



Extract from Schedule of Native Title Applications

Application Reference: Federal Court number: WAD77/2023
NNTT number: WC2023/001

Application Name: Terrence Riley & Ors on behalf of the Nharnuwangga, Wajarri and Ngarla People #2 and State of Western Australia (Nharnuwangga, Wajarri and Ngarla People #2)

Application Type: Claimant

Application filed with: Federal Court of Australia

Date application filed: 06/04/2023

Current stage(s): In Notification

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: -

Applicants: Terrence Riley, Dallene Michelle Riley, Georgina Riley, James Gilbert

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Additional Information

Not applicable

Persons claiming to hold native title:

The native title claim group comprises the descendants of the following persons:

- (a) Clarrie Smith;
- (b) Linda Riley;
- (c) Vernon Hyland;
- (d) Bardie Smith;
- (e) Kitty aka Mirruru;
- (f) Jerry Hyland;
- (g) Henry Edgar (Ngagabinu);
- (h) Rosie Kurulu;
- (i) Trilby;
- (j) Jipida Warri;
- (k) Fanny aka Gulurungu
- (l) Pussy;
- (m) Bidari;
- (n) Yiruli;
- (o) Adam Standard;
- (p) Allaron Hill;
- (q) Gladys Leake; and
- (r) Billy Bingamurra Leake.

Native title rights and interests claimed:

The native title rights and interests claimed in relation to the application area are the following non-exclusive rights which may be claimed under Australian law as a consequence of the historical and current tenure of the application area, including the right to conduct activities necessary to give effect to them:

- (a) the right to live, being to enter and remain, camp and erect temporary shelters and other temporary structures for that purpose and to travel over and visit any part of the claim area;
- (b) the right to hunt, fish, gather and use the traditional resources of the claim area;
- (c) the right to take and use water on the claim area;
- (d) the right to engage in cultural activities and the transmission of cultural knowledge on the claim area, including:
 - (i) visiting places of cultural or spiritual importance and protecting those places by carrying out lawful activities to preserve their physical or spiritual integrity; and
 - (ii) conducting ceremony and ritual.

Application Area: **State/Territory:** Western Australia
Brief Location: Central Desert region
Primary RATSIB Area: Central Desert
Approximate size: 586.5461 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.

Attachments:

1. WC2023/001 External boundary description, attachment B of the application, 2 pages - A4, 06/04/2023
2. WC2023/001 Map, attachment C of the application, 1 page - A4, 06/04/2023

End of Extract