



Extract from Schedule of Native Title Applications

Application Reference: Federal Court number: WAD78/2005
NNTT number: WC2005/003

Application Name: Tadgee Limmerick & Ors on behalf of the Ngarlawangga People v The State of Western Australia (Ngarlawangga People)

Application Type: Claimant

Application filed with: Federal Court of Australia

Date application filed: 08/04/2005

Current status: Full Approved Determination - 07/12/2016

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: 09/06/2005

Registration decision status: Accepted for registration

Registration history: Registered from 9/06/2005 to 12/12/2016,

Date claim / part of claim determined: 07/12/2016

Applicants: Tadgee Limmerick, Maisey Hyland, Dianne Limmerick

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Additional Information

Not applicable

Persons claiming to hold native title:

The persons on whose behalf the application is made are those persons who:

- (a) are descendents of the Ngarlawangga ancestors listed below; and/or
- (b) are recognized by the applicant as Ngarlawangga in accordance with traditional law and custom.

Margie (Partatalpu); Rosy (Karliya-yangu), Toby Leak (Kujurkurra), Standard (Kujamurra), Annie Standard (Kurnipa), Jerry Hyland (Karnparnarnta, Jirrinparri, Highland-ngurra), Duck (Murnkurta), Topsy Coony (Kurntiri), Jimmy, Diana.

Native title rights and interests claimed:

SUBJECT TO LAWS AND CUSTOMS

The native title rights and interests claimed in this application are subject to and exercisable in accordance with:

- 1) the common law, the laws of the State of Western Australia and the Commonwealth of Australia;
- 2) valid interests conferred under those laws; and
- 3) the body of traditional laws and customs of the Aboriginal society under which rights and interests are possessed and by which native title claim group have a connection to the area of land and waters the subject of this Application.

AREA A RIGHTS

The native title rights and interests in relation to Area A comprise:

- 1) The right to possess, occupy, use and enjoy the area as against the world;
- 2) A right to occupy the area;
- 3) A right to use the area;
- 4) A right to enjoy the area;
- 5) A right to be present on or within the area;
- 6) A right to hunt in the area;
- 7) A right to fish in the area;
- (8) A right to make decisions about the use of the area by members of the Aboriginal society to which the native title claim group belong;
- 9) A right to make decisions about the use of the area by persons who are not members of the Aboriginal society to which the native title claim group belong;
- 10) A right to invite and permit others to have access to and participate in or carry out activities in the area;
- 11) A right of access to the area;
- 12) A right to live within the area;
- 13) A right to erect shelters upon or within the area;
- 14) A right to camp upon or within the area;
- 15) A right to move about the area;
- 16) A right to engage in cultural activities within the area;
- 17) A right to conduct and participate in ceremonies and meetings within the area;
- 18) A right to control access of others to the area;
- 19) A right to control access of others to the area except such person as may be exercising a right accorded by the

common law, statute law of the Commonwealth or the State of Western Australia or a lawful grant by the British sovereign or its successor;

- 20) A right to visit, care for and maintain places of importance and protect them from physical harm;
- 21) A right to take traditional resources, other than minerals and petroleum from the area;
- 22) A right to take fauna;
- 23) A right to take flora (including timber);
- 24) A right to take soil;
- 25) A right to take sand;
- 26) A right to take stone and/or flint;
- 27) A right to take clay;
- 28) A right to take gravel;
- 29) A right to take ochre;
- 30) A right to take water;
- 31) A right to manufacture traditional items from the resources of the area;
- 32) A right to trade in the resources of the area;
- 33) A right to control the taking, use and enjoyment by others of the resources of the area;
- 34) A right to maintain, conserve and protect significant places and objects located within the area;
- 35) A right to enjoy all the features, benefits and advantages inherent in the environment of the area;
- 36) A right to be identified and acknowledged, in accordance with the traditional laws adhered to and traditional customs observed by the group or groups, as the holders of native title rights in relation to the land and waters of the area.

AREA B RIGHTS

The native title rights and interests which are claimed in relation to Area B are all the rights claimed above in relation to Area A, except the right to possess, occupy, use and enjoy the area as against the world and the rights set out at paragraphs 9), 18), 19) and 33) and the right to hunt, gather or take fauna, in so far as such right is contained within paragraphs 3), 4), 6), 7), 21), 22) and 35).

AREA C RIGHTS

The native title rights and interests which are claimed in relation to Area C are all the rights claimed above in relation to Area A, except the right to possess, occupy, use and enjoy the area as against the world and the rights set out at paragraphs 9), 18) 19) and 33).

Application Area: **State/Territory:** Western Australia
Brief Location: Central Pilbara
Primary RATSIB Area: Central Desert
Approximate size: 6104.7083 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):

The external boundaries of the area of land and waters covered by the Application are as set out in the document entitled "Description of External Boundary" which is annexed as Attachment 'B'.

AREAS OF LAND AND WATERS WITHIN THOSE BOUNDARIES THAT ARE NOT COVERED BY THE APPLICATION

1) Subject to 4), the Applicant excludes from the Application area any areas that are covered by any of the following acts as these are defined in either the Act, as amended (where the act in question is attributable to the Commonwealth), or 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:

- a) Category A past acts;
- b) Category A intermediate period acts;
- c) Category B past acts that are wholly inconsistent with the continued existence, enjoyment or exercise of any native title rights or interests; and
- d) Category B intermediate period acts that are wholly inconsistent with the continued existence, enjoyment or exercise of any native title rights or interests.

2) Subject to 4), the Applicant excludes from the Application area any areas in relation to which:

- a) a "previous exclusive possession act", as defined in s. 23B of the Act, was done and the act was an act attributable to the Commonwealth; or
- b) a "relevant act" as that term is defined in s. 121 of the Titles (Validation) and Native Title (Effect of Past Acts) Act 1995 (WA) was done and the act is attributable to State of Western Australia; or
- c) a previous exclusive possession act under s. 23B(7) of the Act was done in relation to the area and the act was attributable to the State of Western Australia.

3) Subject to 4), the Applicant also excludes from the Application area areas in relation to which native title rights and interest have otherwise been wholly extinguished.

4) The Application area includes any area in relation to which the non-extinguishment principle (as defined in s. 238 of the Act) applies, including any area to which ss 47, 47A and 47B of the Act apply, particulars of which will be provided prior to the hearing but which include such areas as may be listed in Schedule L.

- Attachments:**
- 1. Attachment B External boundary description, 3 pages - A4, 17/06/2013
 - 2. Attachment C Map, 1 page - A4, 17/06/2013

End of Extract