



# Extract from the National Native Title Register

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## Determination Information:

**Determination Reference:** Federal Court Number(s): WAD56/2022  
NNTT Number: WCD2025/008

**Determination Name:** [Muir on behalf of the Payarri People v State of Western Australia](#)

**Date(s) of Effect:** 4/12/2025

**Determination Outcome:** Native title exists in the entire determination area

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## Register Extract (pursuant to s. 193 of the *Native Title Act 1993*)

**Determination Date:** 04/12/2025

**Determining Body:** Federal Court of Australia

### ADDITIONAL INFORMATION:

Not Applicable

### REGISTERED NATIVE TITLE BODY CORPORATE:

Payarri Aboriginal Corporation  
Trustee Body Corporate  
76 Wittenoom Street  
EAST PERTH Western Australia 6004

*Note: current contact details for the Registered Native Title Body Corporate are available from the Office of the Registrar of Indigenous Corporations [www.oric.gov.au](http://www.oric.gov.au)*

### COMMON LAW HOLDER(S) OF NATIVE TITLE:

2. The native title in the Determination Area is held by the persons described in Schedule 2 (**native title holders**).

### SCHEDULE 2

#### DESCRIPTION OF THE NATIVE TITLE HOLDERS

1. The persons referred to in order 2 of the Determination are those Aboriginal persons from time to time who, under Western Desert traditional laws and customs:

- (a) have a connection to all or part of the Determination Area through:
  - (i) their own birth or conception;
  - (ii) holding religious, sacred or ritual authority;
  - (iii) acquisition of knowledge through a traditional long association via occupation or custodianship; or
  - (iv) through descent from a person who has had such a connection in part or all of the area; and

(b) are recognised by other native title holders as having native title rights and interests in the Determination Area.

2. As at the date of this Determination, the persons referred to in paragraph 1(a) include, but are not limited to, the following persons:

(a) the descendants of the siblings of Mindi Chapman, Lumi Chapman, Tommy Chapman, Roy Chapman, Coral Chapman, Mary Chapman and Elsie Chapman;

(b) the descendants of the siblings Kujikari/Mary Walker/MacArthur, Claudie Walker, Paddy Walker and the Pukungka/Dolly Walker/Muir;

(c) the descendants of the siblings Rangka Rangka, Nellie Yalanga, Kitty Yiningka and Putjipa;

(d) the descendants of Tatitjarra Banks, Paddy Longfella Banks and Sandy Banks;

(e) the descendants of Yungkutjuru/Kitty Jones;

(f) the descendants of Nukuwarra Paddy Bond and Nyultan Polly Mitchell;

(g) the descendants of Telpha Ashwin;

(h) the descendants of Jumbo Harris; and

(i) the descendants of Billy, Maryann and Mary.

#### **MATTERS DETERMINED:**

##### **THE COURT ORDERS THAT:**

1. There be a determination of native title in terms of the attached Minute of Determination of Native Title (**Determination**).

2. Payarri Aboriginal Corporation (ICN: 11774) shall hold the determined native title in trust for the native title holders pursuant to section 56(2)(a) of the Act.

#### **MINUTE OF DETERMINATION OF NATIVE TITLE**

##### **THE COURT ORDERS, DECLARES AND DETERMINES THAT:**

##### **Existence of native title (s 225 of the Act)**

1. Native title exists in relation to the whole of the Determination Area.

##### **Native title holders (s 225(a) of the Act)**

2. The native title in the Determination Area is held by the persons described in Schedule 2 (**native title holders**).

##### **The nature and extent of native title rights and interests (s 225(b); s 225(e) of the Act)**

3. Subject to orders 6 and 7, the nature and extent of the native title rights and interests in relation to the parts of the Determination Area referred to in Schedule 3 is the right to possession, occupation, use and enjoyment of those parts to the exclusion of all others.

4. Subject to orders 5, 6 and 7 the nature and extent of the native title rights and interests in relation to the Determination Area, other than those parts of the Determination Area referred to in Schedule 3, are the following rights and interests:

(a) the right to access, remain in and use the Determination Area;

(b) the right to access, take and use the resources of the Determination Area for any purpose;

(c) the right to engage in spiritual and cultural activities in the Determination Area; and

(d) the right to maintain and protect areas, sites and places of significance in the Determination Area.

