



Extract from the National Native Title Register

Determination Information:

Determination Reference: Federal Court Number(s): WAD6099/1998; WAD214/2022
NNTT Number: WCD2014/003

Determination Name: [Walalakoo Aboriginal Corporation RNTBC v State of Western Australia](#)

Date(s) of Effect: 29/05/2014, 5/10/2023

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

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

Determination Date: 29/05/2014

Determining Body: Federal Court of Australia

ADDITIONAL INFORMATION:

On 29 May 2014, the Federal Court of Australia made a determination of native title by consent in [Watson on behalf of the Nyikina Mangala People v State of Western Australia \(No 6\) \[2014\] FCA 545](#) (Federal Court File No: WAD6099/1998, NNTT File No: WCD2014/003).

The Federal Court ordered that:

1. There be a determination of native title in WAD 6099 of 1998 in terms of the Determination as provided for in Attachment 'A' hereof.
2. The Walalakoo Aboriginal Corporation ICN 8041 shall hold the determined native title in trust for the native title holders pursuant to s 56(2)(b) of the *Native Title Act 1993* (Cth).

On 5 October 2022, a revised native title determination application to vary the determination was filed in the Federal Court (Federal Court File No: WAD214/2022, NNTT File No: WR2022/001).

On 5 October 2023, the Federal Court varied the determination by consent in [Walalakoo Aboriginal Corporation RNTBC v State of Western Australia \[2023\] FCA 1181](#) by amending the description of the native title holders to give a name to the apical ancestor identified as the "unnamed mother of Fulgentius Fraser", and to include five additional apical ancestors, such that their descendants may properly be recognised as native title holders in the determination.

The determination of native title as varied took effect from 5 October 2023 and this Register entry contains the details of the varied determination.

REGISTERED NATIVE TITLE BODY CORPORATE:

Walalakoo Aboriginal Corporation RNTBC
Trustee Body Corporate
PO Box 1115
Derby Western Australia 6728

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 (s 225(a) Native Title Act 1993)**

4. The native title in the Determination Area is held by the Nyikina Mangala People. The Nyikina Mangala People are the people referred to in Schedule Six.

SCHEDULE SIX

DESCRIPTION OF THE NATIVE TITLE HOLDERS

Nyikina Mangala People, referred to in paragraph 4, are the descendants of:

Marrkal and Minbukar and Kinara and Karlmurl; Ngurkwan, Yayika and Minyang; Polly Wurrayin and Charlie Djawali, Bundangurra and Jambo; Intiri and Nulanula, and Yawingka and Kalyuka; Kitty Kujaja and Charlie Mangurl; Lucy Muninga and Edward Yedawarra and "Brumby" Waddadal; Maggie Nirnbairl; Dim and the mother of Bobby Ah Choo; Bundangurra and Mabel Ah Chee; Jimgula; Niyina Philomena; Kupa and Ngamariny; Gurupirin; Nani; Jinangkal and Nyuntunga; Yana and Nyani, Ngata and Kalkululu; Andy Marunjari and Marjory Spratt and her unnamed mother; Wilidi and Muna and Tutu and Warda; Muwa and Nijajira; Bobby Yingirr and Molly, and Latpij and Wayurl; Nipper Tapaji and his father Larry; Cissy Punturu and Dan Palangga; Tommy Numarid; Bulu; Rimarrangudu aka Johnny Biletming; Kudij and Marrangkal; Joe Nangan.

**MATTERS DETERMINED:
THE COURT ORDERS THAT:**

1. The determination of native title made in *Watson on behalf of the Nyikina Mangala People v State of Western Australia (No 6)* [2014] FCA 545 on 29 May 2014 be varied as follows:

(a) in the second paragraph of Sch Six, delete the words "unnamed mother of Fulgentius Fraser" and replace with "'Brumby' Waddadal"; and

(b) in the second paragraph of Sch Six, after the words "Tommy Numarid" add "Bulu; Rimarrangudu aka Johnny Biletming; Kudij and Marrangkal; Joe Nangan."

3. The determination of native title varied by order 1 is in the form of the varied determination of native title provided for in Attachment A.

ATTACHMENT A

VARIED NATIVE TITLE DETERMINATION

***Watson on behalf of the Nyikina Mangala People v State of Western Australia (No 6)* [2014] FCA 545**

Existence of native title (s 225 Native Title Act 1993)

1. The Determination Area is the land and waters described in Schedule One and depicted on the maps comprising Schedule Two.

2. Native title exists in those parts of the Determination Area identified in Schedules Three and Four (**Native Title Area**).

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

Native title holders (s 225(a) Native Title Act 1993)

4. The native title in the Determination Area is held by the Nyikina Mangala People. The Nyikina Mangala People are the people referred to in Schedule Six.

