

Extract from Schedule of Native Title Applications

Application Deferences	Federal Court number: WAD27/2010	
Application Reference:	Federal Court number: WAD27/2019	
	NNTT number: WC2000/001	
Application Name:	Sandy Davies & Ors on behalf of the Hutt River People and State of Western Australia & Ors (Hutt River)	
Application Type:	Claimant	
Application filed with:	Federal Court of Australia	
Date application filed:	07/02/2000	
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: 07/07/2000	
	Registration decision status: Accepted for registration	
	Registration history: Registered from 7/07/2000 to 27/10/2020,	
Applicants:	Sandy Davies, David Drage Snr, Irene Kelly, Lindsay Councillor	
Address(es) for Service:	Glenn Archer	
	Yamatji Marlpa Aboriginal Corporation	
	L8, 12-14 The Esplanade	
	PERTH WA 6000	
	Phone: (08) 9268 7000	
	Fax: (08) 9225 4633	
Additional Information		
Not applicable		
Persons claiming to hold	native title:	
National Native Title Tribunal	Page 1 of	
Extract from Schedule of Native	Title Applications WAD27/2019	

Further information: National Native Title Tribunal 1800 640 501

The claim is brought on behalf of the descendants of:

(i) Sarah Feast; and

(ii) Brindy/Brinty.

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) 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 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 tradional law, 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 Western Australia, they are not claimed by the applicant.
(ii) To the extent that the native title rights and interests claimed 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 applicant does 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 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: Hutt River, Murchison (Coastal Mid West) Primary RATSIB Area: Geraldton Approximate size: 5893.0433 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 claim area are set out in the map attached (Attachment "C") and can be described by the description in Attachment "B".

Internal boundaries:

(1) The Applicants exclude from the claim any areas covered by valid acts on or before 23 December 1996 comprising such of the following as are included as extinguishing acts within the NTA 1993, as amended, or Titles Validation Act 1994, as amended, at the time of the Registrar's consideration:

National Native Title Tribunal

Extract from Schedule of Native Title Applications

Extract Created: 16/03/2022 22:25 (WST)

- Category A past acts, as defined in NTA s228 and s229;

- Category A intermediate period acts as defined in NTA s232A and s232B.

(2) The applicants exclude from the claim any areas in relation to which a previous exclusive possession act, as defined in s23B 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 23E in relation to the act.

(3) The Applicant excludes from the claim areas in relation to which native title rights and interest have otherwise been extinguished, including areas subject to:-

(a) an act authorised by legislation which demonstrates the exercise of permanent adverse dominion in relation to native title; or

(b) actual use made by the holder of a tenure other than native title which is permanently inconsistent with the continued existence of native title.

To avoid any uncertainty, the Applicant excludes from the claim area any of the areas contained within the following descriptions or tenures, set out in Schedule B1.

Schedule B1

B1.1 Any unqualified grant of an estate in fee simple currently in force.

B1.2 Any former unqualified grant of an estate in fee simple which has been validly granted and any other freehold land which has been validly granted.

B1.3 A Lease which is currently in force, in respect of an area not exceeding 5,000 square metres; upon which a dwelling house, residence, building or work is constructed; and which comprises-

(1) a Lease of a Worker's Dwelling under the Workers' Homes Act 1911-1928;

(2) a 999 Year Lease under the Land Act 1898;

(3) a Lease of a Town Lot or Suburban Low [sic] pursuant to the Land Act 1933 (WA), s117; or

(4) a Special Lease under s117 of the Land Act 1933 (WA).

B1.4 A Conditional Purchase Lease currently in force in the Agricultural Areas of the South West Division under clauses 46 and 47 of the Land Regulations 1887 which includes a condition that the lessee reside on the area of the lease and upon which a residence has been constructed.

B1.5 A Conditional Purchase Lease of cultivable land currently in force under Part V, Division (1) of the Land Act 1933 (WA) in respect of which habitual residence by the lessee is a statutory condition in accordance with the Division and upon which a residence has been constructed.

B1.6 A Perpetual Lease currently in force under the War Service Land Settlement Scheme Act 1954.

B1.7 A Permanent public work and "the land or waters on which a public work is constructed, established or situated" within the meaning given to that phrase by the Native Title Act 1993 (Cth) s251D.

B1.8 An existing public road or street used by the public, or dedicated road.

(4) Paragraphs (1) to (3) above are 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 but which include such areas as may be listed in Schedule L.

Schedule L

The applicants do not have details of:

(a) any area for which a pastoral lease is held by or on behalf of the members of the native title claim group; and
(b) 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; and

(c) any vacant crown land occupied by the members of the native title claim group; and

(d) any area mentioned in paragraph (a), (b) or (c) over which the extinguishment of native title is required by section 47, 47A or 47B of the Act to be disregarded.

Attachments:	1. Attachment B - External Boundary Description, 3 pages - A4, 09/12/20	
	2. Attachment C - M	lap, 1 page - A4, 09/12/2019
NNTT Contact Details	Address:	National Native Title Tribunal Perth Office Level 5, Commonwealth Law Courts
National Native Title Tribunal		

Extract from Schedule of Native Title Applications

1 Victoria Avenue PERTH WA 6000
GPO Box 9973 PERTH WA 6848
Telephone: +61 8 9425 1000
Freecall: 1800 640 501
Fax: +61 8 9425 1193
Web Page: www.nntt.gov.au

End of Extract