



# Extract from Schedule of Native Title Applications

---

**Application Reference:** Federal Court number: WAD192/2022  
NNTT number: WC2022/004

**Application Name:** Loretta Dodd & Ors on behalf of the Middamia Native Title Claim Group and State of Western Australia (Middamia)

**Application Type:** Claimant

**Application filed with:** Federal Court of Australia

**Date application filed:** 16/09/2022

---

**Current status:** Full Approved Determination - 11/03/2024

**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:** 22/11/2022

**Registration decision status:** Accepted for registration

**Registration history:** Registered from 22/11/2022 to 5/04/2024,

**Date claim / part of claim determined:** 11/03/2024

---

**Applicants:** Loretta Dodd, Alannah Kelly, A. Dooler (deceased), Anthony Walters, Ben Roberts, Kendall Roe, Rachael Cooyou, Tanya Roe

**Address(es) for Service:** Pauline Gartlan  
Yamatji Marlpa Aboriginal Corporation  
PO Box 3072  
249 Hay St  
PERTH WA 6892  
**Phone:** (08) 9268 7000

## Additional Information

Not applicable

---

**Persons claiming to hold native title:**

The Native Title claim group are those Aboriginal persons who:

a) are descendants of the following people, who belong to the regional society that includes the Yinggarda, Baiyungu and Tharrkari language groups:

- (i) Janya;
- (ii) Jubilee;
- (iii) Nyardu (also known as Tim Dodd);
- (iv) Maggie Dodd; and
- (v) Mary Harvey,

where descent can be either by birth or adoption in accordance with traditional laws acknowledged and the traditional customs of that regional society; and

b) identify themselves as having connection to the claim area under traditional law and custom of the regional society that includes the Yinggarda, Baiyungu and Tharrkari language groups and are so identified by other native title claimants.

#### **Native title rights and interests claimed:**

"Area A" means land and waters within the Application area that are landward of the high water mark and which comprises:

- (i) areas of unallocated Crown land (including islands) that have not been previously subject to any grant by the Crown;
- (ii) areas to which s. 47 of the Act applies;
- (iii) areas to which s. 47A of the Act applies;
- (iv) areas to which s. 47B of the Act applies; and
- (v) other areas to which the non-extinguishment principle, set out in s. 238 of the Act, applies and in relation to which there has not been any prior extinguishment of native title.

"Area B" means land and waters within the Application area that is not included in Area A above.

#### **Subject to laws and customs**

The native title rights and interests claimed in this Application are subject to and exercisable in accordance with:

1. The common law and the laws of the State of Western Australia and the Commonwealth of Australia;
2. Valid interests conferred pursuant to the laws of the State of Western Australia and the Commonwealth; and
3. The body of traditional laws and customs of the regional Aboriginal society being the wider set of related language owning groupings which share similar systems of laws and customs (especially those pertaining to local organisation) under which rights and interests are possessed and by which the native title claim group have a connection to the land and waters the subject of this Application.

#### **Rights in Area A**

In relation to Area A, the Applicant claims the following native title rights and interests pertaining to exclusive possession:

1. The right to possession, occupation, use and enjoyment of that area as against the whole world.

#### **Rights in Area A and Area B**

The Applicant claims the following native title rights and interests in relation to:

- Area A if the claim to exclusive possession cannot be recognised; and
  - Area B
2. The right to hunt, fish, gather, take and use resources (other than minerals, petroleum and gas) in the area for any purpose;
  3. The right to access, enter and to remain on or within the area and use the area for any purpose including to live, camp and erect shelters upon or within the area;
  4. The right to speak for and make decisions about the use of the area by members of the Aboriginal society to which the native title claim group belong;
  5. The right to invite and permit others to have access to and participate in or carry out activities in the area;
  6. The right to travel over, visit, care for and maintain places and objects of significance within the area and protect and have them protected from harm;
  7. The right to light fire within the area;
  8. The right to engage in cultural activities in the area including conducting and participating in ceremony and ritual, and the transmission of cultural knowledge; and
  9. The right to bury people and be buried within the area including conducting burial rites.

**Application Area:** **State/Territory:** Western Australia  
**Brief Location:** Geraldton region  
**Primary RATSIB Area:** Geraldton  
**Approximate size:** 733.5378 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):**

"**Application Area**" or "**claim area**" means the area of land and waters covered by this Application as described in this Schedule B.

**a) The area covered by the application; and**

The external boundaries of the area of land and waters covered by the Application are as set out in the document which is annexed as **Attachment B**.

**b) Any areas within those boundaries that are not covered by the application.**

1. Subject to Schedule B paragraph 5 below, the Applicant excludes from the Application Area any areas that are covered by any of the following acts, as defined in either the Act (where the act is attributable to the Commonwealth), or the *Titles (Validation) and Native Title (Effect of Past Acts) 1995 (WA)* (where the act in question is attributable to the State of Western Australia) :

(a) Category A past acts;

(b) Category A intermediate period acts;

(c) Category B past acts that are wholly inconsistent with the continued existence, enjoyment or exercise of any native title rights or interests; and

(d) Category B intermediate period acts that are wholly inconsistent with the continued existence, enjoyment or exercise of any native title rights or interests.

2. Subject to Schedule B paragraph 5 below, the Applicant excludes from the Application Area any areas in relation to which:

(a) A "previous exclusive possession act", as defined in s.23B of the Act, was done and the act was an act attributable to the Commonwealth; or

(b) A "previous exclusive possession act", as defined by s.23B of the Act:

a. was done; and

b. was an act attributable to the State of Western Australia; and

c. in relation to which the law of Western Australia has made provision as mentioned in s.23E of the Act.

3. Subject to Schedule B paragraph 5 below, the Applicant does not claim any native title rights and interests which confer possession, occupation, use and enjoyment to the exclusion of all others over any areas in relation to which:

(a) A "previous non-exclusive possession act", as defined in s.23F of the Act, was done and the act was an act attributable to the Commonwealth; or

(b) A "previous non-exclusive possession act", as defined in s.23F of the Act:

a. was done; and

b. was an act attributable to the State of Western Australia; and

c. in relation to which the law of Western Australia has made provision as mentioned in s.23I of the Act.

4. Subject to Schedule B paragraph 5 below, the Applicant excludes from the Application Area any areas in relation to which native title rights and interests have otherwise been wholly extinguished.

5. Notwithstanding paragraphs 1-4 above, the area covered by this Application includes any area (herein a "**disregarded area**") for which the only previous exclusive possession act or previous non-exclusive possession act is one whose extinguishment of native title rights and interests is required by ss.47, 47A, 47B or 47C of the Act to be disregarded. To avoid any doubt, ss.47, 47A, 47B or 47C of the Act applies to each disregarded area. Particulars of the disregarded areas will be provided prior to the hearing.

**Attachments:**

1. WC2022/004 External Boundary Description, attachment B of the application, 2 pages - A4, 16/09/2022
2. WC2022/004 Map, attachment C of the application, 1 page - A4, 16/09/2022

---

End of Extract