



Extract from the Register of Native Title Claims

Application Information

Application Reference:	Federal Court number: WAD343/2024 NNTT number: WC2024/007
Application name:	Brian Hayes & Ors on behalf of the Thalanyji/Nhuwala People and State of Western Australia (Thalanyji/Nhuwala People)
Registration History:	Registered from 27/03/2025

Register Extract (pursuant to section 186 of the *Native Title Act 1993* (Cth))

Application filed with:	Federal Court of Australia
Date application filed:	25/11/2024
Date claim entered on Register:	27/03/2025
Additional Information:	Not Applicable
APPLICANT:	
Person/s authorised as applicant:	Brian Hayes, Shirley Hayes, Joseph Kelly
Condition/s on authority:	Not Applicable
Address for service:	Buurabayji Thalanyji Aboriginal Corporation RNTBC (ICN 1705) Level 28, AMP Tower 40 St Georges Terrace Perth WA 6000 Phone: (08) 9288 4515 or 0414257435 Email: simon@blackshield.net Comments: Email addresses for all notices other than in relation to this application (including future act notices): Sasha.Christensen@Thalanyji.com.au cc Secretary@thalanyji.com.au

DESCRIPTION OF THE AREA COVERED BY THE CLAIM:

1. The boundaries of the area covered by the application are described in the document annexed as "Attachment B".
2. Subject to (3) and (4) below, the area of land and waters within the boundaries described in Attachment B that are not covered by the application are:
 - (a) any area that, when the application is made, was subject to any of the following kinds of acts as they are defined in either the *Native Title Act 1993* as amended (**the NTA**) (where the act in question is attributable to the Commonwealth), or the *Titles (Validation) and Native Title (Effect of Past Acts) Act 1995 (WA)* as amended (**TVA**) (where the act in question is attributable to the State of Western Australia):
 - i. Category A past acts;
 - ii. Category A intermediate period acts;

- iii. Category B past acts that are wholly inconsistent with the continued existence of any native title rights or interests; and
- iv. Category B intermediate period acts that are wholly inconsistent with the continued existence 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 TVA 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 TVA 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)) of the NTA was done in relation to the area and the act was attributable to the Commonwealth; and
- (e) any areas where native title rights and interests have otherwise been wholly extinguished.

3. To be clear, nothing in this Form 1 or the map which is Attachment C to this application (in particular any reference to or depiction of any place, area or alignment as a "road") is to be taken as an admission on the part of the Applicant as to the status of that place, area or alignment, and in particular is not to be taken as an admission of the doing of any act affecting native title so as to extinguish it wholly or to any other extent.

4. Notwithstanding (1), the area of land and waters covered by the application includes any area within the boundaries in relation to which the non-extinguishment principle as defined in section 238 of the NTA applies, including any area to which section 47, 47A, 47B or 47C of the NTA applies, particulars of which will be provided prior to the hearing but any area as may be listed in Schedule L is included in the area covered by the application.

5. Further to the above, none of those areas subject to determination WCD2008/003 are covered by the application.

6. Where there is any discrepancy between the map provided at Attachment C and the written description contained in this schedule and in Attachment B, the latter prevail.

PERSONS CLAIMING TO HOLD NATIVE TITLE:

The descendants of one or more of the following ancestors:

- a) Jack Hayes;
- b) Mick Fazeldean;
- c) Old Barn (Baron Tadpole);
- d) Globehill Jack; and
- e) Polly Hughes

REGISTERED NATIVE TITLE RIGHTS AND INTERESTS:

The following Native Title Rights & Interests were entered on the Register on 27/03/2025

Native title where traditional rights are wholly recognisable

1. Paragraph [2] applies to every part of the claim area:

(a) where there has been no extinguishment to any extent of native title or where any extinguishment is required to be disregarded; and

(b) which is not subject to the public right to navigate or the public right to fish.

2. Where this paragraph [2] applies the nature and extent of the native title rights and interests is:

(b) in relation to flowing and underground waters, the right to use and enjoy the flowing and underground waters, including:

(i) the right to hunt on, fish from, take and use the traditional resources of the flowing and underground waters; and

(ii) the right to take and use the flowing and underground waters.

Native title where traditional rights are partially recognisable

3. Paragraph [4] applies to every part of the claim area to which paragraph [2] does not apply.

4. Where this paragraph [4] applies, the nature and extent of the native title rights and interests is that they confer the following non-exclusive rights on the members of the native title claim group, including the right to conduct activities necessary to give effect to them:

(a) the right to live in the claim area, being the right to enter and remain, camp and erect temporary shelters and other temporary structures for that purpose, and to travel over and visit any part of the claim area;

- (b) the right to hunt, fish, gather and use the traditional resources of the claim area;
- (c) the right to take and use water on the claim area;
- (d) the right to engage in cultural activities and the transmission of cultural knowledge on the claim area, including:
 - (i) visiting places of cultural or spiritual importance and protecting those places by carrying out lawful activities to preserve their physical or spiritual integrity; and
 - (ii) conducting burials, ceremony and ritual.

REGISTER ATTACHMENTS:

1. External boundary description, attachment B of the application.pdf, 2 pages - A4, 25/11/2024
2. Map, attachment C of the application.pdf, 1 page - A3, 25/11/2024

Note: The Register of Native Title Claims may, in accordance with section 188 of the Native Title Act 1993 (Cth), contain confidential information that will not appear on the Extract.