



Extract from the Register of Native Title Claims

Application Information

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)
Registration History:	Registered from 30/04/2026

Register Extract (pursuant to section 186 of the *Native Title Act 1993* (Cth))

Application filed with:	Federal Court of Australia
Date application filed:	01/10/2025
Date claim entered on Register:	30/04/2026
Additional Information:	Not Applicable
APPLICANT:	
Person/s authorised as applicant:	Bernard Higgins, Dorothy Whyman, Will Carter, Heath Lightfoot, Tamika Murphy, Geoffrey Johnson
Condition/s on authority:	<p>The Applicant must:</p> <ul style="list-style-type: none">(a) act at all times in the best interests of all the members of the claim group, not just themselves or their own families;(b) act on the instructions of the claim group at claim group authorisation meetings;(c) act on the reasonable legal advice of the solicitors on the Court record;(d) make decisions by majority where a consensus cannot be achieved; <p>and unless explicitly authorised to do so by the claim group in accordance with the agreed and adopted decision making process at a properly notified and convened claim group authorisation meeting, the Applicant is not authorised to:</p> <ul style="list-style-type: none">(a) discontinue or withdraw the proceeding;(b) change the name of the proceeding;(c) change its legal representation;(d) amend the claim to change the composition of the native title claim group (e.g. adding or removing an apical ancestor) or to reduce the geographical boundaries of the claim area;(e) execute or enter into an Indigenous Land Use Agreement or any other agreement that has the effect of consenting to future acts, dealing with compensation or surrendering, extinguishing or impairing native title or otherwise affecting native or confirming the prior extinguishment or impairment of native title; and(f) approve any proposed consent determination of native title or nominate a corporation to be the prescribed body corporate to hold any determined native title rights and interests in trust on behalf of the native title holders or to act as agent.

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DESCRIPTION OF THE AREA COVERED BY THE CLAIM:

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
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).

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

REGISTERED NATIVE TITLE RIGHTS AND INTERESTS:

The following Native Title Rights & Interests were entered on the Register on 30/04/2026

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

REGISTER ATTACHMENTS:

1. NC2025/004 Attachment B - Description of boundaries, 9 pages - A4, 23/04/2026
2. NC2025/004 Attachment C - Map, 2 pages - A4, 01/10/2025

Note: The Register of Native Title Claims may, in accordance with section 188 of the Native Title Act 1993 (Cth), contain confidential information that will not appear on the Extract.