##### **Qualifications on native title rights and interests (s 225(b); s 225(e) of the Act)**

5. The native title rights and interests in order 4 do not confer possession, occupation, use and enjoyment of those parts of the Determination Area on the native title holder to the exclusion of all others.

6. The native title rights and interests are subject to and exercisable in accordance with: (a) the traditional laws and customs of the native title holders; and

(b) the laws of the State and Commonwealth, including the common law.

7. Notwithstanding anything in this Determination:

(a) there are no native title rights and interests in the Determination Area in or in relation to:

(i) minerals as defined in the *Mining Act 1904* (WA) (repealed) and the *Mining Act 1978* (WA);

(ii) petroleum as defined in the *Petroleum Act 1936* (WA) (repealed) and in the *Petroleum and Geothermal Energy Resources Act 1967* (WA); or

(iii) geothermal energy resources and geothermal energy as defined in the *Petroleum and Geothermal Energy Resources Act 1967* (WA); and

(b) the nature and extent of native title rights and interests in relation to water in any watercourse, wetland or underground water source as defined in the *Rights in Water and Irrigation Act 1914* (WA) at the date of this Determination is the non-exclusive right to take, use and enjoy that water.

##### **The nature and extent of any other interests (s 225(c) of the Act)**

8. The nature and extent of other rights and interests in relation to the Determination Area are set out in Schedule 4

(Other Interests).

**Relationship between native title rights and other interests (s 225(d) of the Act)**

9. Except as otherwise provided for by law, the relationship between the native title rights and interests described in orders 3 and 4 and the Other Interests is as follows:

- (a) the Determination does not affect the validity of those Other Interests; and
- (b) to the extent of any inconsistency between the Other Interests described in Schedule 4 and the continued existence, enjoyment or exercise of the native title rights and interests:
  - (i) the native title rights and interests continue to exist in their entirety, but the native title rights and interests have no effect in relation to the Other Interests to the extent of the inconsistency during the currency of the Other Interests; and otherwise
  - (ii) the existence and exercise of the native title rights and interests do not prevent the doing of any activity required or permitted to be done by or under the Other Interests, and the Other Interests (and the doing of any activity required or permitted to be done by or under the Other Interests) prevail over the native title rights and interests and any exercise of the native title rights and interests but do not extinguish them.

**Areas to which s 47B of the Act applies**

10. Section 47B of the Act applies to the parts of the Determination Area set out in Schedule 5.

**Definitions and interpretation**

11. In this Determination, unless the contrary intention appears:

**Determination Area** means the land and waters within the external boundary described in Part 1 of Schedule 1 and depicted on the maps at Schedule 6, but not including the Excluded Areas.

**Excluded Areas** means the land and waters described in Part 2 of Schedule 1.

**land** and **waters** respectively have the same meanings as in the Act.

**NTA or the Act** means the *Native Title Act 1993* (Cth).

**State** means the State of Western Australia.

**TVA** means the *Native Title Act* and the *Titles (Validation) and Native Title (Effect of Past Acts) Acts 1995* (WA).

12. In the event of any inconsistency between the written description of areas in the Schedules and the areas depicted on the map in Schedule 6, the written descriptions prevail.

**REGISTER ATTACHMENTS:**

1. Schedule 1 – Determination Area, 3 pages - A4, 04/12/2025
2. Schedule 3 – Where Native Title is Exclusive Possession, 1 page - A4, 04/12/2025
3. Schedule 4 – Other Interests, 2 pages - A4, 04/12/2025
4. Schedule 5 – Areas to which Sections 47B Apply, 1 page - A4, 04/12/2025
5. Schedule 6 – Maps of the Determination Area, 2 pages - A4, 04/12/2025

*Note: The National Native Title Register may, in accordance with s. 195 of the Native Title Act 1993, contain confidential information that will not appear on the Extract.*