



# Extract from Schedule of Native Title Applications

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**Application Reference:** Federal Court number: WAD6061/1998  
NNTT number: WC1999/007

**Application Name:** Victor Barunga, Heather Umbagai, Kenny Oobagooma, Janet Oobagooma, Donny Woolagoodja, Nelson Barunga & Fredmund Oobagooma on behalf of the Dambimangari People -v- The State of Western Australia & Others (Dambimangari)

**Application Type:** Claimant

**Application filed with:** Federal Court of Australia

**Date application filed:** 09/04/1999

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**Current status:** Full Approved Determination - 26/05/2011

**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 31/05/1999 to 27/05/2011

**Date claim / part of claim determined:** 26/05/2011

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**Applicants:** Victor Barunga, Nelson Barunga, Kenny Oobagooma, Janet Oobagooma, Fredmund Oobagooma, Heather Umbagai, Donny Woolagoodja

**Address(es) for Service:** Laurelea Grace McGregor  
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**Phone:** 08 9194 0100

## Additional Information

Not applicable

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## Persons claiming to hold native title:

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

(a) the descendants of Bulun/Mauckie, Luwirr, Binjirngu/Kadi, Djamai, Marnpiny, Munguwadawoi, Kanaway, Arai Djinbari and Maudie Kaiimbinya, Nyanggawana, Ernie Nyimandum and Ruby, Manumortja, Peter Malanaby, Old Jacob, Miyardu, Jerry Jangoot, Jabadayim, Nalawaru, Junggara and Murunguny;

(b) together with Kenny Oobagooma, Jacob Sesar and Evelyn Bandora, all of whom were adopted into the native title claimant 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 interests which may be shared with any others who establish that they are native title holders) of the area, 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; and
- (j) the right to maintain, protect and prevent the misuse of cultural knowledge of the common law holders associated with the area.

The Native Title Rights and Interests are subject to the following qualifications:

- (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.
- (ii) To the extent that the native title rights and interests claimed may relate to waters in an offshore place, those rights and interests are not to the exclusion of other rights and interests validly created by a law of the Commonwealth or the State of Western Australia, or accorded under international law in relation to the whole or any part of the offshore place.
- (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 for that act as described in section 23E NTA 1993;
- (iv) Such of the provisions of sections 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, a law of the State or a law of the Commonwealth.

**Application Area:** **State/Territory:** Western Australia  
**Brief Location:** North West Region  
**Primary RATSIB Area:** Kimberley  
**Approximate size:** 0.0064 sq km  
(Note: There may be areas within the external boundary of the application that are not claimed.)  
**Does Area Include Sea:** Yes

**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:

Commencing at 125.336747 degrees east Longitude and 15.376739 degrees south Latitude, the application boundary traverses north westerly to where Latitude 14.969834 degrees south intersects the 3 mile limit of the territorial sea defined by the Proclamation of 4 February 1983 pursuant to the Sea and Submerged Lands Act 1973. The boundary then traverses in a south westerly direction along the 3 mile limit of the territorial sea to 123.468201 degrees east Longitude and 15.900388 degrees south Latitude which is located on the boundary of WC98/39. From this point the application boundary traverses east, southerly and then west coincidental with the boundary of WC98/39 to 123.5 degrees east Longitude and 16.796686 degrees south Latitude on the way passing through points 21 to 209 (attachment B - Geographic Description - WC96/3 amended). From this point the application boundary traverses due south along the said Longitude to 16.933333 degrees south Latitude. The application boundary traverses due east along the said Latitude until the boundary of Meda pastoral station (3114/594). From this point the application boundary traverses in an easterly direction coincidental with the northern boundary of Meda pastoral station and Napier Downs pastoral station (3114/682) until the point where Napier Downs pastoral station meets the boundary of Mt Hart pastoral station (3114/1045). From this point the application boundary traverses in a northerly direction coincidental with the western boundary of Mt Hart pastoral station until the north west corner of this pastoral station. The application boundary continues north to 124.780466 degrees east Longitude and 16.493656 degrees south Latitude. From this point the application boundary traverses north easterly to approx. 124.8493 degrees east Longitude and 16.3958 degrees south Latitude being the south west corner of Pantijan pastoral station (3114/723). From this point the application boundary traverses northerly coincidental with the western and northern boundary of Pantijan pastoral station to point 125.001169 degrees east Longitude and 15.902870 degrees south Latitude. From this point the application boundary traverses north easterly coincidental with the western boundary of WC95/23 to 125.433333 degrees east Longitude and 15.708333 degrees south Latitude being the Prince Regent River. From here the application boundary traverses north, north westerly and north easterly coincidental with the boundary of WC95/23 back to the commencement point.

The application also consists of the area defined as exploration licence application number E04/896, excluding the area of WC95/39 (Unggumi Ngarinyin claimant application). The proposed exploration licence is situated on Napier Downs pastoral lease number 3114/682 and includes a portion of the Canning Stock Route.

The geographic coordinates of the claim area are set out in Attachment B. Geographic coordinates are referenced to Australian Geodetic Datum 1984 (AGD84). A map showing the boundary as proposed is Attachment "C".

The areas within the external boundaries that are excluded from the claim area are as follows:

(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 1994, 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 section 23B 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 for that act as described in section 23E NTA 1993.

(iii) The applicants do not exclude from the claim Meda Location 15 (Commonwealth Military Training Area.)

(iv) The applicants exclude from the claim, areas in relation to which native title rights and interests have otherwise been extinguished including areas subject to -

(i) an act authorised by legislation which demonstrates the exercise of permanent adverse dominion in relation to native title; or

(ii) actual use made by the holder of a tenure other than native title which is permanently inconsistent with the continued exercise of native title.

In particular the applicants exclude all:

(i) acts for a public purpose;

(ii) dedicated roads; and

(iii) grants of unqualified freehold.

(v) The application is subject to the provisions of Sections 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

### Combination Details

Date of order to combine: 27/04/1999

This application is a combination of the following applications:

Application number(s)	Application name	Date application lodged/filed	Date claim entered on Register*	Registration History
WAD6061/1998, WC1996/003	Victor Barunga & Ors and State of Western Australia & Ors (Dambimangari)	15/01/1996	N/A	Registered from 15/01/1996 to 31/05/1999
WAD6106/1998, WC1996/074	Oobagooma v State of Western Australia	24/06/1996	N/A	Registered from 24/06/1996 to 31/05/1999

\*For further information on pre-combined applications, see the Schedule extract for each pre-combined application.

### Attachments:

1. Geospatial Co-ordinates of Claim Area, 9 pages - A4, 27/04/1999
2. Map of Claim Area, 1 page - A3, 27/04/1999

### NNTT Contact Details

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End of Extract