



# Extract from the Register of Native Title Claims

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## Application Information

**Application Reference:** Federal Court number: QUD619/2017  
NNTT number: QC2017/011

**Application name:** Ann Betts & Ors on behalf of the Wullli Wullli People #3 and State of Queensland (Wullli Wullli People #3)

**Registration History:** Registered from 23/02/2018

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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:** 14/11/2017

**Date claim entered on Register:** 23/02/2018

**Applicants:** Ann Betts, Rachael Briggs, Erica Gyemore, Mary Boney, Christine Lister

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### Additional Information:

Not Applicable

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

Information identifying the boundaries of:

- a) the area covered by the application; and
- b) any areas within those boundaries that are not covered by the application.

In relation to (a) above a description of the area of land and waters covered by the application is provided at **ATTACHMENT "B"**.

Areas within the boundary identified in **ATTACHMENT "B"** that are not covered by the application are set out below:

1. The area covered by the application excludes any land or waters that is or has been covered by:
  - i. Scheduled Interest;
  - ii. a freehold estate;

- iii. 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); and
- viii. any lease (other than a mining lease) that confers a right of 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 commences 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 Peoples or Torres Strait Islanders;
- S.23B(9A) – Establishment of a national park or state park;
- S.23B(9B) – Acts where legislation provides of 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:

- S47 – Pastoral leases etc covered by claimant application;
- S47A – Reserves etc covered by claimant application;
- S47B – 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 claim group are persons:

1. who are recognised by other members of the claim group as being descended (which may include by adoption) from a deceased person who they recognise as having been a member of the Aboriginal landholding group for the application area depicted in **ATTACHMENT “C”** (“an apical ancestor”); and
2. who identifies himself or herself as being a descendant of an apical ancestor.

It is accepted that adoption may take place and where adoption has occurred it confers upon the adoptee the right to identify as a member of the claim group.

The following deceased persons are recognised as having been apical ancestors from whom claim group members are descended:

- \* Tommy, father of Wonga Pope
- \* Mergwin Blay
- \* Amy, wife of John Bond
- \* Ginalene, mother of Ernest Pope
- \* Jessie Fuller
- \* Billy and Selena, parents of Jacob
- \* Tilly, mother of Harry Blucher
- \* Grace, mother of Fanny Joyce
- \* Thomas Clancy
- \* Maria, mother of Isabella Hooper
- \* The unnamed adoptive father of Maggie McLean
- \* Jackanapes
- \* Jack Hornet Senior, father of Jack Hornet
- \* Rosie, the mother of John Barra
- \* Jinnie, wife of George Logan
- \* Alec Barney
- \* Bessie Rawbelle

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

## The following Native Title Rights & Interests were entered on the Register on 23/02/2018

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 s238, ss47, 47A or 47B apply), the claim group claims 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 claim group.

2. Over areas where a claim to exclusive possession cannot be recognised, the claim group claims the non-exclusive rights to:

- a. live and be present on the application area;
- b. take, use, share and exchange Traditional Natural Resources for personal, domestic and non-commercial, communal purposes;
- c. conduct burial rites;
- d. conduct ceremonies;
- e. teach on the area about the physical and spiritual attributes of the area;
- f. 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;
- g. light fires for domestic purposes including cooking but not for the purposes of hunting or clearing vegetation;
- h. be accompanied into the claim area by non-claim group members being people required;

(1) by traditional law and custom for the performance of ceremonies or cultural activities; and

(2) to assist in observing and recording traditional activities on the claim area; and

(i) In relation to Water, take and use;

(1) Traditional Natural Resources from the Water for personal, domestic and non-commercial communal purposes; and

(2) for personal, domestic and non-commercial, communal purposes.

3. For the purposes of (2.) Above;

“Live” means to reside and for that purpose erect shelters and temporary structures but does not include a right to construct permanent structures;

“Traditional Natural Resource” means:

(1) “animals” as defined in the *Nature Conservation Act 1992* (Qld);

(2) “plants” as defined in the *Nature Conservation Act 1992* (Qld);

(3) “charcoal, shells and resin”; and

(4) “clay, soil, sand; ochre; gravel or rock on or below the surface”;

“Water” means water as defined by the *Water Act 2000* (Qld);

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.

### REGISTER ATTACHMENTS:

1. External Boundary Description, Attachment B of the Application, 5 pages - A4, 12/06/2019

2. Map of Claim Area, Attachment C of the Application, 1 page - A4, 12/06/2019

*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.*