



Extract from Schedule of Native Title Applications

Application Reference: Federal Court number: WAD228/2011
NNTT number: WC2011/007

Application Name: Keith Narrier & Ors v State of Western Australia (Tjiwarl)

Application Type: Claimant

Application filed with: Federal Court of Australia

Date application filed: 17/06/2011

Current status: Full Approved Determination - 27/04/2017

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: 13/01/2012

Registration decision status: Accepted for registration

Registration history: Registered from 13/01/2012 to 4/05/2017,

Date claim / part of claim determined: 27/04/2017

Applicants: Keith Narrier, Kado Muir, James Calyun, Shirley Wonyabong, Edwin Beaman, Charmaine Tullock, Name withheld for cultural reasons

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:

[Paragraph numbering as per the application]

5. The native title claim group comprises those people:

(a) who, in accordance with traditional laws and customs, have a connection to the area covered by the application, through:

(i) their own birth, or long association with the area covered by the application; or

(ii) the birth, or long association with the area covered by the application, of their ancestors by which they claim country; and

(b) in respect of whom that claim is recognised according to traditional laws and customs.

6. The persons referred to in paragraph:

(a) 5(a)(i) include Lenny Ashwin; and

(b) 5(a)(ii) are the descendants of:

(i) Alfie Ashwin;

(ii) Piman/Charlie Beaman;

(iii) Tjampula/Jumbo Harris;

(iv) Nampu/Scotty Lewis;

(v) Nimpurru/Spider Narrier;

(vi) Tjulyitjutu/Rosie Jones;

(vii) Kathleen Bingham;

(viii) Kurri/Scotty/Ted/Packhorse Rennie Tullock;

(ix) Pukungka/Dolly Walker;

(x) Manyila/Trilby; and

(xi) Dempsey James.

Native title rights and interests claimed:

14. In this Schedule, the following words and phrases have the following meanings:

"exclusive right" means the right of possession, occupation, use and enjoyment of land and waters to the exclusion of all others;

"non-exclusive rights" means:

(a) the right to access, to remain in and to use that part for any purpose;

(b) the right to access resources and to take for any purpose resources in that part;

(c) the right to engage in spiritual and cultural activities on that part;

(d) the right to engage in spiritual and cultural activities on that part;

(e) the right to maintain and protect places and objects of significance in or on that part;

(f) the right to protect resources and the habitat of living resources in that part;

(g) the right to make decisions about the use and enjoyment of land and waters; and

(h) the right to receive a portion of any resources taken by others from the land and waters,

and do not confer possession, occupation, use and enjoyment of the lands and waters covered by the application to the exclusion of all others.

Native title where it is wholly recognisable

15. In relation to the lands and waters of the area covered by the application, except for the areas where native title has been partially extinguished, the native title rights and interests is the exclusive right.

Native title where it is partially recognisable

16. In relation to the lands and waters of the area covered by the application, except for areas where native title is wholly recognisable, the native title rights and interests are the non-exclusive rights.

Application Area: **State/Territory:** Western Australia
Brief Location: Central Desert Region of WA
Primary RATSIB Area: Goldfields
Approximate size: 13600.9067 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. External Boundaries and Description

7. The area covered by this application is within the Shire of Wiluna, Shire of Sandstone and the Shire of Leonora in the State of Western Australia.

8. The boundaries of the area covered by the application are as follows. Starting at the northernmost northeastern corner of Pastoral Lease 3114/849 (Gidgee) and extending easterly to the northernmost northwestern corner of Lot 60 as shown on Deposited Plan 238007. Then easterly along the northern boundary of that lot to a western boundary of Pastoral Lease 3114/620 (Yeelirrie). Then northerly and easterly along boundaries of that pastoral lease to a western boundary of Pastoral Lease 3114/737 (Albion Downs). Then northerly, easterly, again northerly and again easterly along boundaries of that pastoral lease and onwards to an eastern boundary of Reserve 9699 being a point on the present western boundary of Pastoral Lease 3114/1164 (Lake Way). Then northwesterly along the boundary of that pastoral lease to a southwestern boundary of Lot 304 as shown on Deposited Plan 45189. Then generally southeasterly along boundaries of that lot to a northern boundary of Pastoral Lease 3114/737 (Albion Downs). Then generally easterly along boundaries of that pastoral lease to the northernmost northwestern corner of Pastoral Lease 3114/549 (Mt Keith). Then generally easterly and southerly along boundaries of that pastoral lease to the northeastern corner of Reserve 30897. Then generally southerly along boundaries of that reserve to a northeastern corner of Pastoral Lease PL H859693 (Yakabindie). Then generally southerly along boundaries of that pastoral lease to a northeastern corner of Pastoral Lease 3114/899 (Leinster Downs). Then generally southerly along boundaries of that pastoral lease to Latitude 27.998685 South, being a point on a present northern boundary of Native Title Determination Application

WAD6064/1998 Wutha (WC99/10). Then westerly to a northeastern corner of Native Title Determination Application WAD6064/1998 Wutha (WC99/10) at Latitude 27.998687. Then westerly along boundaries of that Native Title Determination Application to an eastern boundary of Pastoral Lease 3114/585 (Depot Springs) at Latitude 27.998691 South. Then southerly and westerly along the boundaries of that pastoral lease to the southeastern corner of Pastoral Lease 3114/740 (Booylgoo Springs). Then westerly, northerly and again westerly along boundaries of that pastoral lease to longitude 119.713751 East; Then northerly to a southwestern corner of Lot 74 as shown on Deposited Plan 220987, being a point on the present boundary of Pastoral Lease 3114/740 (Booylgoo Springs). Then generally northerly along boundaries of that pastoral lease to the northernmost northwestern corner. Then northwesterly to the easternmost southeastern corner of Pastoral Lease 3114/849 (Gidgee). Then northwesterly to the southernmost southwestern corner of Pastoral Lease 3114/1177 (Youno Downs). Then northerly along the boundary of that pastoral lease back to the starting point.

9. The external geographical boundaries of the area 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

10. No information at present, however should any or all of sections 61A(4), 47,47A and 47B apply then the applicants will seek to ignore extinguishment in those areas.

Part C. Areas Within the External Boundaries that are not Covered by the Application

11. Subject to paragraph 10 above, areas of land and waters within the boundary that are not covered by the application are:

(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 was done in relation to the area and the 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 an 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) a 99 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); or

(E) any Reserves vested pursuant to section 33 of the Land Act 1933 (WA) that are not for the benefit of Aboriginal People.

(iii) 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; or

(vii) an existing dedicated public road.

Attachments: 1. Map of Claim Area, Attachment C of the Application, 1 page - A3, 17/06/2011

End of Extract