



Extract from Schedule of Native Title Applications

Application Reference: Federal Court number: NSD857/2017
NNTT number: NC2017/001

Application Name: Wendy Lewis & ORS (Warrabinga-Wiradjuri #7)

Application Type: Claimant

Application filed with: Federal Court of Australia

Date application filed: 29/05/2017

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: 22/11/2018

Registration decision status: Accepted for registration

Registration history: Registered from 1/09/2017 to 22/11/2018, Registered from 22/04/2021 to 22/10/2021,

Applicants: Wendy Lewis, Mavis Agnew, Martin de Launey

Address(es) for Service: Simon Blackshield
Blackshield Lawyers
Level 28, AMP Tower
140 St Georges Terrace
Perth WA 6000
Phone: 08 711 2051

Additional Information

Not applicable

Persons claiming to hold native title:

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

Diana Mudgee	Peggy Lambert
Jimmy Lambert	James "Tracker" Macdonald
Thullagumauilli	

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.

3. For the avoidance of any doubt, the right of possession, occupation, use and enjoyment of land and waters as against the whole world is not claimed in relation to any area where a previous non-exclusive possession act covered by para 61A(3)(b) of the Native Title Act 1993 has been done.

Native title where traditional rights are partially recognisable

4. Paragraph [5] applies to every part of the claim area to which paragraph [2] does not apply.

5. Where this paragraph [5] applies, the rights and interests possessed under traditional laws 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.

6. 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.

7. For the purposes of paragraph 5(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: Central West NSW
Primary RATSIB Area: New South Wales
Approximate size: 14139.1984 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. For a written description of the external boundaries of the area covered by the application, see Attachment B
2. Subject to (3) below, the areas of land and waters within the boundaries referred to in (1) above that are not covered by the application include:
 - (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. Subject only to (4) and (5) below, 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. The areas covered by the following applications for determinations of native title are excluded from this application: NSD 543 of 2013 and NSD 1786 of 2016.
5. The areas covered by EL 7517, MLA 376, MLA 392 and MLA 393 are excluded from this application.
6. Where there is any discrepancy between the map provided at Attachment C and either the written description contained in Attachment B on pages 11 to 15 of the application, or the list in Attachment B on page 15 of the application (which confirms that the external boundary does not overlap with the certain adjoining claimant applications), the latter prevail.

Combination Details

Date of order to combine: 12/12/2017

Combination application number: 12/12/2017

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
NSD857/2017,N C2017/001	Wendy Lewis & ORS	29/05/2017	N/A	Registered from 1/09/2017 to 22/11/2018 Registered from 22/04/2021 to 22/10/2021
NSD443/2016,N C2016/002	Warrabinga Wiradjuri #4	26/03/2016	N/A	Registered from 29/04/2016 to 22/11/2018

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

Attachments:

1. Attachment B - External boundary description, 5 pages - A4, 03/09/2018
2. Attachment C - Map, 1 page - A4, 03/09/2018

NNTT Contact Details

Address: National Native Title Tribunal
Sydney Office
Level 14, Law Courts
Queens Square
SYDNEY NSW 2000

GPO Box 9973
SYDNEY NSW 2001

Telephone: +61 2 9227 4000
Freecall: 1800 640 501
Fax: +61 8 9425 1193
Web Page: www.nntt.gov.au

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