



Extract from Schedule of Native Title Applications

Application Reference: Federal Court number: WAD302/2015
NNTT number: WC2015/002

Application Name: Edwin John Beaman & Ors v State of Western Australia (Tjiwarl #2)

Application Type: Claimant

Application filed with: Federal Court of Australia

Date application filed: 22/06/2015

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.

Registration decision status: Not Accepted for registration

Registration history: -

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

Applicants: Edwin John Beaman, Keith Narrier, Brett Andrew Lewis, Henry Ashwin

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Additional Information

Not applicable

Persons claiming to hold native title:

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:

(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 E, 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; and

“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 maintain and protect places and objects of significance in or on that part;
- (e) the right to make decisions about the use and enjoyment of land and waters; and
- (f) 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 Western Australia

Primary RATSIB Area: Geraldton

Approximate size: 1294.0335 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 described as:

- (a) UCL 245 and 246 - Lot 60 on Plan 238007 (see Attachment C, Map 1A)
- (b) UCL 247 - Lot 350 on Plan 46448 (see Attachment C, Map 1A)
- (c) UCL 239 - That part of Lot 74 on Plan 220987 east of a line defined as extending from the easternmost south-eastern corner of Gidgee Pastoral Lease (3114/849), south-easterly to the northernmost north-western corner of Booylgoo Spring Pastoral Lease (3114/790) (see Attachment C, Map 1A)
- (d) Lots 397 to 399 on Plan 47699 (see Attachment C, Map 1A)
- (e) Lot 389 on Plan 47700 (see Attachment C, Map 1A)
- (f) UCL 15 - that parcel of Unallocated Crown Land defined by the following coordinates points: (see Attachment C, Map 1A)

Longitude ° East	Latitude ° South
120.505758	27.326743
120.503274	27.329314
120.501928	27.333200
120.502351	27.336575
120.503617	27.340853
120.499384	27.340863
120.495151	27.340872
120.491015	27.340874
120.486878	27.340875
120.482741	27.340877
120.478604	27.340878
120.477124	27.340855
120.476109	27.337230
120.475094	27.333605
120.474078	27.329981
120.473063	27.326356
120.477808	27.326355
120.482552	27.326354
120.487296	27.326352
120.492041	27.326351
120.496785	27.326349
120.501529	27.326347
120.506274	27.326345
120.505758	27.326743

(g) UCL 14 - that parcel of Unallocated Crown Land defined by the following coordinates points: (see Attachment C, Map 1A)

Longitude ° East	Latitude ° South
120.505080	27.330208
120.507191	27.328022
120.509368	27.326344
120.512559	27.326341
120.515750	27.326338
120.515752	27.329969
120.515755	27.333600
120.515757	27.337231
120.515760	27.340862
120.513532	27.340863
120.509620	27.340858
120.505708	27.340852

120.505025	27.338547
120.504343	27.336242
120.503983	27.333374
120.505080	27.330208

(h) UCL 11 - that parcel of Unallocated Crown Land defined by the following coordinates points: (see Attachment C, Map 1A)

Longitude ° East	Latitude ° South
120.523337	27.585631
120.519084	27.585631
120.519084	27.581849
120.519084	27.578067
120.519084	27.574284
120.523687	27.574284
120.528291	27.574283
120.532895	27.574282
120.533962	27.578064
120.534778	27.580959
120.534785	27.585630
120.531843	27.585630
120.527590	27.585631
120.523337	27.585631

(i) UCL 8 - that parcel of Unallocated Crown Land defined by the following coordinates points: (see Attachment C, Map 1A)

Longitude ° East	Latitude ° South
120.357672	27.670778
120.362243	27.670783
120.366813	27.670787
120.371707	27.670792
120.376600	27.670797
120.381493	27.670801
120.386386	27.670805
120.391279	27.670810
120.391279	27.675043
120.391279	27.679276
120.391279	27.683509
120.386478	27.683510
120.381678	27.683510
120.376877	27.683510
120.372076	27.683510
120.367275	27.683510
120.362474	27.683510
120.357673	27.683510
120.357672	27.679266
120.357672	27.675022
120.357672	27.670778

