



# Extract from Schedule of Native Title Applications

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**Application Reference:** Federal Court number: WAD575/2019  
NNTT number: WC2020/002

**Application Name:** Joombarn-buru and State of Western Australia & Ors (Joombarn-buru)

**Application Type:** Claimant

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

**Date application filed:** 03/03/2020

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**Current status:** Full Approved Determination - 13/10/2021

**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:** 22/05/2020

**Registration decision status:** Accepted for registration

**Registration history:** Registered from 22/05/2020 to 15/10/2021,

**Date claim / part of claim determined:** 13/10/2021

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**Applicants:** Rowena Mouda, Francesca Ishiguchi, Thalia Lorna Kelly, Rona Charles, Rosita Shaw, Richard Manado, Marie Manado, Bianca Cook, Wayne Bergmann, Mark Manolis, Nathan Lennard, Rosie Nunju, Lydia Clancy Skinner

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## Additional Information

Not applicable

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**Persons claiming to hold native title:**

1. The Native Title Claim Group are those Aboriginal people who are:

(a) listed in paragraph [2] and their descendants; or

(b) recognised by the descendants of the people listed in paragraph [2] as having traditional rights and interests in the area under traditional law and custom.

2. The people referred to in paragraph [2](a) are those Aboriginal persons who are the descendants of:

(a) Djanbigan Dangan, father of Otto Gili (Kelly);

(b) Annie Murrjal;

(c) Blanki;

(d) Diima;

(e) Garlmarr;

(f) Gurupirin;

(g) Nani;

(h) Jinurrap;

(i) Lucy Muninga;

(j) Brumby Waddadul;

(k) Minybal Esther and her brother Gumbil;

(l) Jidnyambala;

(m) Nobel; or

(n) Tommy Numarid.

**Native title rights and interests claimed:**

**Native title where traditional rights are wholly recognisable**

1. In every part of the claim area (if any) where there has been:

(a) no extinguishment to any extent of native title or where any extinguishment is required to be disregarded; and

(b) which is not subject to the public right to navigate or the public right to fish,

the right possessed under traditional law and customs is properly interpreted as, and the native title right recognised by the common law of Australia is, the right of possession, occupation, use and enjoyment of land and waters as against all others.

**Native title where traditional rights are partially recognisable**

2. In all other parts of the claim area, the right possessed under traditional law and customs is properly interpreted as the right of possession, occupation, use and enjoyment of land and waters as against all others, but the native title rights and interests recognised by the common law of Australia are the rights to do all such things as may be done under the right referred to above, save for controlling the access to or the use of land or waters by others; being the (non-exclusive) rights to:

(a) have access to, remain on and use the land and waters;

(b) access and take the resources of the land and waters; and

(c) protect places, areas and things of traditional significance on the land and waters.

#### **Area covered by the native title and who holds the rights**

3. Each of the native title rights referred to in paragraph 1 and 2 in this Schedule E exist in relation to the whole of each part of the claim area to which those paragraphs respectively apply and is held by the members of the native title claim group subject to and in accordance with their traditional laws and customs.

#### **Activities currently carried on**

4. Activities in exercise of the native title rights referred to in this Schedule E are all such activities as are contemplated by those rights and interests and include the activities identified in Schedule G.

#### **Rights subject to laws of Australia**

5. The members of the native title claim group acknowledge that their native title rights and interests are subject to and exercisable in accordance with valid and current laws of the Commonwealth and the State of Western Australia including the common law.

6. In this Schedule E, "resources" does not include such minerals, petroleum, geothermal energy or geothermal energy resources, if any, as are, under the laws of the Commonwealth and the State of Western Australia including the common law as at the date of this application, wholly owned by the Crown.

**Application Area:**                      **State/Territory:** Western Australia  
**Brief Location:** Kimberley region of Western Australia  
**Primary RATSIB Area:** Kimberley  
**Approximate size:** 940.2256 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 Boundary Description**

1. The external boundary description is in the amended Attachment B.

2. The following areas within the claim area, if any, are not covered by the application, except where the non-extinguishment principle as defined in section 238 of the *Native Title Act 1993* applies to the area or any extinguishment by the acts mentioned is required by sections 47, 47A or 47B of the *Native Title Act 1993* to be disregarded.

a. Any area that, when the application is made, is subject to any of the following kinds of acts as they are defined in either the *Native Title Act 1993*, as amended (where the act in question is attributable to the Commonwealth), or 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 of any native title rights or interests;

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

b. Any area in relation to which a 'relevant act' as that term is defined in section 12I 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.

c. Any area in relation to which a previous exclusive possession act under section 12J of the *Titles (Validation) and Native Title (Effect of Past Acts) Act 1995 (WA)* was done and that act is attributable to the State of Western Australia.

d. Any area in relation to which a previous exclusive possession act as defined by section 23B (including section 23B (7)) of the *Native Title Act 1993* was done in relation to the area and the act was attributable to the Commonwealth.

e. Any areas where native title rights and interests have otherwise been wholly extinguished.

3. Where there is any discrepancy between the map provided at Attachment C and the written description contained in Attachment B, Attachment B prevails.

### Combination Details

Date of order to combine: 20/02/2020

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
WAD24/2019,W C2013/005	Rona Charles & Anor v State of Western Australia & Ors (Mount Jowlaenga)	08/08/2013	N/A	Registered from 6/09/2013 to 22/05/2020
WAD331/2014, WC2014/005	Rona Charles & Ors on behalf of Mount Jowlaenga Polygon #2 v State of Western Australia	07/11/2014	N/A	Registered from 15/12/2014 to 22/05/2020
WAD575/2019, WC2019/014	Rowena Mouda & Ors on behalf of the Joombarnburu Native Title Claim Group and State of Western Australia	07/11/2019	N/A	Registered from 31/01/2020 to 22/05/2020

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

### Attachments:

1. WC2020/002 External Boundary Description, attachment B of the application, 3 pages - A4, 03/03/2020
2. WC2020/002 Map of Claim Area, attachment C of the application, 2 pages - A4, 03/03/2020

### NNTT Contact Details

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