



Extract from Schedule of Native Title Applications

Application Reference: Federal Court number: WAD261/2019
NNTT number: WC2019/005

Application Name: Sharon Crowe & Ors on behalf of Gnulli #3 and State of Western Australia (Gnulli #3)

Application Type: Claimant

Application filed with: Federal Court of Australia

Date application filed: 01/05/2019

Current status: Full Approved Determination - 17/12/2019

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: 17/12/2019

Applicants: Sharon Crowe, Rachael Cooyou, Gwen Peck, Denice Cotterill

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Additional Information

Not applicable

Persons claiming to hold native title:

The Native Title claim group are those Aboriginal persons who:

(a) are descended from one or more of the following ancestors:

- (i) Karjuguru/Mammy (mother of Milly, Kitty, Kaja & Maryanne) and Biriji (brother to Karjuguru/Mammy & father of Jean & Michael);
 - (ii) Janya, Jubilee, Tim Dodd, Maggie Dodd, or Mary Harvey (siblings);
 - (iii) Weelbayarra/Frank Hughes(father of Tommy, May & Billy Hughes);
 - (iv) Sarah (mother of Gungum/Sam Dazzler & siblings);
 - (v) Caroline & Sambo (parents of Dolly Bidgemia);
 - (vi) Tom Dodd (from the Wooramel side, husband of Jinapuga/Mary Anne);
 - (vii) Kalaman/Mary (mother of Paddy Dowker);
 - (viii) Culamire/Fred (father of Ngaa Ngaa/Lucy Bulley);
 - (ix) Jilba/Harry (father of Binthamurra/Stella Snowball/Noble);
 - (x) Annie & Joe Kimberley (parents of Bob Kimberley);
 - (xi) John Friday (husband of Edie Noble);
 - (xii) Mary Anne or Jinny Windie (sisters, mothers of Windie families);
 - (xiii) Gooyoongardi/Tom Dodd;
 - (xiv) Copper (mother of Norcia, Maude & Tommy Mortimer),
- or have been culturally 'grown up' from a young age by one or more of these persons or such biological descendants in accordance with the traditional laws acknowledged and the traditional customs observed by the Yinggarda, Baiyungu or Thalanyji people; and

(b) have connection to the Yinggarda, Baiyungu or Thalanyji lands and waters within the claim Area through the traditional laws and customs applicable there; and

(c) are accepted as Yinggarda, Baiyungu or Thalanyji in accordance with the traditional laws acknowledged and the traditional customs observed by other Yinggarda, Baiyungu or Thalanyji people.

Native title rights and interests claimed:

Subject to laws and customs

The native title rights and interests claimed in this Application are subject to and exercisable in accordance with:

1. The common law and the laws of the State of Western Australia and the Commonwealth of Australia;
2. Valid interests conferred pursuant to the laws of the State of Western Australia and the Commonwealth; and
3. The body of traditional laws and customs of the Aboriginal society under which rights and interests are possessed and by which the native title claim group have a connection to the land and waters the subject of this Application.

Rights in Area A

In relation to Area A, the Applicant claims the following native title rights and interests pertaining to exclusive possession:

1. The right to possession, occupation, use and enjoyment of that area as against the whole world.

Rights in Area A and Area B

The Applicant claims the following native title rights and interests in relation to:

- Area A if the claim to exclusive possession cannot be recognised; and
 - Area B
2. The right to hunt, fish, gather, take and use resources (other than minerals, petroleum and gas) in the area for any purpose;
 3. The right to enter and to remain on or within the area and use the area for any purpose including to live, camp and erect shelters upon or within the area;
 4. The right to speak for and make decisions about the use of the area by members of the Aboriginal society to which the native title claim group belong;
 5. The right to invite and permit others to have access to and participate in or carry out activities in the area; and
 6. The right to travel over, visit, care for and maintain places and objects of significance within the area and protect and have them protected from harm;
 7. The right to light fire within the area;
 8. The right to engage in cultural activities in the area including conducting and participating in ceremony and ritual, conducting burials and burial rites and the transmission of cultural knowledge.

Application Area: **State/Territory:** Western Australia
Brief Location: Upper West Gascoyne and Murchison region
Primary RATSIB Area: Geraldton
Approximate size: 12122.7721 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):

a) The area covered by the application; and

The external boundaries of the area of land and waters covered by the Application are as set out in the document which is annexed as "**Attachment B**".

b) Any areas within those boundaries that are not covered by the application.

1. Subject to Schedule B paragraph 5, the Applicant excludes from the Application area any areas that are covered by any of the following acts, as defined in either the Act, as amended (where the act is attributable to the Commonwealth), or the *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:

- (a) Category A past acts;
- (b) Category A intermediate period acts;
- (c) Category B past acts that are wholly inconsistent with the continued existence, enjoyment or exercise of any native title rights or interests; and
- (d) Category B intermediate period acts that are wholly inconsistent with the continued existence, enjoyment or exercise of any native title rights or interests.

2. Subject to Schedule B paragraph 5 below, the Applicant excludes from the Application area any areas in relation to which:

- (a) A "previous exclusive possession act", as defined in s 23B of the Act, was done and the act was an act attributable to the Commonwealth; or
- (b) A "previous exclusive possession act", as defined by s 23B(7) of the Act, was done and the act was an act attributable to the State of Western Australia; or
- (c) A "relevant act", as defined in s 12I of the *Titles (Validation) and Native Title (Effect of Past Acts) Act 1995*, was done and the act was an act attributable to the State of Western Australia.

3. Subject to Schedule B paragraph 5 below, the Applicant does not claim any native title rights and interests which confer possession, occupation, use and enjoyment to the exclusion of all others over areas in relation to which:

- (a) A "previous non-exclusive possession act", as defined in s 23F of the Act, was done and the act was an act attributable to the Commonwealth; or
- (b) A "previous non-exclusive possession act", as defined in s 23M of the *Titles (Validation) and Native Title (Effect of Past Acts) Act 1995*, was done and the act was an act attributable to the State of Western Australia.

4. Subject to Schedule B paragraph 5 below, the Applicant excludes from the Application area any areas in relation to which native title rights and interests have otherwise been wholly extinguished.

5. Notwithstanding anything contained elsewhere in this Application, the area covered by this Application includes any area in relation to which the non-extinguishment principle (as defined in s 238 of the Act) applies, including any areas to which ss. 47, 47A and 47B of the Act apply. Particulars of these areas 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.

Schedule L

For the area covered by the application, the Applicant does not yet have details of:

- a) any area for which a pastoral lease is held by or on behalf of the members of the native title claim group; and
- b) any area leased, held or reserved for the benefit of Aboriginal peoples or Torres Strait Islanders that is occupied by or on behalf of the members of the native title claim group; and
- c) any vacant Crown land occupied by the members of the native title claim group; and
- d) any area mentioned in paragraph (a), (b) or (c) over which the extinguishment of native title is required by section 47, 47A or 47B of the Act to be disregarded.

Attachments:

- 1. External boundary description, attachment B of the application, 7 pages - A4, 01/05/2019
- 2. Map of the claim area, attachment C of the application, 1 page - A3, 01/05/2019

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