



Extract from Schedule of Native Title Applications

Application Reference: Federal Court number: WAD286/2018
NNTT number: WC2018/010

Application Name: Derek Drage & Ors and State of Western Australia (Nanda 2)

Application Type: Claimant

Application filed with: Federal Court of Australia

Date application filed: 27/06/2018

Current status: Full Approved Determination - 28/11/2018

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: 28/11/2018

Applicants: Derek Drage, Helen Nutter, Annette Pepper, Dougy Ryder, Delveen Whitby

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Additional Information

Not applicable

Persons claiming to hold native title:

The application is brought on behalf of the Nanda people, who are the descendants of

- Jilba
- Mary Jane Batt
- Alice McMurray
- Brindy
- Venus
- Polly

Native title rights and interests claimed:

The following native title rights and interests are claimed:

1. Subject to paragraphs 2, 3 and 4, the nature and extent of the native title rights and interests in relation to the Area is:
 - (a) except in relation to flowing and underground water, the right to possession, occupation, use and enjoyment of the Exclusive Area to the exclusion of all others; and
 - (b) in relation to flowing and underground water, the right to use and enjoy the flowing and underground water, including:
 - (i) the right to hunt on, fish from, take and use the resources of the flowing and underground water; and
 - (ii) the right to take and use the flowing and underground water.

Qualifications on the native title rights and interests

2. The native title rights and interests are subject to and exercisable in accordance with:
 - (a) the laws of the State and the Commonwealth, including the common law; and
 - (b) the traditional laws and customs of the Nanda People for personal, domestic, and communal purposes (including social, cultural, religious, spiritual and ceremonial purposes) but not for commercial purposes.
3. Notwithstanding anything in this determination, there are no native title rights and interests in the Determination Area in relation to:
 - (a) minerals as defined in the *Mining Act 1904 (WA)* (repealed) and in the *Mining Act 1978(WA)*, except to the extent that ochre is not a mineral pursuant to the *Mining Act 1904 (WA)*;
 - (b) petroleum as defined in the *Petroleum Act 1936 (WA)* (repealed) and in the *Petroleum and Geothermal Energy Resources Act 1967 (WA)*;
 - (c) geothermal energy resources and geothermal energy as defined in the *Petroleum and Geothermal Energy Resources Act 1967 (WA)*; or
 - (d) water lawfully captured by the holders of the Other Interests.
4. The native title rights and interests set out in paragraphs 1(b) do not confer:
 - (a) possession, occupation, use and enjoyment on the Nanda People to the exclusion of all others; or
 - (b) a right to control the access to, or use of, those parts of the Determination Area or its resources.

Application Area:

State/Territory: Western Australia
Brief Location: Geraldton Region of Western Australia
Primary RATSIB Area: Geraldton
Approximate size: 12.3247 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):

The following two parts comprise this claim:

Part 1:

All that portion of UCL located around Wilgie Mia Pool that falls within the boundary commencing at Latitude 27.495831 South, Longitude 114.373594 East and extending generally westerly and generally northwesterly through the following coordinate positions;

Latitude (South)	Longitude (East)
27.496445	114.372947
27.496475	114.372914
27.499188	114.370054
27.502873	114.363911
27.503608	114.357880
27.502700	114.351557
27.496736	114.345675
27.495035	114.344742

27.494933 114.344687

Then northwesterly to the intersection of a line being the 500 metre buffer southeasterly from the left bank of the Murchison River with Longitude 114.342670 East; Then generally northeasterly along that line until the intersection with Longitude 114.350204 East; Then northwesterly to the intersection of the left bank of that river with Longitude 114.348994 East; Then generally easterly along the left bank of that river approximately 500m to the intersection with Longitude 114.353928 East; Then southeasterly to the intersection of a line being the 500 metre buffer southeasterly from the left bank of the Murchison River with Longitude 114.355085 East; Then along that line to the intersection between that line with Longitude 114.374251 East; Then northeasterly to the intersection with the left bank of the Murchison River with Latitude 27.479977 South; Then southeasterly along that left bank approximately 500m to the intersection with Latitude 27.484167 South; Then westerly to the intersection of a line being the 500 metre buffer westerly from the left bank of the Murchison River with Longitude 114.374794 East; Then generally southwesterly and southeasterly along that line to the intersection with Latitude 27.494601 South; Then southwesterly back to the commencement point.

Part 2:

All that portion of UCL located around Bully Pool that falls within the boundary commencing at Latitude 27.611899 South, Longitude 114.275501 East and then extending northerly, generally southeasterly, generally southerly, generally westerly and northwesterly passing through the following coordinate positions;

Latitude (South) Longitude (East)

27.609342	114.276691
27.609692	114.279474
27.611709	114.284431
27.614092	114.288173
27.621320	114.289011
27.625703	114.288328
27.634387	114.282856
27.640833	114.282595
27.643428	114.282105
27.644880	114.276696
27.643800	114.270316
27.641685	114.263756
27.634504	114.258715

Then northwesterly to the intersection of the left bank of the Murchison River and Longitude 114.2601621 East. Then easterly, generally northeasterly and northwesterly along the left bank of that River until the intersection with Latitude 27.614161 South; Then northwesterly to Latitude 27.614235 South, Longitude 114.271687 East; Then northwesterly back to the commencement point.

Attachments: 1. Attachment C Map, 1 page - A4, 18/10/2018

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