



# Extract from the Register of Native Title Claims

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## Application Information

**Application Reference:** Federal Court number: QUD623/2016  
NNTT number: QC2016/007

**Application name:** Virginia Wyles & Ors on behalf of the Gurambilbarra Wulgurukaba People v State of Queensland (Gurambilbarra Wulgurukaba People)

**Registration History:** Registered from 4/10/2016

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

**Application filed with:** Federal Court of Australia

**Date application filed:** 11/08/2016

**Date claim entered on Register:** 04/10/2016

**Applicants:** Virginia Wyles, Christine George, Brenton Creed, Florence Watson, Lynette Forbes-Beitsch, Pam Petrina Hegarty, Gail Ambrym, Esalyn Ambrym

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### Additional Information:

Not Applicable

### DESCRIPTION OF THE AREA COVERED BY THE CLAIM:

(A) Area covered by application:

See "Attachment B"

(B) Areas within the external boundaries not covered by 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 acts 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 rights and interests.
- (b) any area in relation to which 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; and
- (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 an exclusive pastoral lease;
- (e) a residential lease;
- (f) a community purpose (sic);
- (g) a lease dissected from a mining lease and referred in s 23B(2)(c)(vii) of the *Native Title Act*.
- (h) any lease (other than a mining lease) 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) and (2) **must** be disregarded.

#### **PERSONS CLAIMING TO HOLD NATIVE TITLE:**

Membership of the Gurambilbarra Wulgurukaba People's group is in accordance with the traditional laws acknowledged and the traditional customs observed by them and is based upon descent from an acknowledged Gurambilbarra Wulgurukaba antecedent.

The Gurambilbarra Wulgurukaba People Native Title Claim Group is comprised of the biological and adoptive descendants (in accordance with traditional laws and customs) of the following apical ancestors:

- Hilda Ambrym;
- Annie, mother of Peter Hegarty;
- Emily Underwood; and
- Jimmy White

#### **REGISTERED NATIVE TITLE RIGHTS AND INTERESTS:**

##### **The following Native Title Rights & Interests were entered on the Register on 04/10/2016**

1. In relation to land where there has been no prior extinguishment of native title or where s 238 (the non-extinguishment principle) applies, the native title rights and interests claimed are the exclusive rights to possession, occupation, use and enjoyment of the claim area as against the whole world, pursuant to the traditional laws and customs of the claim group, but subject to the valid laws of the Commonwealth of Australia and the State of Queensland, and

2. With regard to all remaining land and waters within the claim area, the native title rights and interests claimed are not to the exclusion of all others and are the rights to speak for country, be present on, have access to and

use the claim area and its cultural resources, namely the right to:

- 1) Remain on the claim area;
- 2) speak for country and make decisions about the use and enjoyment of the Determination area by Aboriginal people who recognise themselves to be governed by the traditional laws and customs acknowledged by members of the native title holders;
- 3) use the claim area;
- 4) access the claim area;
- 5) traverse the claim area;
- 6) enjoy the claim area;
- 7) camp on the claim area;
- 8) erect temporary structures on the claim area;
- 9) erect permanent structures on the claim area;
- 10) hunt on the claim area;
- 11) fish on the claim area;
- 12) gather on the claim area;
- 13) light fires on the claim area for domestic purposes, including but not restricted to, cooking and warmth;
- 14) light fires on the claim area for hunting purposes;
- 15) light fires on the claim area for clearing vegetation and regenerating growth of natural resources;
- 16) conduct religious activities on the claim area;
- 17) conduct religious ceremonies on the claim area;
- 18) conduct spiritual activities on the claim area;
- 19) conduct spiritual ceremonies on the claim area;
- 20) conduct and participate in ceremonies on the claim area;
- 21) whilst on the claim area interact with the spirits and ancestral beings;
- 22) maintain places of importance under traditional laws and customs on the claim area;
- 23) protect against physical harm, places on the claim area, that are of importance under traditional laws and customs;
- 24) teach on the claim area the physical and spiritual attributes of the claim area;
- 26) consume natural resources of the claim on the claim area;
- 27) share natural resources on the claim area;
- 28) exchange natural resources that come from the claim area;
- 30) harvest natural resources on the claim area;
- 31) construct material items from the natural resources on the claim area including but not restricted to shields, baskets, and items of adornment;
- 34) gather and use traditional bush medicine in the claim area;
- 35) produce traditional bush medicines in the claim area;

- 36) consume traditional bush medicines in the claim area;
- 39) bury deceased claim group members on the claim area;
- 40) conduct burials and burial rites and other ceremonies in relation to death on the claim area;
- 41) conduct smoking ceremonies on the claim area;
- 42) dance on the claim area;
- 43) be buried on the claim area;
- 44) hold meetings on the claim area;

The asserted native title rights and interests are subject to:

- a) Valid laws of the State of Queensland and the Commonwealth of Australia;
- b) Rights past and present conferred upon persons pursuant to the valid laws of the Commonwealth and the laws of the State of Queensland; and

The asserted native title rights and interests:

- c) Do not include a claim to ownership of any minerals, petroleum or gas wholly owned by the Crown in a manner which is inconsistent with continuing native title rights and interests residing in those substances;
- d) Will not apply if they have been extinguished in accordance with valid State or Commonwealth laws.

Note: Natural resources includes but is not limited to ochres, clays, stones, sand, plants, fruits, grasses, bark and waters.

#### **REGISTER ATTACHMENTS:**

- 1. Attachment B External Boundary Description , 2 pages - A4, 11/08/2016
- 2. Attachment C Map of Claim Area, 1 page - A4, 11/08/2016

*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.*