

Extract from the Register of Native Title Claims

Application Information

Application Reference: Federal Court number: QUD290/2017
NNTT number: QC2017/006

Application name: Darryl Hippi & Ors on behalf of the Gamilaraay People v State of Queensland (Gamilaraay People)

Registration History: Registered from 20/11/2017

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

Application filed with: Federal Court of Australia

Date application filed: 12/06/2017

Date claim entered on Register: 20/11/2017

Applicants: Darryl Hippi, Leroy Connors, Garry Saunders, Reginald (Reg) McGrady, Deidre Flick

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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 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 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.
- 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 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 commences 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 nay [sic] 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 prevails.

PERSONS CLAIMING TO HOLD NATIVE TITLE:

The application is made on behalf of the Gamilaraay People.

The Gamilaraay People are those persons who are descendants of the following Apical Ancestors and who identify and are recognised under the traditional laws and customs of the native title claim group as Gamilaraay:

1. Beeswing and his daughter Lucy Long
2. Kitty, mother of Charles, Jack and Alice Dennison
3. Kitty [Dunn]
4. Mary Ann mother of William Arnold
5. Mary Ann and Murray parents of George and Ada Murray
6. Reuben Bartman
7. George Bennett and Mary Moodie
8. Charles Cubby and Lucy Ann
9. Harry Denham
10. Maude Dixon/Hill
11. Billy Edwards
12. Jonathan Flick and Mary Ann
13. Charlie Hippi
14. Eliza Kirk
15. Walter/William Marley
16. James McGowan father of Aggie, Annie and Kate McGowan
17. Mary McGrady
18. Phoebe Munday
19. William Hilbert Saunders
20. Lennie Jane Smith/Rodwell
21. William Trapman/Troutman
22. Whalen Johnny
23. William (Billy) Wightman
24. Sarah Witon aka Witson/Wilson/Murphy
25. Eliza Weatherall

REGISTERED NATIVE TITLE RIGHTS AND INTERESTS:

The following Native Title Rights & Interests were entered on the Register on 20/11/2017

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 native title claimants as defined in 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 Queensland.

2. Where exclusive native title cannot be recognised, the native title claimants as defined in 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 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);
- l. the right to share and exchange resources derived from the land and waters within the application area;
- m. the right to participate in cultural and spiritual activities on the application area;
- n. the right to maintain and protect places of importance under traditional laws, customs and practices in the application area;
- o. the right to conduct ceremonies and rituals on the application area;
- p. the right to transmit traditional knowledge to members of the native title claim group including knowledge of particular sites on the application area.

REGISTER ATTACHMENTS:

1. External Boundary Description, Attachment B of the Application, 4 pages - A4, 12/06/2017
2. Map of Application Area, Attachment C of the Application, 1 page - A4, 12/06/2017

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.