



Extract from Schedule of Native Title Applications

Application Reference: Federal Court number: WAD293/2005
NNTT number: WC2005/007

Application Name: Muuki Taylor & Ors v State of Western Australia & Anor (Kulyakartu)

Application Type: Claimant

Application filed with: Federal Court of Australia

Date application filed: 11/10/2005

Current status: Full Approved Determination - 16/04/2018

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: 03/04/2008

Registration decision status: Accepted for registration

Registration history: Registered from 3/04/2008 to 23/04/2018,

Date claim / part of claim determined: 16/04/2018 , 22/09/2017

Applicants: Muuki Taylor, Waka Taylor, Meridoo Walbidi, Daniel Walbidi, Simon Frank, Corina Jadaí

Address(es) for Service: Malcolm O'Dell
Central Desert Native Title Services Limited
76 Wittenoom Street
EAST PERTH WA 6004
Phone: (08) 9425 2000
Fax: (08) 9425 2001

Additional Information

On 12 October 2016 the Federal Court of Australia made a determination in respect of part of the application area that native title exists in the entire determination area – see *Taylor v State of Western Australia* [2016] FCA 1191. Order 1 of the determination provides that ‘... The Determination is to take effect immediately upon the making of a determination under s 56(1) or s 57(2) of the Native Title Act as the case may be.’ [i.e. determination of a prescribed body corporate]. Once in effect, the determination will be entered on the National Native Title Register. On 22 September 2017 the Federal Court determined that the Kulyakartu (Aboriginal Corporation) be the prescribed body corporate. 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 27 September 2017. Attached to this extract is a map and technical description that has been produced by the National Native Title Tribunal which is an interpretation of the area that remains part of the application following the determination on 12 October 2016 referred to above. This map does not form part of the application. On 27 October 2017 the Federal Court of Australia made a determination in respect of the entire remaining application areas that native title exists in the entire determination area – see <http://www.judgments.fedcourt.gov.au/judgments/Judgments/fca/single/2017/2017fca1255>. Order 1 of the determination provides that ‘... The determination is to take effect immediately upon the making of a determination under section 56(1) or section 57(2) of the Native Title Act as the case may be.’ [determination of a Prescribed Body Corporate]. Once in effect, the determination will be entered on the National Native Title Register.

Persons claiming to hold native title:

See Attachment A

Native title rights and interests claimed:

12. The native title rights and interests are subject to and exercisable in accordance with:

- (a) the common law, the laws of the State of Western Australia and the Commonwealth of Australia;
- (b) valid interests conferred under those laws; and
- (c) the body of traditional laws and customs of the society commonly referred to as the Western Desert Cultural Bloc, being the Aboriginal society under which rights and interests are possessed and by which the native title claim group have a connection to the Application Area.

13. The nature and extent of the native title rights and interests held by the native title claim group in the whole of the Application Area (including any areas where extinguishment must be disregarded pursuant to section 47B of the NTA) is the right to possess, occupy, use and enjoy the land and waters of the Application Area to the exclusion of all others.

Application Area:

State/Territory: Western Australia

Brief Location: Central Desert region of WA

Primary RATSIB Area: Pilbara

Approximate size: 3540.5862 sq km

(Note: There may be areas within the external boundary of the application that are not claimed.)

Does Area Include Sea: No

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

Part A. External boundaries and description

6. The area of land and waters covered by the Application (Application Area) are described in the document entitled ‘Identification of Boundaries’ which is annexed as ATTACHMENT B.

7. The external geographical boundaries of the Application Area of land and waters covered by the application are clearly delineated and marked on the attached map at ATTACHMENT C.

Part B. Applicability of sections 61A(4), s47, 47A and s47B

8. Section 47B applies to the entirety of the Application Area.

Part C. Areas within the external boundaries that are not covered by the application

9. Subject to paragraph 8 above, areas of land and waters within the external boundary that are not covered by the Application are:

(a) any area that is or was subject to any of the following acts as these are defined in either the NTA, 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) at the time of the Registrar's consideration:

(i) Category A past acts;

(ii) Category A intermediate period acts;

(iii) Category B past acts that are wholly inconsistent with the continued existence, enjoyment or exercise of any native title rights or interests;

(iv) Category B intermediate period acts that are wholly inconsistent with the continued existence, enjoyment or exercise of any native title rights or interests;

(b) any area in relation to which a 'relevant act' as that term is defined in section 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;

(c) any area to which a previous exclusive possession act under section 12J of the *Titles (Validation) and Native Title (Effect of Past Acts) Act 1995* (WA) was done and that act is attributable to the State of Western Australia;

(d) any area in relation to which a previous exclusive possession act as defined by section 23B (including section 23B(7)) of the NTA was done in relation to the area and the act was attributable to the Commonwealth; and

(e) any areas where native title rights and interests have otherwise been wholly extinguished, including by the construction or establishment of a public work as defined in section 253 of the NTA.

Attachments:

1. Attachment A - Native Title Claim Group, 1 page - A4, 07/09/2015
2. Attachment B - Identification of Boundaries, 1 page - A4, 07/09/2015
3. Attachment C - Map of the claim area, 1 page - A4, 07/09/2015
4. External boundary description of the remaining area, 1 page - A4, 12/10/2016
5. Map of the remaining area, 1 page - A4, 12/10/2016

NNTT Contact Details

Address: National Native Title Tribunal
Perth Office
Level 5, Commonwealth Law Courts
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