



# Extract from Schedule of Native Title Applications

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**Application Reference:** Federal Court number: WAD31/2019  
NNTT number: WC1997/072

**Application Name:** Gregory Denis Martin & Ors on behalf of the Widi People and State of Western Australia & Ors (Widi Mob)

**Application Type:** Claimant

**Application filed with:** National Native Title Tribunal

**Date application filed:** 26/08/1997

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**Current status:** Pre-combination - 26/10/2020

**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:** 12/12/2011

**Registration decision status:** Accepted for registration

**Registration history:** Registered from 26/08/1997 to 4/05/1999, Registered from 12/12/2011 to 27/10/2020,

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**Applicants:** Gregory Denis Martin, Kathleen Eva Pinkerton, Shirley Anne McPherson, Justin Robert Martin, Edward James Mullahey

**Address(es) for Service:** Kathleen Pinkerton  
29 Kwenda Loop  
Capel WA 6271

## Additional Information

Not applicable

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## Persons claiming to hold native title:

The claim is brought on behalf of Norman Charles Harris, Anne Caroline Harman (nee Harris), Myrtle Daphne Mullahey (nee Harris), Lorna Phillips, Trevor Phillips, Lynette Phillips, Ronny Crow, Kevin Phillips, Barry Phillips, William Robert Lewis, Irwin Tasman Lewis, Joan Margaret Martin (nee Lewis), Shirley Elizabeth Lowden (nee Lewis), Kevin John Lewis, Gloria May Lewis, Richard Douglas Lewis,

Gary Norman Lewis, Eunice Atkins, Gordon Phillips, Aggie Phillips, Lorraine Phillips, Ruth Phillips, Shirley Woods (Phillips), Darryl Woods (Phillips), Frank Woods (Phillips), Helen (Ellen) Woods (Phillips), David Woods (Phillips), Reginald (Reggie) Woods (Phillips), Graham Woods (Phillips), Jennifer (Jenny) Woods (Phillips), James (Jimmy) Woods (Phillips), and their biological descendants.

**Native title rights and interests claimed:**

1. 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 section 238 of the Native Title Act applies) the Widi Mob claim the right to possess, occupy, use and enjoy the lands and waters covered by the second further amended application (the application area) as against the whole world.

2. Over areas where a claim to exclusive possession cannot be recognised, the Widi Mob claims the following rights and interests:

To-

- (a) access the application area;
- (b) camp on the application area;
- (c) erect shelters on the application area;
- (d) live on the application area;
- (e) move about the application area;
- (f) hold meetings on the application area;
- (g) hunt on the application area;
- (h) fish on the application area;
- (i) conduct ceremonies on the application area;
- (j) participate in cultural activities on the application area;
- (k) store sacred or secret items in the area and to retrieve and use those objects on the application area;
- (l) gather medicinal plants on the application area;
- (m) maintain and protect places of importance under traditional laws, customs and practices on the application area;
- (n) visit and observe features of the landscape of cultural significance on the application area;
- (o) visit and observe features of the landscape of cultural significance and teach the cultural, religious and mythical significance of such features on the application area;
- (p) control access to and use of the application area by other Aboriginal people or Torres Strait Islanders who seek access to or use of the lands and waters in accordance with traditional laws and customs.

The above rights and interests are claimed subject to the following:

(I) to the extent that any minerals, petroleum or gas within the area of the claim are wholly owned by the Crown in the right of the Commonwealth or the State of Western Australia, they are not claimed by the applicants.

(II) the claim area does not include any offshore place.

(III) the applicants do not make a claim to native title rights and interests which confer possession, occupation use and enjoyment to the exclusion of all others in respect of any areas in relation to which a previous non-exclusive possession act, as defined in section 23F of the NTA, was done in relation to an area, and, whether the act was an act attributable to the Commonwealth, or the act was attributable to the State of Western Australia and a law of that State has made provision as mentioned in section 23I in relation to the act;

(IV) paragraph (III) above is subject to such of the provisions of sections 47, 47A and 47B of the Act as apply to any part of the area contained within this application, particulars of which will be provided prior to the hearing.

(V) the said native title rights and interests are not claimed to the exclusion of any other rights or interests validly created by or pursuant to the common law, a law of the State or a law of the Commonwealth.

**Application Area:**

**State/Territory:** Western Australia

**Brief Location:** Northern Sandplains

**Primary RATSIB Area:** Geraldton

**Approximate size:** 12054.2701 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. The external boundaries of the area of land and waters covered by this second further amended application are as set out in the description annexed as Attachment B and the map annexed as Attachment C.

2. Subject to paragraphs 3, 4 and 5 below, the areas of land and waters within the boundaries described in paragraph 1 that are not covered by the second further amended application are:

(a) any area that is or was subject to any of the following acts as defined in the *Native Title Act 1993* (Cth), as amended (where the act in question is attributable to the Commonwealth) or the *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):

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

(b) any areas in relation to which:

- (i) a 'previous exclusive possession act' as defined in section 23B of the *Native Title Act 1993* (Cth), was done and the act was an act attributable to the Commonwealth;
- (ii) a 'relevant act' as defined in section 121 of the *Titles (Validation) and Native Title (Effects of Past Acts) Act 1995* (WA) was done and the act is attributable to the State of Western Australia;
- (iii) a 'previous exclusive possession act' under section 23B(7) of the *Native Title Act 1993* (Cth) was done and the act was attributable to the State of Western Australia;

(c) any areas in relation to which native title rights and interests have otherwise been wholly extinguished; and

(d) any area for which there is an approved determination of native title which is not an approved determination of native title relating to this further amended application.

3. Notwithstanding anything contained elsewhere in this second further amended application, the area covered by this second further amended application includes any area in relation to which the non-extinguishment principle (as defined in section 238 of the *Native Title Act 1993* (Cth)) applies, including any area to which section 47, 47A or 47B of the *Native Title Act 1993* (Cth) 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 further amended application.

4. Where there is any discrepancy between the map provided at Attachment C and the written description contained in this Schedule and in Attachment B, the latter prevail.

5. Notwithstanding anything contained elsewhere in this second further amended application, the Applicant excludes from the area of land and waters covered by the further amended application those areas of land that were excluded from the area of land and waters included in the original application in WAD 6193 of 1998, as at 26 August 1997, and in its amended forms dated 24 February 1999, 26 August 1999, 14 January 2000, 12 June 2009 and 11 July 2011.

The external boundary of the second further amended application reduces the area covered by the application.

- Attachments:**
- 1. External Boundary Description, attachment B of the application, 9 pages - A4, 03/12/2019
  - 2. Map, attachment C of the application, 1 page - A4, 03/12/2019

**NNTT Contact Details**

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