



# NATIONAL NATIVE TITLE TRIBUNAL

Level 25 GPO Box 9973, SYDNEY NSW 2001  
 25 Bligh Street Telephone: (02) 9235 6300  
 SYDNEY NSW 2000 Facsimile: (02) 9233 5613  
 AUSTRALIA Website: www.nntt.gov.au

Your Ref: U888-4  
 Our Ref: 346/02JR

**RECEIVED**  
 20 DEC 2001

18 December 2001

**Vanessa Hardy**  
**HLA – Envirosclences Pty Ltd**  
**55 – 65 Grandview Street**  
**PYMBLE NSW 2073**

Dear Ms Hardy

**Re: Your search request in relation to Muswellbrook Shire Council  
 Local Government Area**

Thank you for your letter of 17 December 2001 regarding the above search request.

A search on 18 December 2001 at 8.52am of the Local Government Area nominated in your request indicates that the nearest active claimant native title determination application, determination of native title or Registered Indigenous Land Use Agreement to the specific area you have nominated is;

Register Type	NNTT Reference Numbers
National Native Title Register	Nil.
Register of Native Title Claims	NC95/8.
Unregistered Claimant applications	Nil.
Register of Indigenous Land Use Agreements	Nil.

Please note that there may be a delay of up to 48 hours between a claimant native title application being lodged in the Federal Court and its transferral to the Tribunal. As such the information contained in this search, in relation to unregistered claimant applications, may not show claimant applications recently lodged or amended in the Federal Court.

I have enclosed for your reference the relevant register extracts and/or summary of the application and attachments that should assist you in determining if your interests are affected. I have also included an information sheet detailing the differences between the Register of Native Title Claims extract and the application summary together with an information sheet on the Tribunals search service.

**Search and/or geospatial analysis charges**

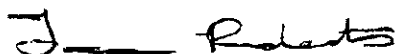
The charge for a search of the registers/applications summary is \$21.45 per 15 minutes and \$7.15 per 5 minutes thereafter and a photocopying charge of \$0.50 per A4 page and \$1.00 per A3 page. For this search this amount is \$25.95. A debit advice notice will be forwarded to you.

**Tribunal accepts no liability for reliance on enclosed information**

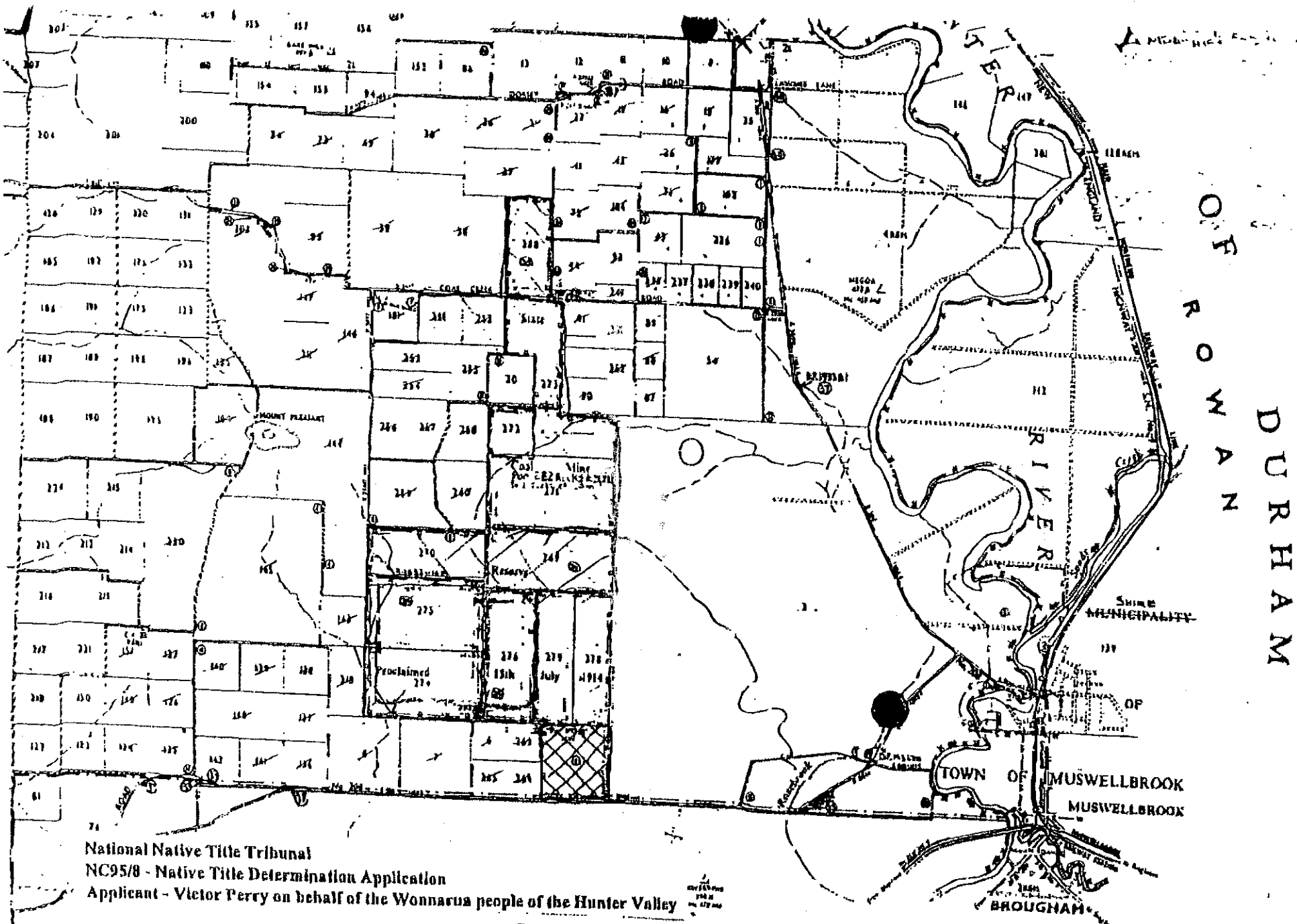
The enclosed information has been provided in good faith. Use of this information is at your sole risk. The National Native Title Tribunal makes no representation, either express or implied, as to the accuracy or suitability of the information enclosed for any particular purpose and accepts no liability for use of the information or reliance placed on it.

