



Background

Nyangumarta native title determinations

Nyangumarta People (Part A) and Nyangumarta People 2 proceedings
Eighty Mile Beach – two consent determinations, 11 June 2009.

Pronunciation: narn-ya-marda

Application details:

- Nyangumarta People (Part A), filed 29 September 1998
Tribunal number WC98/65, Federal Court number WAD6281/1998.
- Nyangumarta People 2, filed 23 November 2007
Tribunal number WC07/2, Federal Court number WAD234/2007.

Locations:

- WAD6281/98 – from Eighty Mile Beach (in the area of Wallal Downs and Mandora pastoral stations, in the Pilbara between Port Hedland and Broome) inland to Battlement Rocks in the north and Mellinjerie Well in the south.
- WAD234/07 – a small inland area on the northern boundary of WC98/65.

Areas:

- Nyangumarta People (Part A) – 33,511.45 sq km
- Nyangumarta People 2 – 332.13 sq km

Total determination area: about 33,843 sq km.

Hearing details:

- 11am, Thursday 11 June, 2009
- Presiding Judge: Justice North
- Location: Nyiyamarri Pukurl, on Wallal Downs station, about 1.75km from Eighty Mile Beach Caravan Park, about 325km south of Broome.
- Welcome to country: Ada Stewart and Janet Stewart
- Speeches (in order of presentation):
 - MC Charlie Wright
 - Traditional owner Nyaparu Rose
 - Federal Attorney-General Robert McClelland
 - WA Attorney-General Christian Porter
 - National Native Title Tribunal Member John Catlin
 - Yamatji Marlpa Aboriginal Corporation Chief Executive Officer Simon Hawkins

Lunch/entertainment: Nyangumarta People to provide lunch after the hearing, at about 12noon, with dancing and ceremonies to follow. Event is expected to conclude by 3.30pm.

Determination outcome:

Consent determinations for each application over a total of about 33,843sq km of Pilbara land. These will be a consent determination over Part A of most of the Nyangumarta People (WAD6281/98) and the whole of the Nyangumarta People 2 (WAD234/07) application areas. The determinations will recognise the Nyangumarta People's exclusive and non-exclusive native title rights and interests over the land in the area. The rights and interests include the right to carry out ceremonial or cultural activities, hunt, camp, fish and gather traditional resources.

Parties to the determination

- **Nyangumarta People 2**

Applicants:

Teddy Hunter
Janet Stewart
Nyaparu Rose.

Respondents:

Government – State of WA
Indigenous – Yamatji Marlpa Barna Baba Maaja Aboriginal Corporation
Pastoral – Anna Plains
Mining – Gulliver Productions.

- **Nyangumarta People**

Applicants:

Winnie Coppin
Wooda Davis
Alma Gray
Darcy Hunter
Ada Stewart

Respondents:

Government – Commonwealth of Australia and the State of WA
Indigenous – Yamatji Marlpa Barna Baba Maaja Aboriginal Corporation and Peter Coppin, Barry Taylor, Kevin Allen and others
Pastoral – Anna Plains, Mandora Station, Wallal Downs Station
Fishing – WA Fishing Industry Council
Telecommunications – Telstra
Mining – BHP Billiton Minerals, CI Minerals, Mitsui Iron Ore

Representative body:

Pilbara Native Title Service.

Prescribed body corporate:

The applicants in the Nyangumarta applications have nominated the Nyangumarta Warrarn Aboriginal Corporation.

Tribunal:

- **Role** – registration and mediation of the applications up to the consent determinations.
- **Member** – Tribunal Member John Catlin
- **Case manager** – Gerry Putland
- **Case officer** – Imogen Jeffreys.
- **Mediation**

Substantive mediation began after connection was accepted in principle by the WA Government on 30 January 2007. It took about two years of mediation for the parties to agree on all the terms of a consent determination.

The whole area of the application would have been determined except a new competing claim (Yawinya) was filed in December 2008 over a portion of the northern area. This area is the subject of current mediation.

Other arrangements:

- **Overlaps** – Yawinya WAD280/08, (WC08/4) is an overlapping claim which is not resolved and remains in a Part B proceeding. The determined area is separate from the overlap area and native title will be held solely by the Nyangumarta People.
- **Indigenous land use agreements (ILUAs)** – Three body corporate ILUAs between the applicants and Wallal, Mandora, and Anna Plains pastoral leases will be filed after the determination. These agreements describe how the parties will share use of the pastoral land.

Nyangumarta People:

- Nyangumarta Country is about four hours drive south of Broome WA. It covers about 34,000sq km from along the Eighty Mile Beach area extending east into the Great Sandy Desert region.
- It is known for its ecologically significant environment and includes inland lakes, which are fed by ocean currents. These are certified Ramsar Convention wetlands – a highly regarded international rating system for wetlands.
- Plans for a marine park along the coastline of this application area are being developed by the WA Department of Environment and Conservation (DEC). The aim of the park is to conserve the rich biodiversity of the area, provide more protection for marine turtles and contribute to environmental mitigation and offset measures associated with the proposed Gorgon Gas development on Barrow Island. The plan aims to maximise biodiversity conservation while also providing opportunities for commercial and recreational uses.
- Brandon Walters, who starred as Nulla in Baz Luhrmann's *Australia* film, is of Nyangumarta heritage and his parents, Paul and Janie, are part of the Nyangumarta community. The family regularly visit Eighty Mile Beach to hunt, fish and camp and look forward to taking part in the 11 June celebrations.
- Nyangumarta traditional owner Nyaparu Rose said: "The ties we have to our land are as important to us today as it was to our ancestors. This has been the longest journey of our

lives. It brings great happiness, but also great sadness for the valuable elders we've lost in the past decade. As Nyangumarta People we pay our respects to our elders and ancestors and thank them for taking the 'long walk' with us."

- The area has significant pastoral activity and history as well as some mining and fishing ventures.

Federal Court:

- **Contact** – court services director Nick Pannell (08) 9268 7120 and remote hearings coordinator, Brendan Mitchell will attend the hearing.

Judgment and orders:

- To be presented to applicants at the hearing by the Federal Court on 11 June 2009.
- The documents will be available on the Court's website (and AUSTLII) after the judgment.

Maps:

Location maps are available from the Tribunal – contact the media officer or visit the website at www.nntt.gov.au .

Tribunal media contact:

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