



# Extract from Schedule of Native Title Applications

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**Application Reference:** Federal Court number: WAD303/2013  
NNTT number: WC2013/004

**Application Name:** Harvey Murray (Yilka #2) v State of Western Australia & Ors

**Application Type:** Claimant

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

**Date application filed:** 06/08/2013

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**Current status:** Full Approved Determination - 26/09/2019

**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:** 27/09/2017

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**Applicants:** Harvey Murray

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## Additional Information

On 27 September 2017, the Federal Court of Australia made a determination that native title exists in the entire determination area – see the attached determinations: Harvey Murray and State of Western Australia & Ors (Yilka and Yilka #2) and G.S. (dec'd) & Ors and the State of Western Australia & Ors (Sullivan Family). On 26 September 2019, the Federal Court ordered that the Yilka Talintji Aboriginal Corporation ICN 8415 hold the native title on trust and perform the functions mentioned in s 57(1) of the Native Title Act 1993 (Cth), (i.e. become the registered native title body corporate for this determination). Therefore, this determination is now finalised as from 26 September 2019

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**Persons claiming to hold native title:**

5. The native title claim group comprises those persons:

(a) who have a connection to the land and waters, through:

(i) their own birth on those lands or waters;

(ii) their long association with those lands or waters;

(iii) the birth and/or the long association with those lands or waters of one or more of their ancestors;  
or

(iv) their holding of senior ritual authority in relation to those lands or waters,

by which those persons claim to possess rights or interests in relation to the land and waters; and

(b) in respect of whom that claim is recognised under the laws and customs of the society generally referred to as the Western Desert Cultural Bloc (WDCB).

6. At the date of the application, the persons referred to in [5(a)(i)-(iii)] are:

(a) the descendants of the Marnupa, Waltila and Nanuma, Billy Kurlu, Sandy Grey, Skipper Elliot, Charlie Winter, Danny Harris, Lincoln Smith, Paul Simms and Andrew Watson; and

(b) Victor Fraser and his descendants.

**Native title rights and interests claimed:**

A description of the native title rights and interests in relation to particular land or waters (including any activities in exercise of those rights and interests).

13. The nature and extent of the native title rights and interests is the right of possession, occupation, use and enjoyment to the exclusion of all others.

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

(a) traditional laws and customs of the native title holders; and

(b) laws of the State and Commonwealth, including the common law.

15. Notwithstanding anything in this determination, there are no native title rights and interests in the application area in or in relation to:

(a) such minerals as are wholly owned by the Crown; or

(b) such petroleum as is wholly owned by the Crown.

**Application Area:** **State/Territory:** Western Australia  
**Brief Location:** 2 portions located approx. 88 and 58 km northeast of Laverton, Central Desert, Western Australia  
**Primary RATSIB Area:** Central Desert  
**Approximate size:** 3.5456 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**

7. The external geographical boundaries of the area are covered by this application are:

(a) All those lands and waters commencing from the northernmost northwestern corner of the eastern severance of Reserve 18594 and extending generally southwesterly along boundaries of that severance to a boundary of Reserve 22032; Then westerly along the boundary of that reserve to the southernmost southeastern corner of the western severance of Reserve 18594; Then generally northeasterly along boundaries of that severance to a boundary of Reserve 22032; the easterly along the boundary of that reserve back to the commencement point.

(b) All those lands and waters being that parcel of unallocated crown land commencing at approximately Latitude 28.402278 South, Longitude 123.268831 East and extending easterly, southwesterly and northerly through the following approximate coordinate positions back to the commencement point.

LATITUDE (SOUTH)	LONGTITUDE (EAST)
28.402203	123.280455
28.408282	123.268893

(c) All those lands and waters being that parcel of unallocated crown land commencing at approximately Latitude 28.402200 South, Longitude 123.280862 East and extending easterly, southerly, westerly, northerly and northeasterly through the following approximate coordinate positions back to the commencement point.

LATITUDE (SOUTH)	LONGTITUDE (EAST)
28.402145	123.289267
28.418192	123.289435
28.418325	123.268997
28.408492	123.268895

8. The external geographical boundaries of the area covered by this application are clearly delineated and marked on the attached map at **Attachment C**.

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

9. Sections 61A(4) and 47B of the Act apply to the whole of the area of this application.

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

10. Subject to paragraph 9 above, 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 Act, as amended (where the act in question is attributable to the Commonwealth),

or Titles (Validation) and Native Title (Effect of Past Acts) 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 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 under section 23B (including section 23B (7)) of the Act 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 any:

(i) public works as defined in section 253 of the Act; or

(ii) existing dedicated public roads

**Attachments:**

1. WCD2017/005 Yilka and Sullivan Family determination, 30 pages - A4, 27/09/2017
2. Map of the claim area, attachment C of the application, 1 page - A4, 06/08/2013

**NNTT Contact Details**

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