



**Annexure 1 – Schedules 1 and 2 of the Rule Book of the Bungle Bungles Aboriginal Corporation**



## Schedule 1 – Interpretation and Dictionary

### Interpretation

In this Rule Book:

- (a) words in the singular include the plural and vice versa;
- (b) the words ‘including’, ‘include’ and ‘includes’ are to be read without limitation;
- (c) a reference to legislation or regulation is to be read as a reference to that legislation or regulation as amended, re-enacted or replaced for the time being;
- (d) headings and notes are used for convenience only and are not intended to affect the interpretation of these rules;
- (e) a word or expression defined in the CATSI Act and used, but not defined, in this Rule Book has the same meaning given to it in the CATSI Act; and
- (f) inconsistency with the CATSI Act is to be resolved in favour of the CATSI Act.

### Dictionary

**CATSI Act** means the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (Cth).

**Common Law Holders** has the same meaning as in section 56(2) of the Native Title Act, and means the persons described in the Determination of Native Title and identified in Schedule

**4** as the persons determined by the Federal Court as holding the common or group rights and interests comprising native title in the Determination Area.

**Determination of Native Title** means the determination of the Federal Court of Australia in the proceeding known as WAD536 of 2018, WAD 401 of 2018 and WAD 65 of 2019.

**Determination Area** means the land and waters the subject of the Determination of Native Title and in relation to which the Corporation is registered on the National Native Title Register.

**Group of Common Law Holders** refers to a number of Common Law Holders that constitute a group where they belong to a tribe, clan or family, or a descent, language or other group, recognised as such in accordance with the traditional laws and customs applying to them: see reg 3(2) of the PBC Regulations

**High level decision** has the same meaning as in the PBC Regulations.

**Low level decision** has the same meaning as in the PBC Regulations.



**Malngin Interest Area** means the part of the Park Area framed in the west by Eaglehawk Bore and Kitty's Knob Yard with a northern boundary of the Osmand River and an eastern boundary following the course of the Ord River to its junction with the Osmand River and depicted on the map annexed to these Rules.

**National Native Title Register** means the register established and maintained under part 8 of the Native Title Act.

**Native Title Act** or **NTA** means the *Native Title Act 1993* (Cth).

**Native Title Decision** has the same meaning as in regulations 3 and 8(1) of the PBC Regulations and means a decision to:

- (a) surrender Native Title Rights and Interests in relation to land or waters; or
- (b) do, or agreed to do, any other act that would affect the Native Title Rights and Interests of the Common Law Holders.

**Native Title Rights and Interests** has the same meaning as in section 223 of the Native Title Act.

**NTRB** or **Native Title Representative Body** means a representative Aboriginal / Torres Strait Islander body that is recognised under section 203AD of the Native Title Act.

**PBC Regulations** means the *Native Title (Prescribed Body Corporate) Regulations 1999* (Cth).

**Park Area** means the area of the Purnululu National Park (Reserve 39897) referred to in *Drill v Western Australia* [2020] FCA 1510 and depicted on the map annexed to these Rules.

**Park Area Director** means the directors referred to in rule 7.1.1.

**Prescribed Body Corporate** or **PBC** has the same meaning as in regulations 3 and 4 of the PBC Regulations.

**Registered Native Title Body Corporate** or **RNTBC** has the same meaning as in section 253 of the Native Title Act.

**Registrar** means the Registrar of Aboriginal and Torres Strait Islander Corporations appointed in accordance with the CATSI Act.

Rule Book of Bungle Bungles Aboriginal Corporation (ICN 9836). Approved by a Delegate of the Registrar of Aboriginal and Torres Strait Islander Corporations on 20 October 2022.



## **Schedule 2 – Regulation and Decision-Making Principles for Native Title Decisions**

This Schedule 2 sets out the consultation and consent process referred to in rule 4.3 in relation to the making of a Native Title Decision by the Corporation.

