



Extract from Schedule of Native Title Applications

Application Reference: Federal Court number: WAD225/2018
NNTT number: WC2018/007

Application Name: Keith Sceghi & Ors on behalf of the Kultju Native Title Claim Group and State of Western Australia (Kultju)

Application Type: Claimant

Application filed with: Federal Court of Australia

Date application filed: 28/05/2018

Current status: Full Approved Determination - 30/10/2019

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: 20/07/2018

Registration decision status: Accepted for registration

Registration history: Registered from 20/07/2018 to 5/11/2019,

Date claim / part of claim determined: 30/10/2019

Applicants: Keith Sceghi, Colleen Jane Berry, Danny Brett Ulrich, Sandra Wongawol

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Additional Information

Not applicable

Persons claiming to hold native title:

40. The native title claim group comprises those persons from time to time:
(a) who in accordance with Western Desert traditional laws and customs, have a connection to all or part of the application area through conception, birth, growing up or initiation on the area, burial of an ancestor on the area, acquisition of knowledge through long association, or through descent from a person who has had such a connection; and
(b) in respect of whom that claim is recognised according to Western Desert traditional laws and customs.

41. At the date of this application, the persons referred to in paragraph 40 above are those who:
(a) have a connection through:
(i) their own birth, or long association with part or all of the application area; or
(ii) the birth, or long association with part or all of the application area, of their ancestors by which they claim country; and
(b) in respect of whom that claim is recognised according to Western Desert traditional laws and customs.

42. At the date of this application, the persons referred to in paragraph 41(a)(i) above are:
(a) Roxanne Anderson;
(b) Trevor Jones;
(c) Bruce Richards;
(d) Harvey Scadden;
(e) Ivan Wongawol;
(f) Majorie Wongawol;
(g) Sandra Wongawol; and
(h) Tracey Wongawol.

43. At the date of this application, the persons referred to in paragraph 41(a)(ii) above are the descendants of the following ancestors as are recognised, according to Western Desert traditional laws and customs, by the other native title claimants as having rights in the application area:
(a) the union of Tommy/*Kiiku* and Minnie;
(b) the union of Spider Narrier and Queenie;
(c) Alfie Ashwin;
(d) Lenny Ashwin;
(e) *Manyila*/Trilby; and
(f) *Miparl*/Frank Wongawol.

Native title rights and interests claimed:

12. In this SCHEDULE E, the following words and phrases have the following meanings:
exclusive rights means the exclusive rights of possession, occupation, use and enjoyment of land and waters to the exclusion of all others; and
non-exclusive rights means:
(a) the right to access, remain in and use that area;
(b) the right to access, take and use the resources of that area for any purpose;
(c) the right to engage in spiritual and cultural activities on that area; and
(d) the right to maintain and protect places and objects of significance on that area,
and does not confer possession, occupation, use and enjoyment of the lands and waters covered by the application to the exclusion of all others.

13. In the lands and waters covered by the application:
(a) where native title rights and interests are not partially extinguished, the native title rights and interests claimed are **exclusive rights**; and
(b) in all other areas, the native title rights and interests claimed are **non-exclusive rights**.

14. Both the **exclusive rights** and the **non-exclusive rights** are:
(a) exercisable in accordance with the traditional laws and customs of the native title claim group; and
(b) subject to the valid laws of the State of Western Australia and the Commonwealth of Australia, including the common law.

Application Area: **State/Territory:** Western Australia
Brief Location: Goldfields Region, Western Australia
Primary RATSIB Area: Central Desert
Approximate size: 5490.7122 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):

Part A. External boundaries and description

6. The area of land and waters covered by the application are described in the document entitled "Identification of Boundaries" which is attached as ATTACHMENT B.

7. The external geographical boundaries of the area of land and waters covered by the application are delineated and marked on the attached map at ATTACHMENT C.

Part B. Applicability of sections 61A(4), s47, 47A and s47B

8. For the purposes of the application of sections 61A(4), 47, 47A and 47B of the NTA, this application covers the following areas:

- (a) an area of vacant Crown land which may be subject to section 47B of the NTA;
- and
- (b) any other areas to which the non-extinguishment principle as defined in section 228 of the NTA applies.

Part C. Areas within the external boundaries that are not covered by the application

9. Subject to paragraph 8 above, areas of land and waters within the external boundary that are not covered by the application are:

(a) any area that is or was subject to any of the following acts as these are defined in either the NTA, 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 consideration:

- (i) Category A past acts;
- (ii) Category A intermediate period acts;
- (iii) Category B past acts that are wholly inconsistent with the continued existence, enjoyment or exercise of any native title rights or interests;

and

(iv) Category B intermediate period acts that are wholly inconsistent with the continued existence, enjoyment or exercise of any native title rights or interests;

(b) any area in relation to which a 'relevant act' as that term is defined in section 12I 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;

(c) any area in relation to which a previous exclusive possession act under section 12J of the *Titles (Validation) and Native Title (effect of Past Acts) Act 1995 (WA)* was done and that act is attributable to the State of Western Australia;

(d) any area in relation to which a previous exclusive possession act as defined by section 23B (including section 23B(7)) of the NTA was done in relation to the area and the act was attributable to the Commonwealth;

(e) any areas where native title rights and interests have otherwise been wholly extinguished; and

(f) specifically, any areas where there has been:

- (i) any unqualified grant of an estate in fee simple;
- (ii) a lease which is currently in force, in respect of an area not exceeding 5000 square metres, upon which a dwelling house, residence, building or work is constructed, and which comprises:

(A) a lease of a worker's dwelling under the *Worker's Homes Act 1911-1928*;

(B) a 99 year lease under the *Land Act 1898 (WA)*;

(C) a Lease of a town lot or Suburban lot pursuant to section 117 of the *Land Act 1933 (WA)*;

(D) a Special Lease under section 117 of the *Land Act 1933 (WA)*; or

(E) any Reserves vested pursuant to section 33 of the *Land Act 1933 (WA)* that are not for the benefit of Aboriginal People.

(iii) a conditional purchase lease currently in force in the Agricultural areas of the South West Division under regulations 46 and 47 of the *Land Regulations 1887 (WA)* which includes a condition that the lessee reside on the area of the lease and upon which a residence has been constructed;

(iv) a conditional purchase lease of cultivatable land currently in force under Part V Division (1) of the *Land Act 1933 (WA)* in respect of which habitual residence by the lessee is a statutory condition in accordance with the Division and upon which a residence has been constructed;

(v) a perpetual lease currently in force under the *War Service Land Settlement Scheme Act 1954 (WA)*;

(vi) a public work as defined in section 253 of the NTA; or

(vii) an existing dedicated public road.

Attachments:

1. WC2018/007 Attachment B Identification of Boundaries, 2 pages - A4, 28/05/2018
2. WC2018/007 Attachment C Maps, 1 page - A3, 28/05/2018

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