



# Extract from Schedule of Native Title Applications

---

**Application Reference:** Federal Court number: WAD6017/1996  
NNTT number: WC1999/014

**Application Name:** D Daniel & ORS v The State of Western Australia & ORS  
(Ngarluma/Yindjibarndi )

**Application Type:** Claimant

**Application filed with:** Federal Court of Australia

**Date application filed:** 30/04/1999

---

**Current status:** Full Approved Determination - 23/03/2006

**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:** Accepted for registration

**Registration history:** Registered from 14/07/1999 to 23/03/2006

**Date claim / part of claim determined:** 02/05/2005

---

**Applicants:** David Daniel, Daisy Moses, Roger Barker, Jill Churnside, Trevor Solomon, Les Hicks, Bruce Monadee, Name withheld for cultural reasons, Name withheld for cultural reasons, Mary Walker, Bruce Woodley, Michelle Adams, Jimmy Horace, Linda Ryder, Judy Albert

**Address(es) for Service:** Michael Meegan  
Yamatji Marlpa Aboriginal Corporation  
Level 5  
256 Adelaide Terrace  
PERTH WA 6000  
**Phone:** (08) 9268 7000

## Additional Information

Not applicable

---

## Persons claiming to hold native title:

The application is made on behalf of the Ngarluma and Yindjibarndi Native Title Claim Group which comprises:-

- (1) The Registered Native Title Claimants, who are named in Schedule 1;
- (2) The Ngarluma and Yindjibarndi Claim Committee, who are named in Schedule 2;
- (3) The Ngarluma and Yindjibarndi Heritage Committee, who are named in Schedule 3; and
- (4) The families of the Registered Native Title Claimants, the Ngarluma and Yindjibarndi Claim Committee and the Ngarluma and Yindjibarndi Heritage Committee ("the families") who are referred to in Schedule 4.

Notwithstanding the above, unless and until further advise in writing by the Native Title Claim Group, the Native Title Claim Group does not include the following people:

- a) Those people included in the native title claim group of the native title determination application WC96/89;
- b) Those people included in the native title claim group of the native title determination application WC98/40; application WC97/39.

## SCHEDULE 1

### THE REGISTERED NATIVE TITLE CLAIMANTS

David Daniels, James Solomon, Tim Kerr, Daisy Moses, Bruce Monadee, Woodley King, Kenny Jerrold, Jill Churnside, Mary Walker, Michelle Adams, Bruce Woodley, Les Hicks, Jimmy Horace, Linda Ryder, David Walker, Roger Barker, Judy Albert, Trevor Solomon.

## SCHEDULE 2

### THE NGARLUMA AND YINDJIBARNDI CLAIM GROUP COMMITTEE

Michelle Adams, Judy Albert, Jill Churnside, David Daniel, Tootsie Daniel, Pansy Hicks, Wendy Hubert, Kenny Jerrold, Maudie Jerrold, Jocelyn Jones, Doris Lockyer, Bruce Monadee, Josie Samson, Trevor Solomon, Dora Solomon, Alma Tumbler, Bridgette Warrie.

## SCHEDULE 3

### THE NGARLUMA AND YINDJIBARNDI HERITAGE COMMITTEE

Michelle Adams, Eric Churnside, Keith Churnside, David Daniel, Kenny Jerrold, Tracy Jones, Dennis-Bungu Long, Alfie Malcolm, Bruce Monadee, Lynda Ryder, Josie Samson, Trevor Solomon, David Walker, Sally Walker, Bridgette Warrie, Bruce Woodley., SCHEDULE 4

## THE FAMILIES

Those Aboriginal people who are:

- (1) The respective living parents, grandparents, and other ancestors (such ancestors being defined as one from whom one's father or mother is descended); of an
  - (2) The respective living biological children, grandchildren, and other biological descendants of; and
  - (3) The biological children, grandchildren and other biological descendants of the parents, grandparents and ancestors (such ancestor being defined as one from whom one's father or mother is descended) of:
    - (a) the Registered Native Title Claimants referred to in Schedule 1;
    - (b) the Ngarluma and Yindjibarndi Claim Committee referred to in Schedule 2; and
- the Ngarluma and Yindjibarndi Heritage Committee referred to in Schedule 3.

### **Native title rights and interests claimed:**

The applicants claim native title to the area covered by the application ("the area"). The native title rights and interests claimed which are derived from that native title are as follows:

- (a) the right to possess, occupy, use and enjoy the land and waters claimed;
- (b) the right to be asked, and the enforceable right to say no, with respect to any proposed activity by any person not part of the native title claim group within or affecting the determination area;
- (c) the right to make decisions about the use and enjoyment of the land and waters claimed;
- (d) the right of free access to the land and waters claimed;
- (e) the right to control the access of others to the land and waters claimed;
- (f) the right to use and enjoy the resources of the land and waters claimed;
- (g) the right to control the use and enjoyment of others of the resources of the land and waters claimed;
- (g) the right to trade in the resources of the land and waters claimed;
- (h) the right to receive a portion of any resources taken by others from the land or waters claimed;
- (i) the right to maintain, protect and prevent the misuse of cultural knowledge associated with the land and waters claimed;
- (j) the right to maintain, protect and prevent the misuse of cultural knowledge associated with the land and waters claimed; and
- (k) the right to decide on and regulate membership of the Ngarluma and Yindjibarndi Native Title Claim Group.

