



Extract from Schedule of Native Title Applications

Application Reference: Federal Court number: WAD297/2020
NNTT number: WC2020/005

Application Name: Dennis Forrest & Ors on behalf of the Kakarra Part A Native Title Claim Group and State of Western Australia & Ors (Kakarra Part A)

Application Type: Claimant

Application filed with: Federal Court of Australia

Date application filed: 16/12/2020

Current stage(s): Notification Complete, Part determination

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: 03/03/2021

Registration decision status: Accepted for registration

Registration history: Registered from 3/03/2021

Date claim / part of claim determined: 30/04/2025

Applicants: Dennis Forrest, Jakob Murray, Michael Tucker, Yvonne Oliver, Shayne Warmdean, Travis Tucker, Tom Graham

Address(es) for Service: Fergus Stewart
NTS Goldfields Ltd
1/7 Tully Rd
East Perth WA 6004
Phone: (08) 9331 0100

Additional Information

On 30 April 2025, the Federal Court made a determination that native title exists in parts of the application area - see Forrest on behalf of the Kakarra Part A Claim Group v State of Western Australia (No 3) [2025] FCA 425. That determination was registered on the National Native Title Register (NNTT) on 2 May 2025. Pursuant to s 190(4)(e) the application remains on the Register of Native Title Claims only to the extent that it relates to the undetermined area. A map and technical description showing the area of the application that remains to be determined, as interpreted by the National Native Title Tribunal, are attached for information only. These attachments do not form part of the application.

Persons claiming to hold native title:

1. The native title claim group comprises the persons who hold native title rights and interests in the claim area through the following:

- a) an ancestor with a long association with the claim area in accordance with traditional law and custom; and
- b) their own long association with the claim area in accordance with traditional law and custom; and
- c) having religious, sacred and/or ritual knowledge of the area.

2. As at the date of this application, the persons referred to above at 1 includes the descendants of the following persons who have a connection with the claim area in accordance with traditional laws and customs:

- a) Noona Roundhead;
- b) the spouses *Miimiidhaanuu* (Peter Mimitjunu or King Peter) and Maggie;
- c) *Padalji* (Jack Anderson);
- d) *Yambii* (Alice Yampi);
- e) *Wipaana* (also known as Wiparna, Noorie Weebunner or Maggie Weebunner);
- f) the spouses Jimmy Teatree and *Judaabi* (*Tutaabii*/Nellie Teatree);
- g) *Morrel*;
- h) Sinclair Beeberwin (father of Don Sinclair);
- i) *Tuwarn* (Linda Smith);
- j) *Thanang* (Minnie Walker);
- k) *Kileen Ngurnmpurma* (Kyaleen Numbaarn), mother of Timothy Rundle; and
- l) Toby Willis.

Native title rights and interests claimed:

1. The native title rights and interests claimed in this application are subject to and exercisable in accordance with:

- a) the common law, the laws of the State of Western Australia and the Commonwealth of Australia;
- b) valid rights and interests conferred under those laws; and
- c) the body of traditional laws and customs acknowledged and observed by the native title claim group.

2. Where there has been no extinguishment of native title rights and interests, or where any extinguishment must be disregarded, the applicant claims the right to possess, occupy, use and enjoy the lands and waters the subject of the application as against the whole world.

3. Where native title rights and interests have been partially extinguished, the applicant claims the following non-exclusive native title rights and interests:

- a) to enter and remain on the land, camp, erect temporary shelters and travel over and visit any part of the land and waters;
- b) to hunt, fish, gather, take and use traditional resources of the land for any purpose;

- c) to take and use water;
- d) to make decisions regarding the use and enjoyment of the land and waters by Aboriginal peoples who recognise themselves to be governed by the traditional laws and customs acknowledged by the native title claim group; and
- e) to engage in cultural activities and the transmission of cultural knowledge on the determination area including:
 - (i) visiting places of cultural or spiritual importance and maintaining, caring for, and protecting those places by carrying out activities to preserve their physical or spiritual integrity; and
 - (ii) conducting ceremony and ritual, including burial and burial rites.

Application Area: **State/Territory:** Western Australia
Brief Location: Goldfields region
Primary RATSIB Area: Goldfields
Approximate size: 51.2808 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):

a) the area covered by the application

A description of the external boundaries of the land and waters covered by the application are as set out in the document entitled "Kakarra (Part A) external boundary description" which is annexed as **"Attachment B"**.

b) areas within those boundaries not covered by the application

1. Subject to paragraph 5 below, the applicant excludes from the application area any areas that are covered by any of the following acts as defined in either the *Native Title Act 1993* (Cth) (**the Act**), (where the act in question is attributable to the Commonwealth), or *Titles (Validation) and Native Title (Effect of Past Acts) Act 1995* (WA) (**the WA Act**), (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 paragraph 5 below, the applicant excludes from the application area any areas in relation to which:

- a) A "previous exclusive possession act", as defined in section 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 section 12I of the WA Act was done and the act is attributable to the State of Western Australia.

3. Subject to paragraph 5 below, the applicant does not claim any native title rights and interests which confer possession, occupation, use and enjoyment to the exclusion of all others over areas in relation to which:

- a) A "previous non-exclusive possession act" as defined in section 23F of the Act was done and the act was an act

attributable to the Commonwealth;

b) A “previous non-exclusive possession act” as defined in section 12M of the WA Act was done and the act is an act attributable to the State of Western Australia.

4. Subject to paragraph 5 below, the applicant also excludes from the application area areas in relation to which native title rights and interests have otherwise been wholly extinguished.

5. The application area includes any area in relation to which the non-extinguishment principle (as defined in section 238 of the Act) applies, including any areas to which sections 47, 47A and 47B of the Act apply, particulars of which will be provided prior to the hearing.

Attachments:

1. WC2020/005 External Boundary Description, attachment B of the application, 4 pages - A4, 16/12/2020
2. WC2020/005 Map, attachment C of the application, 2 pages - A4, 16/12/2020
3. WC2020/005 Description of Remaining Area, 1 page - A4, 30/04/2025
4. WC2020/005 Map of Remaining Area, 1 page - A3, 30/04/2025

End of Extract