

Extract from the Register of Native Title Claims

Application Information

Application Reference: Federal Court number: QUD213/2017
NNTT number: QC2017/005

Application name: Margaret McCarthy & Ors on behalf of the Yuggera Ugarapul People v State of Queensland (Yuggera Ugarapul People)

Registration History: Registered from 4/08/2017

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

Application filed with: Federal Court of Australia

Date application filed: 07/04/2017

Date claim entered on Register: 04/08/2017

Applicants: Margaret McCarthy, John Anderson, Narrella Simpson, Lynda Maybanks, Samantha Carr, Faye Carr, Wade Thompson, Sonya Coghill, David Conlon

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Additional Information:

Not Applicable

DESCRIPTION OF THE AREA COVERED BY THE CLAIM:

1. The boundaries of the area covered by the application area are shown on the map attached and marked "Attachment C" and a written description of the boundaries of the area covered by the application is attached and marked "Attachment B".
2. Subject to paragraphs 4 and 5, 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. scheduled interest;
 - ii. a freehold estate;
 - 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 s.23B(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 the subject of the application do not include any land or waters 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 commenced on or before 23 December 1996.
4. Subject to paragraph 6, where the act specified in paragraphs 2 or 3 falls within the provision 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; and
 - d. s.23B(10) – Exclusion by regulation the land and waters covered by the act are not excluded from the application.
5. Where an act specified in paragraphs 2 or 3 affects or affected land and waters referred to in:
- a. s.47 – Pastoral leases held by or on behalf or [sic], or as trustee for any of the native title claim group;
 - b. s.47A – Reserves etc. covered by the claimant application; and
 - c. s.47B – Vacant Crown land covered by the claimant application the land or waters covered by the act are not excluded from the application.
6. Where there is any discrepancy between the map provided at “Attachment C” and the written description contained here and in “Attachment B”, the latter shall prevail.

PERSONS CLAIMING TO HOLD NATIVE TITLE:

Those persons who are descendants of the following Apical Ancestors and who identify and are recognised under the traditional laws and customs of the Yuggera Ugarapul People as Yuggera Ugarapul:

- Janie/Janey Billie/Billy (mother of Harry Thompson and Daisy Moreton (nee Thompson));
- Billy Turner (father of Amy Turner);
- Jackey Harvey (father of Emily Harvey the social mother of Robert Anderson Snr);
- Thomas Duggandan/Anderson (social father of Robert Anderson Snr);
- Topsy of Ipswich (mother of Jimmy Edwards Jnr);
- Ted Myer/Meyers/Myers (father of Elsie Richards);
- Molly Myers (nee Crow) (mother of Elsie Richards).

REGISTERED NATIVE TITLE RIGHTS AND INTERESTS:

The following Native Title Rights & Interests were entered on the Register on 04/08/2017

1. [Not registered].
2. Over areas where a claim to exclusive possession cannot be recognised, the following non-exclusive native title rights and interests are claimed:
 - a. access, be present on, move about on and travel over the area;
 - b. camp on the area, and for that purpose erect temporary shelters on the area;
 - c. hunt, fish and gather on the land and waters of the area for personal, domestic and non- commercial communal purposes;
 - d. take, use and share Natural Resources from the land and waters of the area for personal, domestic and non-commercial communal purposes;
 - e. take and use the Water of the area for personal, domestic and non-commercial communal purposes;
 - f. participate in cultural activities on the area;
 - g. hold meetings on the area;
 - h. maintain places of importance and areas of significance to the native title holders under their traditional laws and customs and to protect those places and areas from physical harm;
 - i. teach on the area the physical and spiritual attributes of the area;
 - j. light fires on the area for domestic purposes including cooking, but not for the purpose of hunting or clearing vegetation;
 - k. be buried and bury native title holders within the area.

REGISTER ATTACHMENTS:

1. External Boundary Description, Attachment B of the Application, 4 pages - A4, 07/04/2017
2. Map of the Application Area, Attachment C of the Application, 1 page - A4, 07/04/2017

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.