### **Part 1: PBC Regulations**

1. For the purposes of rule 4.3 and the PBC Regulations:
  - A. The consultation and consent process in Schedule 2 applies in relation to the making of all Native Title Decisions, whether it is a high level decision or a low level decision.
  - B. The Determination does not identify classes of Common Law Holders who hold native title over the Determination Area on whom a Native Title Decision would have different effects (see Schedule 4).
2. Before making a Native Title Decision, the Corporation must consult with and obtain the consent of the Common Law Holders in relation to the decision accordance with regulation 8 so that:
  - A. If there is a particular process of decision-making that, under the traditional laws and customs of the Common Law Holders, must be followed in relation to the giving of the consent, the consent must be given in accordance with that process; or
  - B. If 1 does not apply, the consent must be given by the Common Law Holders in accordance with the process of decision-making agreed to, or adopted by them, for the proposed Native Title Decision, or for decisions of the same kind as that decision.
3. Regulation 9 provides for when the Common Law Holders are taken to have been consulted on, and to have consented to, a proposed Native Title Decision if a document signed in accordance with regulation 9 certifies that the Common Law Holders have been consulted about, and have consented to, the proposed decision in accordance with Regulation 8 as set out above.



## **Part 2: Decision-making Principles - General**

4. Although there are not classes of Common Law Holders who hold native title over the Determination Area, the Decision-Making Principles make sure that the right people or groups who speak for country are heard about Native Title Decisions made by the Corporation.
5. Before making a Native Title Decision, the Corporation will have regard to the following Decision-Making Principles:
  - 5.1 The Representative Body for the Determination Area should be consulted and its views, if any, considered, and where appropriate and practicable, notice of those views be given to the Common Law Holders.
  - 5.2 Where a Native Title Decision affects the native title rights and interests of a particular Group or Groups of Common Law Holders within the Determination Area, the Corporation should consult with the relevant Group or Groups.
  - 5.3 Where there is a particular process under the traditional laws and customs of the relevant Group or Groups of Common Law Holders that must be followed, decisions should be made in accordance with that process.
  - 5.4 If item 5.3 does not apply, decisions should be made by a process agreed and adopted by the relevant Group or Groups of the Common Law Holders.
  - 5.5 Where a Native Title Decision affects the native title rights and interests of more than one Group of Common Law Holders within the Determination Area, the Corporation should consult with the relevant Groups and decisions should be made by a decision-making process that is representative of the relevant Groups, and:
    - (a) if there is a particular process under the traditional laws and customs of the relevant Groups that must be followed, decisions should be made in accordance with that process; or
    - (b) if (a) does not apply, decisions should be made by a process agreed and adopted by the relevant Groups.



**Part 3: Decision-making Principles: Park Area**

6. Where a Native Title Decision affects native title rights and interests in relation to the Park Area, other than the Malngin Interest Area:
  - (a) the Corporation should consult with the Common Law Holders referred to in Item 7;
  - (b) if there is a particular process under the traditional laws and customs of those Common Law Holders that must be followed, decisions should be made in accordance with that process;
  - (c) if (b) does not apply, decisions should be made by a process agreed and adopted by those Common Law Holders.
  
7. The Common Law Holders referred to at Item 6 are those who:
  - (a) are descended, either biologically or by adoption in accordance with traditional laws and customs, from one or more of the people listed in item (7)(c);
  - (b) The people referred to at Item (7)(a) are:
    - (1) Girnyan;
    - (2) Fred Jalwarta;
    - (3) Nelson;
    - (4) Bulugul;
    - (5) Flora Mayilba;
    - (6) Wulmarriya;
    - (7) Kemintal;
    - (8) Jimmy Turrukpany;
    - (9) Mungamungagatsdil;
    - (10) Walambal;
    - (11) Unnamed Mother of Ruby Ngadayi and Jenny.
  
8. Where a Native Title Decision affects native title rights and interests in relation to the Malngin Interest Area:



- (a) the Corporation should consult with the Common Law Holders referred to in Items 6 and 7 and those Common Law Holders who:
  - (i) are descended, either biologically or by adoption in accordance with traditional laws and customs, from one or more of the people listed in Item (8)(a)(ii);
  - (ii) the people referred to in Item (8)(a)(i) are:
    - (1) King Paddy;
    - (2) Jimmy Binduwuk;
    - (3) Polly Marrngu;
    - (4) Unnamed mother of Rosie Gerrard;
    - (5) Unnamed mother of Jerry Wangali;
- (b) if there is a particular process under the traditional laws and customs of those Common Law Holders that must be followed, decisions should be made in accordance with that process;
- (c) if (b) does not apply, decisions should be made by a process agreed and adopted by those Common Law Holders.

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