



# Extract from Schedule of Native Title Applications

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**Application Reference:** Federal Court number: WAD48/2018  
NNTT number: WC2018/003

**Application Name:** Peter Tex & Ors on behalf of the Lappi Lappi and Ngulupi Claim Group v State of Western Australia (Lappi Lappi and Ngulupi)

**Application Type:** Claimant

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

**Date application filed:** 15/02/2018

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**Current status:** Full Approved Determination - 24/10/2018

**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:** 24/04/2018

**Registration decision status:** Accepted for registration

**Registration history:** Registered from 24/04/2018 to 9/11/2018,

**Date claim / part of claim determined:** 24/10/2018

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**Applicants:** Peter Tex, Christine Ellis Michaels, Cheryl Darkie, Nelson Tex, Megan Darkie, Donovan Brown, Tammy Wilson, Teddy Gibson

**Address(es) for Service:** Malcolm O'Dell  
Central Desert Native Title Services Limited  
76 Wittenoom Street  
EAST PERTH WA 6004  
**Phone:** (08) 9425 2000

## Additional Information

Not applicable

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## Persons claiming to hold native title:

38. The native title claim group comprises those persons who:

- (a) hold native title rights and interests in part or all of the application area according to traditional laws and customs, including through one or more of the following pathways:
- (i) their own birth on the application area;
  - (ii) the birth of an ancestor on the application area;
  - (iii) having religious, sacred or ritual authority for the application area; or
  - (iv) long traditional association with the application area through occupation, custodianship or use by one's self and/or relevant kin; and
- (b) are recognised under traditional laws and customs by other members of the native title claim group as having rights and interests in part or all of the application area.

39. At the date of this application, the persons referred to in paragraph 38 above includes the descendants of the following persons:

- (a) Banjo *Tjungarrayi*;
- (b) Unamed *Tjampijinpa*;
- (c) Porky Darkie, *Mirkiya* and *Patarrs*;
- (d) *Katangiinyi*;
- (e) *Tjitjirri* and *Nyutinka*;
- (f) *Wipulyulyu*, *Bokoboko* and *Pampatu*;
- (g) *Partuta/Arthur Tjapanangka*; and
- (h) *Tjiti Tjiti/Mickey Tjupurrula*.

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

12. The nature and extent of the native title rights and interests held by the native title claim group in the whole of the application area (including any areas where extinguishment must be disregarded pursuant to sections 47, 47A and 47B of the NTA) is the right to possess, occupy, use and enjoy the land and waters of the application area to the exclusion of all others.

13. The native title rights and interests are:

- (a) exercisable in accordance with the traditional laws and customs of the native title claim group; and
- (b) subject to the valid laws of the State of Western Australia and the Commonwealth of Australia, including the common law.

**Application Area:**                      **State/Territory:** Western Australia  
**Brief Location:** Pilbara Region, Western Australia  
**Primary RATSIB Area:** Central Desert  
**Approximate size:** 6070.2152 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**

6. The area of land and waters covered by the application are described in the document entitled "Identification of Boundaries" which is attached as ATTACHMENT B.

7. The external geographical boundaries of the area of land and waters covered by the application are delineated and marked on the attached map at ATTACHMENT C.

##### **Part (B) Applicability of sections 61A(4), 47, 47A and 47B**

8. For the purposes of the application of sections 61A(4) and 47A of the NTA, this application covers the following areas:

- (a) part of Central Australia Aboriginal Reserve 24923, which is subject to section 47A; and
- (b) part of Balwina Aboriginal Reserve 26399, which is subject to section 47A.

##### **Part (C) Areas within the external boundaries that are not covered by the application**

9. Subject to paragraph 8 above, areas of land and waters within the external 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 NTA, 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; and
- (b) Category B intermediate period acts that are wholly inconsistent with the continued existence, enjoyment or exercise of any native title rights or interests;
- (c) 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;
- (d) 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;
- (e) any area in relation to which a previous exclusive possession act as defined by section 23B (including section 23B(7)) of the NTA was done in relation to the area and the act was attributable to the Commonwealth; and
- (f) any areas where native title rights and interests have otherwise been wholly extinguished.

- Attachments:**
- 1. Attachment B Identification of boundaries, 2 pages - A4, 15/02/2018
  - 2. Attachment C Maps, 2 pages - A4, 15/02/2018

**NNTT Contact Details**

**Address:** National Native Title Tribunal  
Perth Office  
Level 5, Commonwealth Law Courts  
1 Victoria Avenue  
PERTH WA 6000

GPO Box 9973  
PERTH WA 6848

**Telephone:** +61 8 9425 1000  
**Freecall:** 1800 640 501  
**Fax:** +61 8 9425 1193  
**Web Page:** [www.nntt.gov.au](http://www.nntt.gov.au)

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