



Extract from the National Native Title Register

Determination Information:

Determination Reference: Federal Court Number(s): WAD357/2013; WAD216/2018; WAD18/2019
NNTT Number: WCD2020/002

Determination Name: [Augustine on behalf of the Jabirr Jabirr/Ngumbarl People and State of Western Australia](#)

Date(s) of Effect: 23/03/2020

Determination Outcome: Native title exists in the entire determination area

Register Extract (pursuant to s. 193 of the *Native Title Act 1993*)

Determination Date: 23/03/2020

Determining Body: Federal Court of Australia

ADDITIONAL INFORMATION:

Not Applicable

REGISTERED NATIVE TITLE BODY CORPORATE:

Gogolanyngor Aboriginal Corporation RNTBC
Trustee Body Corporate
PO Box 2145
Broome Western Australia 6725

Note: current contact details for the Registered Native Title Body Corporate are available from the Office of the Registrar of Indigenous Corporations www.oric.gov.au

COMMON LAW HOLDER(S) OF NATIVE TITLE:

Native title holders: section 225(a) *Native Title Act*

2. The rights and interests comprising the native title are held by Jabirr Jabirr/Ngumbarl people, being the people described in Schedule 2 (**native title holders**).

NATIVE TITLE HOLDERS (PARAGRAPH 2)

Jabirr Jabirr/Ngumbarl people are the living persons who are the descendants of one or more of the following ancestors, including by adoption in accordance with the traditional laws and customs of the native title holders:

Gadalargan; Murrjal; Dorothy Kelly; Liddy Kenagai; Liddy Numarl ("Liddy Skinner"); Bornal; Wallai William & Mary Nelagumia; Senanus; Frank Walmandu; Sophie McKenzie; Frank Dixon (aka Frank Dinghi); Nabi; Appolonia; Dorothy

(sister of Senanus); Agnes Imbarr; Deborah & Jacky; Ethyl Jacky; Alice Darada; Milare & Kelergado; Matilda; Louisa; Flora; Madeline; Fred/Friday Walmadang; and Walamandjin.

MATTERS DETERMINED:

THE COURT ORDERS THAT:

1. In relation to the Determination Area, there be a determination of native title in WAD 18 of 2019 in the terms provided for in Attachment A.
2. The Gogolanyngor Aboriginal Corporation RNTBC (ICN 8947) shall hold the determined native title in trust for the native title holders pursuant to s 56(2)(b) of the *Native Title Act 1993* (Cth).

ATTACHMENT A

DETERMINATION

THE COURT DETERMINES THAT:

Existence of native title: section 225 *Native Title Act*

1. Native title rights and interests exist in the whole of the Determination Area.

Native title holders: section 225(a) *Native Title Act*

2. The rights and interests comprising the native title are held by Jabirr Jabirr/Ngumbarl people, being the people described in Schedule 2 (**native title holders**).

Nature and Extent of Native Title: sections 225(b) and (e) *Native Title Act*

3. Subject to paragraphs 4 and 5, the nature and extent of the native title rights and interests in relation to the Determination Area (being wholly an area where any extinguishment must be disregarded) is the right of possession, occupation, use and enjoyment as against the whole world.

4. The native title rights and interests are exercisable in accordance with and subject to the:

- (a) traditional laws and customs of the native title holders; and
- (b) laws of the State and the Commonwealth, including the common law.

5. Notwithstanding anything in this determination, there are no native title rights and interests in or in relation to:

- (a) pursuant to the *Mining Act 1904* (WA), gold, silver, other precious metals, precious stones and all other minerals; or
- (b) petroleum as defined in the *Petroleum Act 1936* (WA) (repealed) and in the *Petroleum and Geothermal Energy Resources Act 1967* (WA).

Other interests: section 225(c) and 225(d) *Native Title Act*

6. The nature and extent of other rights and interests in relation to the Determination Area are those set out in Schedule 3 (**other interests**).

7. The relationship between the native title rights and interests and the other interests is as follows:

- (a) the other interests co-exist with the native title rights and interests;
- (b) the determination does not affect the validity of those other interests; and
- (c) to the extent of any inconsistency, the native title rights and interests yield to the other interests.

Areas where extinguishment is disregarded: section 47B *Native Title Act*

8. Section 47B of the *Native Title Act* applies to disregard any prior extinguishment in respect of the whole of the Determination Area.

Definitions and interpretation

9. In this determination, unless the contrary intention appears:

"**Determination Area**" means the land and waters described in Schedule 1;

"**land**" and "**waters**" respectively have the same meanings as in the *Native Title Act*,

"**Native Title Act**" means the *Native Title Act 1993* (Cth) as amended as at the date of this Determination; and

"**State**" means the State of Western Australia.

10. In the event of an inconsistency between the written description of an area in Schedule 1 and an area depicted on the map in Schedule 4, the written description prevails.

REGISTER ATTACHMENTS:

1. WCD2020/002 Schedule 1 – Determination Area (Paragraphs 1 and 9), 1 page - A4, 23/03/2020
2. WCD2020/002 Schedule 3 - Other Interests (Paragraph 6), 2 pages - A4, 23/03/2020
3. WCD2020/002 Schedule 4 - The Map, 1 page - A4, 23/03/2020

Note: The National Native Title Register may, in accordance with s. 195 of the Native Title Act 1993, contain confidential information that will not appear on the Extract.