



Extract from Schedule of Native Title Applications

Application Reference: Federal Court number: WAD141/2010
NNTT number: WC2010/008

Application Name: Colin Peterson & Ors v State of Western Australia (Martu #2)

Application Type: Claimant

Application filed with: Federal Court of Australia

Date application filed: 01/06/2010

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: Currently identified for Reg. Decision

Registration history: -

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

Applicants: Roderick Ford, Roy Toby, Lindsay Hardcase, Kenny Thomas, Colin Peterson, Joshua Booth, Darren Farmer

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:

[Note: Paragraph numbering as it appears in the application]

5. In respect of the application area, the common law holders are those people known as the Martu people, who hold in common the body of traditional law and culture governing the application area 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.

6. In respect of that part of the application area within the following boundary (Shared Area):

All those lands and waters commencing at the northwestern corner of Reserve 5279 being a point on the present boundary of Native Title Application WAD6110/1998 Martu (WC96/78); Then extending easterly and southeasterly along the boundary of that native title application to the intersection with the southern boundary of Reserve 5279; Then northwesterly to the intersection of the western boundary of Native Title Application WAD6110/1998 (WC96/78) with Latitude 21.758100 South; Then northerly along the western boundary of that native title application back to the commencement point,

the common law holders are:

- (a) the Martu people as defined in paragraph 5 above; and
- (b) the Ngurrara people as defined in paragraph 7 below.

7. The Ngurrara people are those Aboriginal people who, in accordance with their traditional laws and customs:

(a) identify themselves and their forebears as:

- (i) Jiwaliny;
- (ii) Mangala;
- (iii) Manyjilyjarra;
- (iv) Walmajarri;
- (v) Wangkajungka; or
- (vi) Any combination of (i), (ii), (iii), (iv) and (v) above; and

(b) acknowledge the beliefs, practices, and protocols associated with the jila-kalpurtu rainmaking ritual complex.

Native title rights and interests claimed:

[Note: Paragraph numbering as it appears in the application]

17. 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 to 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.

18. 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 Commonwealth, including the common law.

19. For the avoidance of doubt, the native title rights and interests claimed do not include:

- (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 1976 (WA).

Application Area: **State/Territory:** Western Australia
Brief Location: Central Desert region, Western Australia
Primary RATSIB Area: Kimberley
Approximate size: 834.1507 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):

[Note: Paragraph numbering as it appears in the application]

Part A. External Boundaries and Description

8. The area covered by this application is comprised of three separate areas all located within the external boundary of Martu (Partly Determined 27/09/2002; WAD 6110 of 1998) boundary.

9. Portion 1 includes all land and waters comprising Lot 320 as shown on Deposited Plan 40438 (formerly Reserve 11474).

10. Portion 2 includes all land and waters comprising Lot 321 as shown on Deposited Plan 40438 (formerly Reserve 13638), and all land and waters comprising Lot 322 as shown on Deposited Plan 40438 (formerly Reserve 11541).

11. Portion 3 includes all land and waters commencing from the northwestern corner of Reserve 5279 and extending easterly along the northern boundary of that reserve to Longitude 125.671541 East; Then southeasterly to Latitude 21.783416 South, Longitude 125.786128 East; Then northeasterly to the intersection of the northern boundary of Reserve 5279 with Longitude 125.900131 East; Then easterly, southerly, westerly and northerly along boundaries of that reserve back to the commencement point.

12. The external geographical boundaries of the areas covered by this application are clearly delineated and marked on the attached map at Attachment C.

Part B. Applicability of sections 61A(4), s47, 47A and s47B

13. For the purposes of the application of sections 61A(4), 47A and 47B of the Native Title Act 1993 (Cth), the application covers the entirety of the areas described in paragraphs 8 to 11.

Part C. Areas within the external boundaries that are not covered by the application

14. All areas within the external boundaries are covered by the application.

Attachments: 1. Martu 2 Attachment C – Map of Area, 1 page - A4, 21/02/2013

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