



Extract from Schedule of Native Title Applications

Application Reference: Federal Court number: WAD6280/1998
NNTT number: WC2005/006

Application Name: David Stock & Ors on behalf of the Nyiyaparli People (Nyiyaparli)

Application Type: Claimant

Application filed with: Federal Court of Australia

Date application filed: 01/09/2005

Current status: Full Approved Determination - 26/09/2018

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: 29/11/2005

Registration decision status: Accepted for registration

Registration history: Registered from 29/11/2005 to 9/10/2018,

Date claim / part of claim determined: 26/09/2018

Applicants: David Stock, Raymond Drage, Victor Parker, Leonard Stream, Billy Cadigan

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Additional Information

Not applicable

Persons claiming to hold native title:

The persons who comprise the Nyiyaparli People's native title claim group are those persons who are

the descendants of the Nyiyaparli apical ancestors listed below:

- (i) Mintaramunya;
- (ii) Pitjirrpangu;
- (iii) Yirkanpangu (Jesse);
- (iv) Kitjiempa (Molly);
- (v) Mapa (Rosie);
- (vi) Billy Martin Moses;
- (vii) Parnkahanha;
- (viii) Wirlpangunha (Rabbit-Bung); and
- (ix) Wuruwurunha.

Native title rights and interests claimed:

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.
- 4) In accordance with sub section 61A(3) of the Act, the Applicant do not make claim to native title rights and interests which confer possession, occupation, use and enjoyment to the exclusion of others in respect of any areas in relation to which a previous non-exclusive possession act, as defined in section 23F of the Act, 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 that act;
- 5) In accordance with sub section 61A (4), paragraph 3 above is subject to such of the provisions of section 47B of the Act as apply to any part of the area in this application.

The said native title rights are not claimed to the exclusion of any other rights or interests validly created by or pursuant to the Common Law, a Law of the State or a Law of the Commonwealth.

Rights in Area A

The Applicant claims the following listed native title rights and interests relating to exclusive possession in relation to Area A only.

- 1) The right to possess, occupy, use and enjoy the area as against the whole 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 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;
- 6) A right to control access of others to the area;
- 7) 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; and

8) A right to control the taking, use and enjoyment by others of the resources of the area;

Rights in Areas A and C

The Applicant claims the following listed native title rights and interests in relation to Areas A and C, but not Area B:

9) A right to hunt in the area;

10) A right to fish in the area;

11) A right to take fauna; and

12) A right to take traditional resources, other than minerals and petroleum from the area;

Rights in Areas A, B and C

The Applicant claims the following listed native title rights and interests in relation to Areas A, B and C:

13) A right to be present on or within the area;

14) 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;

15) A right to invite and permit others to have access to and participate in or carry out activities in the area;

16) A right of access to the area;

17) A right to live within the area;

18) A right to erect shelters upon or within the area;

19) A right to camp upon or within the area;

20) A right to move about the area;

21) A right to engage in cultural activities within the area;

22) A right to conduct and participate in ceremonies and meetings within the area;

23) A right to visit, care for and maintain places of importance and protect them from physical harm;

24) A right to take flora (including timber);

25) A right to take soil;

26) A right to take sand;

27) A right to take stone and/or flint;

28) A right to take clay;

29) A right to take gravel;

30) A right to take ochre;

31) A right to take water;

32) A right to manufacture traditional items from the resources of the area;

33) A right to trade in the resources of the area; and

34) A right to maintain, conserve and protect significant places and objects located within the area.

Application Area: **State/Territory:** Western Australia
Brief Location: Pilbara region of Western Australia
Primary RATSIB Area: Pilbara
Approximate size: 36598.6524 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 application area specifically excludes any area of minor overlap between the Birriliburu Native Title Determination Application (WAD 6284 of 1998) and this application.

Nyiyaparli Native Title Application Description of the External Boundary

All those lands and waters commencing at Longitude 120.965618 East, Latitude 22.025709 South, being the northernmost point of the application and extending south easterly and generally south westerly passing through the following co-ordinate positions;

LONGITUDE (EAST) LATITUDE (SOUTH)

121.383648 22.176991

121.407723 22.185703

121.385679 22.267179

121.363447 22.349350

121.271280 22.690004

121.255422 22.748618

121.229854 22.843118

121.221018 22.862307

121.145159 23.027036

120.971036 23.405146

120.913310 23.497899

120.871261 23.565459

120.696113 23.727950

120.670885 23.751355

120.618550 23.799908

120.568181 23.891146

120.508828 23.998656

Thence south westerly to the intersection of the centreline of Ilgarari creek and a line joining Longitude 120.508828 East, Latitude 23.998656 South and Longitude 120.055394 East, Latitude 24.820017 South. Thence generally westerly along the centreline of the creek to the intersection with Longitude 119.854290 East; Thence west to intersect a line of Longitude 119.685799 East, (being an intermittent creek); Thence generally north westerly along the centreline of that intermittent creek to an intersection with Latitude 24.42.4384 South; Thence generally northerly, generally north westerly and generally easterly passing through the following co-ordinate positions;

LONGTITUDE (EAST) LATITUDE (SOUTH)

119.691279 24.387957

119.721689 24.050851
119.730443 23.799776
119.659365 23.517542
119.564249 23.586534
119.294876 23.477452
119.141883 23.249178
119.155112 23.063501
119.165211 23.003843
119.163741 23.003396
119.153405 23.001105
119.146432 23.000125
119.143061 22.999049
119.136689 22.997148
119.130872 22.995623
119.127503 22.995316
119.301788 22.795397
119.249935 22.576797
119.115406 22.345315
119.241060 22.332946
119.938288 22.264352
120.176544 22.291786
120.828284 22.389190

Thence northeasterly back to the commencement point.

Note: Geographic Co-ordinates provided in Decimal Degrees
Igarari creek sourced from Geoscience Australia 1:250000 data

Intermittent creek sourced from DLI 1:100000 digital topographic data

Datum: Geocentric Datum of Australia 1994 (GDA94)

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.

Combination Details

Date of order to combine: 30/09/2005

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
WAD241/2005, WC2005/005	David Stock, Gordon Yuline, Raymond Drage, Brian Samson, Victor Parker and Richard Yuline on behalf of The Nyiyaparli 2 People and State of Western Australia	01/09/2005	N/A	
WAD6280/1998, WC1999/004	David Stock & Others on behalf of the Nyiyaparli People	29/01/1999	N/A	Registered from 22/04/1999 to 29/11/2005

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

Attachments:

1. Map of claim area, Attachment C of the Application, 1 page - A4, 26/10/2005
2. Description of external boundary, Attachment B of the Application, 2 pages - A4, 26/10/2005

End of Extract