



Extract from the Register of Native Title Claims

Application Information

Application Reference: Federal Court number: NSD37/2019
NNTT number: NC2011/006

Application name: Gomeroi People v Attorney General of New South Wales (Gomeroi People)

Registration History: Registered from 20/01/2012

Register Extract (pursuant to s. 186 of the *Native Title Act 1993*)

Application filed with: Federal Court of Australia

Date application filed: 20/12/2011

Date claim entered on Register: 20/01/2012

Applicants: Leslie Duncan, Marcus Waters, Malcolm Talbot, Barry French, Garry Binge, Raymond Weatherall, Jason Wilson, Steven Talbot, Donald Craigie, Dennis Griffen, Jennifer Bennett, Sheryl Barnes, Roslyn Nean, Sharon Porter, Emily Roberts, Fay Twidale, Tania Mathews, Natasha Talbot, Maria Cutmore

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Additional Information:

Not Applicable

DESCRIPTION OF THE AREA COVERED BY THE CLAIM:

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)

2. 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.

3. Subject to paragraphs 5 and 6, 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.

4. Subject to paragraphs 5 and 6, exclusive possession is not claimed over areas which are subject to valid previous non-exclusive possession acts done by the Commonwealth, State or Territory.

5. Subject to paragraph 7 below, where the act specified in paragraphs 2, 3 and 4 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.

6. Where an act specified in paragraphs 2, 3 and 4 affects or affected land or waters referred to in:

f) s 47 Pastoral leases etc covered by claimant application;

g) s 47A Reserves covered by claimant application;

h) s 47B Vacant Crown land covered by claimant application;

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

7. 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 Gomeri People are the native title claim group on whose behalf the Applicant makes this application. The native title claim group comprises all the descendants of the following apical ancestors:

Thomas Pitt (who was born in 1838).

Billy Barlow (who was born in Tycannah in 1835)

Peter James Cutmore (who was born in Tycannah in 1849)

James Swan (who was born in Combadello in 1825)

Harriett Wyndham (who was born in Mungie Bundie in 1863)

William Levy (who was born in Terry Hie Hie in 1867)

Sally Nerang (who was born in Terry Hie Hie circa 1840)

Eliza Barlow (who was born in Terry Hie Hie circa 1860)

Kitty Dangar (who was born in Walgett in 1837)

William Clark (who was born in Collarenebri in 1845)

Murray Ippai (who was born in Collarenebri)

Mary Ann Ippai (who was born on the Barwon River)

Edward Morgan (who was born in Dungalear in 1855)

Nancy Morgan (who was born in Dungalear in 1861)

Robert Nicholls (who was born in Collarenebri in 1842)

Frank Mundy (who was born in Collymongle in 1872)

Lena Combo (who was born in Mogil Mogil in 1876)

Jack Thunderbolt (who was born in Walgett in 1847)

Betsy Yates (also known as Polly Yates and Polly Burras) (who was born on the Barwon River circa 1860)

Jenny (who was born in Walgett circa 1840)

Dick Silk (who was born in Walgett)

Fred Parker (who was born in Gingie in 1864)

Murray Rook (who was born in Collarenebri in 1865)

Ethel Tinker (who was born in Mercadool circa 1878)

Emily McPherson (who was born in Collarenebri in 1892)

Billy Whitford (who was born in 1828)

King Robert Cobbler (who was born in Mogil Mogil in 1855)

Billy Wightman (who was born in Kunopia in 1813)

John McGrady (who was born in Moree in 1853)

William Dennison (who was born in Kunopia in 1843)

Charlie Dennison (who was born circa 1846-1866)

Alice Dennison (who was born in Moree circa 1863 -1873)

Lucy Long (who was born in Boomi circa 1850)

Minnie Lance (who was born in Boomi circa 1868), Harry Denham

Charles Cubby (who was born on the Boomi River)

Sarah Wilson (also known as Sarah Murphy and Sarah Witman) (who was born in Kunopia in 1868)

Reuben Bartman (who was born in Boomi in 1876)

Billy Dunn (who was born in Mungindi)

William Edwards (who was born in Thallon)

Queen Susan (who was born in Welltown)

Phoebe Munday-Williams (who was born in Mungindi in 1864)

George Bennett (who was born in Mungindi in 1873)

Amelia Bell (also known as Amelia Brown) (who was born in Bingara in 1862)

William Snow (who was born in Tamworth or Moonbi in 1855)

Francis Snow (who was born in Tamworth in 1858)

Matilda Wyndham (who was born in Bingara in 1842)

Thomas Duke (who was born in Bingara in 1847)

Teasie Griffen (also known as Jessie Griffen and Ellen Griffen) (who was born in Barraba in 1859)

Mary Anne Hammond (who was born in Tamworth in 1836)

Elizabeth Guest (also known as Eliza Gillan) (who was born in Liverpool Plains in 1840)

Jane Maloney (who was born in Walhallow in 1838)

Mary Ann Healy (who was born in Murrurundi in 1829)

Thomas Taylor (who was born in Coolah in 1836)

Elizabeth Loder (also known as Elizabeth Bates) (who was born in Murrurundi in 1843)

Sarah Gatehouse (who was born in Aberdeen in 1835)

William Duncomb (who was born in Muswellbrook circa 1830)

John Morris Tighe (who was born in 1852)

Susan Bishop-Young (also known as Susan Dangar) (who was born in Warialda)

Sarah Murphy (who was born in 1846)

Thomas French (who was born in Scone in 1825)

John Thomas Bates (who was born on the Mooki River in 1840)

