



Extract from Schedule of Native Title Applications

Application Reference: Federal Court number: WAD372/2006
NNTT number: WC2006/006

Application Name: PT (Name withheld for cultural reasons) & Ors on behalf of the Mantjintjarra Ngalia People -v- State of Western Australia

Application Type: Claimant

Application filed with: Federal Court of Australia

Date application filed: 21/12/2006

Current status: Discontinued - 21/12/2015

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: 01/04/2009

Registration decision status: Accepted for registration

Registration history: Registered from 1/04/2009 to 23/12/2015,

Applicants: Name withheld for cultural reasons, Name withheld for cultural reasons, Kado Muir , Vanessa Thomas , Name withheld for cultural reasons, Kalman Murphy

Address(es) for Service: Malcolm O'Dell
Central Desert Native Title Services Ltd
76 Wittenoom Street
East Perth WA 6004
Phone: 08 9425 2000
Fax: 08 9425 2001

Additional Information

Not applicable

Persons claiming to hold native title:

The Mantjintjarra Ngalia native title claim group comprises those Aboriginal people who are:-

(a) all the descendants of

Nukuwara,

Thayangka,

Nyirripi,

Tjujaru,

and

(b) all the descendants who result from the union of

Walayangga and Jiku Jiku,

Kungki and Imantura,

Kapui and Ingangka,

Munggi Munggi and Nura Tarikarral,

Nguldan and Gurula,

Winmura and Imitjara,

Waltila and Nanuma,

Ngiyo and Kungi,

Manadi and Nurrutjukurr,

The word descendants where it appears in this application means [in (a)] those persons who are the biological descendants of the named single ancestors or who [in (b)] result from the union of the named ancestors grouped together as a couple or who in (in both cases) are adopted in accordance with traditional Mantjintjarra Ngalia law and custom (Itharra). A person is adopted under traditional Mantjintjarra Ngalia law and custom when that child is 'grown up' by any of the ancestors referred to above or by a member of the native claim group. This applies regardless of whether or not the child has been formally adopted under the non-Aboriginal legal system.

Native title rights and interests claimed:

1. Over areas where a claim to exclusive possession can be recognised, the applicants claim 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 applicants claim the following rights and interests:

a) The right to live on the application area;

b) the right to camp and light fires on the application area;

c) the right to access and move about the application area;

d) the right to hunt and gather on the application area;

e) the right to have access to and use the natural water resources of the application area;

f) the right to gather and use the natural products of the application area (including for example flora, fauna, timber, stone, ochre, wax and resins) according to traditional laws and customs;

g) The right to participate in cultural, ceremonial, ritual and religious activities, including the transmission and maintenance of cultural heritage and knowledge of the application area;

h) The right to carry out activities associated with birth and death including burials in the application area and to maintain and protect sites associated with birth and death;

i) the right to share or exchange (for non-commercial purposes) resources of the area in accordance with traditional laws and customs; and

j) the right to maintain and protect places of importance under traditional laws and customs in the area;

subject to the following:

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

(ii) The applicants do not make a claim to native title rights and interests which confer possession, occupation, use or enjoyment to the exclusion of all others in respect of any areas in relation to which a previous non-exclusive possession act as defined in section 23F of the Native Title Act 1993 was done in relation to an area, and either the act was attributable to the Commonwealth or the act was attributable to the State of Western Australia and a law of that State has made provision as mentioned in section 231 of the Native Title Act 1993 in relation to the act.

(iii) The said native title rights and interests are not claimed to the exclusion of any other rights and interests validly created or existing pursuant to the common law, the law of the State of Western Australia or a law of the Commonwealth.

(iv) The relationship between the said native title rights and interests and other rights and interests, including public rights, is as follows:

a. to the extent that any of the other rights and interests are inconsistent with the continued existence, enjoyment or exercise of the native title rights and interests, 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 rights and interests to the extent of the inconsistency during the currency of the other rights and interests; and otherwise,

b. 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 rights and interests, and the other rights and interests, and the doing of any activity required or permitted to be done by or under the other rights and interests, prevail over the native title rights and interests and any exercise of the native title rights and interests, but do not extinguish them.

(v) The said native title rights and interests are:

a. exercisable in accordance with the traditional laws and customs of the native title holders; and

b. subject to the laws of the State and the Commonwealth including the common law.

Application Area: **State/Territory:** Western Australia
Brief Location: Central Desert, Western Australia
Primary RATSIB Area: Central Desert
Approximate size: 22881.7754 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) The external boundary of the area covered by the application is shown on the map set out at Attachment C and its written physical description is set out at Attachment B1.

(b) The areas within the external boundary of the application referred to in (a) not covered by the application are set out at Attachment B2.

Attachments:

1. Mantjintjarra Ngalia #2: MAP, Attachment C of the Application, 1 page - A4, 04/12/2008
2. Technical Description, Attachment B.1 of the Application, 9 pages - A4, 03/12/2008
3. Areas within external boundaries not covered by the Application, Attachment B2 of the Application, 1 page - A4, 03/12/2008

NNTT Contact Details

Address: National Native Title Tribunal
Perth Office
Level 5, Commonwealth Law Courts
1 Victoria Avenue
PERTH WA 6000

GPO Box 9973
PERTH WA 6848

Telephone: +61 8 9425 1000
Freecall: 1800 640 501
Fax: +61 8 9425 1193
Web Page: www.nntt.gov.au

End of Extract