



Extract from Schedule of Native Title Applications

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
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Additional Information

Not applicable

Persons claiming to hold native title:

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 traditional 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:

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