

Extract from the Register of Native Title Claims

Application Information

Application Reference: Federal Court number: QUD738/2013
NNTT number: QC2013/008

Application name: Robert Muir Snr & Ors on behalf of the Woppaburra People v State of Queensland (Woppaburra People)

Registration History: Registered from 7/03/2014

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

Application filed with: Federal Court of Australia

Date application filed: 06/11/2013

Date claim entered on Register: 07/03/2014

Applicants: Robert Muir Snr, Robert Muir Jnr, Nerak Morris, Lesley Barney, Jill Linda McBride, Yasmin Green, Vincent Singleton, Joh-Ann Coates, Selwyn Cummins, Debra Witterman, Cornelia Kyle, Samala Cronin

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Additional Information:

Not Applicable

DESCRIPTION OF THE AREA COVERED BY THE CLAIM:

1. The boundaries of the area covered by this Application are shown on the map attached and marked "Attachment C". A written description of the boundaries of the area covered by this application is attached and marked "Attachment B". Where there is any discrepancy between the map provided at "Attachment C" and the written description contained in this schedule and in "Attachment B" the latter shall prevail.

2. Subject to paragraph 4 and 5 below, the areas of land and waters within the boundaries referred to in 1 above that are not covered by the application are:

a. any area that is or has been subject to any of the following:

- i. a Scheduled Interest;
- ii. a freehold estate (including any right in land or water taken to be the vesting of a freehold estate by virtue of section 23B(3) of the Native Title Act 1993 (Cth));
- iii. a commercial lease that is neither an agricultural lease nor a pastoral lease;
- iv. an exclusive agricultural lease or an exclusive pastoral lease;
- v. a residential lease;
- vi. a community purpose lease;
- vii. a lease dissected from a mining lease and referred to in s23.B(2)(c)(vii) of the Native Title Act 1993 (Cth);
- viii. any lease (other than a mining lease) that confers a right of exclusive possession over particular land or waters;

which was validly granted or vested on or before 23 December 1996;

b. any other area in relation to which native title rights and interests have otherwise been wholly extinguished.

3. Subject to paragraphs 4 and 5, the land and waters covered by the application excludes any areas covered by the valid construction or establishment of any public work (as defined by the Native Title Act 1993 (Cth)), where the construction or establishment of the public work commences on or before 23 December 1996.

4. Where the act specified in paragraphs 2 or 3 falls within the provisions of:

- a. Section 23B(9) – Exclusion of acts benefiting Aboriginal Peoples or Torres Strait Islanders, of the Native Title Act 1993 (Cth);
- b. Section 23B(9A) – Establishment of a national park or state park, of the Native Title Act 1993 (Cth);
- c. Section 23B(9B) – Acts where legislation provides for non-extinguishment, of the Native Title Act 1993 (Cth);
- d. Section 23B(9C) – Exclusion of Crown to Crown grants, of the Native Title Act 1993 (Cth);
- e. Section 23B(10) – Exclusion by regulation, of the Native Title Act 1993 (Cth);

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

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

- a. Section 47 – Pastoral leases etc covered by claimant application, of the Native Title Act 1993 (Cth);
- b. Section 47A – Reserves etc covered by claimant application, of the Native Title Act 1993 (Cth); or
- c. Section 47B – Vacant Crown land covered by claimant application, of the Native Title Act 1993 (Cth);

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

PERSONS CLAIMING TO HOLD NATIVE TITLE:

The native title claim group is comprised of all persons descended from the following Woppaburra ancestors:

1. Yulowa “Weerobilling”
2. Nellie “Ooroong-ooran”
3. Oyster Maggie
4. Fanny Lohse/Singh

REGISTERED NATIVE TITLE RIGHTS AND INTERESTS:

The following Native Title Rights & Interests were entered on the Register on 07/03/2014

1. Over areas where a claim to exclusive possession can be recognised (such as areas where there has been no prior extinguishment of native title or where sections 238, 47, 47A or 47B of the Native Title Act 1993 (Cth) apply), the Woppaburra People claim the right to possess, occupy, use and enjoy the lands and waters of the application area as against the whole world, pursuant to the traditional laws and customs of the Woppaburra People.

Onshore Areas

2. Over areas where a claim to exclusive possession cannot be recognised, the Woppaburra People claim the following rights and interests, being:

- a. the right to travel over, to move about and to have access to those areas;
- b. the right to hunt and to fish on the land and waters of those areas;
- c. the right to gather and to use the natural resources of those areas such as food, medicinal plants, timber, stone and resin;
- d. the right to take and to use the natural water on those areas;

- e. the right to live, to camp and erect shelter and other structures on those areas;
- f. the right to light fires;
- g. the right to conduct and to participate in the following activities on those areas:
 - i. cultural activities;
 - ii. cultural practices relating to birth and death, including burial rites;
 - iii. ceremonies;
 - iv. meetings;
 - v. teaching the physical and spiritual attributes of sites and place on those areas that are of significance under law and custom;
- h. the right to maintain and to protect sites and places on those areas that are of significance under their traditional laws and customs;
- i. the right to share and exchange subsistence and other traditional resources obtained on or from those areas;
- j. the right to be accompanied on to those areas by persons who, though not native title holders, are:
 - i. people required by traditional law and custom for the performance of ceremonies or cultural activities on the area;
 - ii. people who have rights in relation to the areas according to the traditional laws and customs acknowledged by the estate group members;
 - iii. people required by the estate group members to assist in, observe, or record traditional activities on the areas;
- k. the right to make decisions about the use and enjoyment of the areas by Aboriginal People who recognised themselves to be governed by the law and customs acknowledged by the Woppaburra People; and
- l. the right to conduct activities necessary to give effect to the rights referred to in (a) to (k) hereof.

Offshore Areas

3. In relation to the land and waters seaward of the high water mark, the nature and extent of the native title rights and interests that are possessed under the traditional laws and customs of the Woppaburra People are, subject to the traditional laws and customs that governed the exercise of such rights and interests, rights to access to, and use and enjoyment of resources in or on those areas, being:

- a. the right to fish, hunt, gather and use living and plant resources, including the right to hunt and take turtle and dugong, for personal, domestic, non-commercial and communal uses;
- b. the right to access, move about in and on and use and enjoy those areas including:
 - i. for religious, spiritual or cultural purposes or to engage in religious, spiritual or cultural practices; or
 - ii. maintain sites, places and areas of religious, spiritual or cultural significance.

4. The native title rights and interests are subject to:

- a. the valid laws of the State of Queensland and the Commonwealth of Australia; and
- b. the rights conferred under those laws.

5. The native title rights and interests do not include the ownership of any minerals, petroleum or gas that are wholly owned by the Crown.

Registered RNTC

Date RegisteredDescription7/03/2014 1. Over areas where a claim to exclusi... (Show)

REGISTER ATTACHMENTS:

1. Map of external boundary, Attachment C of the Application, 1 page - A4, 25/11/2014
2. Written Description of external boundary, Attachment B of the Application, 1 page - A4, 25/11/2014

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.