



Extract from Schedule of Native Title Applications

Application Reference: Federal Court number: WAD297/2018
NNTT number: WC2018/012

Application Name: Kalman Michael Murphy & Ors v State of Western Australia & Ors (Waturta)

Application Type: Claimant

Application filed with: Federal Court of Australia

Date application filed: 02/07/2018

Current status: Full Approved Determination - 12/06/2026

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: 17/08/2018

Registration decision status: Accepted for registration

Registration history: Registered from 17/08/2018 to 25/06/2026,

Date claim / part of claim determined: 12/06/2026

Applicants: Kalman Murphy, Kado Muir, Jennifer Narrier, Anthony Shaw, Lynette Shaw, Vanessa Thomas

Address(es) for Service: Luke Nixon
Cross Country Native Title Services Pty Ltd
Level 3, St Georges Terrace Tower, London Court
58 St Georges Terrace
Perth WA 6000
Phone: 0403623536

Additional Information

Not applicable

Persons claiming to hold native title:

1. The native title claim group comprises the persons who hold individual native title rights and

interests in the claim area through one or more of the following:

- a) their own birth or the birth of an ancestor on the claim area; or
 - b) their own or an ancestor's long association with the claim area; or
 - c) having religious, sacred or ritual authority for land within the claim area;
- and who have a connection with the claim area in accordance with traditional laws and customs.

2. As at the date of this application, the persons referred to above at 1 includes the descendants of the following persons who have a connection with the claim area in accordance with traditional laws and customs:

- a) the descendants of *Tjiku Tjiku*;
- b) the descendants of *Maraputa* (Jenny Jones);
- c) the descendants of *Rangka Rangka*; and
- d) the descendants of *Yungkututu* (Kitty Hill).

Native title rights and interests claimed:

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

- a) the common law, the laws of the State of Western Australia and the Commonwealth of Australia;
- b) valid rights and interests conferred under those laws; and
- c) the body of traditional laws and customs acknowledged and observed by the native title claim group.

2. Where there has been no extinguishment of native title rights and interests, or where any extinguishment must be disregarded, the applicant claims the right to possess, occupy, use and enjoy the lands and waters the subject of the application as against the whole world.

3. Where native title rights and interests have been partially extinguished, the applicant claims the non-exclusive right to possess, occupy, use and enjoy the lands and waters the subject of the application.

Application Area:

State/Territory: Western Australia

Brief Location: Goldfields Region, Western Australia

Primary RATSIB Area: Goldfields

Approximate size: 17522.4395 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):

a) the area covered by the application

A description of the external boundaries of the land and waters covered by the application are as set out in the document entitled "Waturta external boundary description" which is annexed as "**Attachment B**".

b) areas within those boundaries not covered by the application

1. Subject to paragraph 5 below, the applicant excludes from the application area any areas that are covered by any of the following acts as defined in either the *Native Title Act 1993* (Cth) (**the Act**), (where the act in question is attributable to the Commonwealth), or *Titles (Validation) and Native Title (Effect of Past Acts) Act 1995* (WA) (**the WA Act**), (where the act in question is attributable to the State of Western Australia) at the time of the Registrar's consideration:

- 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; and
- 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 paragraph 5 below, 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; or
- b) A "relevant act" as that term is defined in section 12I of the WA Act was done and the act is attributable to the

State of Western Australia.

3. Subject to paragraph 5 below, the applicant does not claim any native title rights and interests which confer possession, occupation, use and enjoyment to the exclusion of all others over areas in relation to which:

- a) A "previous non-exclusive possession act" as defined in section 23F of the Act was done and the act was an act attributable to the Commonwealth;
- b) A "previous non-exclusive possession act" as defined in section 12M of the WA Act was done and the act is an act attributable to the State of Western Australia.

4. Subject to paragraph 5 below, the applicant also excludes from the application area areas in relation to which native title rights and interests have otherwise been wholly extinguished.

5. 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 areas to which sections 47, 47A and 47B of the Act apply, particulars of which will be provided prior to the hearing.

Attachments:

- 1. Attachment B - External Boundary Description, 3 pages - A4, 02/07/2018
- 2. Attachment C - Map, 1 page - A4, 02/07/2018

End of Extract