



Extract from Schedule of Native Title Applications

Application Reference: Federal Court number: WAD6110/1998
NNTT number: WC1996/078

Application Name: Jeffrey James & Others on behalf of the Martu People v The State of Western Australia and Others (Martu)

Application Type: Claimant

Application filed with: National Native Title Tribunal

Date application filed: 26/06/1996

Current status: Full Approved Determination - 16/05/2013

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: 26/06/1996

Registration decision status: Accepted for registration

Registration history: Registered from 26/06/1996 to 23/05/2013,

Date claim / part of claim determined: 16/05/2013 , 27/09/2002

Applicants: Ben Odapanie (Oolaparnie), Colin Peterson, Billy (William) Dunn, Dulcie Gibbs, Frank French, Grant Judson, Jeffrey James, Kenny Thomas, Kevin Fred, Lindsay Hardcase, Lola Walker, Mack Gardiner (Gardener), Nancy Paterson, Nancy Taylor, Neil Pitu (Bidu), Patricia Fry, Pincher Rubin, Pukina Burton, Rowley (Roley) Williams, Teddy Biljabu, Tommy Watson

Address(es) for Service: Malcolm O'Dell
Central Desert Native Title Services Limited
76 Wittenoom Street
EAST PERTH WA 6004
Phone: (08) 9425 2000

Additional Information

Not applicable

Persons claiming to hold native title:

Ben Oolaparnie
Nora Nyangapa
Brian Sampson
Poker Tinker
Billy Thomas
Simon Handley
Angelina Handley
Erica Lockyer
Lindsay Bandy
George Sailor
Peter Toby
Joshua Booth
David Wilberforce
Topsy Roberts
Monday Stevens
Phillip Bell
John Warradja
Jorna Farmer
Henry Brand
John Long
Richard Oderson
Tommy Watson
Djinwarli Alison
Dorothy Lane
Ida Taylor
Billy Williams
Reggie Malana
Walabu Handley
Darson Wumi
Maobi Robinson
Mike Gardener
Ross Gardener
Donald Chapman
Victor Burton
Lilly Long
Teddy Edwards
Peter Ingram
Cheryl Kikupa
Rita Simpson
Cookie Gardiner
Naobi Robinson
Daylight Robinson

Niyartji Samson
Dusty Stevens
Kenny Farmer
Nyari Morgan
Joe Sammy
Billy Landy
Paddy Tinker
Amy French
Larry Collie
Smithy Robinson
Cliffy Brooks
Baker Lane
Peter Rowlands
Darren Farmer
Rosie Williams
Kumpaya Ktkupa
Mitchell Biljabu
Muuki Taylor
Tommy Arnott
Tjuntju Judson
Ian Plendju
Toby Jones
Bobby Roberts
Banju Biljabu (dec)
Tjakaru Biljabu
Waka Taylor
Minyawa Miller
Peter Peterson
Linda Richards
Ned Booth
Mulyatingki Marney
Evelyn Mitchell
Pigsy Pigsy
Heather Charles
Topsy Sammy
Alan Charles
Dennis Jefferies
Sunshine Williams
Dawn Oates
Gordon Farmer
Daphne Robinson
Bruce Thomas

Larry Patterson
Daisy Charles
Banda Booth
Doris Eaton
Lucy Fred
Milton Chapman
Jimmy Morgan
Paddy Jefferies
Wilma Freddy
Winda Williams
Jimmy Williams
Socks Landy
Colin Peterson
William Dunn
Dulcie Gibbs
Frank French
Grant Judson
Jeffrey James
Kenny Thomas
Kevin Fred
Lindsay Hardcase
Lola Walker
Mach Gardener
Nancy Paterson
Nancy Taylor
Neil Bidu
Patricia Fry
Pincher Ruben
Pukina Burton
Rowley (Roley) Williams
Teddy Biljabu
Tommy Watson

Native title rights and interests claimed:

11. The nature and extent of the native title rights and interests is the right of possession, occupation, use and enjoyment to the exclusion of all others, including:

- (a) the right to live on the determination area;
- (b) the right to make decisions about the use and enjoyment of the determination area;
- (c) the right to hunt and gather and to take the waters for the purpose of satisfying their personal, domestic, social, cultural, religious, spiritual, ceremonial and communal needs;
- (d) the right of control access to, and activities conducted by others on, the land and waters of the determination area;
- (e) the right to maintain and protect sites and areas which are of significance to the common law holders under their traditional laws and customs; and

(f) the right as against any other Aboriginal group or individual to be acknowledged as the traditional Aboriginal owners of the determination area.

12. The native title rights and interests are subject to and exercisable in accordance with:

(a) traditional laws and customs of the native title holders; and

(b) laws of the State and the Commonwealth, including the common law.

13. For the avoidance of doubt, native title rights and interests are not claimed in relation to:

(a) minerals as defined in the Mining Act 1904 (WA) (repealed) and the Mining Act 1978 (WA);

(b) petroleum as defined in the Petroleum Act 1936 (WA) (repealed) and in the Petroleum and Geothermal Resources Energy Act 1967 (WA); or

(c) geothermal energy resources and geothermal energy as defined in the Petroleum and Geothermal Energy Resources Act 1967 (WA).

Application Area: **State/Territory:** Western Australia
Brief Location: Rudall River National Park (Karlamilyi)
Primary RATSIB Area: Central Desert
Approximate size: 3003.2807 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):

6. The boundaries of the area covered by the application are clearly identified on the map at Attachment C and according to the description included at Attachment B.

7. Subject to such of the provisions of sections 47, 47A and 47B of the Native Title Act 1993 as may apply, the applicants exclude from the claim any area covered by valid acts on or before 23 December 1996 comprising such of the following as are included as extinguishing acts with the Native Title Act 1993, as amended, or Titles Validation Act 1994, as amended, at the time the Registrar's consideration and or at the time that the application is determined, namely:

(a) Category A past Acts defined in s 228 and s 229 Native Title Act 1993 (Cth);

(b) Category A intermediate Acts as defined in s 232A and s 232B Native Title Act 1993 (Cth).

8. Subject to such of the provisions of sections 47, 47A and 47B of the Native Title Act 1993 as may apply, the applicants exclude any areas in relation to which a previous exclusion possession act as defined in s 23B Native Title Act 1993, was done in relation to an area and, either the act was an act attributable to the Commonwealth, or the act was attributable to the State of Western Australia and a law of that State has made provision for that act as described in s 23E Native Title Act 1993.

Any pastoral lease held by or on behalf of native title claim group

21. Nil

Any area leased, held or reserved for the benefit of Aboriginal people

22. None

Any vacant crown land

23. Pursuant to traditional law and custom the claim group occupies all vacant crown land within the area of the claim.

Any area over which extinguishment is required be disregarded

24. None of which the Applicant is currently aware.

- Attachments:**
1. Attachment B - Technical Description, 3 pages - A4, 13/05/2013
 2. Attachment C - Map of Area, 1 page - A4, 13/05/2013

NNTT Contact Details

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