



Extract from the National Native Title Register

Determination Information:

Determination Reference: Federal Court Number(s): WAD48/2018
NNTT Number: WCD2018/010

Determination Name: [Tex on behalf of the Lappi Lappi and Ngulupi Claim Group v State of Western Australia](#)

Date(s) of Effect: 24/10/2018

Determination Outcome: Native title exists in the entire determination area

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

Determination Date: 24/10/2018

Determining Body: Federal Court of Australia

ADDITIONAL INFORMATION:

Not Applicable

REGISTERED NATIVE TITLE BODY CORPORATE:

Rapi (Aboriginal Corporation) RNTBC
Trustee Body Corporate
c/- Central Desert Native Title Services Ltd
76 Wittenoom Street
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

COMMON LAW HOLDER(S) OF NATIVE TITLE:

Native title holders (s 225(a))

(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 this Determination are those persons who:

- (a) hold native title rights and interests in part or all of the Determination Area according to traditional laws and customs, including through one or more of the following pathways:
 - (i) their own birth on the Determination Area;
 - (ii) the birth of an ancestor on the Determination Area;
 - (iii) having religious, sacred or ritual authority for the Determination Area; or
 - (iv) long traditional association with the Determination Area through occupation, custodianship or use by one's self and/or relevant kin; and
 - (b) are recognised under traditional laws and customs by other native title holders as having rights and interests in part or all of the Determination Area.
- (2) As at the date of the Determination, the persons referred to in paragraphs 1(a)(i)- (ii) above includes the descendants of the following persons:
- (a) Banjo *Tjungarrayi*;
 - (b) *NyuntjuTjampijinpa*;
 - (c) Porky Darkie, *Mirikiya* and *Patarrs*;
 - (d) *Katangiinyi*;
 - (e) *Tjitjirri* and *Nyutinka*;
 - (f) *Wipulyulyu*, *Bokoboko* and *Pampatur*;
 - (g) *Partuta* / Arthur *Tjapanangka*; and
 - (h) *TjitiTjiti* / Mickey *Tjupurrula*.

MATTERS DETERMINED:

THE COURT ORDERS THAT:

1. There be a determination of native title in terms of the Determination as provided for in Attachment "A".
2. Rapi (Aboriginal Corporation) (ICN: 8888) shall hold the determined native title in trust for the native title holders pursuant to s 56(2)(a) of the *Native Title Act*.

ATTACHMENT "A"

DETERMINATION

THE COURT ORDERS, DECLARES AND DETERMINES THAT:

Existence of native title (s 225)

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

Native title holders (s 225(a))

- (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))

- (3) Subject to orders 4 and 5, the nature and extent of the native title rights and interests in relation to the Determination Area is the right to possession, occupation, use and enjoyment of the Determination Area to the exclusion of all others.

Qualifications on native title rights and interests (s 225(b); 225(e))

- (4) 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 the Commonwealth, including the common law.
- (5) 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); or
 - (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))

- (6) The nature and extent of other rights and interests in relation to the Determination Area are those set out in Schedule 3 (**other interests**).

Relationship between native title rights and other interests (s 225(d))

- (7) Except as otherwise provided for by law, the relationship between the native title rights and interests described in order 3 and the other interests is as follows:
- (a) the Determination does not affect the validity of those other interests;
 - (b) to the extent of any inconsistency between the other interests 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
 - (ii) otherwise the other interests co-exist with the native title rights and interests, and for the avoidance of doubt, the doing of an activity required or permitted under those interests prevails over the native title rights and interests and their exercise, but does not extinguish them.

Areas to which s 47A and s 47B of the *Native Title Act* apply

- (8) For the avoidance of doubt, s 47A of the *Native Title Act* applies to the Determination Area as described in Schedule 4, and s 47B of the *Native Title Act* applies to the Determination Area as described in Schedule 5.

Definitions and interpretation

- (9) 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 map at Schedule 6.

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

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

State means the State of Western Australia.

- (10) In the event of an inconsistency between the written description of areas in the Schedules and the areas depicted on the map in Schedule 6, the written description shall prevail.

REGISTER ATTACHMENTS:

1. Schedule 1 - Determination Area, 2 pages - A4, 24/10/2018
2. Schedule 3 - Other Interests, 2 pages - A4, 24/10/2018
3. Schedule 4 - Areas To Which Section 47A Applies, 1 page - A4, 24/10/2018
4. Schedule 5 - Area To Which Section 47B Applies, 1 page - A4, 24/10/2018
5. Schedule 6 - Map Of The Determination Area, 1 page - A4, 24/10/2018

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.