



Extract from Schedule of Native Title Applications

Application Reference: Federal Court number: WAD6090/1998
NNTT number: WC1999/012

Application Name: Neil Finlay & Others on behalf of the Kuruma and Marthudunera People v The State of Western Australia & Others (Kuruma Marthudunera (combined))

Application Type: Claimant

Application filed with: Federal Court of Australia

Date application filed: 26/03/1999

Current status: Full Approved Determination - 26/04/2018

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: 24/06/1999

Registration decision status: Accepted for registration

Registration history: Registered from 24/06/1999 to 8/05/2018,

Date claim / part of claim determined: 26/04/2018 , 01/11/2016

Applicants: Jack Alexander, Neil Finlay, Mark Lockyer, Gloria Lockyer

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Additional Information

A consent determination of native title in respect of part of the application area was made by Justice Barker on 1 November 2016 – see *Finlay on behalf of the Kuruma Marthudunera People v State of Western Australia (No 2)* [2016] FCA 1260. That determination was registered on the National Native Title Register on 9 November 2016. Pursuant to s 190(4)(e), the details of the claim made in relation to the determination area are removed from the Register of Native Title Claims as and from 9 November 2016. The attached NNTT external boundary description and map are an interpretation by the NNTT of the remaining application area that is yet to be determined. These attachments do not form part of the application and are provided for general information only. Persons should seek their own independent advice in relation to the correct description of the area.

Persons claiming to hold native title:

1. Alec, Charlie
2. Alec, Elliot
3. Alexander, Red
4. Alexander, Jack
5. Alexander, Donny
6. Alexander, Valerie
7. Bobby, Rhonda
8. Bobby, Rosie
9. Bobby, Naomi
- 10 Bobby, Sue
11. Bobby, Maureen
12. Bobby, Christine
13. Bobby, May
14. Bobby, Patrick
15. Bobby, Douglas
16. Bobby, Winston
17. Bobby, Georgina
18. Bobby, Roy
19. Bobby, Arnold
20. David, Ronald
21. Evans, Phyllis
22. Finlay, Neil
23. James, Elaine
24. Lockyer, Valerie
25. Lockyer, Geoffrey
26. Lockyer, Cyril

27. Lockyer, Marilyn
28. Lockyer, Tuesday
29. Lockyer, Sharon
30. Lockyer, May
31. Lockyer, Carol
32. Lockyer, Mark
33. Lockyer, Wallace
34. Lockyer, Gloria
35. Lockyer, Jean
36. Smith, Rodney
37. Smith, Anna
38. Wally, Anne

and their biological children and their children's biological children.

The Kuruma and Marthudunera claim group does not include the following people:

(a) Those people included in the claim group of native title determination application WC96/89 being:

Margaret Boona

Robert Boona

Patricia Cooper

Colin Cosmos

Kevin Cosmos

Danny Cooper

Audrey Cosmos

Janice Cosmos

Mary Cosmos

Linda Delower

Valerie Holborow

Susan Mowarin

Barbara Sinclair

Gail Sinclair

Dorrie Wally

Dorene Wescombe

b) Those people included in the claim group of native title determination application WC97/89, being:

Boyd Bradley
Boyd Susanne
Camille Glenn
Camille Linda
Connor Alana
Connors Eva
Connors Samantha
Dann Michael
Devine Annabelle
Dunn Cindy
Dunn Richard
Gilba Justin
Hicks Bevan
Hicks Dennis
Hicks Josleyn
Hicks Julie
Hicks July
Hicks Lawrence
Hicks Nathan
Hicks Pauline
Hicks Ronald
Hughes Dawn
Hughes Edna
Hughes Jennifer
Hughes Judith
Hughes Kelvin
Hughes Ken
Hughes Michael
Hughes Nelson
Smith Kenzie
Smith Nina
Sith (sic) Susan

Full Approved
Determination

Stevens Quentin
Stevens Fabian
Stevens Guinness
Stevens Jason
Stevens Peter
Stevens Rex
Stevens Tanya
Stevens Wayne
Taylor Beverley
Walker Beverley
Walker Brad
Walker Damien
Walker Gladys
Walker Peter

(c) Those people included in the claim group of native title determination application WC98/40, being:

Theresa Coppin
Ross Douglas
Tim Douglas
Cane Hicks
Ernie Ramirez
Wilfred Hicks
Betty Dale
Joan Hicks
Mylene Todd
Michael Hicks
Len Norman
Margaret Todd
David Dale
Barbara Willis
Betty Toby
Allan Hicks
Phyllis Harris
Terence Todd
John Douglas
Gerard Hicks

Approved
Determination

Phyllis Ramirez
Dallas Hicks
Jimmy Dhu
Diane Hicks
Doris Norman
Alice Wunida
Norman King
Sharon Hicks
Cindy Coppin
Peter Hicks
Mickey Douglas
Robert Hicks
Elizabeth Douglas
Arnold Ramirez
Lawrence Ramirez

Full App
Determ

Native title rights and interests claimed:

The native title rights and interests claimed are the rights to the possession, occupation, use and enjoyment as against the whole world (subject to any native title rights and interests which may be shared with any others who establish that they are native title holders) of the area, and in particular comprise:

- (a) the right to possess, occupy, use and enjoy the area.
- (b) the right to make decisions about the use and enjoyment of the area.
- (c) the right of access to the area.
- (d) the right to control the access of others to the area.
- (e) the right to use and enjoy the resources of the area.
- (f) the right to control the use and enjoyment of others of resources of the area.
- (g) the right to trade in resources of the area.
- (h) the right to receive a portion of any resources taken by others from the area.
- (i) the right to maintain and protect places of importance under traditional laws, customs and practices in the area; and
- (j) the right to maintain, protect, and prevent the misuse of cultural knowledge of the common law holders associated with the area.

Subject to:

- (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 Australia, they are not claimed by the applicants.
- (ii) To the extent that the native title rights and interests claimed may relate to waters in an offshore place, those rights and interests are not to the exclusion of other rights and interests validly created by a law of the Commonwealth or the State of Western Australia or accorded under international law in relation to the whole or any

part of the 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, either 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 231 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, the law of the State or a law of the Commonwealth.

Application Area: **State/Territory:** Western Australia
Brief Location: Pilbara Region
Primary RATSIB Area: Pilbara
Approximate size: 7783.4174 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 area as set out in the document annexed as "Schedule B Annexure".

Any areas within the boundaries that are not covered by the Application - see Schedule B Annexure

Combination Details

Date of order to combine: 16/04/1999

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
WAD6090/1998, WC1996/051	Jean Lockyer & Ors and State of Western Australia (Kurama Marthudunera)	13/05/1996	N/A	Registered from 13/05/1996 to 24/06/1999
WAD6105/1998, WC1996/073	Lockyer v State of Western Australia	24/06/1996	N/A	Registered from 24/06/1996 to 24/06/1999

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

Attachments:

1. Schedule B Annexure Area Description, 16 pages - A4, 13/06/2013
2. Attachment A Map, 1 page - A4, 13/06/2013
3. Map of Remaining Area, 1 page - A3, 18/11/2016
4. Remaining Area Description, 4 pages - A4, 18/11/2016

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