Alexander Nean (who was born in Liverpool Plains in 1843)

David Johnson (who was born in Cassilis circa 1838-1844)

Mary Orr (also known as Nellie Orr) (who was born in Garrawilla in 1853)

Julia Campbell (who was born on the Castlereagh River circa 1833-1834)

Annie Jendis (who was born in Burbagate in 1845)

Harriet Munro (who was born in Gunnedah in 1867), Alice Eliza Natty (who was born on the Namoi River near Boggabri in 1857)

James Tighe (who was born in Coonabarabran in 1842)

William Tighe (who was born in Toorawandi in 1844)

Patrick Tighe (who was born in Coonabarabran in 1852)

Jane Tighe (who was born in 1864)

Mary Jane Griffin (also known as 'Old Ibidah')

Susan Slater (who was born in Coonabarabran in 1839)

Thomas Leslie (who was born in Kirban circa 1850-1854)

James Leslie (who was born in born Armatree in 1853)

Ellen Fuller (who was born in Rockgidgiel in 1854)

Sarah Hughes (who was born in Coonabarabran circa 1834-1859)

James Cole (who was born in NSW in 1845)

Mary Ann Hall (who was born on the Castlereagh River in 1840)

Samuel Bruce Smith (who was born in Tambar Springs circa 1860 ' 1863)

Elizabeth Ann Smith (who was born in Mullaley in 1866)

William Green (also known as William Edwards) (who was born in Kings Plains near Inverell in 1853)

Angus Landsborough (who was born in Newstead in 1867)

Patrick Landsborough (who was born in Newstead in 1872)

Alec Brown (who was born in Bundarra in 1873)

Margaret King (who was born in Gummin Gummin near Gulargambone circa 1854-1858)

William James King (who was born in Coonabarabran circa 1851-1853)

Florence May Blackman (also known as Louisa Florima Blackman) (who was born in Coonamble in 1846)

Euphemia Blackman (who was born on the Castlereagh River in 1851)

Henry Arthur Yates (who was born in Coonamble in 1860)

Betsy Yates (who was born in Wingadee in 1854)

Annie Day (who was born in Bullarora Station near Coonamble circa 1871-1876)

Army Toomey (who was born in Wingadee near Coonamble in 1886)

Maria Clare Hall (who was born in Gulargambone circa 1830-1833)

Thomas Carney (who was born in Tonderburine in 1852)

Jim Duncan (who was born in Coonamble in 1854)

Thomas Reid (who was born in Cuttabri in 1840)

Thomas John Blacklock (who was born in Terembone in 1851)

Thomas Dangar (who was born in Drilldool in 1857), Harry Doolan (who was born in Pilliga in 1855)

George Green (who was born in 1851)

Lucy Barr (who was born in Boggabri in 1851)

Peggy Reid (who was born in Cuttabri in 1836)

Julia Jane Saunders (who was born in Wee Waa in 1845)

William Newman (who was born in Cuttabri in 1807)

Emma Dingwell (who was born in Bograh Station near Narrabri in 1864)

Kate Purser (who was born in Narrabri in 1863)

Mary Ann Lucas (who was born in Millie in 1840)

Frank Maybury (who was born in Killarney Station near Narrabri circa 1840)

Charlotte Hagan (also known as Charlotte Keegan) (who was born in Narrabri circa 1850-1870)

Nellie Combo (who was born in Wallah Station near Narrabri in 1850)

Mary Peake (who was born in Narrabri in 1848)

Descendants include persons who are descendants by adoption according to traditional law and custom.

See further information attached and marked 'A'.

REGISTERED NATIVE TITLE RIGHTS AND INTERESTS:

The following Native Title Rights & Interests were entered on the Register on 20/01/2012

1. Where exclusive native title can be recognised (such as areas where there has been no prior extinguishment of native title or where s.238 and/or ss.47, 47A and 47B apply), the Gomeroi 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 the State of New South Wales.

2. Where exclusive native title cannot be recognised, the Gomeroi 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

- (a) the right to access the application area;
- (b) the right to use and enjoy the application area;
- (c) the right to move about the application area;
- (d) the right to camp on the application area;
- (e) the right to erect shelters and other structures on the application area;
- (f) the right to live being to enter and remain on the application area;
- (g) the right to hold meetings on the application area;
- (h) the right to hunt on the application area;
- (i) the right to fish in the application area;
- (j) the right to have access to and use the natural water resources of the application area;
- (k) the right to gather and use the natural resources of the application area (including food, medicinal plants, timber, tubers, charcoal, wax, stone, ochre and resin as well as materials for fabricating tools, hunting implements, making artwork and musical instruments);
- (m) the right to share and exchange resources derived from the land and waters within the application area;
- (n) the right to participate in cultural and spiritual activities on the application area;
- (o) the right to maintain and protect places of importance under traditional laws, customs and practices in the application area;
- (p) the right to conduct ceremonies and rituals on the application area;
- (q) the right to transmit traditional knowledge to members of the native title claim group including knowledge of particular sites on the application area;

3. The native title rights and interests referred to in paragraph 2 do not confer possession, occupation, use or enjoyment of the lands and waters of the application area to the exclusion of all others.

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

- (a) the laws of the State of New South Wales and the Commonwealth of Australia including the common law;
- (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 and customs of the Gomeroi People for personal, domestic and communal purposes (including social, cultural, religious, spiritual and ceremonial purposes).

REGISTER ATTACHMENTS:

1. External description of the boundary, 5 pages - A4, 04/02/2019
2. Map of the area covered by the Application , 1 page - A4, 04/02/2019

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