



Extract from the National Native Title Register

Determination Information:

Determination Reference: Federal Court Number(s): WAD288/2021
NNTT Number: WCD2022/005

Determination Name: [Jingle on behalf of the Jaru People #2 v State of Western Australia](#)

Date(s) of Effect: 15/12/2022

Determination Outcome: Native title exists in the entire determination area

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

Determination Date: 15/12/2022

Determining Body: Federal Court of Australia

ADDITIONAL INFORMATION:

Not Applicable

REGISTERED NATIVE TITLE BODY CORPORATE:

Jaru Aboriginal Corporation RNTBC
Trustee Body Corporate
C/- Kimberley Land Council Aboriginal Corporation
PO Box 2145
Broome Western Australia 6725

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:

Native title holders (s225(a))

3. The native title in the Determination Area is held by the Jaru people. The Jaru people are the people referred to in Schedule 4.

MATTERS DETERMINED:

THE COURT ORDERS BY CONSENT 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 Jaru Aboriginal Corporation RNTBC (ICN 9512) shall hold the determined native title in trust for the native title holders pursuant to section 56(2)(b) of the *Native Title Act 1993* (Cth).

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 map comprising Schedule 2.
2. Native title exists in the Determination Area.

Native title holders (s225(a))

3. The native title in the Determination Area is held by the Jaru people. The Jaru 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 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 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) geothermal energy resources and geothermal energy as defined in the *Petroleum and Geothermal Energy Resources Act 1967* (WA);
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. 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.
7. 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.

s47B of the Native Title Act applies to the Determination Area

8. Section 47B of the Native Title Act applies to disregard any prior extinguishment in relation to the Determination Area.

The nature and extent of any other interests

9. 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

10. The relationship between the native title rights and interests described in paragraph 4 and the other interests is as follows.
(a) The determination does not affect the validity of those other interests;
(b) to the extent of any inconsistency between the other interests and the native title rights and interests, 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
(c) otherwise the other interests co-exist with the native title rights and interests. To avoid doubt, existence and exercise of native title rights and interests do not prevent the doing of any activity required or permitted to be done by or under the other rights and interests, and the doing of an activity required or permitted under those other interests prevails over the native title rights and interests and their exercise, but does not extinguish them.

Definitions and interpretation

11. In this Determination, unless the contrary intention appears:
"Determination Area" means the land and waters described in Schedule 1 and depicted on the map 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);
12. In the event of any inconsistency between the written description of an area in Schedule 1 or Schedule 3 and the

area as depicted on the map at Schedule 2, the written description prevails.

REGISTER ATTACHMENTS:

1. Schedule 1 - Determination Area, 1 page - A4, 15/12/2022
2. Schedule 2 - Map of the Determination Area, 1 page - A4, 15/12/2022
3. Schedule 3 - Exclusive Native Title Areas, 1 page - A4, 15/12/2022
4. Schedule 4 - Description of the Native Title Holders, 3 pages - A4, 15/12/2022
5. Schedule 5 - Other Interests, 1 page - A4, 15/12/2022

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.