



Extract from Schedule of Native Title Applications

Application Reference: Federal Court number: WAD6164/1998
NNTT number: WC1999/024

Application Name: WF (Deceased) & Ors v The State of Western Australia & Ors (Wiluna)

Application Type: Claimant

Application filed with: Federal Court of Australia

Date application filed: 04/08/1999

Current status: Full Approved Determination - 23/01/2015

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: 24/09/1999

Registration decision status: Accepted for registration

Registration history: Registered from 24/09/1999 to 27/01/2015,

Date claim / part of claim determined: 29/07/2013

Applicants: Wilma Freddie, Kenny Farmer, Alan Ashwin, Judy Ashwin, Barry Abbott, Norman Thompson, Mickie Wongawol, Dusty Stevens, Friday Jones, Les Tullock, Joyce Tullock, Billy Patch, Margie Jackman, Jimmy Morgan, Kitty Richards

Address(es) for Service: Malcolm O'Dell
Central Desert Native Title Services Limited
76 Wittenoom Street
EAST PERTH WA 6004
Phone: (08) 9425 2000

Additional Information

Please note there are two conditional determinations – NNTT WCD2013/004 (Wiluna) & WCD2013/007 (Wiluna #2) in relation to part of the area covered by the claim made in WAD6164/98. This will become effective immediately upon the making of a determination as to the prescribed body corporate for the respective determination areas.

Persons claiming to hold native title:

Wilma Freddie
Kenny Farmer
Alan Ashwin
Judy Ashwin
Barry Abbott
Norman Thompson
Mickie Wongawol
Dusty Stevens
Friday Jones
Les Tullock
Joyce Tullock
Billy Patch
Margie Jackman
Jimmy Morgan
Kitty Richards
Norman Abbott
Nigel Abbott
Clem Abbott
Reynold Allison
Monty Allison
Topsy Anderson
Vera Anderson
Alwyn Anderson
Betty Anderson
Dora Anderson
Marlene Anderson
Michael Anderson
Milton Anderson
Sharon Anderson
Rebeca Anderson
Stephanie Anderson
Beverley Anderson
William Anderson
Dierdre Anderson
Desiree Anderson
Gladys Ashwin
Victor Ashwin
Allan Ashwin
Valerie Ashwin
Henry Ashwin
Moya Ashwin

Raymond Ashwin
Geoffrey Ashwin
Ralph Ashwin
John Ashwin
Catherine Adams
Maxine Beaman
Theo Beaman
Danny Beaman
Joanne Bingham
Christopher Bingham
Narelle Bingham
Glen Bingham
Masey Bingham
Robery Bin Saia
Andrew Bin Saia
Russell Brand
Henry Brand
Nellie Brand
Lucy Brand
Ben Brown
Louie Brown
Natalie Brown
Andie Campbell
Dada Campbell
Clarrie Cameron
Maria Calyon
Brenda Calyon
Colin Cosmos
Eileen Clause
Shirley Connors
Marvis Curley
Collette Dhu
Raymond Dhu
Nadine Dhu
Naomi Dhu
Rita Elliott
Russell Elliott
Colin Elliott
Marilyn Elliott
Ross Elliott
Jane Elliott
Darren Farmer

Full Appraisal
Determination

Gordon Farmer
Jorna Farmer
Eddie Beaman
Cyril Bingham
Kaye Bingham
Douglas Bingham
Kevin Bingham
Jeanie Bingham
Grant Bingham
Carl Bingham
Noel Harris
Dallas Harris
Edward Harris
Raymond Harris
Pauline Harris
Peter Ingram
Theonie Jacobs
Justine Jackman
Merlene Jackman
Calvin Jackman
Bob Jackman
Jimmy Jackman
Maudie Jackman
Maurice Jackman
Molly Jackman
Robert Jackman
Dempsey James
Simon Jones
Sheila Friday Jones
Sheila Yakka Jones
Trevor Jones
Fred Jones
Allison Jones
Barney Jones
Dean Jones
Lawrence Jones
Nareldah Jones
Bobby Jones
Michael Jones
Denise Jones
Paula Jones
Roderick Kelly

