



Extract from Schedule of Native Title Applications

Application Reference: Federal Court number: WAD498/2011
NNTT number: WC2011/011

Application Name: GS (deceased) & Ors on behalf of the Sullivan Family -v- State of Western Australia & Ors

Application Type: Claimant

Application filed with: Federal Court of Australia

Date application filed: 07/12/2011

Current status: Full Approved Determination - 26/09/2019

Registration information: Please refer to the Register of Native Title Claims/National Native Title Register (as appropriate) for registered details of this application.

Registration decision status: Not Accepted for registration

Registration history: -

Date claim / part of claim determined: 27/09/2017

Applicants: GS (deceased), Patrick Edwards, Mervyn Sullivan

Address(es) for Service: Ambrose Cummins
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Additional Information

On 27 September 2017, the Federal Court of Australia made a determination that native title exists in the entire determination area – see the attached determinations: Harvey Murray and State of Western Australia & Ors (Yilka and Yilka #2) and G.S. (dec'd) & Ors and the State of Western Australia & Ors (Sullivan Family). On 26 September 2019, the Federal Court ordered that the Yilka Talintji Aboriginal Corporation ICN 8415 hold the native title on trust and perform the functions mentioned in s 57(1) of the Native Title Act 1993 (Cth), (i.e. become the registered native title body corporate for this determination). Therefore, this determination is now finalised as from 26 September 2019.

Persons claiming to hold native title:

The native title claim group (hereafter the 'claim group') on whose behalf the claim is made is the Sullivan and Edwards Family Group.

The Sullivan Family Group are the biological descendants of:

Dimple Sullivan; and

Pauline Wingrove

Native title rights and interests claimed:

Schedule E: Description of Native Title Rights and Interests

The native title rights and interests claimed in this Application are subject to and exercisable in accordance with:

1. The common law, the laws of the State of Western Australia and the Commonwealth of Australia; and
2. Valid interests conferred under those laws; and
3. The body of traditional laws and customs of the Aboriginal society under which rights and interests are possessed and by which the native title claim group have a connection to the area of land and waters the subject of this application.
4. Over areas where a claim to exclusive possession can be recognised (such as areas where there has been no prior extinguishment of native title or where s 238, ss 47, 47A or 47B apply), the Sullivan Family Group claim the right to possess, occupy, use and enjoy the lands and waters of the application area as against the whole world, pursuant to the traditional laws and customs of the claim group.
5. Over areas where a claim to exclusive possession cannot be recognised, the Sullivan Family Group claim the following rights and interests:
 - a) the right to access the application area;
 - b) the right to camp on the application area;

- c) the right to erect shelters on the application area;
 - d) the right to move about the application area;
 - e) the right to holds meeting on the application area;
 - f) the right to hunt on the application area;
 - g) the right to fish on the application area:
 - h) the right to use the natural water resources on the application areas including the beds and banks of watercourses;
 - i) the right to gather the natural products of the application area (including food, medicinal plants, timber, stone, ochre and resin) according to traditional laws and customs;
 - j) the right to conduct ceremony on the application area;
 - k) the right to participate in cultural activities on the application area;
 - l) the right to maintain places of importance under traditional laws, customs and practices on the application area;
 - m) the right to protect places of importance under traditional laws, customs and practices on the application area;
 - n) the right to conduct burials on the application area;
 - o) the right to speak for and make non-exclusive decisions about the application area;
 - p) the right to exclude others from the application area.
6. The native title rights and interests are subject to:
- a) The valid laws of the State of Western Australia and the Commonwealth of Australia; and
 - b) the rights conferred under those laws.

Application Area: **State/Territory:** Western Australia
Brief Location: Central Desert region, WA
Primary RATSIB Area: Central Desert
Approximate size: 9300.4882 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):

Schedule B: Identification of Boundaries

In relation to a) above a description of the area of land and waters covered by the application is provided at Attachment B.

Areas of land and waters within those boundaries that are not covered by the Application.

1. Subject to 4), the Applicant excludes from the Application Area any areas that are covered by any of the following acts as these are defined in either the Act, as amended (where the act in question is attributable to the Commonwealth), or Titles (Validation) and Native Title (Effect of Past Acts) Act 1995 (WA), as amended, (where the act in question is attributable to the State of Western Australia) at the time of the Registrar's considerations:

- a) Category A past acts;
- b) Category A intermediate period acts;
- c) Category B past acts that are wholly inconsistent with the continued existence, enjoyment or exercise of any native title rights or interests; or
- d) Category B intermediate period acts that are wholly inconsistent with the continued existence, enjoyment or exercise of any native title rights or interests.

2. Subject to 4), the Applicant excludes from the Application Area any areas in relation to which:

- a) A "previous exclusive possession act", as defined in section 23B of the Act, was done and the act was an act attributable to the Commonwealth;
- b) A "relevant act" as that term is defined in section 121 of the Titles (Validation) and Native Title (Effect of Past Acts) Act 1995 (WA) was done and the act is attributable to the State of Western Australia; or
- c) A previous exclusive possession act under section 23B(7) of the Act was done in relation to the area and the act was attributable to the State of Western Australia.

3. Subject to 4), the Applicant also excludes from the Application Area areas in relation to which native title rights and interests have otherwise been wholly extinguished.

4. The Application Area includes any area in relation to which the non-extinguishment principle (as defined in section 238 of the Act) applies, including any area to which sections 47, 47A and 47B of the Act apply, particulars of which will be provided prior to the hearing but which include such areas as may be listed in Schedule L.

Attachments:

1. Attachment B-External Boundary Description, 2 pages - A4, 23/07/2014
2. Attachment C-Map of the Area , 1 page - A4, 23/07/2014
3. WCD2017/005 Yilka and Sullivan Family determination, 30 pages - A4, 27/09/2017

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