



Extract from Schedule of Native Title Applications

Application Reference: Federal Court number: WAD26/2019
NNTT number: WC2000/005

Application Name: Doris Eaton & Ors v the State of Western Australia & Ors (Nyamal #10)

Application Type: Claimant

Application filed with: Federal Court of Australia

Date application filed: 25/05/2000

Current status: Full Approved Determination - 24/09/2019

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: 07/07/2000

Registration decision status: Accepted for registration

Registration history: Registered from 7/07/2000 to 7/10/2019,

Date claim / part of claim determined: 24/09/2019 , 30/05/2007

Applicants: Doris Eaton, Alice Mitchell, Doris Monaghan

Address(es) for Service: Katie O'Rourke
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Additional Information

Not applicable

Persons claiming to hold native title:

Doris Eaton
Alice Mitchell

Doris Monaghan

Native title rights and interests claimed:

The applicants claim native title to the area covered by the application ("the area"). The native title rights and interests claimed which are derived from that native title include, but are not limited to, the following rights and interests:

- (a) except as stated in schedule P, the right to possess the land and waters claimed;
- (b) the right to be asked, and the enforceable right to say no, with respect to any proposed activity by any person not part of the native title claim group within or affecting the determination area;
- (c) except as stated in schedule P, the right to occupy the land and waters claimed;
- (d) except as stated in schedule P, the right to use and enjoy the land and waters claimed;
- (e) except as stated in schedule P, the right to make decisions about the use and enjoyment of the land and waters claimed;
- (f) except as stated in schedule P, the right of free access to the land and waters claimed;
- (g) except as stated in schedule P, the right to control the access of others to the land and waters claimed;
- (h) except as stated in Schedule Q, the right to use and enjoy the resources of the land and waters claimed;
- (i) except as stated in Schedule Q, the right to control the use and enjoyment of others of the resources of the land and waters claimed;
- (j) except as stated in Schedule Q, the right to trade in the resources of the land and waters claimed;
- (k) except as stated in Schedule Q, the right to receive a portion of any resources taken by others from the land or waters claimed;
- (l) the right to maintain and protect places of importance on the land and in the waters claimed;
- (m) the right to maintain, protect and prevent the misuse of cultural knowledge associated with the land and waters claimed; and
- (n) the right to protect the environment in the land and waters claimed including water;
- (o) the right to decide on and regulate membership of the native title claim group;
- (p) the right to carry out the activities set out in Schedule G(a)-(e); and
- (q) the right to hold traditional ceremonies in the land and waters claimed.

To the extent that the native title rights and interests claimed may relate to waters in an offshore place, those rights and interests are not to the exclusion of other rights and interests validly created by a law of the Commonwealth or the State of Western Australia or accorded under International Law in relation to the whole or any part of the offshore place.

To the extent that any minerals, petroleum or gas within the area of the claim are wholly owned by the Crown in rights of the Commonwealth or the State of Western Australia, they are not claimed by the applicants.

Application Area:

State/Territory: Western Australia

Brief Location: SW/Pilbara

Primary RATSIB Area: Pilbara

Approximate size: 4198.0089 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) Area covered by the Application

The application area covers all the land and waters within the external boundary described as:

Commencing at a point on an eastern boundary of Pastoral Lease 3114/1281 (Strelley) at Latitude 20.499104° South, also being a point on a boundary of Native Title Determination Application WAD6028/98 Njamal (WC99/8) and extending southerly and easterly along boundaries of that pastoral lease and that native title determination applications to Pastoral Lease 3114/1061 (Coongan); then generally easterly, southerly and generally westerly along boundaries of that pastoral lease and again that native title determination application to Pastoral Lease 398/716 (Coongan); then southerly and westerly along boundaries of that pastoral lease and again that native title determination application to again Pastoral Lease 3114/1061 (Coongan); then westerly and southerly along boundaries of that pastoral lease and again that native title determination application to again Pastoral Lease 3114/1281 (Strelley); then easterly, southerly, generally south westerly, westerly, and generally northerly along boundaries of that pastoral lease and again that native title determination application to Latitude 20.448278° South, also being a south western boundary of WAD77/05 Ngarla 2 (WC05/2); then generally easterly, north easterly and south easterly passing through the following coordinate points back to the commencement point.

Longitude (East) Latitude (South)

20.441333 118.887664

20.442693 118.964721

20.420333 118.972579

For the avoidance of any doubt, the following native title determination and applications are excluded:

Native title determination WAD6185/98 Ngarla and Ngarla 2 (Determination Area A) (WC99/26)

Native title determination application WAD6028/98 Njamal (WC99/8)

Native title determination application WAD77/05 Ngarla 2 (WC05/2)

Note

Data Reference and source

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

Native title determination application WAD6028/98 Njamal (WC99/8) as accepted for registration on 28 September 2007.

Native title determination application WAD77/05 Ngarla 2 (WC05/2) as accepted for registration on 20 July 2005.

Non-Freehold data sourced from Landgate, WA (April 2010).

Reference datum

Geographical coordinates have been provided by the NNTT Geospatial Services and are referenced to the Geocentric Datum of Australia 1994 (GDA94), in decimal degrees and are based on the spatial reference data acquired from the various custodians at the time

Use of Coordinates

Where coordinates are used within the description to represent cadastral or topographical boundaries or the intersection with such, they are intended as a guide only. As an outcome to the custodians of cadastral and topographic data continuously recalculating the geographic position of their data based on improved survey and data maintenance procedures, it is not possible to accurately define such a position other than by detailed ground survey.

Prepared by Geospatial Services, National Native Title Tribunal 07 September 2010.

(b) Any areas within the boundaries that are not covered by the Application

(1) Subject to paragraph (3), the areas within the external boundaries that are not covered by the application area are areas affected by:-

(i) valid category A Past Acts as defined in s.228 and s.229 Native Title Act 1993;

- (ii) valid category A Intermediate Acts as defined in s.232A and s.232B Native Title Act 1993;
- (iii) previous exclusive possession acts as defined in s.23B Native Title Act 1993 attributable to the Commonwealth;
- (iv) permanent public works attributable to the Commonwealth;
- (v) dedicated roads lawfully Gazetted
- (vi) acts of adverse dominion;
- (vii) previous exclusive possession acts as defined in s.23B Native Title Act 1993 attributable to the State of Western Australia where a law of that State has made provision for that act as described in s.23E Native Title Act 1993;
- (viii) freehold title granted by the State of WA prior to 1975; and
- (ix) the Applicants exclude from the claim areas in relation to which native title rights and interests have otherwise been extinguished, including areas subject to:
 - (a) an Act authorised by legislation which demonstrates the exercise of permanent adverse dominion in relation to native title; or
 - (b) Actual use made by the holder of a tenure other than native title which is permanently inconsistent with the continued existence of native title.
- (2) Subject to paragraph (3) the areas within the external boundaries that are not covered by the application includes any area that is subject to a valid grant of freehold and the areas of roads that have been lawfully dedicated gazetted and used as a permanent public work in the areas and for the purposes for which they have been dedicated and gazetted.
- (3) Paragraphs (1), (2) and (3) are subject to such of the provisions of s47, 47A, 47B Native Title Act 1993 as apply to any part of the area within the external boundaries of this application, particulars of which will be provided prior to the hearing but which include such areas as may be listed in Schedule L.

Attachments: 1. Attachment C, Map of Claim Area, 1 page - A4, 13/09/2010

NNTT Contact Details

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