



Extract from Schedule of Native Title Applications

Application Reference: Federal Court number: WAD6016/1996
NNTT number: WC1995/023

Application Name: Henry Mowaljarlai, Paddy Neowarra, Laurie Cowenulli & Paddy Woma on behalf of the Ngarinyin People -v- The State of Western Australia & Ors (Ngarinyin)

Application Type: Claimant

Application filed with: National Native Title Tribunal

Date application filed: 19/07/1995

Current status: Full Approved Determination - 26/04/2007

Registration information: Please refer to the Register of Native Title Claims/National Native Title Register (as appropriate) for registered details of this application.

Registration decision status: Accepted for registration

Registration history: Registered from 29/07/1995 to 30/04/2007

Date claim / part of claim determined: 27/08/2004

Old Act* registered native title claimants: see attachments for a list of the applicants

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Additional Information

Not applicable

Persons claiming to hold native title:

Laurie Gowanulli

National Native Title Tribunal

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WAD6016/1996

The claimant group comprises those Aboriginal people who hold in common the body of traditional laws and customs derived from beliefs about Wanjina/Wunggurr. Those people are:

(a) The descendants of Manumordja, Bulun, Muduu, Banganjaa, Djanghara, Yamara, Baangngayi, Miyaawuyu, Juugaariitor, Djurog-gal, Gilingii, Buunduunguu, Awololaa, Baarrbarrnguu, Angaarambuu, Liinyang, Maanduu-Nuunda, Yuulbal, Freddie Birramang-nguray, Marala, Gayroog, Buunbuun, Bunngn-guuluu, Djanban, Ngaul-ngarli, Wuungulaa, Maamaandil, Djalanoo, Djilawalaa, Gunagang-ngarli, Mirnggala, Yauubidi, Djalalamarra, Biljimbirii, Didjingul and Jimmy Manguubangguu.

(b) The descendants of Bandilu, Jarara, Garnag, Momolindij, Galadna, Wanbalug, Burrimbalu, Niyalgarl, Janggara, Ngambijomoro, Wabilu, Babirri, Morndignali, Wulagudan, Balangurr, Nyolgodil, Bagumaya, Banggulmoro, Bundungumen, Bagurrngumen, Jilbidij, Bulyuriyali, Brarrngun, Moundi Nirrin, Molabayng, King O'Malley, Ulinji, Nyaminjenman, Nyalangun, Nalawaru, Bumangul Jarngalay, Bandibej, Munbara, Didburr, Gungala, Wundij, Larburr, Mandi Bandumar, Omboni, Wama, Jalimburr, Bundanali, Umbawinali, Dinamoro, Yalwamurrngarri, Milarbiyar, Mudarwin, Larungumen, Gunduran, Warrwarr, Dandangumen, Didburrngomen, Naranyalga, Jimmy Bird, Monarriyali, Ngarburrngu, Yanbongu, Dudungungga, Jimmy Wawawarri together with the descendants of Dalbi, who was adopted into the native title claim group.

(c) The descendants of Bulun/Mauckie, Luwirr, Binjirrngu/Kadi, Djamai, Marnpiny, Munguwadawoi, Kanaway, Arai Djinbari, Maudi Kaiimbinya, Nyanggawana, Ernie Nyimandum and Ruby, Manumortja, Peter Malanaby, Old Jacob, Miyardu, Jerry Jangoot, Jabadayim, Nalawaru, Janggara and Murunguny, together with Kenny Oobagooma, Jacob Sesar and Evelyn Bandora, all of whom were adopted into the native title claim group, and their descendants.

Native title rights and interests claimed:

The native title rights and interests claimed are the rights to the possession, occupation, use and enjoyment as against the whole world (subject to any native title rights and interest which may be shared with others who establish that they are native title holders) of the area and any right or interest included within the same, and in particular, comprise:

- (a) Rights and interests to possess, occupy, use and enjoy the area;
- (b) The right to make decisions about the use and enjoyment of the area;
- (c) The right of access to the area;
- (d) The right to control the access of others to the area;
- (e) The right to use and enjoy resources of the area;
- (f) The right to control the use and enjoyment of others of resources of the area;
- (g) The right to trade in resources of the area;
- (h) The right to receive a portion of any resources taken by others from the area;
- (i) The right to maintain and protect places of importance under traditional laws, customs and practices in the area;
- (j) The right to maintain, protect and prevent the misuse of cultural knowledge of the common law holders associated with the area.