Should you require any further information, please do not hesitate to contact me on (02) 9235 6300.

Yours sincerely


A handwritten signature in black ink, appearing to read "Jason Roberts". The signature is written in a cursive style with a long horizontal stroke under the first name.

Jason Roberts  
Case Management Unit



National Native Title Tribunal  
NC95/8 - Native Title Determination Application  
Applicant - Victor Perry on behalf of the Wonnarua people of the Hunter Valley

Attachment A, Page 1 of 1 (attached 4 September 1995)  
Cross hatching indicates area subject to the application

 Claimed area



## NATIONAL NATIVE TITLE TRIBUNAL

### Application Information and Extract from the Register of Native Title Claims

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#### Application Information

Application numbers: Federal Court number: NG6017/98  
NNTT number: NC95/8

Application name: Wonnarua Tribal Council Inc # 1

Registration history: Registered from 05/09/1995.

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

Application lodged with: National Native Title Tribunal

Date application lodged: 31/08/1995

Date claim entered on Register: 05/09/1995

Applicants: Victor Perry

Address for service: The Manager  
NSW Aboriginal Land Council  
Native Title Unit  
Level 9; 33 Argyle Street  
PO Box 1125  
PARRAMATTA NSW 2124  
Phone: 02 9689 4418  
Fax: 02 9687 1238

#### Area covered by the claim:

Crown Reserve No.156 (for camping purposes), County of Brisbane, Parish of Ellis, notified 25 July 1881; being the land bounded by portion 3 to the east, Wybong Road to the South, portions 263 and 264 to the west and portions 278 and 279 to the north.

#### Persons claiming to hold native title:

This Extract last updated: 12/12/2001 09:51  
Document Prepared: 18/12/2001 08:45

NC95/8

- 1 -

The following families and their descendants are the descendants of Sarah Madoo who was born at Singleton in 1840.: Waters, Miller, Lester, Hinton, Cavanagh, Hickey, Perry, Samuels, Robinson, Murphy, Saunders, Phillips, O'Connor, Swan. See also Attachment M, Affidavit of Victor Perry dated 18 July 2001 at paragraph 7.

