



Extract from Schedule of Native Title Applications

Application Reference: Federal Court number: WAD119/2011
NNTT number: WC2011/004

Application Name: Albert Puenmora & Ors v State of Western Australia (Uunguu Part B)

Application Type: Claimant

Application filed with: Federal Court of Australia

Date application filed: 19/04/2011

Current status: Full Approved Determination - 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.

Registration decision status: Not Accepted for registration

Registration history: -

Date claim / part of claim determined: 27/11/2012

Applicants: Albert Puenmora, Keith Nenowatt, Susan Bangmora

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Kimberley Land Council
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Additional Information

Not applicable

Persons claiming to hold native title:

The claim is brought on behalf of those Aboriginal people who are members of the Wanjina Wunggurr Community for their respective communal, group and individual rights and interests in the claim area and who are descended from the occupants of the area at the time of the assertion of

British sovereignty, being all the descendants of the following persons:

The people for the Wanjina ' Wunggurr Uunguu Part B Claim area are the descendants of Manumordja, Bulun, Muduu, Banganja, Djanghara, Yamara, Baangngayi, Miyaawuyu, Juugaariitor, Djurog-gal, Gilingii, Buunduunguu, Awololaa, Baarrbarrnguu, Angaarambuu, Liinyang, Maanduu-Nuunda, Yuulbal, Freddie Yauubidi, Djalalarmarra, Biljimbirii, Didjingul and Jimmy Manguubangguu;

Bandilu, Jarara, Garnag, Momolindij, Galadna, Wanbalug, Burrimbalu, Niyalgarl, Janggara, Ngambijmoro Birramang-nguray, Marala, Gayroog, Buunbuun, Bunnngguuluu, Djanban, Ngaul-gnarli, Wuungulaa, Maamaandil, Djalanoo, Djilawalaa, Gunagang-ngarii, Mirnggala,, Wabilu, Babirri, Morndignali, Wulagudan, Balangurr, Nyolgoi, Bagumaya, Banggulmoro, Bundungumen, Bagurrngumen, Jilbidij, Bulyuriali, 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, Naranyalga, Jimmy Bird, Monarriyali, Ngarburrngu, Yanbongu, Dudungunga, Jimmy Wawawarri, together with the descendants of Dalbi, who was adopted into the native title claimant group; and

Bulun/Mauckie, Luwirr, Binjirrngu/Kadi, Djamai, Marnpiny, Munguwadawoi, Kanaway, Arai Djinbari, Maudie 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, who 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 as follows:

1. Over areas where a claim to exclusive possession can be recognised (such as areas where there has been no prior extinguishment of native title or where s238, ss47, 47A or 47B apply), the Wanjina Wunggurr community claim the right to possess, occupy, use and enjoy the lands and waters of the application area as against the whole world.
2. The native title rights referred to in paragraph 1 include the right to make decisions about the manner of exercise of those rights and interests in relation to the land (and activities pursuant to them)
3. Over areas where a claim to exclusive possession cannot be recognised, the Wanjina Wunggurr community claim the following rights and interests:
 - (a) the right to enter, travel over and remain on the land;
 - (b) the right to live and camp on the land (including erecting shelters and other structures for those purposes);
 - (c) the right to hunt, fish, gather and use the resources of the land including:
 - (i) sharing and exchanging those resources; and
 - (ii) manufacturing traditional items from those resources for personal, domestic and communal needs (including, but not limited to, cultural or spiritual needs) but not for commercial purposes;
 - (d) the right to light fires for domestic purposes but not for the clearance of vegetation;
 - (e) the right to take and use water from the land;
 - (f) the right to engage in cultural activities on the land including:
 - (i) visiting places of cultural or spiritual importance and protecting those places by carrying out lawful activities to preserve their physical or spiritual integrity;
 - (ii) conducting ceremony and ritual;
 - (iii) holding meetings;

- (iv) participating in cultural practices relating to birth and death, including burial rights;
- (v) passing on knowledge about the physical and spiritual attributes of the Determination Area and areas of importance on or in the Determination Area; and
- (vi) maintaining, and protecting from physical harm, places and areas of importance, including for the avoidance of doubt, freshening or repainting images at painting sites.

4. The native title rights and interests are subject to:

- (a) The valid laws of the State of Western Australia and the Commonwealth of Australia; and;
- (b) The rights (past or present) conferred upon persons pursuant to the laws of the Commonwealth and the laws of the State; and
- (c) the traditional laws and customs of the native title claim group.

Application Area: **State/Territory:** Western Australia
Brief Location: Kimberley
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: No

Area covered by the claim (as detailed in the application):

1. External boundary description

The application area covers all the land and waters of Lot 502 as shown on Deposited Plan 56683.

2. Subject to (3) and (4), the area of land and waters within the boundaries described in Attachment B that are not covered by the application are;

a. Any area that is or was subject to any of the following acts as these are defined in either the Native Title Act 1993 (Cwlth), as amended (where the act in question is attributable to the Commonwealth), the Titles (Validation) and Native Title (Effect of Past Acts) Act 1995 (WA), as amended, (where the act in question is attributable to the State of Western Australia);

i. Category A past acts;

ii. Category A intermediate period acts;

iii. Category B past acts that are wholly inconsistent with the continued existence, enjoyment or exercise of any native title rights or interests;

iv. Category B intermediate period acts that are wholly inconsistent with the continued existence, enjoyment or exercise of any native title rights or interests;

b. Any area in relation to which a previous exclusive possession act, as defined in section 23B of the NTA was done and the act was an act attributable to the Commonwealth;

c. Any area in relation to which a "relevant act" as that term is defined in section 121 of the Titles (Validation) and Native Title (Effect of Past Acts) Act 1995 (WA) was done and the act is attributable to the State of Western Australia;

d. Any area in relation to which a previous exclusive possession act under s23B(7) of the Native Title Act 1993 (Cwlth), as amended, was done in relation to the area and the act was attributable to the State of Western Australia;

e. Any area in relation to which native title rights and interests have otherwise been wholly extinguished.

3. Notwithstanding (2), the area of land and waters covered by the application includes any area within the boundaries in relation to which the non-extinguishment principle as defined in section 238 of the Native Title Act 1993 (Cwlth) applies, including any area to which section 47, 47A and 47B of the Native Title Act 1993 (Cwlth)

applies, particulars of which will be provided prior to the hearing but any area as may be listed in Schedule L is included in the area covered by the application.

4. Where there is any discrepancy between the map provided at Attachment C and the written description contained in this schedule and in Attachment B the latter prevail.

- Attachments:**
1. Map of claim area, 1 page - A4, 19/04/2011
 2. Map of claim area, Attachment C of the Application, 1 page - A4, 19/04/2011

NNTT Contact Details

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