



Extract from Schedule of Native Title Applications

Application Reference: Federal Court number: WAD6169/1998
NNTT number: WC1999/003

Application Name: Cyril Gordon & Ors v State of Western Australia & Ors (Kariyarra People)

Application Type: Claimant

Application filed with: Federal Court of Australia

Date application filed: 31/03/1999

Current status: Full Approved Determination - 13/12/2018

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: 22/04/1999

Registration decision status: Accepted for registration

Registration history: Registered from 22/04/1999 to 20/12/2018,

Date claim / part of claim determined: 13/12/2018

Applicants: Cyril Gordon, Donny Wilson, Kerry Robinson

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Additional Information

Not applicable

Persons claiming to hold native title:

The native title claim group comprises those Aboriginal persons who:

a) are a descendant from one or more of the following apical ancestors:

- (i) Jinapi;
- (ii) Wirtinpangu (Jimmy);
- (iii) Dougal Robinson;
- (iv) Puyubungu;
- (v) Yanki Williams;
- (vi) Topsy McKenna;
- (vii) Fanny;
- (viii) Nyitji;
- (ix) Maggie;
- (x) Tommy Anderson;
- (xi) Fauntleroy (Pontroy);

and

b) recognise themselves as having rights and interests in the area of land and waters covered by the application under Kariyarra traditional law and custom.

Native title rights and interests claimed:

Area A means land within the application area that is landward of the high water mark and which comprises:

areas of unallocated Crown land that have not been previously subject to any grant by the Crown;

- (i) areas to which s. 47 of the Act applies;
- (ii) areas to which s. 47A of the Act applies;
- (iii) areas to which s. 47B of the Act applies; and
- (iv) other areas to which the non-extinguishment principle, set out in s. 238 of the Act, applies or in relation to which [sic] there has not been prior extinguishment of native title.

Area B means land and waters within the application area that is not included in Area A.

Subject to law and customs

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

1. the common law, the laws of the State of Western Australia and the Commonwealth of Australia
2. valid interests conferred under those laws; and
3. the body of traditional laws and customs of the Aboriginal society under which rights and interests are possessed and by which native title claim group have a connection to the area of land and waters the subject of this application.

Rights in Area A

In relation to Area A only, the applicant claims the right to possess, occupy, use and enjoy the area as against the whole world.

Rights in Area B

The applicant claims the following listed native title rights and interests in relation to Area B:

1. A right to hunt and otherwise take fauna in and from the area;
2. A right to fish in the area;
3. A right to gather and take flora (including timber) in and from the area;
4. A right to take soil, sand, gravel, stone, flint, clay, ochre, shells and other traditional resources, other than minerals, petroleum and gas, in and from the area;
5. A right to access and be present on or within the area;
6. A right to live, camp and erect shelters upon or within the area;
7. A right to speak for and make decisions about the use of the area by members of the Aboriginal society to which the native title claim group belong;
8. A right to invite and permit others to have access to and participate in or carry out activities in the area;
9. A right to conduct and participate in ceremonies, burials, other cultural activities and meetings within the area;
10. A right to visit, care for and maintain places and objects of importance within the area and protect them from physical harm;
11. A right to have access to and take water from within the area;
12. A right to trade in the resources of the area.

Application Area: **State/Territory:** Western Australia
Brief Location: Pilbara
Primary RATSIB Area: Pilbara
Approximate size: 16641.3085 sq km
(Note: There may be areas within the external boundary of the application that are not claimed.)
Does Area Include Sea: Yes

Area covered by the claim (as detailed in the application):

The external boundaries of the area of land and waters covered by the application are as set out in the document entitled "WAD6169/1998 Kariyarra People (WC1999/003): External Boundary Description" which is annexed as "**Attachment B**".

1. Subject to Schedule B paragraph 5, the applicant excludes from the area covered by the application ("application area") any areas that are covered by any of the following acts as these are defined in either the Act, 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):

- (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 Schedule B paragraph 5, the applicant excludes from the application area any areas in relation to which:

- (a) a "previous exclusive possession act", as defined in s. 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 s. 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; or
- (c) a previous exclusive possession act under s. 23B(7) of the Act was done in relation to the area and the act was attributable to the State of Western Australia.

