



Extract from the National Native Title Register

Determination Information:

Determination Reference: Federal Court Number(s): WAD460/2018
NNTT Number: WCD2021/009

Determination Name: [Forrest on behalf of the Nangaanya-ku Native Title Claim Group \(Part A\) v State of Western Australia](#)

Date(s) of Effect: 29/11/2021

Determination Outcome: Native title exists in the entire determination area

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

Determination Date: 29/11/2021

Determining Body: Federal Court of Australia

ADDITIONAL INFORMATION:

Not Applicable

REGISTERED NATIVE TITLE BODY CORPORATE:

Barra Parrapi (Aboriginal Corporation)
Trustee Body Corporate
76 Wittenoom Street
East Perth Western Australia 6004

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

COMMON LAW HOLDER(S) OF NATIVE TITLE:

2. The native title in the Part A Determination Area is held by the persons described in Schedule 2 (**Native Title Holders**).

SCHEDULE 2

DESCRIPTION OF THE NATIVE TITLE HOLDERS

1. The persons referred to in order 2 of this determination are those persons from time to time who hold native title rights and interests in part or all of the Part A Determination Area according to their traditional laws and customs through one or more of the following pathways:

- (a) their own birth on the Part A Determination Area;
- (b) the birth of an ancestor on the Part A Determination Area;
- (c) having religious, sacred or ritual authority for the Part A Determination Area; and/or
- (d) long traditional association with the Part A Determination Area through occupation, custodianship or use by one's self and/or relevant kin.

2. As at the date of this determination, the persons referred to in paragraph 1 of this Schedule 2 include, but are not limited to, those descendants of the following persons:

- (a) Dingo Tom;
- (b) Dulu;
- (c) Binghi Lynch;
- (d) Mungulu Harris;
- (e) Withawarra / Ruby / Darga;
- (f) Narruli;
- (g) Paratjanu Graham;
- (h) Malgatjanu / Mulga Joe Mason;
- (i) Biyuwarra;
- (j) siblings Kitty / Nganyi and Yampi / Alice;
- (k) Ngayuyu / Davey / Dipi Johnston;
- (l) Kulputjanu / Alec Bilson;
- (m) siblings Ningu, Pangin and Ulan;
- (n) siblings Miiwa and Pluto Hicks;
- (o) siblings Tamaly / Tumul / Noona / Nu:na Roundhead, Bulgu / Tjindardi / Peter Meredith / Merrill, Rupert Blizzard and Wiltjamata / Winggamata;
- (p) Lakarra;
- (q) Nu:nanj / Maggie / "Lady Jane";
- (r) (Blind) Maggie;
- (s) Morika;
- (t) siblings Ginger Stokes / Tjinapunman and Alma Binggun;
- (u) Ginger Parker / Teeweeree;
- (v) Mary;
- (w) Molly / Yowatji;
- (x) Roy Sinclair;
- (y) Kitty Lynch / Wells;
- (z) Gooronj / Lilly Anderson / Kuran; and
- (aa) Raymond Wells.

MATTERS DETERMINED:

THE COURT ORDERS THAT:

1. In relation to the Part A Determination Area, there be a determination of native title in WAD 460 of 2018 in terms of the determination as provided for in Attachment A.
2. The Barra Parrapi (Aboriginal Corporation) (ICN 9571) shall hold the determined native title in trust for the native title holders pursuant to s 56(2)(b) of the *Native Title Act*.

ATTACHMENT A

DETERMINATION

THE COURT ORDERS, DECLARES AND DETERMINES THAT:

Existence of native title: s 225 Native Title Act

1. Native title exists in relation to the whole of the Part A Determination Area.

Native title holders: s 225(a) Native Title Act

2. The native title in the Part A Determination Area is held by the persons described in Schedule 2 (**Native Title Holders**).

