



# Extract from the National Native Title Register

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## Determination Information:

**Determination Reference:** Federal Court Number(s): WAD327/2018  
NNTT Number: WCD2019/009

**Determination Name:** [Hobbs v State of Western Australia](#)

**Date(s) of Effect:** 9/08/2019

**Determination Outcome:** Native title exists in the entire determination area

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## Register Extract (pursuant to s. 193 of the *Native Title Act 1993*)

**Determination Date:** 09/08/2019

**Determining Body:** Federal Court of Australia

### ADDITIONAL INFORMATION:

On 7 August 2019, the Yanunijarra Aboriginal Corporation RNTBC was nominated to be the prescribed body corporate and trustee of the native title rights and interests for the common law holders, pursuant to section 56(1).

On 9 August 2019, the Federal Court of Australia made a determination in respect of the application area that native title exists in parts of the determination area – see *Hobbs v State of Western Australia [2019] FCA 1255*.

Order 3 provides that the determination is to take effect immediately upon the making of a determination under section 56(1) or 57(2) of the *Native Title Act 1993* (Cth).

Order 5 provides that if a prescribed body corporate is nominated in accordance with order 3, it will hold the native title rights and interests in trust or as agent (as the case may be), for the common law holders.

As the prescribed body corporate had been nominated on 7 August 2019, the determination came into effect on 9 August 2019.

### REGISTERED NATIVE TITLE BODY CORPORATE:

Yanunijarra Aboriginal Corporation RNTBC  
Trustee Body Corporate  
PO Box 40  
Fitzroy Crossing Western Australia 6765

*Note: current contact details for the Registered Native Title Body Corporate are available from the Office of the Registrar of Indigenous Corporations [www.oric.gov.au](http://www.oric.gov.au)*

### COMMON LAW HOLDER(S) OF NATIVE TITLE:

## Native title holders (s225(a))

3. The native title in the Determination Area is held by the Yi-Martuwarra Ngurrara people. The Yi-Martuwarra Ngurrara people are the people referred to in Schedule 4.

### SCHEDULE 4

#### DESCRIPTION OF THE NATIVE TITLE HOLDERS

The native title holders are those Aboriginal people who hold in common the body of traditional laws and customs concerning the claim area. Those people are:

a) the biological descendants of the following apical ancestors: Barney Barnes, Bidy Tipultipul, Charcoal Waluparka, Charlie Wirramin; Hairpin Marna, Hector McClarty, Jack Butt, Jack Pindan, Jalal, Janyi, Jarlanya, Jarraly, Jarralyi, Jijuru, Jiminalajarti, Jimmy Cherrabun, Jimmy Kuku, Jimmy Milmilinpiri, Jinakurri, Jinaparralyaparralya, Jiyapa, Jukajuka, Jutaji, Kakaji, Kakartuku, Kakural, Karljuwal, Kilankara, Kingkarraji, Kinkarraji, Kinki, Kipi, Kujiman, Kulurr, Kumparrngarla, Kungayi, Kunyu, Kurtinya, Kurukuru, Kurumanyu, Liramilin, Lirra, Maggi Wipula, Manjankarri, Maramara, Maramimi, Marjorie Baldwin-Jones; Marra, Milal, Milimili, Mimi, Mitanga, Mukula, Napiya, Nat Beadell, Ngaramgarapungu, Ngarpitangky, Ngartaya, Nujnuj, Nyapita, Nyinganyiga, Nyintakura, Nyinyingka, Paju, Pampi, Papilparri, Paralirl, Parnayi, Parrangali, Peter Francis, Pika, Piluwulu, Pingana, Pinijarti, Possum Waja, Pukurli, Pulyukupulyuky, Puri, Purgurkarraji, Roger Rakartu, Shovel, Tampitampi, Tiepin Forrest, Tommy Kampuranti, Ulayi, Upapatirri, Waji Karpipal, Walkarr, Wamakulangu, Wamukarraji, Wangala, Wangkarrkura, Warrapan, Warrmala, Wawajati, Wayanjarri, Wintiki, Witikirriny, Yalyayi, Yanji, Yanparr, Yijayi, Yita, Yungkurla, Yurrijarti, Yurungu

Ngampupartu, Japarti, Mayaparna, Yirrajarti, Partaly, Journurinyja, Yakarla, Charlie Nyarnjarn, Jintabi, Ngurrujukurr, Wakunya, Pinanpali, Lilpala, Ngalpujukurr

Jurniyaku, Kangkayi, Kilkatarri, Kiminy, Kuni, Pangkayi, Tarrungka, Wayinamaliny, Jurrkapitirra-Dicky Costaine, Tartiku-Frank Forrest, Minyarri, Pajinka, Jinanyili/Alec Laurel, Milaluwa Bob, Turljarri, Wanakara, Kirriiri and Warrkaya, Tjinamunturr, Pinkakarraji, Jerry Purungpurung, Toby Dickens; or

b) are acknowledged by the native title claimants in (a) as having rights and interests in the claim area through a direct relationship by birth/finding and growing up in places ("Ngurrara") within the application area.