Full Approved
Determination

John Long
Desmond Freddie
Rex Freddie
Peter Gogo
Tony Green
June Harrington Smith
Eileen Harris
Anne Harris
Andrew Harris
Janelle Murphy
Wesley Murphy
Reynold Nanji
Lydia Nanji
Keith Narrier
Richard Narrier
Roslyn Narrier
Angeline Narrier
Graham Narrier
Jennifer Narrier
Kelman Patch
Roselee Patch
Allanna Patch
Dion Patch
Johnny Ray
Eddie Redmond
Lester Redmond
Angie Redmond
Jonathon Redmond
Sheree Redmond
Teddy Richards
Bruce Richards
Colin Richards
Margaret Richards
Celina Richards
Jennifer Richards
Kevin Riley
Hedley Riley
Mary Riley
Olive Riley
June Riley
Edith Riley
Harvey Scadden

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Gilbert Long
Lesley Long
Grita Long
Alanna Lockyer
Lynette Lockyer
Lindsay Lockyer
Edward Lockyer
Bruce Michael
Jean Miller
Dara McGrath
Janice McNoulty
Musso Morrison
Mark Murphy
Barry Murphy
Elisa Stewart
Lance Stewart
Tammy Stewart
Glenda Stewart
Laurel Stewart
Linda Stewart
Louie Thompson
Ted Tullock
Sunshine Williams
Elaine Williams
Ronda Williams
Presley Williams
Kim Williams
Maudie Williams
Dorothy Williams
John Williams
Glennys Williams
Annette Williams
Mickie Wongawol
Stanley Wongawol
Timmy Wongawol
Ruth Wongawol
Forrestor Wongawol
Frank Wongawol
Lorna Wongawol
Marjorie Wongawol
Edna Sceghi
Keith Sceghi

Full App
Determ

Alison Sesar
Tilly Stevens
Monday Stevens
Carlene Stevens
Gary Stevens
Cedric Stevens
Robert Stevens
Roderick Stevens
Lula Stevens
Geoffrey Stewart
Norman Stewart
Ray Stewart
Sandra Wongawol
Lionel Wongawol
Bradley Wongawol
Wayne Wongawol
Dudley Wongawol
Michael Wongawol
Rodney Wongawol
Neville Wumi
Roxanne Anderson
Brendan Ashwin

Native title rights and interests claimed:

The native title rights and interests claimed are rights and interests as against the whole world (subject to any native title rights and interests which may be shared with any others who establish that they are Native title holders) and in particular comprising:

- a) rights and interests to possess, occupy, use and enjoy the area;
- b) the right to make decisions about the use and enjoyment of the area;
- c) the right of access to the area;
- d) the right to control the access of others to the area;
- e) the right to use and enjoy resources of the area;
- f) the right to control the use and enjoyment of others of resources of the area;
- g) the right to trade in resources of the area;
- h) the right to receive a portion of any resources taken by others from the area;
- i) the right to maintain and protect places of importance under traditional laws, customs and practices in the area;
and
- j) the right to maintain, protect and prevent the misuse of cultural knowledge of the common law holders associated with the area.

Further or in the alternative enjoy the right to :

- (a) possession of the land waters and resources

- (b) occupation of the land waters and resources
- (c) use and enjoyment of the land , water and resources
- (d) own and control knowledge and information comprising and concerning the traditional laws and customs of the native title holders in relation to the land and waters and resources and the passing of this knowledge on to younger generations
- (e) bear rear and teach children on the land
- (f) conduct ceremonies on and for the land water and resources and to attend sites of cultural and religious significance
- (g) live and erect residences and other infrastructure on the land
- (h) move freely about the land and waters including camping and seeking shelter
- (i) hunt and fish on the land and in the waters and otherwise collect food from the land and waters
- (j) take and use the resources of the land including water plants medicines animals fisheries forests products and all other components and attributes of the land
- (k) dig for take from the land and waters and use all minerals and ores including extractive and quarry minerals such as flints clay soil sand gravel rock and like resources
- (l) manufacture materials artefacts tools and weapons from the products of the land waters and resources
- (m) dispose of products of the land waters and resources and manufactured products by trade or exchange
- (n) manage conserve and look after the land waters and resources including locating and cleaning water sources and drinking water on the land
- (o) manipulating the environment by burning the land harvesting produce sowing seed and doing other activities
- (p) grant or refuse permission to any person to do some of all of subparagraphs (a) - (o) inclusive either at all or subject to terms and conditions
- (q) inherit native title rights and interest
- (r) bestow and acquire native title rights and interests
- (s) resolve amongst themselves any disputes concerning land waters and resources
- (t) regulate access to parts of the land according to initiation status and gender and otherwise to exclude strangers from the land
- (u) permit persons other than native title holders to enter the land
- (v) exclude persons other than native title holders from the land