Subject to:

(i) To the extent that any minerals, petroleum or gas within the area of the claim are wholly owned by the Crown in the right of the Commonwealth or the State of Western Australia, they are not claimed by the applicants.

(iii) The applicants do not make a claim to native title rights and interests which confer possession, occupation, use and enjoyment to the exclusion of all others in respect of any areas in relation to which a previous non-exclusive possession act, as defined in Section 23F of the NTA, was done in relation to an area, and, either the act was an act attributable to the Commonwealth, or the act was attributable to the State of Western Australia, and a law of that State has made provision as mentioned in Section 23L in relation to the act.

(iv) Paragraph (iii) above is subject to such of the provisions of Section 47, 47A and 47B of the Act as apply to any part of the area contained within this application, particulars of which will be provided prior to the hearing but which include such areas as may be listed in Schedule L.

(v) The said native title rights and interests are not claimed to the exclusion of any other rights or interests validly created by or pursuant to the common law, the law of the State or a law of the Commonwealth.

Application Area: **State/Territory:** Western Australia
Brief Location: Kimberley Region Western Australia
Primary RATSIB Area: Kimberley
Approximate size: 4020.2605 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):

The external boundaries of the claim are as set out in the attached map. The description of the claim area is:

Amended Area: 7225.9 sq km

Commencing at the point 125.317076' East Longitude, 15.40758' - South Latitude the boundary traverses north easterly and then easterly through the following geographic coordinates 125.336747' E 15.376739' S, 125.482148' E 15.148773' S, 125.48363' E 15.146669' S to 125.67902' E 15.146669' S where it meets Pastoral Lease 3114/1174.

From here the boundary traverses the westerly boundary of 3114/1174 to its intersection with pastoral lease 398/446 then follows the boundary of this lease in a counter clockwise direction to the south eastern corner of pastoral lease 398/844. From here the boundary traverses westerly initially coincidental with the southern boundary of 398/446 then through the following geographic coordinates 125.67902' E 15.984085' S, 125.5' E 15.984085' S, 125.225726' E, 15.984085' S. From here the boundary traverses southerly till it intersects with the boundary of pastoral lease 3114/723. From here the boundary traverses counter clockwise along the boundary of 3114/723 to a position on this boundary at 125.001169' E 15.90287' S. From here the boundary traverses north easterly to 125.015751' E 15.880007' S then to 125.433333' E 15.708333' S then northerly to 125.43' E 15.508333' S and then back to the commencement point.

Geographic coordinates are reference to Australian Geodetic Datum (AGD) 84 and where referenced to cadastral features are based on the spatial position of that reference data acquired from the various custodians at the time.

(b) Internal Boundaries

(i) The applicants exclude from the claim any areas covered by valid acts on or before 23 December 1996, comprising such of the following as are included as extinguishing acts within the Native Title Act 1993, as amended or Titles Validation Act, as amended, at the time of the Registrar's consideration.

-Category A past acts, as defined in NTA s228 and s229.

-Category A intermediate period acts as defined in NTA s232A and s232B.

(ii) The applicants exclude from the claim any areas in relation to which a previous exclusive possession act, as defined in s23B of the NTA, was done in relation to an area, and, either the act was an act attributable to the Commonwealth, or the act was attributable to the State of Western Australia, and on law of that State has made provision as mentioned in s 23E in relation to the act.

(iii) Paragraph (1) and (2) above are subject to the provisions of Section 47, 47A and 47B of the Act as apply to any part of the area contained within this application, particulars of which will be provided prior to the hearing but which include such areas as listed in Schedule L.

Attachments: 1. Map of Claim Area - Topographic Detail , 1 page - A3, 02/03/1999
 2. Map of Claim Area - Current Land Tenure, 1 page - A3, 02/03/1999

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