Subject to:

- (i) To the extent that any minerals, petroleum or gas within the area of the claim are wholly owned by the Crown in the right of the Commonwealth or the State of Australia, they are not claimed by the applicants;
- (ii) To the extent that the native title rights and interests claimed may relate to waters in an offshore place, those rights and interests are not to the exclusion of other rights and interests validly created by a law of the Commonwealth or the State of Western Australia or accorded under international law in relation to the whole or any part of the offshore place;
- (iii) The applicants do not make a claim to native title rights and interests which confer possession, occupation, use and enjoyment to the exclusion of all others in respect of any areas in relation to which a previous non-exclusive possession act, as defined in section 23F of the NTA, 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 as mentioned in section 23I in relation to the act;
- (iv) Paragraph (iii) above is subject to such of the provision of sections 47, 47A and 47B of the Act as apply to any part of the area contained within this application, particulars of which will be provided prior to the hearing;
- (v) The said native title rights and interests are not claimed to the exclusion of any other rights or interests validly created by or pursuant to the common law, the law of the State or a law of the Commonwealth.

### **Application Area:**

**State/Territory:** Western Australia

**Brief Location:** Pilbara

**Primary RATSIB Area:** Pilbara

**Approximate size:** 24364.1910 sq km

(Note: There may be areas within the external boundary of the application that are not claimed.)

**Does Area Include Sea:** Yes

## Area covered by the claim (as detailed in the application):

This description uses coordinates on the Australian Map Grid which are derived from the Transverse Mercator Projection of latitudes and longitudes on the Australian Geodetic Datum and are based in this case on Zone 50. The digital form of this boundary was supplied to the Aboriginal Legal Service of Western Australia by the State's Land Claims Mapping Unit (LCMU) on the 19th June 1998 in geographical coordinates of decimal latitudes and longitudes. The boundary was compiled based on information supplied to the LCMU by the First Applicants.

### Use of Coordinates within the description

The Department of Land Administration (DOLA) now provides digital data to the public from its Spatial Cadastral DataBase. Coordinates supplied in digital form represent cadastral boundary lines. However DOLA is continuously upgrading and improving the accuracy of this spatial data and therefore coordinates supplied in one instance may be different after a spatial upgrade. Therefore it is not possible to state coordinates as an accurate description of a cadastral boundary. The method of describing a cadastral boundary by stating which land it is bounded by will be adopted where a claim boundary follows a cadastral boundary.

In this claim coordinates which refer to a cadastral boundary are intended as a guide only with the actual cadastral boundary to be adopted as the claim boundary. Therefore where a coordinate is used to describe a cadastral boundary it is intended to only assist in locating that point. The abbreviation "approx." is used to signify that the coordinates are to be taken as a guide only. All other coordinates which describe the claim boundary should be adopted as the intended position of that boundary.

### External Boundary Description

Attachment 1 shows the external boundary of the claim. It commences on the coastline west of the Maitland River mouth (E448741; N7701541) and proceeds in a north westerly direction to a point in the ocean (E424344; N7725846). It then proceeds north easterly to a point in the ocean (E500000; N7760845) and then to another point (E555198; N7751250); to a point (E573303; N7743298); to a point (E589242; N7712459). It then crosses the coast to a point (E590045; N7710989); then to another point (E592460; N7706127) near Parawiliwili Creek.

It then proceeds in a southerly direction to an eastern corner of pastoral lease 3114/558 (Sherlock) approx. (E593259; N7686105) and then follows this lease boundary southerly, westerly and then southerly to a corner (approx. E586955; N7676282). From there it proceeds south easterly across pastoral lease 3114/1209 (Mallina) to a point (E591554; N7674547); to another point (E592581; N7674134); then to an eastern corner of this pastoral lease (approx. E605368; N7668447); follows this lease boundary southerly, easterly and then southerly to the north west corner of Mungaroona Range Nature Reserve (approx. E610799; N7644510).

It then follows the Mungaroona Range Nature Reserve boundary easterly and then southerly and continues to follow a number of the boundaries of this reserve to a corner (approx. E627340; N7618524). It then proceeds westerly to the intersection of this boundary with the eastern boundary of Reserve 12260 (approx. E627271; N7618524). It then transects this reserve to a point on the intersection of the western boundary of Reserve 12260 and the boundary of Reserve 31429 (approx. E626633; N7118529). It continues westerly along the boundary of Reserve 31429; then southerly then continues to follow a number of boundaries of this Reserve to a corner (approx. E658202; N7587279). From there it heads westerly across the reserve and crosses the boundary between this reserve and pastoral lease 3114/1173 (Hooley) at a point (approx. E634388; N7586598). It then continues westerly to a corner of pastoral lease 3114/1173 (approx. E606230; N7585734); westerly to another corner (approx. E605265; N7585740).

