



Extract from Schedule of Native Title Applications

Application Reference: Federal Court number: WAD144/2024
NNTT number: WC2024/003

Application Name: Derek Oobagooma & Ors on behalf of the Big Springs Claim Group and State of Western Australia (Big Springs Claim Group)

Application Type: Claimant

Application filed with: Federal Court of Australia

Date application filed: 13/06/2024

Current status: Full Approved Determination - 05/06/2025

Registration information: Please refer to the Register of Native Title Claims/National Native Title Register (as appropriate) for registered details of this application.

Date claim entered on Register of Native Title Claims: 30/08/2024

Registration decision status: Accepted for registration

Registration history: Registered from 30/08/2024 to 19/06/2025,

Date claim / part of claim determined: 05/06/2025

Applicants: Derek Oobagooma, Patricia Juboy, Elaine Laraia, Patrick Lawson, Nathan Lenard, Craig Oobagooma, Kirk Woolagoodja, Gary Umbagai

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Additional Information

Not applicable

Persons claiming to hold native title:

1. The native title claim group comprises the Warrwa and Worrora members.
2. The Warrwa members are:
 - (a) those Aboriginal persons who are:
 - (i) descended from one or more of the people listed in clause 3 of this Schedule;
 - or
 - (ii) recognised by the descendants of the people listed in clause 3 of this Schedule as having traditional rights and interests in the Determination Area under traditional law and custom.
3. The people referred to in clause 2(a)(i) of this Schedule are those Aboriginal persons who are the biological or adopted descendants of the following apical ancestors:
 - (a) Topsy Mouwudjala;
 - (b) Gudayi and Bobby Ah Choo; and
 - (c) Nani.
4. The Worrora members are:
 - (a) those Aboriginal persons who are:
 - (i) descended from one or more of the people listed in clause 5 of this Schedule;
 - or
 - (ii) recognised by the descendants of the people listed in clause 5 of this Schedule as having traditional rights and interests in the Determination Area under traditional law and custom.
5. The people referred to in clause 4(a)(i) of this Schedule are those Aboriginal persons who are the biological or adopted descendants of the following apical ancestors:
 - (a) Gaana;
 - (b) Ganbalya;
 - (c) Charlie Ganbalya; and
 - (d) Jangara.

Native title rights and interests claimed:

Native title where traditional rights are wholly recognisable

1. In every part of the claim area (if any) where there has been no extinguishment to any extent of native title or where any extinguishment is required to be disregarded, the right possessed under traditional law and customs is properly interpreted as, and the native title right recognised by the common law of Australia is, the right of possession, occupation, use and enjoyment of land and waters as against all others.

Native title where traditional rights are partially recognisable

2. In all other parts of the claim area, the right possessed under traditional law and customs is properly interpreted as the right of possession, occupation, use and enjoyment of land and waters as against all others, but the native title rights and interests recognised by the common law of Australia are the rights to do all such things as may be done under the right referred to above, save for controlling the access to or the use of land or waters by others; being the non-exclusive rights to:

- (a) have access to, remain on and use the land and waters;
- (b) access and take the resources of the land and waters; and
- (c) protect places, areas and things of traditional significance on the land and waters.

Area covered by the native title and who holds the rights

3. Each of the native title rights referred to in paragraph 1 and 2 in this Schedule E exist in relation to the whole of each part of the claim area to which those paragraphs respectively apply and is held by the members of the native title claim group subject to and in accordance with their traditional laws and customs.

Activities currently carried on

4. Activities in exercise of the native title rights referred to in this Schedule E are all such activities as are contemplated by those rights and interests and include the activities identified in Schedule G.

Rights subject to laws of Australia

5. The members of the native title claim group acknowledge that their native title rights and interests are subject to and exercisable in accordance with valid and current laws of the Commonwealth and the State of

Western Australia including the common law.

Application Area: **State/Territory:** Western Australia
Brief Location: Western Kimberley region
Primary RATSIB Area: Kimberley
Approximate size: 32.2375 sq km
(Note: There may be areas within the external boundary of the application that are not claimed.)
Does Area Include Sea: No

Area covered by the claim (as detailed in the application):

External Boundary Description

1. The external boundary description is in Attachment B.
2. The following areas within the claim area, if any, are not covered by the application, except where the non-extinguishment principle as defined in section 238 of the *Native Title Act 1993* applies to the area or any extinguishment by the acts mentioned is required by sections 47, 47A or 47B of the *Native Title Act 1993* to be disregarded.
 - a. Any area that, when the application is made, is subject to any of the following kinds of acts as they are defined in either the *Native Title Act 1993*, as amended (where the act in question is attributable to the Commonwealth), or the *Titles (Validation) and Native Title (Effect of Past Acts) Act 1995* (WA), as amended, (where the act in question is attributable to the State of Western Australia):
 - i. Category A past acts;
 - ii. Category A intermediate period acts;
 - iii. Category B past acts that are wholly inconsistent with the continued existence of any native title rights or interests;
 - iv. Category B intermediate period acts that are wholly inconsistent with the continued existence of any native title rights or interests.
 - b. Any area in relation to which a 'relevant act' as that term is defined in section 12I of the *Titles (Validation) and Native Title (Effect of Past Acts) Act 1995* (WA) was done and the act is attributable to the State of Western Australia.
 - c. Any area in relation to which a previous exclusive possession act under section 12J of the *Titles (Validation) and Native Title (Effect of Past Acts) Act 1995* (WA) was done and that act is attributable to the State of Western Australia.
 - d. Any area in relation to which a previous exclusive possession act as defined by section 23B (including section 23B(7)) of the *Native Title Act 1993* was done in relation to the area and the act was attributable to the Commonwealth.
 - e. Any areas where native title rights and interests have otherwise been wholly extinguished.
3. Where there is any discrepancy between the map provided at Attachment C and the written description contained in Attachment B, Attachment B prevails.

Attachments: 1. WC2024/003 Description of the claim area, attachment B of the application, 1 page
 - A4, 13/06/2024
 2. WC2024/003 Map of the claim area, attachment C of the application, 2 pages - A4,
 13/06/2024

End of Extract