



Extract from Schedule of Native Title Applications

Application Reference: Federal Court number: WAD248/2007
NNTT number: WC2007/003

Application Name: Les Tullock & Ors (Tarlpa)

Application Type: Claimant

Application filed with: Federal Court of Australia

Date application filed: 14/12/2007

Current status: Full Approved Determination - 23/01/2015

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: 30/04/2008

Registration decision status: Accepted for registration

Registration history: Registered from 30/04/2008 to 27/01/2015,

Date claim / part of claim determined: 29/07/2013

Applicants: Les Tullock, Friday Jones, Elisabeth Wonyabong, Cyril Bingham

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Additional Information

Please note there is a conditional determination in relation to all of the area covered in WAD248/2007 (and in relation to part of the area covered by the WAD6164/98 and in relation to all of the area covered by WAD181/2012), as indicated on the attached map. This will become effective immediately upon the making of a determination as to the prescribed body corporate for the determination area.

Persons claiming to hold native title:

The native title claim group comprises those Aboriginal people who hold in common the body of traditional laws and customs governing the area covered by this application who:

(a) are all those persons descended from the following people:

Nyuringka / Bidy

Manilya / Trilby

Yungkutjuru / Kitty

Kanyinka / Molly Long

Nyungkapayi / Andy Fisher

Nimpurru / Spider; and

(b) in accordance with the traditional laws and customs governing the area covered by this application have authority to speak for the area covered by this application as custodians, specifically, the following people:

Mad Dog / Jimmy Morgan

Geoffrey Stewart

Mr P (Billy Patch)

Garry Stevens

Maurice Jackman

Louie Thompson

Maurice Wongawol

Forkey Wongawol

Frankey Wongawol.

Native title rights and interests claimed:

1. Over areas where a claim to exclusive possession can be recognised (such as areas where there has been no prior extinguishment of native title or where s.238 and/or ss.47, 47A and 47B apply), the native title claim group claim the right to possess, occupy, use and enjoy the lands and waters of the area covered by the application to the exclusion of all others, pursuant to the traditional laws and customs of the claim group, including:

(a) the right to speak for the area covered by the application;

(b) the right to be asked permission to use the land and waters of the area covered by the application;

(c) the right to live on the area covered by the application;

(d) the right to make decisions about the use, enjoyment and management of the land and waters of the area covered by the application;

(e) the right to hunt and gather and to take water and other resources (including ochre) on the area covered by the application;

(f) the right to control access to and activities conducted by others on the lands and waters of the area covered by the application;

(g) the right to use and enjoy resources of the area covered by the application;

(h) the right to maintain and protect areas of cultural significance to the native title claim group on the area covered by the application;

(i) the right as against any other Aboriginal group or individual to be acknowledged as the traditional Aboriginal owners of the area covered by the application;

(j) the right to trade in resources of the area covered by the application; and

(k) the right to participate, engage in and conduct ceremonial activities and other cultural activities on the area covered by the application.

2. Over areas where a claim to exclusive possession cannot be recognised, the native title claim group claim the following rights and interests:

(a) the right to access the area covered by the application;

(b) the right to camp on the application area the right to erect shelters on the area covered by the application;

(c) the right to erect shelters on the area covered by the application;

(d) the right to live on the area covered by the application;

(e) the right to move about the area covered by the application;

(f) the right to hold meetings on the area covered by application;

(g) the right to hunt and gather on the area covered by the application;

(h) the right to have access to and use the natural water resources of the area covered by the application;

(i) the right to gather and use the natural products of the area covered by the application (including food, medicinal plants, timber, stone, ochre and resin) according to traditional laws and customs;

(j) the right to conduct ceremony on the area covered by the application;

(k) the right to participate in cultural activities on the area covered by the application;

(l) the right to maintain and protect places of importance under traditional laws, customs and practices in the area covered by the application;

(m) the right to conduct burials on the area covered by the application;

(n) the right to speak for and make non-exclusive decisions about the area covered by the application;

(o) the right to speak authoritatively about the area covered by the application among other Aboriginal People or Torres Strait Islanders in accordance with traditional laws and customs;

(p) the right to control access to and use of area covered by the application by other Aboriginal People or Torres Strait Islanders who seek access to or use of the lands and waters in accordance with traditional laws and customs;

(q) the right to determine and regulate membership of and recruitment to the native title claim group;

(r) the right to transmit the cultural heritage of the native title claim group including knowledge of particular sites.

