



# Extract from Schedule of Native Title Applications

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**Application Reference:** Federal Court number: WAD6006/2002  
NNTT number: WC2002/004

**Application Name:** Paddy Neowarra & Others v State of Western Australia (Wanjina/Wunggurr-Wilinggin #2)

**Application Type:** Claimant

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

**Date application filed:** 30/12/2002

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**Current status:** Full Approved Determination - 31/08/2004

**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:** Not Accepted for registration

**Registration history:** -

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

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**Applicants:** Paddy Neowarra, Paddy Wama, Scotty Martin, Jimmy Maline, Jack Dann, Jack Dale, Keith Nenowatt, Paul Chapman, Reggie Tataya, Donald Campbell, Pansy Nulgiti, Betty Walker, Kathy Oreeri, Barney U

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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. 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, Wuungulaa, Maamaandil, Djalanoo, Djilawalaa, Gunagang-ngarli, Mirngala, Yaubidi, 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 Jarngalay, Bandibej, Munbara, Didburr, Gungala, Wundij, Larburr, Mandi Bandumar, Omboni, Wama, Jalimburr, Bundanali, Umbawinali, Dinamoro, Yalwamurrngarri, Milarbiyar, Mudarwin, Larungumen, Gunduran, Warrwarr, Dandangumen, Didburrngomen, Naranyalgan, Jimmy Bird, Monarriyali, Ngarburrngu, Yanbongu, Dudungungga, Jimmy Wawawawarri 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, Junggara 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:**

1. The native title rights and interest claimed are:

- (a) 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 claim area; and in the alternative,
- (b) against the whole world, the right to enter, remain on use and enjoy the claim area for all purposes deemed relevant by the native title claim group; and in any event,
- (c) the following rights, which are included in, but together do not necessarily comprise the rights respectively set out in paragraphs (a) and (b) above:
- (i) rights and interests to possess, occupy, use and enjoy the claim area;
- (ii) the right to assert valid proprietary claims over and speak authoritatively for, on behalf of and about, the claim area;
- (iii) the right to make decisions about the use and enjoyment of the claim area;
- (iv) the right of access to the claim area;
- (v) the right to control the access of others to the claim area;
- (vi) the right to use and enjoy resources of the claim area;
- (vii) the right to control the use and enjoyment of others of resources of the claim area;
- (viii) the right to trade in resources of the claim area;
- (ix) the right to receive a portion of the benefit of any resources taken by others from the claim area;
- (x) the right to maintain and protect places of importance under traditional laws, customs and practices in the claim area; and
- (xi) the right to maintain, protect and prevent the misuse of cultural knowledge of the native title claim group in relation to the land and waters of the claim area;

(xii) the right to uphold and enforce the traditional laws and customs of the Wanjinna-Wunggurr community in relation to the land and waters of the claim area;

(xiii) as between members of the Wanjinna-Wunggurr community and as against other Aboriginal people the right to resolve disputes concerning the claim area;

(xiv) the right to recognise or determine as between members of the Wanjinna-Wunggurr community what is the form of connection or relationship of a particular member of the Wanjinna-Wunggurr community to particular parts of the claim area and what are the particular rights and interests that arise from that particular form of connection or relationship;

(xv) as against the whole world, the right of possession of painted images on rock surfaces within the claim area, in particular in relation to but not limited to painted images known as or referred to by the claimants as Wanjinna images and Gwion images and images associated with those images, and in the alternative rights of access to, rights to control the access of others to, rights to make decisions in relation to, and rights to paint, freshen and repaint, those painted images;

(xvi) as against the whole world, the right to enter, remain on and use the land or waters adjacent to such images for the purpose of or incidental to the rights set out in paragraph (xiv) above;

(xvii) the right to belong to or be from the claim area;

(xviii) the right to speak for the claim area;

(xix) the right to represent the Wanjinna in relation to the land and waters of the claim area;

(xx) the right to look after the land and waters of the claim area;

(xxi) the right to inherit the native title rights and interests in the land and waters of the claim area;

(xxii) the right to engage in the activities set out in Schedule G.

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

(a) 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;

(b) to the extent that the native title rights and interests claimed 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) except to the extent that the provisions of section 47, 47A or 47B of the NTA apply to a part of the area contained within this application 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;

(d) 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 include such areas as may be listed in Schedule L.

(e) except to the extent that the provisions of section 47, 47A or 47B of the NTA apply to a part of the area contained within this application 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 East Kimberley region of WA

**Primary RATSIB Area:** Kimberley

**Approximate size:** 6902.5040 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 map attached (Attachment "C") and can be defined by the description set out in Attachment "B".

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 Act 1994, 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 in relation to the act.

(c) The Applicants exclude from the claim areas in relation to which native title rights and interest have otherwise been extinguished.

To avoid any uncertainty, the Applicants particularly exclude all:

(i) acts for a public work;

(ii) dedicated roads; and

(iii) grants of unqualified freehold.

(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 those areas are provided in Schedule L and are the areas of land and waters covered by Pastoral lease 3114/0918 and Pastoral lease 3114/0648; and part of the land and waters covered by Pastoral lease 3114/0962.

**Attachments:**

1. External Boundary Description - Attachment B to the Application, 4 pages - A4, 30/12/2002
2. Map of Claim Area - Attachment C of the Application, 1 page - A3, 30/12/2002

**NNTT Contact Details**

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