



Extract from Schedule of Native Title Applications

Application Reference: Federal Court number: WAD281/2020
NNTT number: WC2020/004

Application Name: Debbie Hansen & Ors on behalf of the Upurli Upurli Nguratja Native Title Claim Group and State of Western Australia (Upurli Upurli Nguratja)

Application Type: Claimant

Application filed with: Federal Court of Australia

Date application filed: 02/12/2020

Current stage(s): Notification Complete

Registration information: Please refer to the Register of Native Title Claims/National Native Title Register (as appropriate) for registered details of this application.

Date claim entered on Register of Native Title Claims: 22/01/2021

Registration decision status: Accepted for registration

Registration history: Registered from 22/01/2021

Applicants: Debbie Hansen, Jacinta Paul, Michael David Tucker, Jarman Jamieson, Debbie Carmody, Thelma O'Loughlin, Beverley Sambo, Darrell Graham, Jocelyn Forrest, Lance Ingomar, Nancy Donegan

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Additional Information

Not applicable

Persons claiming to hold native title:

See: Attachment A

Native title rights and interests claimed:

1. In those areas where native title has not previously been extinguished, or where any previous extinguishment may be disregarded by operation of sections 61A(4), 47, 47A or 47B of the *Native Title Act 1993* (Cth), the nature and extent of the native title rights and interests claimed in the application are the right to possession, occupation, use and enjoyment of those areas to the exclusion of all others.

2. In all other areas, the native title rights and interests claimed in the application are the right to:

- (a) access, remain in and use the application area;
- (b) access, take and use the resources of the application area for any purpose;
- (c) engage in spiritual and cultural activities in the application area; and
- (d) maintain and protect areas, sites and places of significance on the application area,

in so far as those rights and interests do not confer possession, occupation, use and enjoyment of the lands and waters covered by the application to the exclusion of all others.

Application Area: **State/Territory:** Western Australia
Brief Location: Central Desert region
Primary RATSIB Area: Central Desert
Approximate size: 26692.4169 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):

PART A. External boundaries and description

1. The area of land and waters covered by the application are described in the document entitled "Identification of Boundaries" which is attached as **ATTACHMENT B**.

2. The external geographical boundaries of the area of land and waters covered by the application are delineated and marked on the attached map at **ATTACHMENT C**.

Part B. Applicability of sections 61A(4), 47, 47A and 47B

3. The applicant seeks to apply sections 61A(4), 47, 47A or 47B over any area of land and waters comprising the application area, where these sections are able to be applied.

Part C. Areas within the external boundaries that are not covered by the application

4. The areas of land and waters within the external boundary of the application area that are not covered by the application are:

(a) any area that is or was subject to any of the following acts as these are defined in either the *Native Title Act 1993* (Cth) (**NTA**), as amended (where the act in question is attributable to the Commonwealth), or the *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) at the time of the Registrar's consideration:

- (i). Category A past acts;
 - (ii). Category A intermediate period acts;
 - (iii). Category B past acts that are wholly inconsistent with the continued existence, enjoyment or exercise of any native title rights or interests;
- and
- (iv). Category B intermediate period acts that are wholly inconsistent with the continued existence, enjoyment or exercise 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 NTA 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 areas where there has been:

(i). any unqualified grant of an estate in fee simple;

(ii). a lease which is currently in force, in respect of an area not exceeding 5000 square metres, upon which a dwelling house, residence, building or work is constructed, and which comprises:

(A). a lease of a worker's dwelling under the *Workers' Homes Act 1911-1928 (WA)*;

(B). a 99-year lease under the *Land Act 1898 (WA)*;

(C). a Lease of a town lot or suburban lot pursuant to section 117 of the *Land Act 1933 (WA)*;

(D). a Special Lease under section 116 of the *Land Act 1933 (WA)*; or

(E). any Reserves vested pursuant to section 33 of the *Land Act 1933 (WA)* that are not for the benefit of Aboriginal People.

(iii). a conditional purchase lease currently in force in the Agricultural areas of the South West Division under regulations 46 and 47 of the *Land Regulations 1887 (WA)* which includes a condition that the lessee reside in the area of the lease and upon which a residence has been constructed;

(iv). a conditional purchase lease of cultivatable land currently in force under Part V Division (1) of the *Land Act 1933 (WA)* in respect of which habitual residence by the lessee is a statutory condition in accordance with the Division and upon which a residence has been constructed;

(v). a perpetual lease currently in force under the *War Service Land Settlement Scheme Act 1954 (WA)*;

(vi). a public work as defined in section 253 of the NTA; and/or

(vii). an existing dedicated public road.

Attachments:

1. Native Title Claim Group, attachment A of the application, 2 pages - A4, 02/12/2020
2. Identification of Boundaries, attachment B of the application, 2 pages - A4, 02/12/2020
3. Map, attachment C of the application, 2 pages - A4, 02/12/2020

NNTT Contact Details

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