



Extract from Schedule of Native Title Applications

Application Reference: Federal Court number: WAD142/2018
NNTT number: WC2018/005

Application Name: June Harrington-Smith & Ors on behalf of the Darlot Native Title Claim Group and State of Western Australia & Ors (Darlot)

Application Type: Claimant

Application filed with: Federal Court of Australia

Date application filed: 10/04/2018

Current status: Full Approved Determination - 05/07/2022

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: 09/07/2021

Registration decision status: Accepted for registration

Registration history: Registered from 9/07/2021 to 7/07/2022,

Date claim / part of claim determined: 05/07/2022

Applicants: June Harrington-Smith, Verna Vos, Pearl Scott, Wayne Smith, Murray Harris, Maria Meredith, James Calyun, Dorothy Cooper, Joan Tucker

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Additional Information

Not applicable

Persons claiming to hold native title:

The Claim is brought on behalf of the Darlot claim group comprising:

(a) Those Aboriginal people who are recognised under traditional law and custom as having rights in some or all of the Claim Area on one or more of the following bases:

- (i) Biological and/or socially recognised descent from one or more of the owners, under traditional law and custom, of some or all of the Claim Area at the time of non-Aboriginal settlement;
- (ii) their own or an ancestor's birth on the Claim Area;
- (iii) their own or an ancestor's migration to and long association with the Claim Area; or
- (iv) the holding of religious, sacred or ritual authority under traditional law and custom for one or more places on the Claim Area.

(b) The descendants of the following ancestors are recognised under traditional law and custom as having rights in some or all of the Claim Area under categories (i) or (ii) above:

- (i) Majika mother's mother of Telpha Ashwin, Jumbo Harris and Kweelah;
- (ii) Siblings Peter Inkie, Jilyu Fanny & Titjipu-Peter Foley;
- (iii) Billy and his two wives Mary Ann and Mary parents of Daisy Cordella, Maggie (aka Wilgie), Julia aka Mundai, Amy aka Jinan Rex, Annie, Maniwa and Winnie;
- (iv) Inyarndi mother of Big Paddy Wheelbarrow, Little Paddy Wheelbarrow and Jimmy Wheelbarrow;
- (v) Ruby Shea;
- (vi) siblings Andy Fisher and Natha;
- (vii) siblings Beaman aka Charlie, Thadi and Dinah Evans;
- (viii) Nobby Nixon and his sister Milibindi;
- (ix) Mary Naringa;
- (x) Queenie Swan;
- (xi) Sarah Ashwin nee Brown (Marakali); and
- (xii) Minnie Narrier.

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 of the Native Title Act 1993 (Cth) applies), the native title claim group claim the right to possess, occupy, use and enjoy the lands and waters covered by the native title application determination area (**application area**) as against the whole world ("**exclusive possession area**").

2. Over areas where a claim to exclusive possession cannot be recognised ("**non-exclusive possession area**"), the native title claim group claim the following rights and interests exercisable in accordance with the traditional laws and customs of the native title claim group:

- (a) The right of access to 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, use and enjoy the resources of the application area;
- (e) The right to move about 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 conduct ceremonies on the application area;
- (i) The right to participate in cultural activities on the application area;
- (j) The right to maintain and protect places of significance under traditional laws and customs in the application area;
- (k) The right to control access to, and use of, the application area by other aboriginal people who seek access to or use the lands and waters in accordance with traditional laws and customs.

The native title rights are subject to:

- 1. The valid laws of the State of Western Australia and the Commonwealth of Australia, including the common law; and
- 2. The rights (past or present) validly conferred upon persons pursuant to the laws of the State of Western Australia and the Commonwealth of Australia.

The above native title rights and interests have been held by and activities in exercise of those rights and interests have been undertaken by the native title claim group and their predecessors in accordance with traditional laws and customs of the group at and from the time of first contact in about the 1890s and earlier to the time of assertion of sovereignty in 1829.

Application Area: **State/Territory:** Western Australia
Brief Location: Goldfields Region, Western Australia
Primary RATSIB Area: Goldfields
Approximate size: 21622.4009 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 of the area of land and waters covered by the native title application are shown on the map attached and marked "Attachment B1" and are as described in the document entitled 'Description of Boundaries' which is annexed as "Attachment B2" prepared by the National Native Title Tribunal for the purposes of this application.

2. Subject to (3) and (4) below, the areas of land and water within the boundaries referred to in (1) above that are not covered by this native title determination application are:

(a) Any area that is, or was, subject to any of the following acts as defined in the Native Title Act 1993 (Cth) or the Titles (Validation) and Native Title (Effect of Past Acts) Act 1995 (WA);

(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;

(v) all areas to which a 'relevant act', as defined in s.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 s.12J of the Titles (Validation) and Native Title (Effect of Past Acts) Act 1995 (WA) and the act is attributable to the State of Western Australia or an act as defined in s.23B (including s.23B(7)) of the Native Title Act 1993 (Cth) has been done and was attributable to the Commonwealth.

(b) Any other area in relation to which native title rights and interests have otherwise been wholly extinguished; and specifically, any areas where there has been any unqualified grant of an estate in fee simple.

(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 native title determination application, any area of land and water within the boundaries referred to in (1) includes any area in relation to which the non-extinguishment principle (as defined in s.238 of the Native Title Act 1993 (Cth)) applies, including any area to which s.47, 47A or 47B of the Native Title Act 1993 (Cth) applies. Particulars of these areas will be provided prior to the hearing or determination of this application but any area as may be referred to in Schedule L is included in the area covered by this native title determination application.

4. Where there is any discrepancy between the map provided at "Attachment B1" and the written description contained in "Attachment B2", the latter prevails.

Attachments:

1. WC2018/005 Map of the claim area, attachment B1 of the application, 1 page - A4, 28/04/2021
2. WC2018/005 External boundary description, attachment B2 of the application, 4 pages - A4, 28/04/2021

NNTT Contact Details

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