All claimed native title rights and interests are Subject to:

- (i) To the extent that any minerals, petroleum or gas within the area of the claim are wholly owned by the Crown in right of the Commonwealth or the State of Western Australia, they are not claimed by the applicants.
- (ii) To the extent that the native title rights and interests claimed may relate to waters in an offshore place, those rights and interests are not to the exclusion of other rights and interests validly created by a law of the Commonwealth or the State of Western Australia or accorded under international law in relation to the whole or any part of the offshore place.
- (iii) Subject to paragraph (iv) the applicants do not make claim to native title rights and interests which confer possession, occupation, use and enjoyment to the exclusion of all others in respect of any areas in relation to which a previous non-exclusive possession act, as defined in section 23F of the NTA, was done in relation to an area, and, either the act was an act attributable to the Commonwealth, or the act was attributable to the State of Western Australia.
- (iv) Paragraph (iii) above is subject to such of the provisions of sections 47, 47A and 47B of the Act as apply to any part of the area contained within this application, particulars of which will be provided prior to the hearing but which include such areas as may be listed in Schedule L.

Application Area:**State/Territory:** Western Australia**Brief Location:** Central Desert**Primary RATSIB Area:** Central Desert**Approximate size:** 35007.8680 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):**

The external boundary of the claim is as shown on the map and physical description attached.

Area within those external boundaries and as part of that boundary not covered by the application are:

(1) subject to (4) the applicants exclude from the claim any area covered by valid acts on or before 23 December 1996 comprising such of the following as are included as extinguishing acts with the Native Title Act 1993, as amended, or Titles Validation Amendment Act 1999, as amended, at the time of the Registrar's consideration and or at the time that the application is determined, namely :-

i) category A past Acts as defined in Sec 228 and Sec 229 Native Title Act 1993

ii) category A intermediate including Category A intermediate acts attributable to the State as defined in NTA sec 232A and sec 232B (sec 12A Titles Validation Amendment Act 1999)

iii) category B intermediate period acts that are partly inconsistent with the continued existence, enjoyment or exercise of the native title rights and interests concerned to the extent of the inconsistency subject to s 24EBA (6) of the NTA (sec 12 TVAA 1999)

(2) subject to (4) the applicants exclude any areas in relation to which a previous exclusion possession act as defined in Sec 23B Native Title Act 1993, was done in relation to an area and, either the act was an act attributable to the Commonwealth, or the act was attributable to the State of Western Australia and a law of that State has made provision for that act as described in Sec 23E Native Title Act.

3) the applicants exclude from the claim, areas in relation to which native title rights and interests have otherwise been extinguished including areas subject to -

i) an act authorised by legislation which demonstrates the exercise of permanent adverse dominion in relation to native title; or

ii) actual use made by the holder of a tenure other than native title which is permanently inconsistent with the continued exercise of native title; and

to avoid any uncertainty exclude from the claim any areas contained within the following descriptions or tenures which have been validly granted namely:

i) unqualified grant of an estate in fee simple

ii) dedicated public road or street.

4) paragraphs (1), (2) & (3) are subject to such provisions of Sections 47, 47A and 47B of the Native Title Act 1993 as apply to any part of the area contained within this application, particulars of which will be provided prior to the hearing but which include such areas as may be listed in Schedule L.

Combination Details

Date of order to combine: 15/09/1999

This application is a combination of the following applications:

Application number(s)	Application name	Date application lodged/filed	Date claim entered on Register*	Registration History
WAD6164/1998, WC1997/032	WF (DECEASED) & Ors and State of Western Australia & Ors (Wiluna)	28/04/1997	N/A	Registered from 28/04/1997 to 24/09/1999
WAD6227/1998, WC1998/007	Freddy v State of Western Australia	25/02/1998	N/A	Registered from 25/02/1998 to 24/09/1999

*For further information on pre-combined applications, see the Schedule extract for each pre-combined application.

Attachments:

1. Map of Claim Area, Attachment B of the Application, 1 page - A4, 04/08/1999
2. Technical Description of External Boundary, Attachment B of the Application, 2 pages - A4, 04/08/1999
3. NNTT map of remaining area, 1 page - A3, 24/10/2013
4. NNTT description of remaining area, 4 pages - A4, 14/10/2013

NNTT Contact Details

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