



Extract from Schedule of Native Title Applications

Application Reference: Federal Court number: WAD77/2006
NNTT number: WC2006/003

Application Name: Nabaru Landy & Anor on behalf of the Martu People & State of Western Australia (Karnapyrri)

Application Type: Claimant

Application filed with: Federal Court of Australia

Date application filed: 22/03/2006

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.

Registration decision status: Not Accepted for registration

Registration history: -

Date claim / part of claim determined: 16/05/2013

Applicants: Nabaru (Billy) Landy, Lynette Dunn

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:

The native title claim group comprises those people who hold in common the body of traditional laws and customs governing the area covered by the application and who identify as Martu and who, in

accordance with their traditional laws and customs, identify themselves as being members of one, some or all of the following language groups.

- (a) Manyjilyjarra;
- (b) Kartujarra;
- (c) Kiyajarra;
- (d) Putijarra;
- (e) Nyiyaparli;
- (f) Warnman;
- (g) Ngulipartu;
- (h) Pitjikala;
- (i) Kurajarra;
- (j) Jiwaliny;
- (k) Mangala; and
- (l) Nangajarra.

Native title rights and interests claimed:

The native title rights and interests claimed in relation to the area covered by the application are:

(a) the right to possess, occupy, use and enjoy the land and waters of the area covered by the application to the exclusion of all others, including:

- (i) the right to live on the area covered by the application;
- (ii) the right to make decisions about the use and enjoyment of the area covered by the application;
- (iii) the right to hunt and gather, and to take the waters for the purpose of satisfying the native title claim group's personal, domestic, social, cultural, religious, spiritual, ceremonial and communal needs;
- (iv) the right to control access to, and activities conducted by others on, the land and waters of the area covered by the application;
- (v) the right to maintain and protect sites and areas which are of significance to the members of the native title claim group under their traditional laws and customs;
- (vi) the right as against any other Aboriginal group or individual to be acknowledged as the traditional Aboriginal owners of the area covered by the application;

(b) the right to use the following traditionally accessed resources:

- (i) ochre;
- (ii) soils;
- (iii) rocks and stones; and
- (iv) flora and fauna,

for the purpose of satisfying their personal, domestic, social, cultural, religious, spiritual, ceremonial and communal needs; and

(c) the right to take, use and enjoy the flowing and subterranean waters in accordance with their traditional laws and customs for personal, domestic, social, cultural, religious, spiritual, ceremonial and communal needs, including the right to hunt on and gather and fish from the flowing and subterranean water.

Application Area: **State/Territory:** Western Australia
Brief Location: Central Desert Region
Primary RATSIB Area: Pilbara
Approximate size: 150.7630 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: Areas covered by the application

1. All that land commencing at the intersection of Longitude 122.139976 East with the northern boundary of Reserve 34607 (Rudall River National Park) and extending southerly, westerly, again southerly, again westerly and generally northwesterly along boundaries of that reserve to Longitude 121.966223 East; thence easterly back to the commencement point.

Note: Geographic Co-ordinates provided in Decimal Degrees

Cadastral boundaries sourced from DOLA SCDB June 2003.

Prepared By: Land Claims Mapping Unit, Department of Land Information, 25 May 2004.

Datum: Geocentric Datum of Australia (1994)

Part B: Areas within the boundary identified in Part A not covered by the application

2. Subject to paragraphs 3 and 4 below:

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), 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:

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;

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 Native Title Act 1993 (Cth), was done in relation to the area and that 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 any 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 Worker's Homes Act 1911-1928;
- (B) 999 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 117 of the Land Act 1933 (WA);
- (E) any reserves vested pursuant 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 which includes a condition that the lessee reside on 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;
- vi. a public work as defined in section 253 of the Native Title Act 1993 (Cth); or
- vii. an existing dedicated public road.

Part C: Applicability of sections 61A(4) and 47B

3. For the purposes of the application of sections 61A(4) and 47B of the Native Title Act 1993 (Cth), the application covers the entirety of area described under paragraph 1 above.

4. Where an act specified in sub-paragraphs 2(a) to (f), above, affects or affected land or waters referred to in section 47B of the Native Title Act 1993 (Cth), the area covered by the act is not excluded from the application.

Attachments: 1. A map showing the boundaries of the area covered by the application, Attachment C of the Application, 1 page - A4, 22/03/2006

NNTT Contact Details	Address:	National Native Title Tribunal Perth Office Level 5, Commonwealth Law Courts 1 Victoria Avenue PERTH WA 6000 GPO Box 9973 PERTH WA 6848
	Telephone:	+61 8 9425 1000
	Freecall:	1800 640 501
	Fax:	+61 8 9425 1193
	Web Page:	www.nntt.gov.au

End of Extract