



# Extract from the National Native Title Register

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## Determination Information:

**Determination Reference:** Federal Court Number(s): NSD6002/1996  
NNTT Number: NCD1997/001

**Determination Name:** [Mary-Lou Buck v State of New South Wales & Ors](#)

**Date(s) of Effect:** 7/04/1997

**Determination Outcome:** Native title exists in the entire determination area

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## Register Extract (pursuant to s. 193 of the *Native Title Act 1993*)

**Determination Date:** 07/04/1997

**Determining Body:** Federal Court of Australia

### ADDITIONAL INFORMATION:

Not Applicable

### REGISTERED NATIVE TITLE BODY CORPORATE:

Dunghutti Elders Council (Aboriginal Corporation) RNTBC  
Trustee Body Corporate  
17-23 South Street  
KEMPSEY New South Wales 2440

*Note: current contact details for the Registered Native Title Body Corporate are available from the Office of the Registrar of Indigenous Corporations [www.oric.gov.au](http://www.oric.gov.au)*

### ORIGINAL REGISTERED NATIVE TITLE BODY CORPORATE(S):

Dunghutti Elders Council (Aboriginal Corporation)

*Note: details of the Corporation name change can be found on the Office of the Registrar of Indigenous Corporations website [www.oric.gov.au](http://www.oric.gov.au)*

### COMMON LAW HOLDER(S) OF NATIVE TITLE:

The Dunghutti people

### MATTERS DETERMINED:

1. Native title exists in relation to land at Crescent Head being the land described in Schedules 2 and 3 hereto and lot

44 in Deposited Plan 822650, which lot is part of the land described in Schedule 1 hereto.

2. The native title in the said land comprises the communal rights and interests held by the Dunghutti people, conferring on them possession, occupation and enjoyment of the land to the exclusion of all others, such that the Dunghutti people may exercise whatever rights and interests (whether communal, group or personal) are recognised by their traditional laws and customs as in force at any relevant time, subject to any laws of the State of New South Wales or the Commonwealth of Australia which are not inconsistent with the Racial Discrimination Act 1975 or the Native Title Act 1993.

3. The rights and interests from time to time comprising the native title is to be held in trust for the common law holders by Dunghutti Elders Council (Aboriginal Corporation), a prescribed body corporate for the purposes of s.56 of the Native Title Act 1993.

The Court further notes:

1. That pursuant to subclauses (c) and (d) of clause 1 of the deed of agreement the applicant acknowledges that the native title rights and interests in that part of the land described in Schedule 1, other than the land described in Schedule 3 and lot 44 in Deposited Plan 822650, have been extinguished.

2. That the applicant has agreed pursuant to clause 9(a) of the deed of agreement on the amount of compensation of the extinguishment of those native title rights and interests.

3. That pursuant to clause 2 of the deed of agreement the applicant consents to the doing by the State of New South Wales of a future act in respect of the land described in Schedule 3 hereto, namely, the acquisition of the native title rights and interests in that land by compulsory process pursuant to the Land Acquisition (Just Terms Compensation) Act 1991 (NSW).

4. That pursuant to clauses 4 and 7 of the deed of agreement the native title rights and interests in lot 44 in Deposited Plan 822650 and in the land described in Schedule 2 hereto are to pass to the State of New South Wales at 5 pm today with the intention that the provisions of section 21(1)(a) of the Native Title Act 1993 shall have effect.

#### **REGISTER ATTACHMENTS:**

1. Attachment A1 Plan of lands described in the determination of 7\_4\_97, 1 page - A4, 07/04/1997

2. Attachment B Deed of Agreement 9\_10\_96 (Registered number 685 Book 4156), 9 pages - A4, 07/04/1997

*Note: The National Native Title Register may, in accordance with s. 195 of the Native Title Act 1993, contain confidential information that will not appear on the Extract.*