



Extract from Schedule of Native Title Applications

Application Reference: Federal Court number: WAD141/2020
NNTT number: WP2020/001

Application Name: Tjiwarl (Aboriginal Corporation) RNTBC and State of Western Australia & Ors

Application Type: Compensation

Application filed with: Federal Court of Australia

Date application filed: 17/06/2020

Current status: Discontinued - 14/12/2023

Applicants: Tjiwarl (Aboriginal Corporation) RNTBC (ICN: 8628)

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Additional Information

Not applicable

Persons claiming compensation:

There is no compensation claim group in respect of this application.

Native title rights and interests for which compensation is claimed:

1. Subject to paragraph 2 below, compensation is claimed for the effects of the Compensable Acts (referred to in Schedule I) on the continued existence, enjoyment and exercise of the following native title rights and interests in the land and waters the subject of the Tjiwarl Determination:

(a) the right to access, remain in and use that area;

- (b) the right to access, take and use the resources of that area for any purpose;
 - (c) the right to engage in spiritual and cultural activities in that area;
 - (d) the right to maintain and protect places of significance on that area; and
 - (e) the right to receive a portion of any traditional resources (not including minerals or petroleum) taken from land or waters in that area by Aboriginal people who are also governed by Western Desert traditional laws and customs.
2. Insofar as the Compensable Acts referred to at 3(a) and 3(d) of Schedule I were within the land and waters the subject of the Tjiwarl Determination where the nature and extent of the native title rights and interests is the right to possession, occupation, use and enjoyment to the exclusion of all others, compensation is claimed for the effects of those acts on those native title rights and interests.

Details of acts claimed to have extinguished or affected native title:

See Schedule I and Attachment I.

Application Area: **State/Territory:** Western Australia
Brief Location: Central Desert
Primary RATSIB Area: Geraldton
Approximate size: 7442.2781 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 area covered by this application (**Claim Area**) is all the land and waters the subject of the Compensable Acts referred to in Schedule I, being all the land and waters within the external boundaries identified in Attachment B.
2. For the avoidance of doubt, the application excludes any area the subject of a Compensable Act or part of a Compensable Act which:
 - (a) is outside of the external boundaries of the Native Title Determination WAD 228 of 2011 and WAD 302 of 2015 *Narrier and State of Western Australia (Tjiwarl and Tjiwarl #2)* as determined by the Federal Court on 27 April 2017 and amended by order 2 of the Full Court of the Federal Court of Australia made on 1 February 2018 in WAD 217 of 2017, and by order 2 of the Full Court of the Federal Court of Australia made on 1 February 2018 in WAD 218 of 2017 (as itself amended by order 2 of the High Court of Australia made on 17 April 2019 in P38/2018) (**Tjiwarl Determination**);
 - (b) forms part of the Excluded Area under the Tjiwarl Determination; or
 - (c) in the case of a renewal or extension of the term of a mining tenement, covers any land or waters that was not covered as a result of the grant of the mining tenement.
3. For the avoidance of doubt, in the event of any inconsistency between the description of the Claim Area in Attachment B, and the boundaries of the area covered by the application depicted in Attachment C, the description in Attachment B prevails.

Attachments:

1. WP2020/001 Details of the Affecting Act(s), Schedule I of the application, 5 pages - A4, 31/03/2022
2. WP2020/001 External Boundary Description, attachment B of the application, 4 pages - A4, 31/03/2022
3. WP2020/001 Table of Maps, attachment C of the application, 20 pages - A4, 31/03/2022
4. WP2020/001 Attachment I of the application, 693 pages - A4, 31/03/2022

