



Extract from the Register of Native Title Claims

Application Information

Application Reference: Federal Court number: NSD1331/2017
NNTT number: NC2017/003

Application name: The Applicant on behalf of the South Coast People v Attorney General of New South Wales (South Coast People)

Registration History: Registered from 31/01/2018

Register Extract (pursuant to section 186 of the *Native Title Act 1993* (Cth))

Application filed with: Federal Court of Australia

Date application filed: 03/08/2017

Date claim entered on Register: 31/01/2018

Additional Information: Not Applicable

APPLICANT:

Person/s authorised as applicant: Gwenda Jarrett, Taressa Mongta, Wally Stewart, Mark Tinelt Parsons, Les Simon, Paul McLeod, Ronald Timbery, Rowena Welsh-Jarrett, Benjamin Cruse, Delia Lowe, Ashley Walker, Gordon Campbell, Shaneah Jones

Condition/s on authority: Not Applicable

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DESCRIPTION OF THE AREA COVERED BY THE CLAIM:

(A) Area covered by application

The area covered by the application ('the Application Area') comprises all the land and waters within the external boundaries described in Attachment B and depicted in the map at Attachment C.

The Application Area description and map have been prepared with the assistance of the Geo-Spatial Unit of the National Native Title Tribunal. The area covered by this application does not include the areas described at point B below.

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

1. The area covered by the application excludes any land and waters covered by past or present freehold title or by

previous valid exclusive possession acts as defined by section 23B of the Native Title Act 1993 (Cth). That is, the area covered by the application excludes any land and waters which are:

- 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 an exclusive pastoral lease;
- e) a residential lease;
- f) a community purpose lease;
- g) a lease dissected from a mining lease and referred to in s 23B(2)(c)(vii) of the Native Title Act (1993) (Cth); and
- h) any lease (other than a mining lease) that confers a right of exclusive possession over particular land or waters.

2. Subject to paragraphs 4 and 5, the area covered by the application excludes any land or waters covered by the valid construction or establishment of any public work, where the construction or establishment of the public work commenced on or before 23 December 1996.

3. Subject to paragraphs 4 and 5, exclusive possession is not claimed over areas which are subject to valid previous non-exclusive possession acts done by the Commonwealth, State or Territory.

4. Subject to paragraph 6 below, where the act specified in paragraphs 1, 2 and 3 falls within the provisions of:

- a) s 23B(9) - Exclusion of acts benefiting Aboriginal Peoples or Torres Strait Islanders;
- b) s 23B(9A) - Establishment of a national park or state park;
- c) s 23B(9B) - Acts where legislation provides for non-extinguishment;
- d) s 23B(9C) - Exclusion of Crown to Crown grants; and
- e) s 23B(10) - Exclusion by regulation;

the area covered by the act is not excluded from the application.

5. Where an act specified in paragraphs 1, 2 and 3 affects or affected land or waters referred to in:

- a) s 47 - Pastoral leases etc covered by claimant application;
- b) s 47A - Reserves covered by claimant application;
- c) s 47B - Vacant Crown land covered by claimant application; the area covered by the act is not excluded from the application.

6. The area covered by the application excludes land or waters where the native title rights and interests claimed have been otherwise extinguished.

PERSONS CLAIMING TO HOLD NATIVE TITLE:

The South Coast People are the native title claim group on whose behalf the Applicant makes this application.

The South Coast People native title claim group comprises all the descendants of the following apical ancestors:

Mary Ann, mother of Emily and Joseph Johnson

Charles ADGERY

Robert ANDY

Maria BILLYBOY (aka Coommee Nullanga)

Arthur BLOXSOME

Richard BOLLOWAY

Alick BOND

Charlotte BOND

Oswald BRIERLEY

William BROUGHTON

Jane BROWN

Thomas Golden BROWN

James BUNDLE

Jerry BUNGIL

Louisa BURROWS

William CAMPBELL

John CARPENTER

Johnny CARTER

Henry CHAPMAN

Henry COOLEY

Tom COOLEY

Bob CURRAN

Henry DAVIS

Ellen DEMESTRE

Julia DIXON

William DIXON

Jimmy Coombala FRIDAY

Biddy GILES

James GOLDING
Patrick HADDIGADDI
Jessie JENKINS
Donald JOHNSON
Annie JOHNSTON
Judy KENNY
John KERRY
Lucy LYONS
Mary Ann LYONS
Richard MARSHALL
Caroline MATHEWS
Elizabeth MATTHEWS
Annie MCGRATH
Edward MOORE
MUMBLER
Jenny NIMEBUR
George NIPPLE
Margaret Ann NIXON
Harry PICKALLA
John PITTMAN
Mary Ann ROSE
Minnie ROWLEY
John SIMS
Sally of Wandandian, spouse of Dan Parsons
Governor STEWART
Mary Ann STEWART
Peter THOMAS
George TIMBERY
Mary TURNER
Edward WALKER
William WALKER

and persons adopted and incorporated into the families of those persons in accordance with the South Coast People's traditional laws and customs (and the biological descendants of any such persons).

REGISTERED NATIVE TITLE RIGHTS AND INTERESTS:

The following Native Title Rights & Interests were entered on the Register on 31/01/2018

The South Coast People claim the following native title rights and interests in relation to the claim area, subject to the valid laws of the State of New South Wales and the Commonwealth (including the right to conduct activities necessary to give effect to them):

1. Where exclusive native title can be recognised, the South Coast People, 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 State of New South Wales.
2. Where exclusive native title cannot be recognised, the South Coast People 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:
 - i. the right to access, to remain in and to use the land and waters for any purpose;
 - ii. the right to access and to take resources from the land and waters for any purpose;
 - iii. the right to maintain and protect places and objects of significance;
 - iv. the right to be accompanied onto those areas by persons who, though not native title holders, are:
 - a) spouses, partners or parents of native title holders, together with their children, grandchildren, great-grandchildren and their descendants;
 - b) people required under traditional laws and customs for the performance of cultural activities, practices or ceremonies; and
 - c) people requested by the native title holders to assist in, observe or record cultural activities, practices or ceremonies.

The native title rights and interests are subject to and exercisable in accordance with:

- a) the valid laws of the State of New South Wales and the Commonwealth;
- 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 acknowledged and traditional customs observed by the South Coast People.

REGISTER ATTACHMENTS:

1. Attachment B Description of the area covered by the application, 6 pages - A4, 03/08/2017
2. Attachment C Map of the area covered by the application, 2 pages - A4, 03/08/2017
3. NNTT Map of the application area, 1 page - A4, 31/01/2018

Note: The Register of Native Title Claims may, in accordance with section 188 of the Native Title Act 1993 (Cth), contain confidential information that will not appear on the Extract.