



# Extract from Schedule of Native Title Applications

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**Application Reference:** Federal Court number: NSD1851/2025  
NNTT number: NC2025/004

**Application Name:** Bernard Higgins & Ors on behalf of the Southern West Yiradyuri/Wiradyuri/Wiradjuri People v Attorney General of New South Wales & Ors (Southern West Yiradyuri/Wiradyuri/Wiradjuri People)

**Application Type:** Claimant

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

**Date application filed:** 01/10/2025

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**Current stage(s):** Pre-notification

**Registration information:** Please refer to the Register of Native Title Claims/National Native Title Register (as appropriate) for registered details of this application.

**Date claim entered on Register of Native Title Claims:** 30/04/2026

**Registration decision status:** Accepted for registration

**Registration history:** Registered from 30/04/2026

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**Applicants:** Bernard Higgins, Dorothy Whyman, Will Carter, Heath Lightfoot, Tamika Murphy, Geoffrey Johnson

**Address(es) for Service:** Edward Besley  
Lithic Legal Pty Ltd  
Level 17, 110 Mary Street  
Brisbane QLD 4000  
**Phone:** 07 3211 4478

## Additional Information

Not applicable

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## Persons claiming to hold native title:

The native title claim group is comprised of the descendants of the following deceased persons:

Samuel Bow  
Caroline Bradley  
John Bright  
Richard Clayton  
William Foot  
Annie Free  
John Free  
William Free  
Pearce Gibson  
Selina Gibson  
Agnes Howell  
Mary Ann Howell  
Emily Hurst Born  
Annie Johnson  
William Johnson  
Agnes Keilor  
Susannah King  
Margaret Manns  
William McCray  
Bella Mellon  
Robert Mullins  
James Murray  
Amelia O'Brien  
Rose O'Brien  
Margaret Riley  
James Smith  
Ann Taylor  
William Thomas  
James Webster

**Native title rights and interests claimed:**

1. In relation to land and waters described in Schedule B where there has been no prior extinguishment of native title or where prior extinguishment is disregarded pursuant to ss 47, 47A or 47B, and which is not subject to the public rights to navigate and fish. The native title rights and interests claimed are the exclusive right to possession, occupation, use and enjoyment of the claim area as against all others, pursuant to the traditional laws and customs of the native title claim group.

2. In relation to the land and waters described in Schedule B where paragraph 1 does not apply, the native title claim group claims, pursuant to their traditional laws and customs, the non-exclusive rights to:

- a) access the application area;
- b) use and enjoy the application area;
- c) move about the application area;
- d) camp on the application area;
- e) erect shelters and other structures on the application area;
- f) live, being to enter and remain, on the application area;
- g) hold meetings on the application area;
- h) hunt on the application area;
- i) fish in the application area;
- j) have access to and use water of the application area;
- k) the right to gather and use the natural resources of the application area;
- 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 on the application area;
- p) the right to transmit traditional knowledge to members of the native title claim group including knowledge of particular sites within the application area;
- q) the right to speak for and make non-exclusive decisions about the application area in accordance with traditional laws and customs;
- r) the right to speak authoritatively about the application area among other Aboriginal People in accordance with traditional laws and customs; and
- s) the right to control access to or use of the lands and waters within the application area by other Aboriginal People in accordance with traditional laws and customs.

3. For the purposes of paragraphs 1 and 2 above:

“Land” and “Waters”, respectively, have the same meanings as given to them in the *Native Title Act 1993* (Cth);

“Natural Resources” means:

- a. any animal or plant found on or in the land and waters of the claim area; and
- b. any ochre, clay, soil, sand, gravel or rock found on or below the surface of the claim area, that have traditionally been taken and used by the native title holders;
- c. but does not include:
  - i. animals that are the private personal property of another;
  - ii. crops that are the private personal property of another; and
  - iii. minerals, petroleum or gas wholly owned by the Crown inconsistent with continuing native title rights in or over them.

“Water” means water which flows, whether permanently or intermittently, within a river, creek or stream, and any natural collection of water, whether permanent or intermittent.

4. The native title rights and interests claimed paragraphs 1 and 2 above are subject to the valid laws of the State of New South Wales and the Commonwealth of Australia, and rights past and present conferred under those laws.

Details of activities in relation to the land or waters described in Schedule B that are currently carried on by the native title claim group are provided in Attachment E

**Application Area:** **State/Territory:** New South Wales  
**Brief Location:** The area covers land and waters in south-western New South Wales, extending from the junction of the Murrumbidgee and Lachlan Rivers near Maude, north-east towards the Naradhan and Barmedman regions, and south to the Murray River near Albury.  
**Primary RATSIB Area:** New South Wales  
**Approximate size:** 55437.7096 sq km  
(Note: There may be areas within the external boundary of the application that are not claimed.)  
**Does Area Include Sea:** No

**Area covered by the claim (as detailed in the application):**

**A.** The area covered by the application comprises all the land and waters within the external boundary of the area described in **Attachment B** to this application, and shown on the map in **Attachment C** to this application.

**B.** The area covered by the application excludes any land or waters covered by:

1. A scheduled interest;
2. A valid freehold estate;
3. A commercial lease that is neither an agricultural lease nor a pastoral lease;
4. An exclusive agricultural lease or an exclusive pastoral lease;
5. A residential lease;
6. A community purpose lease;
7. A lease dissected from a mining lease and referred to in s23B(2)(c)(vii);
8. Any lease (other than a mining lease) that confers a right of exclusive possession over particular land or waters;
9. over particular land or waters;
10. A public road; which was validly granted or vested on or before 23 December 1996.

**C.** Subject to paragraph F, 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 that public work commenced on or before 23 December 1996.

**D.** The area covered by the application excludes land or waters subject to approved determinations of native title, including:

- (1) Griffith Local Aboriginal Land Council (NND2017/003; NSD2005/2016)
- (2) West Wyalong Local Aboriginal Land Council (NND2018/002; NSD1831/2016)
- (3) Griffith Local Aboriginal Land Council (NND2020/003; NSD1223/2019)
- (4) Leeton and District Local Aboriginal Land Council (NND2021/001; NSD75/2020)
- (5) West Wyalong Local Aboriginal Land Council (NND2021/002; NSD923/2020)
- (6) Griffith Local Aboriginal Land Council (NND2023/001; NSD1178/2021)
- (7) Hay Local Aboriginal Land Council (NND2025/007; NSD1422/2024)

**E.** The area covered by the application excludes land or waters where the native title rights and interests claimed have otherwise been extinguished (except to the extent that the extinguishment is required to be disregarded under subsections 47(2), 47A(2) or 47B(2) pursuant to s 190B(9)(c).

**F.** Where the act specified in paragraphs B & C fall within the provisions of:

1. S.23B(9) - Exclusion of acts benefiting Aboriginal or Torres Strait Islanders;
2. S.23B(9A) - Establishment of a national park or state park;
3. S.23B(9B) - Acts where legislation provides for non-extinguishment;
4. S.23B(9C) - Exclusion of Crown to Crown grants; and
5. S.23B(10) - Exclusion by regulation; the area covered by the act is not excluded from the application.

**G.** Exclusive possession is not claimed over areas subject to valid previous non-exclusive possession acts of the Commonwealth or State of New South Wales as set out in Division 2B of Part 2.

**Note:** all references to legislative provision sections are references to those in the *Native Title Act 1993* (Cth).

**Attachments:**

1. NC2025/004 Attachment B - Description of Boundaries, 2 pages - A4, 23/04/2026
2. NC2025/004 Attachment C - Map, 2 pages - A4, 01/10/2025

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End of Extract