

Extract from the Register of Native Title Claims

Application Information

Application Reference: Federal Court number: QUD32/2017
NNTT number: QC2017/001

Application name: Timothy Knox and Ors on behalf of Yuwaalaraay/Euahlayi People & State of Queensland (Yuwaalaraay/Euahlayi People and State of Queensland)

Registration History: Registered from 5/05/2017

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

Application filed with: Federal Court of Australia

Date application filed: 23/01/2017

Date claim entered on Register: 05/05/2017

Applicants: Timothy Knox, William Taylor, Jason Dreise, Jason Wilson, Michael Anderson

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Additional Information:

Due to a clerical error the rights and interests were added to the RNTC on 27 July 2017.

DESCRIPTION OF THE AREA COVERED BY THE CLAIM:

The area of land and waters covered by the application ('the application area') is provided at Attachment B [Attachment B, a written description of the external boundaries, and Attachment C, a map of the application area, is attached to this register extract]

1. The area covered by the application excludes any land or waters that is or has been covered by:

- 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);
- h) any lease (other than a mining lease) that confers a right to 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 or State of Queensland

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

- s.23B(9) – Exclusion of acts benefiting Aboriginal and Torres Strait Islanders;
- s.23B(9A) – Establishment of a national park or state park;
- s.23B(9B) – Acts where legislation provides for non-extinguishment;
- s.23B(9C) – Exclusion of Crown to Crown grants; and
- 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:

- s.47 – Pastoral leases etc covered by claimant application
- s. 47A – Reserves etc covered by claimant application
- 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 Yuwaalaraay/Euahlayi People are the descendants of the following ancestors:

- Billy Bloomfield
- Ned Combo and Jane Sands
- Sarah Forester
- Clara [Foster/Murray/Ward]
- Kitty Hibbett
- Peter Hippi alt. Hippi Peters
- Ellen Leonard
- Susannah McCauley
- Eliza McCrae
- Albert Murray father of Dolly McPherson
- Biddigae (Bid) Murray [Hall]
- Lucy 'Sookie' Murray
- Mary Murray [Dancey]
- Mary Murray [Orchard]
- Thomas Murray and Kitty Booth parents of Katie Murray [Butler] and Jenny Murray [Rose]
- Bidy Martha mother of Harry Rose
- John Jack Simpson
- Ada Russell/Murdoch/Murray/Bloomfield
- Fanny White [Murray]
- Jimmy Inch and Kitty

REGISTERED NATIVE TITLE RIGHTS AND INTERESTS:

The following Native Title Rights & Interests were entered on the Register on 05/05/2017

1. Where claimable, including where section 47, 47A or 47B of the *Native Title Act 1993* (Cth) applies to an area, the right to possess, occupy, use and enjoy the land and waters covered by the application to the

exclusion of all others.

2. Over the areas where a claim to exclusive possession cannot be recognised, the Yuwaalaraay/Euahlayi People claim the following non-exclusive rights to:

- a. access, be present on, move about on and travel over the application area;
- b. camp, and live temporarily on the application area as part of camping, and for that purpose erect temporary shelters;
- c. hunt, fish and gather on the land and waters of the application area;
- d. take, use, share and exchange natural resources from the land and waters of the application area;
- e. take and use the water of the application area;
- f. conduct, participate in and attend ceremonies, cultural activities and dance on the application area;
- g. hold and attend meetings on the application area;
- h. teach on the application area the physical and spiritual aspects of the application area;
- i. light fires on the application area for domestic purposes including cooking, but not the purpose of hunting or clearing vegetation;
- j. be buried and bury native title holders on the application area in accordance with traditional law and custom;
- k. maintain places of importance and areas of significance to the native title holders under their traditional laws and customs, and protect those places, and areas from physical harm;
- l. speak for and make non-exclusive decisions in relation to the application area;
- m. be accompanied onto the application area by certain non-native title holders being:
 - (i) immediate family of native title holders, pursuant to the exercise of traditional laws acknowledged and customs observed by the native title holders; and
 - (ii) people required under the traditional laws acknowledged and traditional customs observed by the native title holders for the performance of, or participation in, ceremonies and dance.

REGISTER ATTACHMENTS:

1. Attachment B External boundary description, 3 pages - A4, 23/01/2017
2. Attachment C Map of the application area, 1 page - A4, 23/01/2017

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.