



The First Assistant Secretary  
Social Inclusion Division  
Attorney-General's Department  
Robert Garran Offices  
National Circuit  
BARTON ACT 2600

**Proposed amendment to the *Native Title Act 1993 (Cth)* – section 47C**

The Western Desert Lands Aboriginal Corporation (Jamakurnu-Yapalinkunu) RNTBC ("WDLAC") holds the exclusive native title rights and interests of the Martu People to approximately 136,000sqkm of the Western Desert.

WDLAC supports the proposed amendment to the *Native Title Act 1993 (Cth)* which would enable historical extinguishment of native title to be disregarded in certain circumstances.

The traditional lands of the Martu People also includes Karlamilyi (formerly known as Rudall River National Park) which was not part of the Martu native title determination made in 2002 (*James v Western Australia* [2002] FCA 1208 ). It is important to note that in delivering the determination Justice French (as he was at the time) stated (at paragraph 12) that:

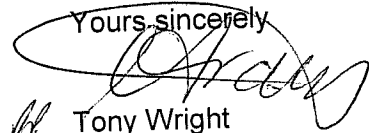
There are certain areas that are excluded from the determination, in some cases because native title is thought to have been extinguished by operation of the Act or by operation of the common law. It is on that basis that the Rudall River National Park is not included in the determination. This simply means that native title in such cases cannot be recognised by the Courts. There is a limitation on the recognition which can be granted under the *Native Title Act*. The relationship of the people to their country in those areas is not changed by the limits that the Act or the common law place on recognition. If it is their country under their traditional law and custom it remains so under their law and custom whatever the Act or the common law say about recognition.

The inability of the Federal Court to recognise native title over Karlamilyi has caused considerable consternation and heartbreak for the Martu People who have consistently and continuously maintained their traditional law, custom and connection to the area.

WDLAC welcomes the approach of the Federal Government in proposing section 47C which would allow the native title rights and interests of the Martu People to be recognised over Karlamilyi.

Please do not hesitate to contact me should you have any further queries.

Yours sincerely



Tony Wright  
Acting CEO