



# Extract from Schedule of Native Title Applications

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**Application Reference:** Federal Court number: WAD6033/1999  
NNTT number: WC1999/035

**Application Name:** Wilfred Goonack, Albert Bundamarra, Benedict Chienmora & Others - v - The State of Western Australia (Unguu)

**Application Type:** Claimant

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

**Date application filed:** 21/10/1999

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**Current status:** Discontinued - 27/11/2012

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

**Date claim entered on Register of Native Title Claims:** 30/06/2000

**Registration decision status:** Accepted for registration

**Registration history:** Registered from 30/06/2000 to 7/01/2013,

**Date claim / part of claim determined:** 23/05/2011

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**Applicants:** Wilfred Goonack, Albert Bundamarra, Benedict Chienmora, Cecilia Waina, Ludivina Undulghumen, John Goonack, Placid Undulghumen, Sylvester Mangolamara, William Bunjuck, Pudja Barunga, Louis Karadada, Jack Karadada, Basil Djanghara, Dianna Williams, Margaret Mouda

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## Additional Information

Not applicable

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## Persons claiming to hold native title:

The claimant group comprises those Aboriginal people who hold in common the body of traditional laws and customs derived from beliefs about Wanjina/Wunggurr. These 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-ngarii, Mirngala, Yauubidi, Djalalarmarra, Biljimbirii, Didjingul and Jimmy Manguubangguu.

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

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

1. The native title rights and interests claimed are:

(a) Over those areas where section 47, 47A and 47B is relied on, or where there has been no act that extinguishes native title, or where, by operation of the Native Title Act or the common law native title has not been extinguished, the right to the possession, occupation, use and enjoyment to the exclusion of all others (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:

(i) the right to possess, occupy, use and enjoy the area;

(ii) the right to make decisions about the use and enjoyment of the area;

(iii) the right of access to the area;

(iv) the right to control the access of others to the area;

(v) the right to use and enjoy resources of the area;

(vi) the right to control the use and enjoyment of others of resources of the area;

(vii) the right to trade in resources of the area;

(viii) the right to receive a portion of the benefit of any resources taken by others from the area;

(ix) the right to maintain and protect places of importance under traditional laws, customs and practices in the area; and

(x) the right to maintain, protect and prevent the misuse of cultural knowledge of the common law holders associated with the area.

(b) Over the remaining areas the right to the possession, use, occupation, enjoyment of the area, and in particular comprise:

(i) the right to possess, occupy, use and enjoy the area;

(ii) the right to make decisions about the use and enjoyment of the area;

(iii) a right of access to the area;

(iv) a right to use and enjoy the traditional resources of the area;

(v) a right to maintain and protect places of importance under traditional laws, customs and practices in the area.

2. The claims made in paragraph 1 of this schedule are subject to the following:

(a) 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; and

(b) 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.

(c) 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 23I NTA in relation to the act;

(d) 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.

(e) The Applicants acknowledge that the exercise of their native title rights and interests might be regulated, controlled, curtailed, restricted, suspended, or postponed by reason of the existence of valid concurrent rights and interests in others by or under such laws.

(f) The Applicants do not claim the right to take fauna where it is otherwise extinguished.

(g) 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.

**Application Area:**

**State/Territory:** Western Australia

**Brief Location:** North West

**Primary RATSIB Area:** Kimberley

**Approximate size:** 4.4768 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):**

A determination of native title was made by Justice Gilmour on 23 May 2011 (see *Goonack v State of Western Australia* [2011] FCA 516). The area covered by the determination has been removed from the Register of Native Title Claims. An area that was excluded from the determination area, as described in Schedule One of the determination, remains on the Register of Native title Claims and is to be determined at a later date.

The attached NNTT map has been prepared by NNTT Geospatial Services and is an interpretation of the remaining application area that is yet to be determined. The map is for general information only. Further, and in particular, your attention is drawn to the disclaimer, release and indemnity which is endorsed on that map.

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The external boundaries of the claim are as set out in the map attached (Attachment B) and can be defined by the description set out in Attachment A.

Internal boundaries:

(a) The Applicants exclude from the claim any areas covered by valid acts which occurred 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) and Native Title (Effect of Past Acts) Act 1995, as amended, at the time of the

Registrar's consideration:

(i) Category A past acts, as defined in NTA s228 and s229;

(ii) Category A intermediate period acts as defined in NTA s232A and s232B.

(b) 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 as mentioned in section 23E NTA 1993 in relation to the act.

(c) The Applicants exclude from the claim area any areas in relation to which native title rights and interests have otherwise been extinguished. To avoid any uncertainty, the Applicants particularly exclude from the claim area:

(i) any areas covered or previously covered by pastoral leases which are enclosed or improved where such enclosure or improvement extinguishes native title;

(ii) any area covered by a mining or general purpose lease granted under the Mining Act 1978 (WA) where such leases extinguish native title.

(d) Where section 47, 47A or 47B of the NTA applies to any part of the area covered by this application, that part of the area is not excluded from the claim. Particulars of such areas will be provided prior to the hearing but include such areas as may be listed in Schedule L.

- Attachments:**
1. Description of External Boundary, Attachment A of the Application, 2 pages - A4, 02/06/2000
  2. Map of Claim Area, Attachment B of the Application, 1 page - A3, 02/06/2000
  3. NNTT Map, 1 page - A3, 27/06/2012

**NNTT Contact Details**

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End of Extract