



# Extract from Schedule of Native Title Applications

**Application Reference:** Federal Court number: WAD180/2021  
NNTT number: WC2021/006

**Application Name:** Valma Saunders & Ors on behalf of the Ngadju Mia Wamu Native Title Claim Group and State of Western Australia & Ors (Ngadju Mia Wamu)

**Application Type:** Claimant

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

**Date application filed:** 09/08/2021

**Current status:** Full Approved Determination - 12/11/2025

**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:** 29/10/2021

**Registration decision status:** Accepted for registration

**Registration history:** Registered from 29/10/2021 to 17/11/2025,

**Date claim / part of claim determined:** 12/11/2025

**Applicants:** Barry Smith, Darrell Graham, Grantley Flynn, Harold Goddard, Jarrad McKenzie, Jasmine McPhee, Michael Smith, Pearl Scott, Peter Dimer, Ruth Bonney, Valma Saunders

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## Additional Information

Not applicable

## Persons claiming to hold native title:

The Ngadju Mia Wamu claim is brought on behalf of the Ngadju people. The Ngadju people are those Aboriginal persons who are:

1) The biological descendants of one or more of the following apical ancestors:

a) Belang (Bilanj, @ Jinny);

b) Minnie and Tuumi;

c) Karitjabana and Ngilinj;

d) Kakaanj;

e) Mary Kuuban (Kuubanj);

f) Djurdilj and Djalbulj;

g) Djaruptjal and Tjupu;

h) Diamond and Lucy;

i) Linesman Jacob;

j) Wicker (Wika);

k) Peter Flynn;

l) Maggie and Jumbo; and

m) Polly Raylinya.

2) those persons adopted by the biological descendants in accordance with Ngadju tradition and custom. (Adoption, under Ngadju tradition and custom, refers to the situation where a child is 'grown up' by a relative or someone without a biological relationship, either because they have been 'gifted' to them, or left in their care, as the biological parents are not in a position to care for them. 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) Where there has been no extinguishment of native title rights and interests, or where any extinguishment must be disregarded, the applicant claims the right to possess, occupy, use and enjoy the lands and waters the subject of the application as against the whole world.

2) Where native title rights and interests have been partially extinguished, the applicant claims the following non-exclusive native title rights and interests:

a) hunt and fish (excluding commercial fishing), gather and use the natural resources of the area, such as food and medicinal plants and trees, timber and ochre and to have access to and use of potable water;

b) live on, camp, erect shelters and other structures and to travel over and visit;

c) do the following activities:

i. engage in cultural activities;

ii. conduct rituals or ceremonies;

iii. hold meetings; and

iv. teach the physical and spiritual attributes of places and areas of importance on or in the land and waters;

d) have access to, maintain and protect, places and areas of importance on or in the land and waters, including Dreaming sites, waterholes and ceremony grounds; and

e) share or exchange subsistence and other traditional resources obtained on or from the land and waters.

**Subject to:**

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

- a) the common law, the laws of the State of Western Australia and the Commonwealth of Australia;
- b) valid interests conferred under those laws; and
- c) the body of traditional laws and customs of the Ngadju people.

**Application Area:**

**State/Territory:** Western Australia

**Brief Location:** Goldfields region

**Primary RATSIB Area:** Goldfields

**Approximate size:** 6.4215 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 area covered by the application - External boundaries and description**

1. The area of land and waters covered by the application (Claim Area) is described in the document titled "Identification of Boundaries" which is attached as ATTACHMENT B.
2. The external geographical boundaries of the area of land and waters covered by the application are delineated and marked on the attached map at ATTACHMENT C.

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

**Applicability of sections 61A(4), 47, 47A and 47B NTA**

3. For the purposes of the application of sections 61A(4), 47, 47A and 47B NTA, this application covers the following areas:

- (a) any pastoral lease held over the area by any of the persons listed in s 47(1)(b) NTA;
- (b) any area of land to which s 47A(1)(b) NTA may apply;
- (c) any area of vacant Crown land which may be subject to s 47B of the NTA; and
- (d) any other areas to which the non-extinguishment principle as defined in s 238 NTA applies.

**Areas within the external boundaries that are not covered by the application**

4. Subject to paragraph [3] above, areas of land and waters within the external boundary that are not covered by the application are:

a) any area that is or was subject to any of the following acts as there are defined in either the NTA, as amended (where the act in question is attributable to the Commonwealth), or Titles (Validation) and Native Title (Effect of Past Acts) Act 1995 (WA), as amended, (where the act in question is attributable to the State of Western Australia) at the time of the Registrar's consideration:

- i) Category A past acts;
- ii) Category A intermediate period acts;
- iii) Category B past acts that are wholly inconsistent with the continued existence, enjoyment or exercise of any native title rights or interests; and
- iv) Category B intermediate period acts that are wholly inconsistent with the continued existence, enjoyment or

exercise of any native title rights or interests;

b) any area in relation to which a 'relevant act' as that term is defined in section 12I of the Titles (Validation) and Native Title (Effect of Past Acts) Act 1995 (WA) was done and the act is attributable to the State of Western Australia;

c) any area in relation to which a 'previous exclusive possession act' under section 12J of the Titles (Validation and Native Title (Effect of Past Acts) Act 1995 (WA) was done and that act is attributable to the State of Western Australia;

d) any area in relation to which a previous exclusive possession act as defined by section 23B (including section 23B(7)) NTA was done in relation to the area and the act was attributable to the Commonwealth;

e) any areas where native title rights and interests have otherwise been wholly extinguished; and

f) specifically, any areas where there has been:

i) any unqualified grant of an estate in free simple;

ii) a lease which is currently in force, in respect of an area not exceeding 5000 square metres, upon which a dwelling house, residence, building or work is constructed, and which comprises:

(A) a lease of a worker's dwelling under the Worker's Homes Act 1911-1928;

(B) a 99 year lease under the Land Act 1898 (WA);

(C) a Lease of a town lot or suburban lot pursuant to section 117 of the Land Act 1933 (WA);

(D) a Special Lease under section 117 of the Land Act 1933 (WA); or

(E) any Reserves vested pursuant to section 33 of the Land Act 1933 (WA) that are not for the benefit of Aboriginal people.

iii) a conditional purchase lease currently in force in the Agricultural areas of the South West Division under regulations 46 and 47 of the Land Regulations 1887 (WA) which includes a condition that the lessee reside on the area of the lease and upon which a residence has been constructed;

iv) a conditional purchase lease of cultivatable land currently in force under Part V Division (1) of the Land Act 1933 (WA) in respect of which habitual residence by the lessee is a statutory condition in accordance with the Division and upon which a residence has been constructed;

v) a perpetual lease currently in force under the War Service Land Settlement Scheme Act 1954 (WA);

vi) a public work as defined in section 253 of the NTA; or

vii) an existing dedicated public road.

**Attachments:**

1. WC2021/006 Identification of Boundaries, attachment B of the application, 1 page - A4, 09/08/2021
2. WC2021/006 Map, attachment C of the application, 1 page - A4, 09/08/2021

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End of Extract