



# Extract from Schedule of Native Title Applications

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**Application Reference:** Federal Court number: WAD6069/1998  
NNTT number: WC1996/020

**Application Name:** Phyllis Thomas & Ors on behalf of the Mantjintjarra and Ngalia Peoples -v- State of Western Australia & Ors (Mantjintjarra Ngalia Peoples)

**Application Type:** Claimant

**Application filed with:** National Native Title Tribunal

**Date application filed:** 11/03/1996

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**Current status:** Dismissed - 02/07/2013

**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:** Registered from 11/03/1996 to 23/04/1999

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**Applicants:** Jane Beasley, Dolly Walker, Kado Muir, Mindi Chapman, Nancy Gordon, Phyllis Thomas, Vanessa Thomas

**Address(es) for Service:** Dylan Parker  
Goldfields Land and Sea Council  
PO Box 3058  
Adelaide Terrace  
EAST PERTH WA 6832  
**Phone:** (08) 9263 8700

## Additional Information

Not applicable

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## Persons claiming to hold native title:

The application is made on behalf of the Mantjintjarra and Ngalia Peoples including, Phyllis Thomas and family, Shaw family, Rose Meredith and family, Johnny Polak (dec) and family, Murphy family, Paddy Walker and family, Doreen Banks and family, Richards family, Eileen, Topsy and Sheila and Melrose and Friday Jones and family, Chapman family, Mary Baldwin and family, Nancy Gordon and family, Willy Hill, Maisie Hill, Westlake family, Muriel Barnes (dec) and family, Macarthur family.

**Native title rights and interests claimed:**

1. Over areas where a claim to exclusive possession can be recognized (such as areas where there has been no prior extinguishment of native title or where s 238 and/or ss 47, 47A and 47B apply), the native title claim group claims the right to possess, occupy, use and enjoy the lands and waters of the application area as against the whole world, pursuant to the traditional laws and customs of the claim group.

2. Over areas where a claim to exclusive possession cannot be recognised, the native title claim group claims the following rights and interests:

- (a) the right to access the application area
- (b) the right to camp on the application area
- (c) the right to erect shelters on the application area
- (d) the right to remain and erect habitats on the application area
- (e) the right to hunt on the application area
- (f) the right to have access to, manage and use the natural water resources of the application area
- (g) the right to gather and use the natural products of the application area (including food, medicinal plants, timber, stone, ochre and resin) according to traditional laws and customs
- (h) the right to conduct ceremonies on the application area
- (i) the right to participate in cultural activities on the application area
- (j) the right to maintain and protect places of importance under traditional laws, customs and practices in the application area
- (k) the right to conduct burials on the application area
- (l) the right to speak for and make decisions about the application area
- (m) the right to speak authoritatively about the application area among other Aboriginal People in accordance with traditional laws and customs
- (n) the right to control access to and use of the application area by other Aboriginal People who seek access to or use of the lands in accordance with traditional laws and customs
- (o) the right to determine and regulate membership of the native title claim group
- (p) the right to transmit the cultural heritage of the native title claim group including knowledge of particular sites subject always to:
  - i) the valid laws of the State of Western Australia and Commonwealth of Australia; and
  - ii) The rights (past or present) conferred upon persons pursuant to the valid laws of the State of Western Australia and Commonwealth of Australia.

**Application Area:** **State/Territory:** Western Australia  
**Brief Location:** Goldfields - N/E of Leinster  
**Primary RATSIB Area:** Goldfields  
**Approximate size:** 2544.8626 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):**

1. External boundaries (information prepared by Geospatial Services, National Native Title Tribunal, 27 April 2007)

1.1 The application area covers all the lands and waters within the external boundaries of Pastoral Lease 3114/872 (Melrose).

1.2 Data reference and source:

(a) application boundary data compiled by National Native Title Tribunal based on data sourced from Landgate, WA.

(b) cadastre data sourced from Landgate, WA (October 2006).

2. Areas within the external boundaries that are not covered by the application

2.1 Subject to paragraphs 2.3 and 2.4, below, the area covered by the application excludes any land or waters that are or have been affected by:

1) a category A intermediate period act or a category A past act (subject to the operation of the Native Title Act 1993); and

2) a previous exclusive possession act as defined by the Native Title Act 1993 and regulations and the Western Australian State analogue, Titles (Validation) and Native Title (Effect of Past Acts) Act 1995.

2.2 Subject to paragraphs 3 and 4, exclusive possession is not claimed over areas which are subject to valid previous non-exclusive possession acts done by the Commonwealth or State of Western Australia.

2.3 Where an act specified in paragraphs 1 or 2 falls within the provisions of:

1) s.23B(9) - Exclusion of acts benefiting Aboriginal Peoples or Torres Strait Islanders;

2) s.23B(9A) - Establishment of a national park or state park;

3) s.23B(9B) - Acts where legislation provides for non-extinguishment;

4) s.23B(9C) - Exclusion of Crown to Crown grants; or

5) s.23B(10) - Exclusion by regulation;

the area covered by the act is included in the application.

2.4 Where an act specified in paragraphs 1 or 2 affects or affected land or waters referred to in:

1) s47 - Pastoral leases etc covered by claimant application;

2) s47A - Reserves etc covered by claimant application; or

3) s47B - Vacant Crown land covered by claimant application;

the area covered by the act is included in the application.

2.5 The area covered by the application excludes land or waters where the native title rights and interests claimed have been otherwise wholly extinguished.

**Attachments:** 1. Map of Claim Area, Attachment C of the Application, 1 page - A4, 05/02/2008

**NNTT Contact Details**

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