(j) UCL 6 and 5 - those parcels of Unallocated Crown Land contained within the area defined by the following coordinates points: (see Attachment C, Map 2A)

Longitude ° East	Latitude ° South
120.533934	27.613605
120.533934	27.614558
120.533825	27.614555
120.533672	27.620503
120.533607	27.623045

120.533476	27.628142
120.541073	27.628173
120.538238	27.629480
120.534542	27.631184
120.530847	27.632887
120.531784	27.634500
120.535480	27.632796
120.539176	27.631092
120.542872	27.629388
120.544082	27.631463
120.544911	27.632886
120.545219	27.634024
120.545094	27.634854
120.544508	27.633846
120.542517	27.634765
120.541793	27.635099
120.543199	27.637516
120.544805	27.636776
120.544247	27.640492
120.544089	27.641547
120.543704	27.641524
120.543742	27.643858
120.543689	27.644208
120.543131	27.647924
120.542573	27.651640
120.542015	27.655356
120.537223	27.655356
120.532430	27.655355
120.527638	27.655354
120.522845	27.655354
120.518053	27.655353
120.518052	27.650884
120.518052	27.646415
120.518052	27.641947
120.518052	27.637478
120.518052	27.633009
120.518051	27.628541
120.518051	27.624072
120.518051	27.619603
120.518051	27.615135
120.518051	27.610666
120.518050	27.606197
120.518050	27.601729
120.518050	27.597260
120.523110	27.597261
120.528169	27.597262
120.533229	27.597263
120.534802	27.597263
120.534804	27.598653
120.538446	27.598662
120.538642	27.600409
120.538662	27.613604
120.537029	27.613604
120.533934	27.613605

(k) UCL 10 - that parcel of Unallocated Crown Land defined by the following coordinates points: (see Attachment C, Map 2A)

Longitude ° East	Latitude ° South
120.533934	27.614558
120.533934	27.613605
120.537029	27.613604
120.538662	27.613604
120.538663	27.614688
120.533934	27.614558

(l) UCL 4 - that parcel of Unallocated Crown Land defined by the following coordinates points: (see Attachment C, Map 2A)

Longitude ° East	Latitude ° South
120.541073	27.628173
120.538238	27.629480
120.534542	27.631184
120.530847	27.632887
120.531784	27.634500
120.535480	27.632796
120.539176	27.631092
120.542872	27.629388
120.544095	27.628824
120.544160	27.628186
120.541073	27.628173

(m) UCL 240 - Lot 304 on Plan 45639 (see Attachment C, Map 3A)

Note

Data Reference and source

- Application boundary compiled by National Native Title Tribunal and Central Desert Native Title Services based on information or instructions provided by the applicants.
- Cadastre data sourced from Landgate, WA (Feb 2015)

Reference datum

Geographical coordinates have been provided by the NNTT Geospatial Services and Central Desert Native Title Services and are referenced to the Geocentric Datum of Australia 1994 (GDA94), in decimal degrees and are based on the spatial reference data acquired from the various custodians at the time

Use of Coordinates

Where coordinates are used within the description to represent cadastral or topographical boundaries or the intersection with such, they are intended as a guide only. As an outcome to the custodians of cadastral and topographic data continuously recalculating the geographic position of their data based on improved survey and data maintenance procedures, it is not possible to accurately define such a position other than by detailed ground survey.

Prepared by Geospatial Services, National Native Title Tribunal (17 June 2015) and Central Desert Native Title Services (14 July 2015).

9. The external geographic boundaries of the area covered by this application are clearly delineated and marked on the map at Attachment C.

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

10. Section 47B is claimed in relation to the entire area of the application.

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*, 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) 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*; or

(vii) an existing dedicated public road.

Attachments:

1. Attachment C - Maps, 4 pages - A4, 04/09/2015

End of Extract