



# Extract from Schedule of Native Title Applications

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**Application Reference:** Federal Court number: WAD44/2019  
NNTT number: WC2010/013

**Application Name:** Shirley Purdie & Ors v State of Western Australia (Yurriyangem Taam)

**Application Type:** Claimant

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

**Date application filed:** 20/09/2010

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**Current status:** Full Approved Determination - 01/07/2021

**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:** 29/10/2010

**Registration decision status:** Accepted for registration

**Registration history:** Registered from 29/10/2010 to 13/07/2021,

**Date claim / part of claim determined:** 01/07/2021

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**Applicants:** Shirley Purdie, Kenneth Martin, Rita Malay, Trevor Bedford, Maureen Carter, Raymond Walkbier, Mareeka Patrick, Jean Malay, Rebecca Sampi, Timothy Mosquito, Ira Lans

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## Additional Information

On 23 May 2019 the Federal Court of Australia made a determination that native title exists in parts of the application area – see Purdie on behalf of the Yurriyangem Taam Native Title Claim Group v State of Western Australia [2019] FCA 696. That determination is attached to this Extract. Order 2 of the determination provided that '[t]he 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 1993 (Cth) as the case may be' (i.e. determination of a prescribed body corporate). On 1 July 2021 the Yurriyangem Taam Aboriginal Corporation was nominated as the prescribed body corporate for this determination, and therefore this determination came into effect on 1 July 2021.

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**Persons claiming to hold native title:**

The Yurriyangem Taam Native Title Claim Group comprises those Aboriginal people who hold in common the body of traditional laws and customs concerning the Yurriyangem Taam Claim Area.

These people are:

- (a) claimants with a filiation (including adoption) via a parent or grandparent's pre-existing links to one or more of the taam countries which constitute the geographical extent of Kija country. A list of apical ancestors is contained in "Attachment A"; AND/OR
- (b) claimants through conception and/or birth in one of the taam countries which constitute the geographical extent of Kija country; AND/OR
- (c) claimants through the possession of rights and responsibilities for certain songs and ceremonies which make reference to important sites in Kija country; AND/OR
- (d) claimants who have been adopted in accordance with Kija law and culture. A person is adopted in accordance with Kija law and culture if, as a child, the claimant was 'grown up' by a person who is or was a descendent of one of the apical ancestors named above or where the claimant has gone through traditional Kija Law, and is accepted as a claimant by the Kija society.

More Information in the form of a list of Apical Ancestors is contained at 'Attachment" A"

**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 section 238 of the Native Title Act 1993 as amended (Cth) applies), the Yurriyangem Taam Claim group claim the right to possess, occupy, use and enjoy the lands and waters covered by the application (the Application Area) as against the whole world.
2. Over areas where a claim to exclusive possession cannot be recognised, the Yurriyangem Taam Claim Group claim the following rights and interests:
  - a. the right to access the Application Area;
  - b. the right to camp on the Application Area;
  - c. the right to erect shelters on the Application Area;
  - d. the right to live on the Application Area;
  - e. the right to move about on the Application Area;
  - f. the right to hold meetings on the Application Area;
  - g. the right to hunt on the Application Area;
  - h. the right to fish on the Application Area;
  - i. the right to conduct ceremonies on the Application Area;
  - j. the right to participate in cultural activities on the Application Area;
  - k. the right to maintain and protect places of importance under traditional laws, customs and practices in the Application Area; and
  - l. the right to control access to, and use of, the Application Area by other Aboriginal people or Torres Strait Islanders and non-Aboriginal people who seek access to or use of the lands and waters in accordance with traditional laws and customs;
  - m. the right to conduct cultural burning on the Application Area;
  - n. the right to be buried in the Application Area;

- o. the right to take a share of all resources in the Application Area;
- p. the right to trade all resources in the Application Area other than those minerals, petroleum and gas wholly owned by the Crown.

3. The native title rights are subject to:

- p. the valid laws of the State of Western Australia and the Commonwealth of Australia;
- q. the rights (past and present) conferred upon persons pursuant to the laws of the Commonwealth and the laws of the State; and
- r. the traditional laws and customs of the native title claim group.

In regard to water in the Application Area:

- s. the right to use the natural water resource of the Application Area; and
- t. hunt and fish on, and gather from, the water for personal, domestic and non-commercial communal purposes.

A list of specific evidence relating to the rights and interests being claimed is provided in "Attachment E".

**Application Area:**                      **State/Territory:** Western Australia  
**Brief Location:** Kimberley region of Western Australia  
**Primary RATSIB Area:** Kimberley  
**Approximate size:** 23179.4701 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 boundaries of the land and waters covered by the Yurriyngem Taam claim area are shown on the map attached and marked as "Attachment B". A technical description of the claim area is also provided.
2. Subject to (3) and (4) below, the areas of land and waters within the boundaries referred to in (1) above that are not covered by the application are:
  - a. Any area that is or was subject to any of the following acts as defined by the Native Title Act, 1993 (Cth), or the Titles (Validation) and Native Title (Effect of Past Acts) Act 1995 (WA):
    - i. Category A past act;
    - ii. Category A intermediate period act;
    - iii. Category B past act that is wholly inconsistent with the continued existence, enjoyment or exercise of any native title rights or interests;
    - iv. Category B intermediate period act that is wholly inconsistent with the continued existence, enjoyment or exercise of any native title rights or interests; or
    - v. All areas which a 'relevant act' as defined in section 12I of the Titles (Validation) and Native Title (Effect of Past Acts) Act 1995 (WA) has been done or a 'previous exclusive possession act' under section 23B(7) of the Native Title Act 1993 (Cth) has been done and the act is attributable to the State of Western Australia;
  - b. Any other area in relation to which native title rights and interest have otherwise been wholly extinguished.
  - c. Any area for which there is an approved determination of native title, as defined in the Native Title Act 1993 (Cth).
3. Notwithstanding anything contained elsewhere in this application, the area covered by the application includes any area in relation to which the non-extinguishment principle (as defined in section 238 of the Native Title Act 1993 (Cth) applies, including any area to which sections 47, 47A or 47B of the Native Title Act 1993 (Cth) applies.

4. Where there is any discrepancy between the map provided at Attachment C and the written description contained

in this schedule and in Attachment B, the latter prevails.

More information identifying the boundaries of the claim by way of a technical description is provided and labelled as "Attachment B".

- Attachments:**
1. Yurriyngem Taam Apical Ancestors List, Attachment A of the Application, 3 pages - A4, 20/09/2010
  2. External Boundary Description, Attachment B of the Application, 4 pages - A4, 20/09/2010
  3. Topographical map showing boundaries of the application area, Attachment C1 of the Application, 1 page - A3, 20/09/2010
  4. Map of Tenure in the application area, Attachment C2 of the Application, 1 page - A3, 20/09/2010
  5. Yurriyngem Taam Native Title Determination, 48 pages - A4, 23/05/2019

**NNTT Contact Details**

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