



Extract from the National Native Title Register

Determination Information:

Determination Reference: Federal Court Number(s): WAD180/2021
NNTT Number: WCD2025/007

Determination Name: [Saunders on behalf of the Ngadju Mia Wamu Native Title Claim Group v State of Western Australia](#)

Date(s) of Effect: 12/11/2025

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: 12/11/2025

Determining Body: Federal Court of Australia

ADDITIONAL INFORMATION:

Not Applicable

REGISTERED NATIVE TITLE BODY CORPORATE:

Ngadju Native Title Aboriginal Corporation RNTBC
Trustee Body Corporate
Level 1
1138 Hay Street
WEST PERTH Western Australia 6005

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: section 225(a) Native Title Act

3. The native title in the Determination Area is held by the Ngadju People.

SCHEDULE FIVE

NATIVE TITLE HOLDERS

Paragraph 3

The Ngadju People are those Aboriginal persons who are:

1. the biological descendants of one or more of the following apical ancestors:

- (a) Belang (Bilanj, @ Jinny);
- (b) Minnie and Tuumi;
- (c) Karitjabana and Ngilinj;
- (d) Kakaanj;
- (e) Mary Kuuban (Kuubanj);
- (f) Djurdilj and Djalbulj;
- (g) Djaruptjal and Tjupu;
- (h) Diamond and Lucy;
- (i) Linesman Jacob;
- (j) Wicker (Wika);
- (k) Peter Flynn;
- (l) Maggie and Jumbo; and
- (m) Polly Raylinya.

2. those persons adopted by the biological descendants in accordance with Ngadju tradition and custom.

Adoption, under Ngadju tradition and custom, refers to the situation where a child is 'grown up' by a relative or someone without a biological relationship, either because they have been 'gifted' to them, or left in their care, as the biological parents are not in a position to care for them. This applies regardless of whether or not the child has been formally adopted under the non-Aboriginal legal system.

MATTERS DETERMINED:

THE COURT ORDERS THAT:

1. In relation to the Determination Area, there be a determination of native title in WAD 180 of 2021 in the terms provided for in Attachment A.

2. The Ngadju Native Title Aboriginal Corporation RNTBC (ICN 8297) 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: section 225 Native Title Act

1. Subject to paragraph 2, native title exists in the Determination Area in the manner set out in paragraph 4 of this determination.

2. Native title does not exist in those parts of the Determination Area that are identified in Schedule Three.

Native title holders: section 225(a) Native Title Act

3. The native title in the Determination Area is held by the Ngadju People.

The nature and extent of native title rights and interests and exclusiveness of native title (sections 225(b) and 225(e) Native Title Act)

Non-exclusive rights and interests

4. Subject to paragraphs 5, 6 and 8, the nature and extent of the native title rights and interests in relation to the Non-Exclusive Area are that they confer the following non exclusive rights:

(a) the right to hunt and fish (excluding commercial fishing), to gather and use the natural resources of the area, such as food and medicinal plants and trees, timber and ochre and to have access to and use of potable water;

(b) the right to live, to camp, to erect shelters and other structures and to travel over and visit;

(c) the right to do the following activities:

- (i) engage in cultural activities;
- (ii) conduct rituals or ceremonies;
- (iii) hold meetings; and

(iv) teach the physical and spiritual attributes of places and areas of importance on or in the land and waters;

(d) the right to have access to, maintain and protect, places and areas of importance on or in the land and waters, including Dreaming sites, waterholes and ceremony grounds; and

(e) the right to share or exchange subsistence and other traditional resources obtained on or from the land and waters.

Qualifications on the native title rights and interests

5. Notwithstanding anything in this determination, the native title rights and interests set out in paragraph 4:

(a) are subject to and exercisable in accordance with:

- (i) the laws of the State and the Commonwealth, including the common law; and
- (ii) the traditional laws and customs of the Ngadju People; and

(b) do not confer exclusive rights in relation to water in any watercourse, wetland or underground water source as is defined in the *Rights in Water and Irrigation Act 1914* (WA); and

(c) do not confer any rights in relation to:

- (i) minerals as defined in the *Mining Act 1904* (WA) (repealed) and in the *Mining Act 1978* (WA), except to the extent that ochre is not a mineral pursuant to the *Mining Act 1904* (WA);
- (ii) petroleum as defined in the *Petroleum Act 1936* (WA) (repealed) and in the *Petroleum and Geothermal Energy Resources Act 1967* (WA);

or

- (iii) geothermal energy resources and geothermal energy as defined in the *Petroleum and Geothermal Energy Resources Act 1967* (WA).

6. The native title rights and interests set out in paragraph 4 do not confer:

(a) possession, occupation, use and enjoyment on the Ngadju People to the exclusion of all others; or

(b) a right to control the access to, or use of, the Non-Exclusive Area or its resources.

The nature and extent of any other interests

7. The nature and extent of the Other Interests are described in Schedule Four.

Relationship between native title rights and other interests

8. Except as otherwise provided for by law, the relationship between the native title rights and interests described in paragraph 4 and the Other Interests is that:

(a) to the extent that any of the Other 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 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 Interests, and the Other Interests, and the doing of any activity required or permitted to be done by or under the Other Interests, prevail over the native title rights and interests and any exercise of the native title rights and interests but do not extinguish them.

Definitions and Interpretation

9. 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;

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

'Ngadju People' means the people described in Schedule Five and referred to in paragraph 3;

'Non-Exclusive Area' means those lands and waters of the Determination Area which are not described in paragraph 2 as an area where native title does not exist (which areas are generally shown as shaded yellow on the maps at Schedule Two);

'ochre' does not include ochres for use in the manufacture of porcelain, fine pottery or pigments which are minerals pursuant the *Mining Act 1904* (WA) (repealed));

'Other Interests' means the legal or equitable estates or interests and other rights in relation to the Determination Area described in Schedule Four and referred to in paragraph 8; and

'Titles Validation Act' means the *Titles (Validation) and Native Title (Effect of Past Acts) Act 1995 (WA)*.

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

REGISTER ATTACHMENTS:

1. WCD2025/007 Schedule One – Determination Area, 1 page - A4, 12/11/2025
2. WCD2025/007 Schedule Two – Maps Of The Determination Area, 10 pages - A4, 12/11/2025
3. WCD2025/007 Schedule Three – Areas Where Native Title Does Not Exist, 19 pages - A4, 12/11/2025
4. WCD2025/007 Schedule Four – Other Interests, 5 pages - A4, 12/11/2025

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.