It then follows the boundary of pastoral lease 3114/1173 southerly to where it intersects with the northern boundary of Reserve 5515 (approx. E605227; N7579404). It transects Reserve 5515 to a point which is the intersection of the southern boundary of Reserve 5515 and the western boundary of L3114/1173 (approx. E605217; N7577795). It continues to follow the boundary of L3114/1173 southerly to a corner (approx. E605196; N7574408); proceeds southerly to a point (E605216; N7571540) which is inside pastoral lease 3114/465 (Mt Florence).

It then proceeds westerly to a corner of pastoral lease 3114/1228 (Coolawanyah), (approx. E582123; N7571646); follows a boundary of this lease westerly to a corner approx. (E572792; N7571688); westerly to a point (E550870; N7571818); continues westerly to a point (E542306; N7571843) inside Vacant Crown Land. It then proceeds in a northerly direction to a corner (approx. E542307; N7572330) on a boundary of Vacant Crown Land and follows this boundary in a northerly direction to corner on Reserve 38991 (approx. E542330; N7580955).

From this point it proceeds westerly along the boundary of Reserve 38991 and continues to follow a number of boundaries of this reserve in a general westerly direction and then in a northerly direction to a corner (approx. E477310; N7624707). From there it proceeds easterly along the boundary of Reserve 38991 to its boundary on the Fortescue River; proceeds in a north westerly direction following the boundary between Reserve 38991 and pastoral lease 3114/1013 (Yalleen) along the Fortescue River to a point (approx. E481142; N7625210). It then proceeds westerly to a point on the western boundary of lease 3116/4622 (Robe River Railway); (approx. E480963; N7625220).

It then follows the western boundary of lease 3116/4622 in a northerly direction until it intersects with a boundary on Vacant Crown Land (approx. E484695; N7635819). From this point it proceeds westerly along the above boundary to a corner (approx. E482017; N7635816); follows this boundary northerly, then westerly to a point on this boundary (approx. E479163; N7640407). It then proceeds northerly to the southern boundary of pastoral lease 3114/716 (Mt Welcome) (approx. E479161; N7654248). From here it proceeds westerly and follows a number of the 3114/716 pastoral lease boundaries to a corner (approx. E460099; N7679406).

It then proceeds in a northerly direction across pastoral lease 3114/464 (Karratha) to the south west corner of Reserve 356 (approx. E457585; N7693238) and then northerly along this boundary to the north west corner of this reserve.

It then proceeds in a general north westerly direction across pastoral lease 3114/464 crossing the De Grey Mullewa Stock Route following various directions as identified by the following co-ordinates:

E457195 N7695233

E456405 N7695737

E455360 N7696669

E455188 N7696856

E455173 N7697370

to a point (E454506; N7698063). It then proceeds in a north westerly direction to a point on the northern boundary of foreshore Vacant Crown Land (approx. E452576; N7700322). It continues in a north westerly direction following the northern boundary of foreshore Vacant Crown Land to a point on this boundary (approx. E448884; N7701511). From this point it proceeds west north westerly to the starting point of this external boundary on the coast (E448741; N7701541).

#### AREAS WITHIN THE CLAIM BOUNDARIES THAT ARE NOT COVERED BY THE APPLICATIONS

See Attachment B of application.

#### Combination Details

Date of order to combine: 08/03/1999

This application is a combination of the following applications:

Application number(s)	Application name	Date application lodged/filed	Date claim entered on Register*	Registration History
WAD6017/1996, WC1994/005	D Daniel & Ors And State of Western Australia & Ors (Ngaluma/Indjibarndi)	27/07/1994	N/A	Registered from 20/12/1994 to 14/07/1999
WAD6018/1996, WC1995/003	D Daniel v Commonwealth Of Australia	22/12/1994	N/A	Registered from 08/09/1995 to 14/07/1999

\*For further information on pre-combined applications, see the Schedule extract for each pre-combined application.

#### Attachments:

1. Map of Ngulama and Injibandi Claim Boundaries, 1 page - A1, 19/07/1999
2. Areas within External Boundaries excluded from Claim Area, 20 pages - A4, 15/07/1999

#### NNTT Contact Details

##### Address:

National Native Title Tribunal  
Perth Office  
Level 5, Commonwealth Law Courts  
1 Victoria Avenue  
PERTH WA 6000

**Telephone:**  
**Freecall:**  
**Fax:**  
**Web Page:**

GPO Box 9973  
PERTH WA 6848  
+61 8 9425 1000  
1800 640 501  
+61 8 9425 1193  
[www.nntt.gov.au](http://www.nntt.gov.au)

---

End of Extract