



Extract from Schedule of Native Title Applications

Application Reference: Federal Court number: WAD65/2019
NNTT number: WC2019/001

Application Name: Bonnie Edwards & Ors on behalf of the Gajangana Jaru Native Title Claim Group v State of Western Australia (Gajangana Jaru)

Application Type: Claimant

Application filed with: Federal Court of Australia

Date application filed: 05/02/2019

Current status: Full Approved Determination - 19/12/2022

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: 19/12/2022

Applicants: Bonnie Edwards, Lily Banks, Douglas Lannigan

Address(es) for Service: Thomas Cameron
Marawah Law Pty Ltd
1/345 Sheridan Street
Cairns QLD 4870

Additional Information

Not applicable

Persons claiming to hold native title:

The claim group is comprised of those persons who are descended (including by way of adoption) from the following ancestors:

1. Bulugul;

2. Gagai;
3. Mountain;
4. Wulmarriya;
5. Flora Mayilba;
6. Bungul;
7. Jalwarda; and
8. Nelson.

Native title rights and interests claimed:

The native title rights and interests claimed in this Application are subject to and exercisable in accordance with:
1 the common law, the laws of the State of Western Australia and the Commonwealth of Australia;
2 valid interests conferred under those laws; and
3 the body of traditional laws and customs acknowledged and observed by Jaru People under which rights and interests are possessed.

The said native title rights 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.

The Applicant claims the following listed native title rights and interests:

- (a) A right to hunt in the area;
- (b) A right to fish in the area;
- (c) A right to take fauna; and
- (d) A right to take traditional resources, other than minerals and petroleum from the area.
- (e) A right to be present on or within the area.
- (f) A right to make decisions about the use of the area by members of the Aboriginal society to which the native title claim group belong;
- (g) A right to invite and permit others to have access to and participate in or carry out activities in the area;
- (h) A right of access to the area;
- (i) A right to live within the area;
- (j) A right to erect shelters upon or within the area;
- (k) A right to camp upon or within the area;
- (l) A right to move about the area;
- (m) The right to access and take for any purpose the resources; and
- (n) The right to protect places, areas and sites of traditional significance.

Application Area:

State/Territory: Western Australia

Brief Location: Purnululu National Park, Kimberley region

Primary RATSIB Area: Kimberley

Approximate size: 2438.3229 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):

External Boundaries:

All that portion of land within the external boundaries of Reserve 39897.

Internal Boundaries:

1) 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 NTA, 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.

2) 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 (to the extent only that that law confirms or effects extinguishment of native title rights and interests).

3) The Applicants exclude from the claim areas in relation to which native title rights and interest have otherwise been extinguished, including areas subject to:

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

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

To avoid any uncertainty, the Applicants exclude from the contained within the following descriptions or tenures which have been validly granted, set out in Schedule B1.

4) Paragraphs (1) to (3) above are subject to 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.

SCHEDULE B1

1) Any unqualified grant of an estate in fee simple currently in force.

2) A Lease which is currently in force, in respect of an area not exceeding 6,000 square metres; upon which a dwelling house, residence, building or work is constructed; and which comprises:

a) a Lease of a Worker's Dwelling under the Workers' Homes Act 1911-1928;

b) a 999 Year Lease under the Land Act 1898;

c) a Lease of a Town Lot or Suburban lot pursuant to the Land Act 1933 (WA), s 117; or

d) a Special Lease under s 117 of the Land Act 1933 (WA)

3) A Conditional Purchase Lease currently in force in the Agricultural Areas of the South West Division under clauses 46 and 47 of the Land Regulations 1887 which includes a condition that the lessee reside on the area of the lease and upon which a residence has been constructed.

4) A Conditional Purchase Lease of cultivable land currently in force under Part V, Division (1) of the Land Act 1933 (WA) in respect of which habitual residence by the lessee is a statutory condition in accordance with the Division and upon which a residence has been constructed.

5) A Perpetual Lease currently in force under the War Service Land Settlement Scheme Act 1954.

6) A Permanent public work and the land or waters on which a public work is constructed, established or situated within the meaning given to that phrase by the Native Title Act 1993 (Cth) s251D.

7) A public road.

Schedule L

For the area covered by the application, details of:

a) any area for which a pastoral lease is held by or on behalf of the members of the native title claim group; and

b) any area leased, held or reserved for the benefit of Aboriginal peoples or Torres Strait Islanders that is occupied by or on behalf of the members of the native title claim group; and

c) any vacant Crown land occupied by the members of the native title claim group; and

d) any area mentioned in paragraph (a), (b) or (c) over which the extinguishment of native title is required by section 47, 47A or 47B of the Act to be disregarded.

The applicant is not aware of any parts of the claim to which items (a) (b) or (c) apply.

Attachments: 1. Map of the claim area, attachment C of the application, 1 page - A4, 05/02/2019

End of Extract