3. Subject to Schedule B paragraph 5, 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 s23F of the Act was done and the act was an act attributable to the Commonwealth; or
- (b) a "previous non-exclusive possession act" as defined in s12M of the Titles (Validation) and Native Title (Effect of Past Acts) Act 1995 (WA) was done and the act is an act attributable to the State of Western Australia.

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

5. The application area includes any area in relation to which the non-extinguishment principle (as defined in s. 238 of the Act) applies, including any area to which ss 47, 47A and 47B of the Act apply, particulars of which will be provided prior to the hearing but which include such areas as may be listed in Schedule L.

Schedule L:

The applicant has not had the opportunity nor do they have the resources to fully obtain or analyse the land tenure status of the whole of the area the subject of the application. Accordingly apart from the pastoral leases, reserves and unallocated Crown land listed below, the applicant does not at this stage have details of:

1. any area for which a pastoral lease is held by or on behalf of the members of the native title claim group;
2. any area leased, held or reserved for the benefit of Aboriginal peoples or Torres Strait Islanders and occupied by or on behalf of the members of the native title claim group;
3. any vacant crown land occupied by the members of the native title claim group; or
4. any area mentioned in paragraph (a), (b) or (c) over which the extinguishment of native title is required by ss 47, 47A or 47B of the Act to be disregarded.

Pastoral leases:

Pippingarra station (pastoral lease 3114/860)

Kangan station (pastoral lease 3114/1188)

Reserves:

Yandeyarra (31427 and 31428)

Woodstock Abydos (22626 and 22627)

Wilson Street (21448)

Tjalka Warra (24055)

Tjalka Boorda (29084)

Reserve 41351

Unallocated Crown land

Lots 258 and 259 on Deposited Plan 192219 (near Yule River)

Lot 378 on Deposited Plan 195371 (near Yule River)

Lot 5241 on Deposited Plan 214767 (near Tjalka Warra)

Lot 340 on Deposited Plan 72975 (near Kangan Station)

Combination Details

Date of order to combine: 15/02/1999

This application is a combination of the following applications:

National Native Title Tribunal

Extract from Schedule of Native Title Applications

WAD6169/1998

Extract Created: 15/03/2022 22:26 (WST)

Further information: National Native Title Tribunal 1800 640 501

Application number(s)	Application name	Date application lodged/filed	Date claim entered on Register*	Registration History
WAD6078/1998, WC1996/034	Robinson v State of Western Australia	01/04/1996	N/A	Registered from 01/04/1996 to 22/04/1999
WAD6079/1998, WC1996/035	Robinson v State of Western Australia	01/04/1996	N/A	Registered from 01/04/1996 to 22/04/1999
WAD6080/1998, WC1996/036	Robinson v State of Western Australia	01/04/1996	N/A	Registered from 01/04/1996 to 22/04/1999
WAD6081/1998, WC1996/037	Robinson v State of Western Australia	01/04/1996	N/A	Registered from 01/04/1996 to 22/04/1999
WAD6084/1998, WC1996/040	Robinson v State of Western Australia	01/04/1996	N/A	Registered from 01/04/1996 to 22/04/1999
WAD6148/1998, WC1997/011	Bridie v State of Western Australia	17/02/1997	N/A	Registered from 17/02/1997 to 22/04/1999
WAD6149/1998, WC1997/012	Bridie v State of Western Australia	17/02/1997	N/A	Registered from 17/02/1997 to 22/04/1999
WAD6150/1998, WC1997/013	Bridie v State of Western Australia	17/02/1997	N/A	Registered from 17/02/1997 to 22/04/1999
WAD6155/1998, WC1997/020	Bridie v State of Western Australia	14/03/1997	N/A	Registered from 14/03/1997 to 22/04/1999
WAD6156/1998, WC1997/021	Bridie v State of Western Australia	14/03/1997	N/A	Registered from 14/03/1997 to 22/04/1999
WAD6163/1998, WC1997/031	Robinson v State of Western Australia	24/04/1997	N/A	Registered from 24/04/1997 to 22/04/1999
WAD6169/1998, WC1997/039	Teddy Roberts & Ors and State of Western Australia (Kariyarra)	30/05/1997	N/A	Registered from 30/05/1997 to 22/04/1999

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

- Attachments:**
1. Attachment B External Boundary Description, 4 pages - A4, 01/09/2014
 2. Attachment C Map of Claim Area, 2 pages - A4, 01/09/2014

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