3. The native title rights are subject to:

(a) the valid laws of the State of Western Australia and the Commonwealth of Australia;

(b) the rights (past or present) conferred upon persons pursuant to the laws of the Commonwealth and the laws of the State of Western Australia.

Application Area: **State/Territory:** Western Australia
Brief Location: Central Desert
Primary RATSIB Area: Central Desert
Approximate size: 2261.3450 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):

1. The External Boundaries (Prepared by Geospatial Services, National Native Tribunal, 7 September 2007)

1.1 The application area covers all the lands and waters within the external boundary described as follows: Commencing at the northern most northeastern corner of WAD6050/98 Sir Samuel (WC95/58) being also a point on a southern boundary of native title determination application WAD6164/98 Wiluna (WC99/24) and extending generally easterly, generally southeasterly, generally northerly and again generally easterly along boundaries of the Wiluna application to the eastern most northeastern corner of Pastoral Lease 3114/1164 (Lake Way) being also a point on a northern boundary of WAD6050/98 Sir Samuel (WC95/58); thence generally southerly, generally westerly, generally northwesterly, again generally westerly, generally northerly, again generally westerly and again generally northerly along boundaries of that application back to the commencement point.

1.2 Date reference and source:

(a) application boundary compiled by Geospatial Services NNTT based on data sourced from and used with the permission of Landgate, WA;

(b) WAD6164/98 Wiluna WC99/24 as accepted for registration on 24 September 1999;

(c) WAD6050/98 Sir Samuel (WC95/58) as lodged with the NNTT 27 September 1995;

(d) non-freehold data sourced from Landgate, WA (August 2007).

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

2.1 Subject to Part C below, areas of land and waters within the 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 Native Title Act 1993, 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 in relation 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 Native Title Act 1993 was done in relation to the area and the act was attributable to the Commonwealth;

(e) any areas where native title rights and interests have otherwise been wholly extinguished; and

(f) specifically, any areas where there has been:

(i) any unqualified grant of an estate in fee simple;

(ii) a lease which is currently in force, in respect of an area not exceeding 5000 square metres, upon which a dwelling house, residence, building or work is constructed, and which comprises:

(A) a lease of a worker's dwelling under the Worker's Homes Act 1911-1928;

(B) 999 year lease under the Land Act 1898 (WA);

(C) a Lease of a town lot or Suburban lot pursuant to section 117 of the Land Act 1933 (WA);

(D) a Special Lease under section 117 of the Land Act 1933 (WA); or

(E) any Reserves vested pursuant to section 33 of the Land Act 1933 (WA) that are not for the benefit of Aboriginal People;

(iii) conditional purchase lease currently in force in the Agricultural areas of the South west Division under regulations 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;

(iv) a conditional purchase lease of cultivatable 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;

(v) a perpetual lease currently in force under the War Service Land Settlement Scheme Act 1954;

(vi) a public work as defined in section 253 of the Native Title Act 1993; or

(vii) an existing dedicated public road.

3. Applicability of sections 61A(4), 47, 47A and 47B

3.1 No information at present, however should any or all of sections 61A(4), 47, 47A or 47B apply then the applicants will seek to ignore extinguishment in those areas.

Attachments:

1. Map, Attachment C of the Application, 1 page - A4, 06/03/2008
2. NNTT map of remaining area after determination 29 July 2013, 1 page - A3, 03/09/2013

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