**Registered native title rights and interests:**

The following Native Title Rights & Interests were entered on the Register on 06/12/2001:

1. Subject to paragraphs 3, 4, and 5 below, a right of possession, occupation, use and enjoyment of the area covered by the application as against the whole world.
2. Further and in the alternative to paragraph 1 and subject to paragraphs 3, 4 and 5 below, in relation to the area covered by the application:
  - a) the right to own the determination area;
  - b) the right to possess the determination area;
  - c) the right to occupy the determination area;
  - d) the right to use and enjoy the determination area;
  - e) the right to make decisions about the use and enjoyment of the determination area;
  - f) the right to control the access of others to the determination area;
  - g) the right to use and enjoy the resources of the determination area including, but not limited to:
    - (i) the right to hunt and fish on or from the land and waters, and to collect food from the land and waters;
    - (ii) the right to take items from the land, and waters such as timber, stones, resin, and shells and to make such things as shelter, tools and hunting implements;
    - (iii) the right to manage animals, plants and minerals on the determination area;
  - h) the right to control the use and enjoyment of others of resources of the determination area;
  - i) the right to trade in resources of the determination area;
  - j) the right to receive a portion of any resources taken by others from the determination area;
  - k) the right to maintain and protect places of importance under traditional laws, customs and practises in the determination area;
  - l) the right to maintain, protect and prevent the misuse of cultural knowledge of the Common Law Holders associated with the determination area;
  - m) the right to speak for the determination area;
  - n) the right to conduct ceremonies on the land and waters;

o) the right of free access to the determination area for the purpose of satisfying the rights identified in the preceding sub-paragraphs;

3. The rights and interests claimed in paragraphs 1 and 2 above (the native title rights and interests) are:

a. Subject to the rights and interests of those lawfully exercising rights and interests which have been validly created and vested in them by the State of New South Wales; and

b. Subject to the rights and interests of those lawfully exercising rights and interests which have been validly created or vested in them by the Commonwealth of Australia.

4. Further and in the alternative to paragraph 3 and subject to paragraph 5 below:

a. If

i) the area covered by the application or part of the area covered by the application is or was the subject of a "Previous Non-Exclusive Possession Act" as defined in the Native Title Act (1993) (Cth); and

ii) The Previous Non-Exclusive Possession Act involved the grant of rights and interests which were not inconsistent with the rights and interests claimed in paragraph 1 and/or 2 above; then

The native title rights and interests claimed subject to the rights and interests granted under the Previous Non-Exclusive Possession Act (as provided by section 23G(1)(a) of the Native Title Act (1993) (Cth);

b. If:

i) The area covered by the application or a part of the area covered by the application is or was the subject of a Previous Non-Exclusive Possession Act as defined by section 23F of the Native Title Act (1993) (Cth); and

ii) the Previous Non-Exclusive Possession Act involved the grant of rights and interests which were inconsistent with the rights and interests claimed in paragraphs 1 and/or 2 above but did not extinguish them; then

the rights and interests claimed under paragraphs 1 and/or 2 are claimed subject to any suspension of them during the currency of the Previous Non-Exclusive Possession Act as provided by section 23G(1)(b)(ii) of the Native Title Act (1993) (Cth);

c. If:

i) The area covered by the application or a part of the area covered by the application is or was the subject of a "Category B Past Act" as defined by section 230 of the Native Title Act (1993) (Cth) or a "Category B Intermediate Period Act" as defined by section 232C of the Native Title Act (1993) (Cth); and

ii) The Category B Past Act or the Category B Intermediate Period Act involved the grant of rights and interests which were not inconsistent with the rights and interests claimed in paragraphs 1 and/or 2 above; and

iii) The Category B Past Act or the Category B Intermediate Period Act was not a Previous Non-Exclusive Possession Act; then

Those rights and interests referred to in paragraphs 1 and/or 2 which are not inconsistent with the rights and interests granted under the Category B Past Act or the Category B Intermediate Period Act are claimed;

d. If:

i) The area covered by the application or a part of the area covered by the application is or was the subject of:

- (1) a "Category C Past Act" as defined by section 231 of the Native Title Act (1993) (C'th); or
- (2) a "Category C Intermediate Period Act" as defined 232D of the Native Title Act (1993) (C'th); or
- (3) a "Category D Past Act" as defined by section 232 of the Native Title Act (1993) (C'th); or
- (4) a "Category D Intermediate Period Act" as defined by section 232E of the Native Title Act (1993) (C'th); and

ii) The Category C Past Act, Category C Intermediate Period Act, Category D Past Act and/or Category D Intermediate Period Act referred to in the preceding sub-paragraph was not a Previous Non-Exclusive Possession Act; then

Subject to the operation of the "Non-extinguishment Principle" as defined by section 238 of the Native Title Act (1993) (C'th), those rights and interests claimed under paragraph 1 and/or 2 are claimed.

5. Native title rights and interests are not claimed in respect of:

- a. Any land excluded from the application area within the boundaries of the area covered by the application by Schedule B;
- b. Any minerals, petroleum or gas which are wholly owned by the Crown.

Details of the activities in exercise of those rights and interests are provided in Schedule F.

