



Extract from Schedule of Native Title Applications

Application Reference: Federal Court number: WAD90/2020
NNTT number: WR2020/001

Application Name: Karlka Niyaparli Aboriginal Corporation RNTBC and State of Western Australia & Ors

Application Type: Revised Native Title Determination

Application filed with: Federal Court of Australia

Date application filed: 14/04/2020

Current status: Full Approved Determination - 19/01/2021

Applicants: Karlka Niyaparli Aboriginal Corporation RNTBC

Address(es) for Service: Cameron Trees, Principal Legal Officer
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Additional Information

Not applicable

Grounds for Varying/Revoking Determination:

The recitals G to J to the Niyaparli determination record the agreement of the parties to an application for a variation of determination being made in the event that the High Court, or another Full Federal Court from which there is no pending appeal or application for special leave to appeal to the High Court, decides subsequently to this determination that the presence of exploration or prospecting licences or permits does not prevent the disregarding of extinguishment under section 47B(2) of the *Native Title Act* in respect of land or waters covered by such licences or permits. The Niyaparli determination was consented to by the then Applicants and native title claim group on the basis that such a variation of the determination could be made in the event that a decision such as that in *Tjungarrayi [(Ngurra Kayanta and Tjiwarl) v State of Western Australia [2019] HCA 12]* was made. The variation sought would also reflect the proper native title rights and interests of the Niyaparli common law holders in the

relevant areas the subject of the variation. It is therefore in the interests of justice for the variation to be allowed.

Application Area: **State/Territory:** Western Australia
Brief Location: Pilbara Region of Western Australia
Primary RATSIB Area: Pilbara
Approximate size: 36873.6545 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):

See Attachment A.

Attachments: 1. Application Area Boundaries, Attachment A of the Application, 4 pages - A4, 14/04/2020
2. Map of the Application, Attachment B of the application, 1 page - A4, 14/04/2020

NNTT Contact Details **Address:** National Native Title Tribunal
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