



Extract from Schedule of Native Title Applications

Application Reference: Federal Court number: NSD443/2016
NNTT number: NC2016/002

Application Name: Warrabinga Wiradjuri #4

Application Type: Claimant

Application filed with: Federal Court of Australia

Date application filed: 26/03/2016

Current status: Pre-combination - 22/11/2018

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: 29/04/2016

Registration decision status: Accepted for registration

Registration history: Registered from 29/04/2016 to 22/11/2018,

Applicants: Wendy Lewis, Mavis Agnew, Martin de Launey

Address(es) for Service: Simon Blackshield
Blackshield Lawyers
L28, AMP Tower
140 St Georges Terrace
Perth WA 6000
Phone: (08) 7111 2051
Fax: (08) 6311 7267

Additional Information

Not applicable

Persons claiming to hold native title:

The application is made on behalf of the descendants of the following persons:

Peggy Lambert
Dianna Mudgee
Thullagumauli
Jimmy Lambert
James "Tracker" Macdonald
Aaron

Native title rights and interests claimed:

Native title where traditional rights are wholly recognisable

1. Paragraph [2] applies to every part of the claim area:
 - (a) where there has been no extinguishment to any extent of native title or where any extinguishment is required to be disregarded; and
 - (b) which is not subject to the public right to navigate or the public right to fish.
2. Where this paragraph [2] applies the right possessed under traditional law and customs is properly interpreted as, and the native title right recognised by the common law of Australia is, the right of possession, occupation, use and enjoyment of land and waters as against the whole world.

Native title where traditional rights are partially recognisable

3. Paragraph [4] applies to every part of the claim area to which paragraph [2] does not apply.
4. Where this paragraph [4] applies, the rights and interests possessed under traditional law and customs are properly interpreted as the rights of possession, occupation, use and enjoyment of land and waters as against the whole world, but the native title rights and interests recognised by the common law of Australia are the rights to do all such things as may be done under the right referred to in paragraph [2] save for controlling the access to or the use of land or waters by others; being the (non-exclusive) rights to:
 - (a) have access to, remain on and use the land and waters;
 - (b) access and take the resources of the land and waters; and
 - (c) protect places, areas and things of traditional significance on the land and waters.
5. The members of the native title claim group acknowledge that their native title rights and interests are subject to and exercisable in accordance with valid and current laws of the Commonwealth and the State of New South Wales including the common law.
6. For the purposes of paragraph 4(b) above, "resources" means anything that has utility or potential utility, excluding such minerals, petroleum, geothermal energy or geothermal energy resources, if any, as are, under the laws of the Commonwealth and the State of New South Wales including the common law as at the date of this application, wholly owned by the Crown.

Application Area: **State/Territory:** New South Wales
Brief Location: East south-east of Ulan, NSW.
Primary RATSIB Area: New South Wales
Approximate size: 6.6473 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):

1. The boundaries of the area of land and water's covered by the application are as shown on the map at Attachment C and are the external boundaries of the following Mining Lease Applications ("MLA"):

- (i) MLA 503, which covers an area of 41.02 hectares situated approximately 40 kilometres east south-east of Ulan, NSW; and
- (ii) MLA 504, which covers an area of 620.52 hectares situated approximately 43 kilometres east south-east of Ulan, NSW, NSW

2. Subject to (3) and (4) below, the areas of land and waters within the boundaries referred to in (1) above that are not covered by the application are:

(a) Any area that is, or was, subject to any of the following acts as defined in the Native Title Act 1993 (Cwlth) or the Native Title (New South Wales) Act 1994 (NSW):

- i Category A past act
- ii Category A intermediate period act
- iii Category B past act that is wholly inconsistent with the continued existence, enjoyment or exercise of any native title rights or interests
- iv Category B intermediate period act that is wholly inconsistent with the continued existence, enjoyment or exercise of any native title rights or interests
- v previous exclusive possession act

(b) Any other area in relation to which native title rights and interest have otherwise been wholly extinguished

(c) Any area for which there is an approved determination of native title, as defined in the Native Title Act

3. Notwithstanding anything contained elsewhere in this application, the area covered by the application includes any area in relation to which the non-extinguishment principle (as defined in section 238 of the Native Title Act) applies, including any area to which section 47, 47A or 47B of the Native Title Act applies. Particulars of these areas will be provided prior to the hearing but any area as may be listed in Schedule L is included in the area covered by the application.

4. Where there is any discrepancy between the map provided at Attachment C and the written description contained in this schedule, the latter prevails.

Attachments: 1. Attachment C Map of Claim Area, 1 page - A4, 26/03/2016

NNTT Contact Details	Address:	National Native Title Tribunal Melbourne Office Level 10, Commonwealth Law Courts 305 William Street MELBOURNE VIC 3000 GPO Box 9973 MELBOURNE VIC 3001
-----------------------------	-----------------	---

Telephone: +61 3 9920 3000
Freecall: 1800 640 501
Fax: +61 8 9425 1193
Web Page: www.nntt.gov.au

End of Extract