



Extract from Schedule of Native Title Applications

Application Reference: Federal Court number: WAD647/2017
NNTT number: WC2017/007

Application Name: Henry Dimer & Ors on behalf of the Marlinyu Ghoorlie Claim Group and State of Western Australia & Ors (Marlinyu Ghoorlie)

Application Type: Claimant

Application filed with: Federal Court of Australia

Date application filed: 22/12/2017

Current stage(s): Notification Complete

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: 28/03/2019

Registration decision status: Accepted for registration

Registration history: Registered from 28/03/2019

Applicants: Henry Richard Dimer, Maxine Patricia Dimer, James Champion, Raelene Peel, Darren Indich, Simon Champion, Tania Champion, Darryl Trott, Leechelle Hammat

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Additional Information

Not applicable

Persons claiming to hold native title:

See **Attachment A**

Native title rights and interests claimed:

See **Attachment E**

Application Area: **State/Territory:** Western Australia
Brief Location: Around the Kalgoorlie-Boulder township extending southeast of Mount Magnet, east of Northam and north of Norseman, WA
Primary RATSIB Area: Goldfields
Approximate size: 89797.8605 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 area covered by the application are described in the document annexed as **"Attachment B"**.
2. Subject to (3) and (4) below, the area of land and waters within the boundaries described in Attachment B that are not covered by the application are;
 - a. any area that, when the application is made, was subject to any of the following kinds of acts as they 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):
 - i. Category A past acts;
 - ii. Category A intermediate period acts;
 - iii. Category B past acts that are wholly inconsistent with the continued existence of any native title rights or interests;
 - iv. Category B intermediate period acts that are wholly inconsistent with the continued existence 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* 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 area where there has been:
 - i. an unqualified grant of an estate in fee simple;
 - ii. a public work as defined in section 253 of the *Native Title Act*;

or

iii. an existing dedicated public road.

3. To be clear, nothing in this Form 1 or the map which is Attachment C to this application (in particular any reference to or depiction of any place, area or alignment as a "road") is to be taken as an admission on the part of the Applicant as to the status of that place, area or alignment, and in particular is not to be taken as an admission of the doing of any act affecting native title so as to extinguish it wholly or to any other extent.

4. Notwithstanding (2), the area of land and waters covered by the application includes any area within the boundaries in relation to which the non-extinguishment principle as defined in section 238 of the Native Title Act 1993 (Cwlth) applies, including any area to which section 47, 47A and 47B of the Native Title Act 1993 (Cwlth) applies, particulars of which will be provided prior to the hearing but any area as may be listed in Schedule L is included in the area covered by the application.

5. 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 prevail.

Schedule L

The native title claim group claims the benefit of sections 47, 47A and 47B in relation to any areas of land that fall within the categories provided for in paragraphs (a), (b) or (c) above, including but not limited to:

- Town Reserve, Kalgoorlie;
- Town Reserve, Coolgardie;
- EGAC block, Kalgoorlie; and
- Forrest Street/Cassidy Street block

Attachments:

1. WC2017/007 Claim Group Description, attachment A of the application, 1 page - A4, 22/06/2023
2. WC2017/007 External Boundary Description, attachment B of the application, 5 pages - A4, 22/06/2023
3. WC2017/007 Map, attachment C of the application, 1 page - A4, 22/06/2023
4. Native title rights and interests claimed, attachment E of the application, 2 pages - A4, 22/06/2023

End of Extract