#### MATTERS DETERMINED:

##### THE COURT DETERMINES, DECLARES AND ORDERS THAT:

1. It is satisfied that an order in the terms proposed in the attached Minute of Consent Determination of Native Title is within the power of the Court and is appropriate to be made pursuant to section 87 of the *Native Title Act 1993* (Cth).
2. There be a determination of native title in the terms of the Minute of Consent Determination of Native Title attached.
3. The determination is to take effect immediately upon the making of a determination under section 56(1) or 57(2) of the *Native Title Act 1993* (Cth) as the case may be.
4. Within 12 months of the date upon which these orders are made, a representative of the common law holders of the native title rights and interests shall indicate whether they intend to have the native title rights and interests held in trust or by an agent. They are invited to do so by:
  - (a) nominating in writing to the Federal Court a prescribed body corporate to be trustee or agent of the native title rights and interests; and
  - (b) including within the nomination the written consent of the body corporate.
5. If a prescribed body corporate is nominated in accordance with order 3, it will hold the native title rights and interests described in order 1 in trust or as agent (as the case may be), for the common law holders of the native title rights and interests.
6. In the event that there is no nomination within the time specified in order 3, or such later time as the Court may order, the matter is to be listed for further directions.

#### ATTACHMENT "A"

##### DETERMINATION

## **THE COURT ORDERS, DECLARES AND DETERMINES THAT:**

### **Existence of native title (s225)**

1. The Determination Area is the land and waters described in Schedule 1 and depicted on the maps comprising Schedule 2.
2. Native title rights and interests exist in those parts of the Determination Area identified in **Schedule 3 (Native Title Area)**.

### **Native title holders (s225(a))**

3. The native title in the Determination Area is held by the Yi-Martuwarra Ngurrara people. The Yi-Martuwarra Ngurrara people are the people referred to in Schedule 4.

### **The nature and extent of native title rights and interests (s225(b)) and exclusiveness of native title (s225(e))**

#### **Exclusive native title rights and interests**

4. Subject to paragraphs 5, 6 and 7 the nature and extent of the native title rights and interests in relation to each part of the Determination Area referred to in Schedule 3 (being areas where any extinguishment must be disregarded) is the right to possession, occupation, use and enjoyment of that part of the Determination Area as against the whole world.

5. Notwithstanding anything in this Determination there are no native title rights and interests in the Determination Area in or in relation to

(a) minerals as defined in the *Mining Act 1904 (WA)* (repealed) and the *Mining Act 1978 (WA)*;

(b) petroleum as defined in the *Petroleum Act 1936 (WA)* (repealed) and the *Petroleum and Geothermal Energy Resources Act 1967 (WA)*; or

(c) water lawfully captured by the holders of Other Interests,

except the right to take and use ochre to the extent that ochre is not a mineral pursuant to the *Mining Act 1904 (WA)*.

6. The native title rights and interests are subject to the *Petroleum and Geothermal Energy Resources Act 1967 (WA)*.

7. Native title rights and interests are subject to and exercisable in accordance with:

(a) the laws of the State and the Commonwealth, including the common law; and

(b) the traditional laws and customs of the Native Title Holders.

8. For the avoidance of doubt, the nature and extent of native title rights and interests in relation to water in any watercourse, wetland or underground water source as defined in the *Rights in Water and Irrigation Act 1914 (WA)* as at the date of this determination is the non-exclusive right to take, use and enjoy that water.

#### **Areas to which s47A and s47B of the Native Title Act apply**

9. Section 47B of the Native Title Act apply to disregard any prior extinguishment in relation to the areas described in Schedule 3.

#### **The nature and extent of any other interests**

10. The nature and extent of other rights and interests in relation to the Determination Area are those set out in Schedule 5.

#### **Relationship between native title rights and other interests**

11. The relationship between the native title rights and interests described in paragraph 4 and the other interests is as follows.

(a) the Other Interests co-exist with the native title rights and interests;

(b) this Determination does not affect the validity of those Other Interests; and

to the extent of any inconsistency, the native title rights and interests yield to the Other Interests and the existence

and exercise of native title rights and interests cannot prevent activities permitted under the Other Interests.

### **Definitions and interpretation**

12. In this Determination, unless the contrary intention appears:

"**Determination Area**" means the land and waters described in Schedule 1 and depicted on the maps at Schedule 2;

"**land**" and "**waters**" respectively have the same meanings as in the *Native Title Act*;

"**Native Title Act**" means the *Native Title Act 1993* (Cth);

In the event of any inconsistency between the written description of an area in Schedule 1 or Schedules 3 and 5 and the area as depicted on the maps at Schedule 2, the written description prevails.

### **REGISTER ATTACHMENTS:**

1. WCD2019/009 Schedule One - Determination Area, 4 pages - A4, 09/08/2019
2. WCD2019/009 Schedule Two - Maps of the Determination Area, 2 pages - A4, 09/08/2019
3. WCD2019/009 Schedule Three - Exclusive Native Title Areas, 1 page - A4, 09/08/2019
4. WCD2019/009 Schedule Five - Other Interests, 1 page - A4, 09/08/2019

*Note: The National Native Title Register may, in accordance with s. 195 of the Native Title Act 1993, contain confidential information that will not appear on the Extract.*