



# Extract from the National Native Title Register

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## Determination Information:

**Determination Reference:** Federal Court Number(s): WAD536/2018; WAD401/2018; WAD65/2019  
NNTT Number: WCD2022/006

**Determination Name:** [Drill on behalf of the Purnululu Native Title Claim Group v State of Western Australia \(No 2\)](#)

**Date(s) of Effect:** 19/12/2022

**Determination Outcome:** Native title exists in parts of the determination area

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

**Determination Date:** 19/12/2022

**Determining Body:** Federal Court of Australia

### ADDITIONAL INFORMATION:

Not Applicable

### REGISTERED NATIVE TITLE BODY CORPORATE:

Bungle Bungles Aboriginal Corporation  
Trustee Body Corporate  
C/- Kimberley Land Council  
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](http://www.oric.gov.au)*

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

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

4. The native title in the Determination Area is held by the Native Title Holders. The Native Title Holders are the people referred to in Schedule 6.

### SCHEDULE 6

#### DESCRIPTION OF THE NATIVE TITLE HOLDERS

1. The Native Title Holders are those Aboriginal people who:

(1) are descended, either biologically or by adoption in accordance with traditional laws and customs, from one or more of the people listed in paragraph [2] of this Schedule; or  
(2) are recognised, in accordance with traditional laws and customs, by descendants of the people listed in paragraph [2] of this Schedule as having rights and interests in the Determination Area under traditional law and custom.

2. The people referred to in paragraph [1] of this Schedule are:

- (1) Girnyan;
- (2) JINGKUPAL;
- (3) Unnamed father of Paddy Pirtawuny, Dickie Tooltany and Ngangamil;
- (4) Fred Jalwarta;
- (5) Nelson;
- (6) Bulugul;
- (7) Flora Mayilba;
- (8) Wulmarriya;
- (9) Wulawalyan;
- (10) Kemintal;
- (11) Jimmy Turrukpany;
- (12) Davey Mardangin;
- (13) Nyitparriya;
- (14) Dina Ngowaya;
- (15) Unnamed mother of Junbaynggulu;
- (16) Jarnpayjiri;
- (17) Bilal;
- (18) Mungamungagatsdil;
- (19) Mulkparriya;
- (20) Nyalwalapan;
- (21) Walambal;
- (22) Unnamed mother of Ruby Ngadayi and Jenny;
- (23) King Paddy;
- (24) Jimmy Binduwuk;
- (25) Polly Marrngu;
- (26) Unnamed mother of Rosie Gerrard;
- (27) Unnamed mother of Jerry Wangali.

**MATTERS DETERMINED:**

**THE COURT ORDERS THAT:**

1. In relation to each of WAD 536 of 2018, WAD 401 of 2018 and WAD 65 of 2019, there be a determination of

native title in the terms proposed, despite any actual or arguable defect relating to the authorisation of each applicant to bring the proceedings and to finalise the proceedings by way of the proposed orders and determination.

2. The following native title determination applications be determined together:

- (1) WAD 536 of 2018 (Purnululu Claim #1) filed on 21 December 1994;
- (2) WAD 401 of 2018 (Purnululu Claim #2) filed on 6 September 2018;
- (3) WAD 65 of 2019 (Gajangana Jaru Claim) filed on 7 February 2019.

3. In relation to the Determination Area, there be a determination of native title in WAD 536 of 2018, WAD 401 of 2018 and WAD 65 of 2019 in terms of the Determination of Native Title set out below.

4. The native title is to be held on trust and the Bungle Bungles Aboriginal Corporation is to be the prescribed body corporate for the purposes of ss 56 and 57 of the Act.

#### **THE COURT 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 exists in those parts of the Determination Area identified in Schedules 3 and 4 (**Native Title Area**).

3. Native title does not exist in those parts of the Determination Area identified in Schedule 5.

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

4. The native title in the Determination Area is held by the Native Title Holders. The Native Title Holders are the people referred to in Schedule 6.

##### **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**

5. Subject to paragraphs 6, 7 and 8 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 to the exclusion of all others.

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

##### **Non-exclusive rights and interests**

6. Subject to paragraphs 7, 8, 9, 10 and 11 the nature and extent of the native title rights and interests in relation to each part of the Determination Area referred to in Schedule 4 (being areas where there has been a partial extinguishment of native title and where any extinguishment is not required to be disregarded) are that they confer the following non-exclusive rights on the Native Title Holders:

- (a) the right to have access to, remain in and use those parts;
- (b) the right to access and take for any purpose the resources in those parts; and
- (c) the right to protect places, areas and things of traditional significance on those parts.

7. The native title rights and interests referred to in paragraph 6 do not confer:

- (a) possession, occupation, use and enjoyment of those parts of the Determination Area on the Native Title Holders to the exclusion of all others; nor
- (b) a right to control access of others to the land or waters of those parts of the Determination Area.

8. 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)*; or
- (b) petroleum as defined in the *Petroleum Act 1936 (WA)* (repealed) and 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)*.

9. 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.

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

11. 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 s 47B and s 47C of the Native Title Act applies**

12. Sections 47B and 47C of the *Native Title Act 1993* (Cth) apply to disregard any prior extinguishment in relation to the areas described in Schedule 7.

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

13. The nature and extent of other rights and interests in relation to the Determination Area are those set out in Schedule 8.

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

14. The relationship between the native title rights and interests described in paragraphs 5 and 6 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
- (c) to the extent of any inconsistency, the native title rights and interests yield to the other rights and interests and the existence and exercise of native title rights and interests cannot prevent activities permitted under the other interests.

#### **Definitions and interpretation**

15. 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 Schedule 3 and the area as depicted on the map at Schedule 2, the written description prevails.

#### **REGISTER ATTACHMENTS:**

1. Schedule 1 - Determination Area, 2 pages - A4, 19/12/2022
2. Schedule 2 - Maps of the Determination Area, 3 pages - A4, 19/12/2022
3. Schedule 3 - Exclusive Native Title Areas, 2 pages - A4, 19/12/2022
4. Schedule 4 - Non-Exclusive Native Title Areas, 1 page - A4, 19/12/2022
5. Schedule 5 - Areas Where Native Title Does Not Exist, 1 page - A4, 19/12/2022
6. Schedule 7 - Areas To Which Sections 47B and 47C of the Native Title Act Applies, 1 page - A4, 19/12/2022
7. Schedule 8 - Other Interests, 4 pages - A4, 19/12/2022
8. Annexure 1 - Schedules 1 and 2 of the Rule Book of the Bungle Bungles Aboriginal Corporation, 7 pages - A4, 19/12/2022

*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.*