See Attachment M, Affidavit of Victor Perry dated 18 July at paragraph 9.

**Register attachments:**

1. Map of Claim Area - portion of Parish, Attachment A, 1 page - A4, Attached 31/08/1995.

*Note: The Register may, in accordance with s.188 of the Native Title Act 1993, contain confidential information that will not appear on the Extract.*



# NATIONAL NATIVE TITLE TRIBUNAL

## Claimant Application Summary

<b>Application numbers</b>	Federal Court number: NG6017/98 NNTT number: NC95/8
<b>Application name</b>	Wonnarua Tribal Council Inc # 1
<b>Name of body where application lodged</b>	National Native Title Tribunal
<b>Date application lodged</b>	31/08/1995
<b>Current stage(s)</b>	Notification Complete, In Mediation
<b>Applicants</b>	Victor Perry
<b>Address for service</b>	Sir/Madam NSW Aboriginal Land Council Native Title Unit PO Box 1125 PARRAMATTA NSW 2124 Phone: 02 9689 4418 Fax: 02 9689 4502
<b>Persons claiming to hold native title</b>	The following families and their descendants are the descendants of Sarah Madoo who was born at Singleton in 1840: Waters, Miller, Lester, Hinton, Cavanagh, Hickey, Perry, Samuels, Robinson, Murphy, Saunders, Phillips, O'Connor, Swan. See also Attachment M, Affidavit of Victor Perry dated 18 July 2001 at paragraph 7.
<b>Native title rights and interests claimed</b>	<p>1. Subject to paragraphs 3, 4, and 5 below, a right of possession, occupation, use and enjoyment of the area covered by the application as against the whole world.</p> <p>2. Further and in the alternative to paragraph 1 and subject to paragraphs 3, 4 and 5 below, in relation to the area covered by the application:</p> <ul style="list-style-type: none"> <li>a) the right to own the determination area;</li> <li>b) the right to possess the determination area;</li> <li>c) the right to occupy the determination area;</li> <li>d) the right to use and enjoy the determination area;</li> <li>e) the right to make decisions about the use and enjoyment of the determination area;</li> <li>f) the right to control the access of others to the determination area;</li> <li>g) the right to use and enjoy the resources of the determination area including, but not limited to: <ul style="list-style-type: none"> <li>(i) the right to hunt and fish on or from the land and waters, and to collect food from the land and waters;</li> <li>(ii) the right to take items from the land, and waters such as timber, stones, resin, and shells and to make such things as shelter, tools and hunting implements;</li> <li>(iii) the right to manage animals, plants and minerals on the determination area;</li> </ul> </li> </ul>



- h) the right to control the use and enjoyment of others of resources of the determination area;
- i) the right to trade in resources of the determination area;
- j) the right to receive a portion of any resources taken by others from the determination area;
- k) the right to maintain and protect places of importance under traditional laws, customs and practises in the determination area;
- l) the right to maintain, protect and prevent the misuse of cultural knowledge of the Common Law Holders associated with the determination area;
- m) the right to speak for the determination area;
- n) the right to conduct ceremonies on the land and waters;
- o) the right of free access to the determination area for the purpose of satisfying the rights identified in the preceding sub-paragraphs;

3. The rights and interests claimed in paragraphs 1 and 2 above (the native title rights and interests) are:

- a. Subject to the rights and interests of those lawfully exercising rights and interests which have been validly created and vested in them by the State of New South Wales; and
- b. Subject to the rights and interests of those lawfully exercising rights and interests which have been validly created or vested in them by the Commonwealth of Australia.

4. Further and in the alternative to paragraph 3 and subject to paragraph 5 below:

a. If:

- i) the area covered by the application or part of the area covered by the application is or was the subject of a "Previous Non-Exclusive Possession Act" as defined in the Native Title Act (1993) (Cth); and
- ii) The Previous Non-Exclusive Possession Act involved the grant of rights and interests which were not inconsistent with the rights and interests claimed in paragraph 1 and/or 2 above; then

The native title rights and interests claimed subject to the rights and interests granted under the Previous Non-Exclusive Possession Act (as provided by section 23G(1)(a) of the Native Title Act (1993) (Cth);

b. If:

- i) The area covered by the application or a part of the area covered by the application is or was the subject of a Previous Non-Exclusive Possession Act as defined by section 23F of the Native Title Act (1993) (Cth); and
- ii) the Previous Non-Exclusive Possession Act involved the grant of rights and interests which were inconsistent with the rights and interests claimed in paragraphs 1 and/or 2 above but did not extinguish them; then

the rights and interests claimed under paragraphs 1 and/or 2 are claimed subject to any suspension of them during the currency of the Previous Non-Exclusive Possession Act as provided by section 23G(1)(b)(ii) of the Native Title Act (1993) (Cth);

c. If:

