



Extract from the National Native Title Register

Determination Information:

Determination Reference: Federal Court Number(s): WAD359/2013; WAD215/2018; WAD25/2019
NNTT Number: WCD2019/015

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

Date(s) of Effect: 13/11/2019

Determination Outcome: Native title exists in the entire determination area

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

Determination Date: 13/11/2019

Determining Body: Federal Court of Australia

ADDITIONAL INFORMATION:

Not Applicable

REGISTERED NATIVE TITLE BODY CORPORATE:

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

Nimanburr Aboriginal Corporation
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 in the way described in Schedule 3 by Jabirr Jabirr/Ngumbarl, Nyul Nyul and Nimanburr people, being the people described in Schedule 2 (**native title holders**).

SCHEDULE 2

Native Title Holders (Paragraph 2)

Jabirr Jabirr/Ngumbari people

Jabirr Jabirr/Ngumbari 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.

Nyul Nyul people

Nyul Nyul 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:

Malambor (Tjanganbor); Ringarr Augustine; Alice Kotonel Wright; Bismarck; Kokanbor and Felix Nortingbor and Victor; Abraham Kongudu; Narcis Yumit, Peter Biyarr, Anselem and Patrick (brothers); Patrick Mouda; and Kandy.

Nimanburr people

Nimanburr 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:

Mary and Din Din (sisters); Jidnyambala; and Bobby Ah Choo.

SCHEDULE 3

How Native Title is Held (Paragraph 2)

The native title is held by the native title holders as follows:

1. Jabirr Jabirr/Ngumbari people hold native title in that part of the Determination Area coloured yellow in Map A of Schedule 5 (in this schedule, the map) which part includes the areas Carnot Bay, Ngadalargin (Baldwin Creek), and Twin Peaks (Warnjinmirr and Djibbinj) as labelled on the map and the waters adjoining those areas;
2. Nyul Nyul people hold native title in that part of the Determination Area coloured blue in the map, which part includes the areas Beagle Bay (Ngarlan), Middle Lagoon, Chimney Rocks, Binduk, Loongabid, Weedong, Henry Well, Djilang, Djugark, Murphy Creek, Tappers Inlet, Neem, Banana Well (Burruguk) and Bungarduk as labelled on the map and the waters adjoining those areas;
3. Nimanburr people hold native title in that part of the Determination Area coloured red on the map, which part includes the areas Goodenough Bay, Fraser River, Dora Spring, Valentine Island, Madarr, La Djadarr, Lake Paterson and Disaster Bay as labelled on map and the waters adjoining those areas;
4. Jabirr Jabirr/Ngumbari people, Nyul Nyul people and Nimanburr people hold native title in that part of the Determination Area coloured white on the map, for their respective rights and interests in accordance with traditional laws and customs; but the rights and interests of Nimanburr people do not extend west of the section of the Broome to Cape Leveque Road shown on Map A in Schedule 8.

Note 1: For the avoidance of doubt, the areas coloured yellow, blue and red on the map are areas uncontroversially identified by reference to language identity and it is to be understood that Jabirr Jabirr/Ngumbari, Nyul Nyul and Nimanburr areas respectively may extend beyond the edging of the coloured areas.

MATTERS DETERMINED:

THE COURT ORDERS THAT:

1. In relation to the Determination Area, there be a determination of native title in WAD 25 of 2019 in the terms provided for in Attachment A.
2. Gogolanyngor Aboriginal Corporation ICN 8947 shall hold the determined native title in trust for the Jabirr Jabirr/Ngumbari native title holders pursuant to s 56(2)(b) of the *Native Title Act 1993* (Cth).
3. Nimanburr Aboriginal Corporation ICN 8948 shall hold the determined native title in trust for the Nimanburr native title holders pursuant to s 56(2)(b) of the *Native Title Act 1993* (Cth).

4. The native title be held in trust by the prescribed bodies corporate referred to in Orders 2 and 3 in the areas identified in the map and technical description annexed to these orders at Attachment B.

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 in the way described in Schedule 3 by Jabirr Jabirr/Ngumbarl, Nyul Nyul and Nimanburr 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 4 (**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 maps in Schedule 5, the written description prevails.

REGISTER ATTACHMENTS:

1. WCD2019/015 Schedule 1 - Determination Area, 1 page - A4, 13/11/2019
2. WCD2019/015 Schedule 4 - Other Interests, 2 pages - A4, 13/11/2019
3. WCD2019/015 Schedule 5 - The Maps, 2 pages - A4, 13/11/2019
4. WCD2019/015 Attachment B to the FCA Orders, 3 pages - A4, 13/11/2019

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.