



# Extract from Schedule of Native Title Applications

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**Application Reference:** Federal Court number: WAD33/2007  
NNTT number: WC2007/001

**Application Name:** Gerald Williams & Ors and State of Western Australia (Wagyl Kaip - Dillon Bay People)

**Application Type:** Claimant

**Application filed with:** Federal Court of Australia

**Date application filed:** 19/02/2007

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**Current status:** Full Approved Determination - 01/12/2021

**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:** Not Accepted for registration

**Registration history:** -

**Date claim / part of claim determined:** 01/12/2021

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**Applicants:** Gerald Williams (Snr), Carol Pettersen, Darryl Smith, Lomas Roberts, Mingli Wunjurri Nungala, Alistair Pickett, Aden Eades

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## Additional Information

Not applicable

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## Persons claiming to hold native title:

The Native Title claim group comprises those Aboriginal people who are:

1. Biological descendants of the unions between: -

- Billy Colbung and Clara Blockman (Donally) and Nina Bayla Brockman;
- Helen Williams and Bill Woods;
- Sarah Yettung James and Jack Woods;
- Sammy 'Jimmy' Miller and Polly, from Gnowangerup;
- Alice Davidson and Alice Williams and Henry Woods;
- Charles or Peter Eades and Lucy Coyne;
- William Hayward and Minnie Knapp;
- Emily Coyne and William 'Peg' Farmer;
- Fred Coyne and Margaret Davidson;
- Johnny Penny and Margaret 'Maggie' Pigott (Starlight);
- Charles Williams and Ellen Nelly Foot;
- Elijah Quartermaine and Mary 'Wartum';
- Ah-Lee and Mary Bateman;
- Peerup Roberts and Monkey and Emily (Mudah) D'Abb;
- Edward Smith and Sarah Punch;
- Ernie or George Moir Muir and Aboriginal woman named Karlbyirt;
- Eddie 'Womber' Williams and Lily 'Tjorlian' Burchell;
- George 'Bordriditch' Riley and Eliabeth Smith; or

2. persons adopted by the individuals named in paragraph 1 above and those person adopted by the biological descendants of the unions between the individuals named in paragraph 1 above; or

3. those persons that are the biological descendants of the adopted persons included in paragraph 2 above.

#### **Native title rights and interests claimed:**

##### The Qualifications

The applicants claim in relation to the claim area, including land and waters, the native title rights and interests set out below ("The Rights and Interests") subject to the following qualifications.

1. 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.
2. 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.
3. The native title rights and interests claimed are subject to any valid rights created under the common law or a law of the State or the Commonwealth.
4. As the Applicant relies on s47B of the NTA in relation to the whole of the application area, there are no other

qualifications on the native title rights and interests claimed.

#### The Rights and Interests

Subject to the above qualifications, the rights and interests claimed in relation to the claim area, including land and waters, are:

- (a) rights and interests to exclusively 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 resources of the area;
- (g) the right to maintain and protect places of importance under traditional laws, customs and practices in the area;
- (h) the right to rear and teach children in their country;
- (i) the right to live on and erect residences and other infrastructure on the land;
- (j) the right to trade in resources of the area;
- (k) the right to manage, conserve and look after the land, waters and resources, including locating and cleaning water sources and drinking water on the land.

**Application Area:**                    **State/Territory:** Western Australia  
**Brief Location:** South Western Australia  
**Primary RATSIB Area:** South West  
**Approximate size:** 54.5713 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):

External Boundary:

1. Subject to paragraph 2, the external boundaries of those areas covered by this application are the external boundaries of the Unallocated Crown Land (UCL) parcels Lot 2117 on Deposited Plan 238332 and Lot 2118 on Deposited Plan 238146.

2. The external southern boundary of the application area is the low water mark of the Southern Ocean.

Internal boundaries:

1 The applicants exclude from the claim Lease of Crown Land, L GE J987369, Lot 1989 on Deposited Plan 4065.

2 As the Applicants seek to rely on section 47B of the NTA, no further areas within the external boundaries of the application which may have been subject to prior extinguishing acts are excluded from the application.

**Attachments:**                    1. Map 1 of claim area, Attachment C of the Application, 1 page - A3, 18/02/2007  
2. Map 2 - 3 of claim area, Attachment C of the Application, 2 pages - A4, 18/02/2007

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