- i) The area covered by the application or a part of the area covered by the application is or was the subject of a "Category B Past Act" as defined by section 230 of the Native Title Act (1993) (Cth) or a "Category B Intermediate Period Act" as defined by section 232C of the Native Title Act (1993) (Cth); and

	<p>ii) The Category B Past Act or the Category B Intermediate Period Act involved the grant of rights and interests which were not inconsistent with the rights and interests claimed in paragraphs 1 and/or 2 above; and</p> <p>iii) The Category B Past Act or the Category B Intermediate Period Act was not a Previous Non-Exclusive Possession Act; then</p> <p>Those rights and interests referred to in paragraphs 1 and/or 2 which are not inconsistent with the rights and interests granted under the Category B Past Act or the Category B Intermediate Period Act are claimed;</p> <p>d. If:</p> <p>i) The area covered by the application or a part of the area covered by the application is or was the subject of:</p> <p>(1) a "Category C Past Act" as defined by section 231 of the Native Title Act (1993) (Cth); or</p> <p>(2) a "Category C Intermediate Period Act" as defined 232D of the Native Title Act (1993) (Cth); or</p> <p>(3) a "Category D Past Act" as defined by section 232 of the Native Title Act (1993) (Cth); or</p> <p>(4) a "Category D Intermediate Period Act" as defined by section 232E of the Native Title Act (1993) (Cth); and</p> <p>ii) The Category C Past Act, Category C Intermediate Period Act, Category D Past Act and/or Category D Intermediate Period Act referred to in the preceding sub-paragraph was not a Previous Non-Exclusive Possession Act; then</p> <p>Subject to the operation of the "Non-extinguishment Principle" as defined by section 238 of the Native Title Act (1993) (Cth), those rights and interests claimed under paragraph 1 and/or 2 are claimed.</p> <p>5. Native title rights and interests are not claimed in respect of:</p> <p>a. Any land excluded from the application area within the boundaries of the area covered by the application by Schedule B;</p> <p>b. Any minerals, petroleum or gas which are wholly owned by the Crown.</p> <p>Details of the activities in exercise of those rights and interests are provided in Schedule F.</p> <p>See Attachment M, Affidavit of Victor Perry dated 18 July at paragraph 9.</p>
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<p><b>Area</b></p>	<p><b>Jurisdiction:</b> New South Wales  <b>Location:</b> Crown Reserve No.156 (for camping), County of Brisbane, Parish of Ellis, not. 25 July 1881. Approximately 2kms north-west from the town of Muswellbrook.  <b>Local government region(s):</b> Muswellbrook Shire Council  <b>ATSIC region(s):</b> Kamilaroi Regional Council  <b>Representative A/TSI body(s):</b> NSW Aboriginal Land Council  <b>Approximate size:</b> 40 ha          (Note: There may be areas within the external boundary of the application that are not claimed.)  <b>Land/water and/or sea:</b> Land/Water</p> <p><b>Area covered by the claim (as detailed in the application):</b>          Crown Reserve No.156 (for camping purposes), County of Brisbane, Parish of Ellis, notified 25 July 1881; being the land bounded by portion 3 to the east, Wybong Road to the South, portions 263 and 264 to the west and portions 278 and 279 to the north.</p>
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<p><b>Registration information</b></p>	<p><i>Please refer to the Register of Native Title Claims/National Native Title Register (as appropriate) for registered details of this application.</i></p>
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	<p><b>Date claim entered on Register of Native Title Claims:</b> 05/09/1995</p> <p><b>Registration test status:</b> Accepted for registration</p> <p><b>Registration history:</b> Registered from 05/09/1995.</p>
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<b>Attachments</b>	1. Map of Claim Area - portion of Parish, Attachment A of the Application, 1 page - A4, Attached 31/08/1995.
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<b>NNTT contact details</b>	<p><b>Case manager:</b> Frank Russo</p> <p><b>Address:</b> National Native Title Tribunal Level 25 25 Bligh Street SYDNEY NSW 2000</p> <p>GPO Box 9973 SYDNEY NSW 2001</p> <p><b>Phone:</b> (02) 9235 6300 Freecall 1800 640 501</p> <p><b>Fax:</b> (02) 9233 5613</p> <p><b>Web page:</b> <a href="http://www.nntt.gov.au">www.nntt.gov.au</a></p>
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