



Extract from the National Native Title Register

Determination Information:

Determination Reference: Federal Court Number(s): WAD128/2018
NNTT Number: WCD2019/001

Determination Name: [Manado \(on behalf of the Bindunbur Native Title Claim Group\) v State of Western Australia](#)

Date(s) of Effect: 22/01/2019

Determination Outcome: Native title exists in the entire determination area

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

Determination Date: 22/01/2019

Determining Body: Federal Court of Australia

ADDITIONAL INFORMATION:

On 22 January 2019, the Federal Court of Australia made orders that native title exists in the entire determination area. Among other things, the Court ordered that:

2. By 2 May 2019, a representative of the common law holders of native title shall:

(a) indicate whether the common law holders intend to have the native title held in trust; and

(b) nominate, in writing given to the Federal Court, a prescribed body corporate:

i. to be trustee of the native title rights and interests; or

ii. otherwise perform the functions set out in section 57(3) of the Native Title Act,

including within the nomination the written consent of the body corporate.

3. In the event that there is no nomination by 2 May 2019, or such later time as the Court may order, the matter is to be listed, in conjunction with proceeding WAD359/2013, for further directions.

On 14 May 2019, further orders were made which stated the following:

1. Order 2 of the Orders made in these proceedings on 22 January 2019 be varied to remove the words "By 2 May 2019" and replace them with "By 5 July 2019".

On 5 July 2019, further orders were made which stated the following:

1. Gogolanyngor Aboriginal Corporation ICN 8947 shall hold the determined native title in trust for the Jabirr Jabirr/Ngumbarl native title holders pursuant to s 56(2)(b) of the Native Title Act 1993 (Cth).

REGISTERED NATIVE TITLE BODY CORPORATE:

Gogolanyngor Aboriginal Corporation
Trustee Body Corporate
c/- Kimberley Land Council
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 [s 225(a)]

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

Schedule 2 – Native Title Holders

[See paragraph 2 of the Determination]

Jabirr Jabirr/Ngumbarl people

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 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. There be a determination of native title in the form attached as Attachment A to these orders.
2. By 2 May 2019, a representative of the common law holders of native title shall:
 - (a) indicate whether the common law holders intend to have the native title held in trust; and
 - (b) nominate, in writing given to the Federal Court, a prescribed body corporate:
 - (i) to be trustee of the native title rights and interests; or
 - (ii) otherwise perform the functions set out in section 57(3) of the Native Title Act,including within the nomination the written consent of the body corporate.
3. In the event that there is no nomination by 2 May 2019, or such later time as the Court may order, the matter is to be listed, in conjunction with proceeding WAD359/2013, for further directions.
4. Proceeding WAD359/2013 is dismissed, to the extent of its overlap with the area of this proceeding WAD128/2018.

ATTACHMENT A TO THE ORDERS – BINDUNBUR #2 DETERMINATION

THE COURT DETERMINES THAT:

Existence of native title [s 225]

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

Native title holders [s 225(a)]

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

Nature and extent of native title [s 225(b) and (e)]

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 [s 225(c) and 225(d)]

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 [s 47B]

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.

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

REGISTER ATTACHMENTS:

1. WCD2019_001 Schedule 1 - Determination Area, 1 page - A4, 22/01/2019
2. WCD2019_001 Schedule 3 - Other Interests, 2 pages - A4, 22/01/2019
3. WCD2019_001 Schedule 4 - The Maps, 1 page - A4, 22/01/2019

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.