



Extract from Schedule of Native Title Applications

Application Reference: Federal Court number: WAD6100/1998
NNTT number: WC2000/002

Application Name: John Dudu Nangkiriny & Others on behalf of the Karajarri People -v- The State of Western Australia & Others (Karajarri)

Application Type: Claimant

Application filed with: Federal Court of Australia

Date application filed: 21/02/2000

Current status: Full Approved Determination - 21/09/2004

Registration information: Please refer to the Register of Native Title Claims/National Native Title Register (as appropriate) for registered details of this application.

Registration decision status: Accepted for registration

Registration history: Registered from 25/02/2000 to 30/09/2004

Date claim / part of claim determined: 08/09/2004

Applicants: John Dudu Nangkiriny, Alec McKay, Edna Hopiga, Amy King, Donald Grey, Norman Munro, Cissy Everett, Michael Everett, Steven Possum, Wittidong Mulardy on behalf of the Karajarri People, Nita Marshall, Mervyn Mulardy Snr, Barney Dean, Elsie White, Flora Dean, Doris Edgar

Address(es) for Service: Ian Irving
Kimberley Land Council
PO Box 2145
BROOME WA 6725
Phone: 08 9193 6199

Additional Information

Not applicable

Persons claiming to hold native title:

The claim is brought on behalf of those Aboriginal people who hold in common the body of traditional law and culture governing the area the subject of the claim and who are descended from the occupants of the area at the time of the assertion of British sovereignty, being the descendants of Nganara, Minyirr Palajangka, Ingala [2], Parawarrakara-ayiti, and Yamadu "Mutpi".

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) rights and interests 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 in 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 laws, customs and practices of 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 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 Act, 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, the law of the State or a law of the Commonwealth.

Application Area: **State/Territory:** Western Australia
Brief Location: North West Goldfields
Primary RATSIB Area: Kimberley
Approximate size: 5629.8526 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):

Please note: The external boundary of the Karajarri application (WC00/2) is described below. A determination by consent order was made by the Federal Court on 12/2/2002 in relation to part of the application area. The area remaining to be determined is described at the Internal Boundary description.

External Boundary Description:

The area covered by the Native Title Determination Application is all those areas of land and waters in the State of Western Australia described as follows.

Starting at the northeast corner of pastoral lease 398/761 and extending generally south westerly along the south eastern boundaries (north western sides of the Great Northern Highway) of that lease to its southeastern corner. Then easterly to the westernmost south west corner of pastoral lease 3114/604 (Shamrock). Then generally north easterly along the north western boundaries (south eastern sides of the Great Northern Highway) of that lease to a south west corner of pastoral lease 3114/635 (Thangoo). Then easterly and northerly along the boundaries of that lease to Latitude 18.410557 South. Then easterly to the westernmost south western corner of pastoral lease 3114/844 (Dampier Downs). Then easterly, southerly, again easterly, again southerly and again easterly along the boundaries of that lease to Longitude 123.380030 East. Then generally southerly, and generally westerly passing through the following co-ordinate positions

LATITUDE (SOUTH) LONGITUDE (EAST)

18.710093	123.367358
18.732793	123.337920
18.762486	123.326057
18.781612	123.326302
18.793400	123.334635
18.904111	123.412903
19.044947	123.421026
20.90213	123.481307
19.732093	121.890109

Then west along that last mentioned line of Latitude to an eastern boundary of pastoral lease 3114/1154 (Anna Plains). Then westerly to Latitude 19.730458 South, Longitude 121.461824 East, then northeasterly to a southern boundary of Reserve 38936 at Longitude 121.614920 East, then easterly, northerly and westerly along boundaries of that Reserve to Longitude 121.614975 East, then northeasterly and westerly passing through the following co-ordinate position

LATITUDE (SOUTH) LONGITUDE (EAST)

19.197809	121.625577
19.196344	121.442371

Then westerly to the Lowest Astronomical Tide at Latitude 19.196054 South. Then generally northwesterly along that lowest astronomical tide to Latitude 18.456532 South. Then southeasterly to the westernmost southwest corner of pastoral lease 3114/635 (Thangoo). Then easterly, southerly, and again easterly along the boundaries of that lease to the starting point.

Note: Geographic Co-ordinates provided in Decimal Degrees

Cadastral Boundaries sourced from DOLA (SCDB) January 2001

Lowest Astronomical Tide sourced from the Australian Maritime Boundary Information Systems (AMBIS) Data, January 2001

Datum: Geocentric Datum of Australia 1994 (GDA1994)

Prepared by: Land Claims Mapping Unit, Department of Land Administration 8 August 2001

Internal boundaries:

Areas within the external boundary remaining to be determined following the determination by consent of 12/2/2002 are as follows:

- (i) Pastoral leases 398/770, 3114/789 and 398/682 together comprising Nita Downs Station;
- (ii) Pastoral lease 3114/604, Shamrock Station;
- (iii) Portion of pastoral lease 3114/1154, Anna Plains Station;
- (iv) The strip of unallocated Crown land between the north western corner of pastoral lease 398/770 and the eastern boundary of pastoral lease 3114/1154;
- (v) The area seaward of the mean high water mark and any tidal waters landward of the mean high water mark;
- (vi) Reserve 35918 - Dragon Tree Soak Nature Reserve;
- (vii) Reserves 32602, 32603, 32604, 23605, 32606, 32607 and 32608 - Geodetic Stations;
- (viii) Reserves 16721, 16722 and 16723 - Water;
- (ix) Reserves 1519 - 1527 - Watering Places;
- (x) Reserve 9697 - Kimberley-De Grey Sock Route;
- (xi) Reserve 36472 - Health Clinic and Associated Staff Housing;
- (xii) Reserve 36473 - School Site,
- (xiii) Reserve 39139 - Foreshore,
- (xiv) The areas occupied by the Injudinah Optical Fibre Regenerator Site (Dampier Location 319) and the Nita Optical Fibre Regenerator Site (Pardu Location 65);

Combination Details

Date of order to combine: 22/02/2000

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
WAD6100/1998, WC1996/068	John Dudu Nangkiriny & Ors and State of Western Australia & Ors (Karajarri	13/06/1996	N/A	Registered from 13/06/1996 to 25/02/2000
WAD6186/1998, WC1997/063	Nangkiriny, Alec Mckay, Edna Hopiga & Ors v State of Western Australia And Ors	30/07/1997	N/A	Registered from 30/07/1997 to 25/02/2000

WAD6038/1999, WC1999/041	John Dudu Nangkiriny & Ors	22/11/1999	N/A	Registered from 21/12/1999 to 25/02/2000
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*For further information on pre-combined applications, see the Schedule extract for each pre-combined application.

- Attachments:**
1. Karajarri Native Title Determination Application, 3 pages - A4, 12/02/2002
 2. Map of Claim Area, 1 page - A3, 21/02/2000

NNTT Contact Details

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