The nature and extent of native title rights and interests: ss 225(b) and 225(e) Native Title Act

3. Subject to orders 6 and 7, the nature and extent of the native title rights and interests in relation to each part of the Part A Determination Area referred to in Schedule 3 is the right to possession, occupation, use and enjoyment of those parts to the exclusion of all others.
4. Subject to orders 5 to 7, the nature and extent of the native title rights and interests in relation to each part of the Part A Determination Area, other than those parts of the Part A Determination Area referred to in Schedule 3, are the following rights and interests:

- (a) the right to access, remain in and use that part;
- (b) the right to access, take and use the resources of that part for any purpose;
- (c) the right to engage in spiritual and cultural activities on that part; and
- (d) the right to maintain and protect places and objects of significance on that part.

Qualifications on native title rights and interests: ss 225(b) and 225(e) Native Title Act

5. The native title rights and interests in order 4 do not confer possession, occupation, use and enjoyment of those parts of the Part A Determination Area on the Native Title Holders to the exclusion of all others.
6. The native title rights and interests are subject to and exercisable in accordance with:

- (a) the traditional laws and customs of the Native Title Holders; and
- (b) the laws of the State and the Commonwealth, including the common law.

7. Notwithstanding anything in this determination:

- (a) there are no native title rights and interests in the Part A Determination Area in or in relation to:
 - (i) minerals as defined in the *Mining Act 1904 (WA)* (repealed) and in the *Mining Act 1978 (WA)*;
 - (ii) petroleum as defined in the *Petroleum Act 1936 (WA)* (repealed) and in the *Petroleum and Geothermal Energy Resources Act 1967 (WA)*; or
 - (iii) geothermal energy resources and geothermal energy as defined in the *Petroleum and Geothermal Energy Resources Act 1967 (WA)*; and
- (b) 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)* at the date of this determination is the non-exclusive right to take, use and enjoy that water.

The nature and extent of any Other Interests: s 225(c) Native Title Act

8. The nature and extent of the Other Interests are described in Schedule 4.

Relationship between native title rights and Other Interests: s 225(d) Native Title Act

9. Except as otherwise provided for by law, the relationship between the native title rights and interests described in orders 3 and 4 and the Other Interests is as follows:

- (a) this determination does not affect the validity of those Other Interests;
- (b) to the extent of any inconsistency between the Other Interests and the continued existence, enjoyment or exercise of the native title rights and interests:
 - (i) the native title rights and interests continue to exist in their entirety, but the native title rights and interests have no effect in relation to the Other Interests to the extent of the inconsistency during the currency of the Other Interests; and
 - (ii) otherwise the Other Interests co-exist with the native title rights and interests, and for the avoidance of doubt, the doing of an activity required or permitted under those interests prevails over the native title rights and interests and their exercise, but does not extinguish them.

Areas where extinguishment is disregarded: s 47B Native Title Act

10. Section 47B of the *Native Title Act* applies to disregard any prior extinguishment in relation to the areas described in Schedule 5.

Definitions and Interpretation

11. In this determination, unless the contrary intention appears:

Excluded Areas means the land and waters described in Part 2 of Schedule 1 and generally shaded in pink on the maps in Schedule 6;

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

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

Native Title Holders means the people described in Schedule 2 and referred to in order 2;

Other Interests means the legal or equitable estates or interests and other rights in relation to the Part A Determination Area described in Schedule 4 and referred to in order 8;

Part A Determination Area means the land and waters within the external boundary described in Part 1 of Schedule 1 and depicted on the maps at Schedule 6, but not including the Excluded Areas; and

State means the State of Western Australia.

12. In the event of any inconsistency between the written description of an area in the Schedules and the area as depicted on the maps in Schedule 6, the written description prevails.

REGISTER ATTACHMENTS:

1. Schedule 1 - Part A Determination Area, 3 pages - A4, 29/11/2021
2. Schedule 3 - Exclusive Possession Native Title Areas, 1 page - A4, 29/11/2021
3. Schedule 4 - Other Interests, 4 pages - A4, 29/11/2021
4. Schedule 5 - Areas To Which S 47B of the Native Title Act Applies, 1 page - A4, 29/11/2021
5. Schedule 6 - Maps of the Part A Determination Area, 3 pages - A4, 29/11/2021
6. Schedule 7 - Technical Description of Anne Beadell Highway, 28 pages - A4, 29/11/2021
7. Schedule 8 - Map of Access Corridor [Schedule 4, paragraph 4(a)], 2 pages - A4, 29/11/2021

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.