



Extract from Schedule of Native Title Applications

Application Reference: Federal Court number: WAD288/2021
NNTT number: WC2021/008

Application Name: Elizabeth Jingle & Ors on behalf of the Jaru People #2 and State of Western Australia (Jaru People #2)

Application Type: Claimant

Application filed with: Federal Court of Australia

Date application filed: 17/12/2021

Current status: Full Approved Determination - 15/12/2022

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: 15/12/2022

Applicants: Elizabeth Jingle, Rosemary Carey, Frank Sampi, Margaret Rogers, Lena Carey

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Additional Information

Not applicable

Persons claiming to hold native title:

1. The native title holders are those Aboriginal people who:
(a) are related through filiation (meaning a series of parent-child relationships, including by adoption) to one of the Apical Ancestors who held rights and interests in one of the local estate countries comprising the claim area; or

(b) are affiliated to an Apical Ancestor and who have spirit conception and/or birth sites in one of the local estate countries in the claim area; or

(c) are recognised by the persons described above as:

(i) holding rights and responsibilities for certain songs and ceremonies which make reference to important sites in the claim area; or

(ii) holding rights and interests in one of the local estate countries in the claim area under traditional law and custom.

2. The Apical Ancestors are:

1. Unnamed mother of Abier and Jenny Garrngarri

2. Barney Wiraluwa

3. Billabong Lurlmerri/Friday Ngormeerri/Modmiyarri

4. Jingargi (father of Bingangin, Tinka Rarrawarl, Jirngari and Warrayiwana)

5. Budubal (mother of Biddie Gilidngali)

6. Unnamed father of Burlburriny/Bulburi /Jimmy Rodgers, Labawu, Bowershed-Ngarna, Biriliji and Jeannie Wujuwany-Dijuwan

7. Camel (Campbell) Thompson

8. Dilin

9. Dinah

10. Dinbal

11. Dungarri

12. Durukman

13. Buggy Djimululun / Dzimululun (father of Fred Jalwarta)

14. Goormalangana

15. Unnamed father of Gurunbu BangarIngaga, Pamarra and Wajika

16. Unamed father of Imbaji Sturt and Mintipa

17. Jaluwirri

18. Jawuda Ngarnaji

19. Jimmy Springvale

20. Unnamed father of Jinaginya, Bambalawuja and adopted father of Mangangkajanka

21. Unnamed father of Jurnug, Gurugbirri, Nginda, Ningili and Jarndari, Jalarngurra and Bigibigi

22. Juwarigaliny Sambo

23. Unnamed father of King Paddy

24. Kulmariya

25. Kwarrarangana

26. Lineman and Nyutindeni
27. Linmarji/Linmarzi (Husband of Dzulbir)
28. Mother (Mabuga) and father (skin name Jangala) of Lungyina/Angelina Scott
29. Mandangal/Madangal (Wife of Wolameri)
30. Mirrowinja
31. Ngarntingeni/Nyandinyeri
32. Ngiliyayiny/Nyiliyang
33. Unnamed mother of Nidbarir and Dzurin-Dzurin
34. Nidi (Mother of Rosie Mantel, Jack Jellarl and Lui Mutji Brockman)
35. Ninjanung
36. Ngurlkaji (father's father of Billy and Ray Duncan)
37. Nyiliga
38. Nyitunja
39. Nyowarany Billy Williams/Willie Williams
40. Unnamed father of Paddy Nyunkaja, Dodger and Ruby Janjug Tucker
41. Unnamed father of Pintuwuk, Polly Marrngu, Nalyirri, Lapawun and their unnamed sister
42. Unnamed father of Polly Gulungal and Ngularraji
43. Rosie Buyul
44. Unnamed father of Tommy Japulda Namarung and Porki Nanyjiyarri
45. Tommy Ngardad
46. Tommy Rosewood
47. Jimmy Turrukpany
48. Harry Wirriluwarn
49. Wurajartu
50. Yirin Paddy (Husband of Buyurrngali)
51. Yugaya
52. Yumunji/Yamanji "Nanny goat man"
53. Unnamed father of Gimanoonja and Piebald

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 (because there has been no extinguishment of native title or where any extinguishment is required to be disregarded), the nature and extent of the native title rights and interests is the right of possession, occupation, use and enjoyment of the lands and waters as against the whole world.

2. Over areas where a claim to exclusive possession cannot be recognised (being land and waters where there can only be partial recognition of native title or where there has been partial extinguishment of native title), the native title rights and interests are:

(a) The right to have access to, remain in and use that part, which includes but is not limited to the following activities:

- (i) To access and move freely through and within that part;
- (ii) to live, being to enter and remain on, camp and erect temporary shelters and other structures for those purposes on that part;
- (iii) to light controlled contained fires but not for the clearance of vegetation;
- (iv) to engage in cultural activities in that part, including the transmission of cultural heritage knowledge; and
- (v) to hold meetings in that part.

(b) The right to access and take for any purpose the resources on that part, which includes but is not limited to the following activities:

- (i) To access and take water, other than water which is lawfully captured or controlled by the holders of pastoral leases.

(c) The right to protect places, areas and sites of traditional significance that part, which includes but is not limited to the following activities:

- (i) To conduct and participate in ceremonies in that part;
- (ii) to conduct burials and burial rites and other ceremonies in relation to death in that part; and
- (iii) to visit, maintain and protect from physical harm, areas, places and sites of importance in that part.

(d) The right to be accompanied onto that part by any persons who, though not native title holders, the native title holders may invite pursuant to traditional law and custom, being:

- (i) spouses or partners of the native title holders; and
- (ii) persons who may assist with the performance of ceremonies or cultural activities, including sharing of knowledge about country.

Application Area:

State/Territory: Western Australia

Brief Location: Eastern Kimberley region

Primary RATSIB Area: Kimberley

Approximate size: 131.5617 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 application area covers all the land and waters within the external boundary described as:

Unallocated Crown Land parcel being Lot 350 on Deposited Plan 75846 and as described at **Attachment B**.

For the avoidance of doubt, the application excludes any areas subject to Native Title Determination WAD45/2012 as determined by the Federal Court on 6 December 2018 in *Sturt on behalf of the Jaru Native Title Claim v State of Western Australia* [2018] FCA 1923.

Attachments:

1. WC2021/008 External boundary description, attachment B of the application, 2 pages - A4, 17/12/2021
2. WC2021/008 Map, attachment C of the application, 2 pages - A4, 17/12/2021

End of Extract