITIONS:

11. In these orders, unless the contrary intention appears:

"camp" means casual camping and does not include the right to permanently reside or build permanent structures or fixtures.

"Consent Determination Area" means the land and waters described and mapped in Attachment 1.

"Githabul People" means the native title holders described in order 2.

"Githabul Corporation" means the Githabul Nation Aboriginal Corporation incorporated under the Aboriginal Councils and Associations Act 1976 (Cth).

"laws" include statutes, regulations and other subordinate legislation and the common law.

"Proceedings" means the application for determination of native title made by Trevor John Close for and on behalf of the Githabul People (NC95/11); NSD6019/98) and any matters arising from these proceedings.

"validated" means acts validated in accordance with the Native Title Act 1993 (Cth), the Native Title (New South Wales) act 1994, and the terms of the Indigenous Land Use Agreement registered with the National Native Title Tribunal on 15 August 2007.

12. If a word or expression is not defined in these orders, but is defined in the Native Title Act 1993 (Cth), then it has the meaning given to it in the Native Title Act 1993 (Cth).

REGISTER ATTACHMENTS:

1. Attachment 1 Consent Determination Area, 8 pages - A4, 29/11/2007

2. Attachment 2 Other Rights and Interests, 1 page - A4, 29/11/2007

Note: The National Native Title Register may, in accordance with s. 195 of the Native Title Act 1993, contain confidential information that will not appear on the Extract.