The nature and extent of native title rights and interests (s225(b) *Native Title Act 1993*) and exclusiveness of native title (s225(e) *Native Title Act 1993*)

Exclusive native title rights and interests

5. Subject to paragraphs 7, 8 and 9 the nature and extent of the native title rights and interests in relation to each part of the Determination Area referred to in Schedule Three, being areas where there has been no extinguishment of native title or areas where any extinguishment must be disregarded, are:

(a) except in relation to flowing and underground waters, the right to possession, occupation, use and enjoyment of that part of the Determination Area to the exclusion of all others; and

(b) in relation to flowing and underground waters, the right to use and enjoy the flowing and underground waters, including:

(i) the right to hunt on, fish from, take, use, share and exchange the natural resources of the flowing and underground waters for personal, domestic, cultural or non-commercial communal purposes;

(ii) the right to take, use, share and exchange the flowing and underground waters for personal, domestic, cultural or non-commercial communal purposes.

Non-exclusive rights and interests

6. Subject to paragraphs 7, 8 and 9, the nature and extent of the native title rights and interests in relation to each part of the Determination Area referred to in Schedule Four, 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, including the right to conduct activities necessary to give effect to them:

(a) the right to access and move freely through and within each part of the Determination Area referred to in Schedule Four;

(b) the right to live, being to enter and remain on, camp and erect shelters and other structures for those purposes on the Determination Area referred to in Schedule Four;

(c) the right to:

(i) hunt, gather and fish for personal, domestic, cultural and non-commercial communal purposes;

(ii) take and use flora and fauna for personal, domestic, cultural and non-commercial communal purposes;

(iii) take, use, share and exchange the natural resources of each part of the Determination Area referred to in Schedule Four including soil, sand, clay, gravel, ochre, timber, charcoal, resin and stone for personal, domestic, cultural and non-commercial communal purposes;

(iv) engage in cultural activities in the area, including the transmission of cultural heritage knowledge;

(v) conduct and participate in ceremonies;

(vi) hold meetings; and

(vii) visit, maintain and protect from physical harm, areas, places and sites of importance in each part of the Determination Area referred to in Schedule Four.

7. The native title rights and interests referred to in paragraphs 5(b) and 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 the 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)*;
- (c) geothermal energy resources and geothermal energy as defined in the *Petroleum and Geothermal Energy Resources Act 1967 (WA)*; or
- (d) 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)*.

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 for personal, domestic, cultural and non-commercial communal purposes (including social, religious, spiritual and ceremonial purposes).

Areas to which s 47, s 47A and s 47B of the *Native Title Act* apply

10. Section 47, section 47 A and section 47B of the *Native Title Act* apply to disregard any prior extinguishment in relation to the areas described in Schedule Seven.

The nature and extent of any other interests

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

Relationship between native title rights and other interests

12. The relationship between the native title rights and interests described in paragraphs 5 and 6 and the other interests referred to in paragraph 11 ("the other rights and interests") is that:

- (a) to the extent that any of the other rights and interests are inconsistent with the continued existence, enjoyment or exercise of 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 rights and interests to the extent of the inconsistency during the currency of the other interests; and otherwise,
- (b) the existence and exercise of the 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. The other rights and interests, and the doing of any activity required or permitted to be done by or under the other rights and interests, prevail over the native title rights and interests and any exercise of the native title rights and interests, but, subject to the operation of section 24JB(2) of the *Native Title Act*, do not extinguish them.

Liberty to Apply

13. The parties have liberty to apply to establish the precise location and boundaries of the public works and adjacent land and waters identified in relation to any part or parts of the Determination Area referred to in paragraph 4.3 of Schedule Five of this Determination.

Definitions and interpretation

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

"Determination Area" means the land and waters described in Schedule One and depicted on the maps at Schedule Two;

"flowing water" means the following water within the Determination Area:

- (a) water which flows, whether permanently, intermittently or occasionally, within any river, creek, stream or brook; and
- (b) any natural collection of water into, through, or out of which a river, creek, stream or brook flows;

"land" includes the airspace over, or subsoil under, land, but does not include "waters" and, for the avoidance of doubt, includes any natural collection of water found on the land which does not fall within the definition of "waters";

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

"**non-commercial communal**" includes social, cultural, religious, spiritual and ceremonial purposes;

"**underground water**" means water from and including an underground water source, including water that percolates from the ground;

"**waters**" has the same meaning as in the *Native Title Act*, and includes flowing and underground water.

15. In the event of any inconsistency between the written description of an area in Schedule One or Schedules Three to Five and the area as depicted on the maps at Schedule Two, the written description prevails.

REGISTER ATTACHMENTS:

1. WCD2014/003 Schedule One – Determination Area, 3 pages - A4, 05/10/2023
2. WCD2014/003 Schedule Two – Maps Of The Determination Area, 14 pages - A3, 05/10/2023
3. WCD2014/003 Schedule Three – Exclusive Native Title Areas, 7 pages - A4, 05/10/2023
4. WCD2014/003 Schedule Four – Non-Exclusive Native Title Areas, 7 pages - A4, 05/10/2023
5. WCD2014/003 Schedule Five – Areas Where Native Title Does Not Exist, 6 pages - A4, 05/10/2023
6. WCD2014/003 Schedule Seven – Areas To Which Sections 47, 47A, 47B Native Title Act 1993 (Cth) Apply, 7 pages - A4, 05/10/2023
7. WCD2014/003 Schedule Eight – Other Interests, 11 pages - A4, 05/10/2023

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.