



Extract from Schedule of Native Title Applications

Application Reference: Federal Court number: QUD176/2020
NNTT number: QC2020/002

Application Name: Virginia Wyles and Ors on behalf of the Gurambilbarra Wulgurukaba People for the GW Mada Claim v State Minister for the State of Queensland & Ors (Gurambilbarra Wulgurukaba for the GW Mada Claim)

Application Type: Claimant

Application filed with: Federal Court of Australia

Date application filed: 05/06/2020

Current stage(s): Notification Complete

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: 14/08/2020

Registration decision status: Accepted for registration

Registration history: Registered from 14/08/2020

Applicants: Virginia Wyles, Christina George, Brenton Creed, Florence Watson, Petrina Pam Hegarty, Iris Glenbar, Gail Ambrym, Esalyn Ambrym

Address(es) for Service: Ashley Jan
North Queensland Land Council
61 Anderson Street
Cairns QLD 4870
Phone: 07 4042 7000

Additional Information

Not applicable

Persons claiming to hold native title:

Membership of the Gurambilbarra Wulgurukaba People's group is in accordance with the traditional

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laws acknowledged and the traditional customs observed by them and is based upon descent from an acknowledged Gurambilbarra Wulgurukaba antecedent.

The GW Mada Claim Native Title Claim Group is comprised of the biological and adoptive descendants (in accordance with traditional laws and customs) of the following apical ancestors:

- a) Hilda Ambrym;
- b) Anne, mother of Peter Hegarty;
- c) Emily Underwood; and
- d) Jimmy White.

Native title rights and interests claimed:

1. The claimed rights and interests are:

- (a) the right to have access to, remain in and use that part;
- (b) the right to access and take for any purpose the resources in that part; and
- (c) the right to protect places, areas and things of traditional significance in that part.

The asserted native title rights and interests are subject to:

- (a) Valid laws of the State of Queensland and the Commonwealth of Australia;
- (b) Rights past and present conferred upon persons pursuant to the valid laws of the Commonwealth and the laws of the State of Queensland;

and the asserted native title rights and interests:

- (c) Do not include a claim to ownership of any minerals, petroleum or gas wholly owned by the Crown in a manner which is inconsistent with continuing native title rights and interests residing in those substances;
- (d) Will not apply if they have been extinguished in accordance with valid State of [sic] Commonwealth laws.

Application Area:

State/Territory: Queensland

Brief Location: The application covers an area of the Coral Sea, northeast of Townsville, encompassing Magnetic Island and part of the Great Barrier Reef

Primary RATSIB Area: Northern Queensland Region

Approximate size: 1246.4203 sq km

(Note: There may be areas within the external boundary of the application that are not claimed.)

Does Area Include Sea: Yes

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

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.

a) AREA COVERED BY THE APPLICATION: See Attachment B.

b) AREAS WITHIN THE EXTERNAL BOUNDARIES NOT COVERED BY APPLICATION

1. Subject to (3) below (which describes an exception to this exclusion), the areas with the boundaries in a) that are **not** covered by the application are:

- (a) any area that is or was subject to any of the following acts as these are defined in the *Native Title Act 1993* (Cth)

and the act was or is attributable to the Commonwealth of [sic] the State of Queensland:

- (i) a Category A past act;
- (ii) a Category A intermediate period act;
- (iii) a Category B past act that is wholly inconsistent with the continued existence, enjoyment or exercise of any native title rights and interests;
- (iv) a Category B intermediate period act that is wholly inconsistent with the continued existence, enjoyment or exercise of any native title rights and interests.
- (b) any area in relation to which a 'previous exclusive possession act', as defined in section 23B of the *Native Title Act 1993* (Cth), was done and the act was an act attributable to the Commonwealth or the State of Queensland; and
- (c) any area in relation to which native title rights and interests have otherwise been wholly extinguished.

2. The area covered by the application excludes:

- (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;
- (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 of exclusive possession over particular land or waters.

3. Despite 1 and 2 above, an area within the boundaries described in (A) is covered by the application if the area:

- (a) is an area to which the non-extinguishment principle (as defined in section 238 of the *Native Title Act 1993* (Cth)) applies; or
- (b) is an area to which any sections 47, 47A or 47B of the *Native Title Act 1993* (Cth) apply meaning that any extinguishment of native title rights and interests for an area described in 1 and 2 **must** be disregarded.

Attachments:

- 1. QC2020_002 Attachment B - External boundary description, 2 pages - A4, 02/11/2023
- 2. QC2020_002 Attachment C - Map of the application areay description, 1 page - A4, 02/11/2023

End of Extract