



# Extract from the National Native Title Register

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## Determination Information:

**Determination Reference:** Federal Court Number(s): WAD281/2020  
NNTT Number: WCD2023/003

**Determination Name:** [Hansen on behalf of the Upurli Upurli Nguratja Native Title Claim Group v State of Western Australia](#)

**Date(s) of Effect:** 28/11/2023

**Determination Outcome:** Native title exists in the entire determination area

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

**Determination Date:** 28/11/2023

**Determining Body:** Federal Court of Australia

### ADDITIONAL INFORMATION:

Not Applicable

### REGISTERED NATIVE TITLE BODY CORPORATE:

Upurli Upurli Nguratja Aboriginal Corporation  
Trustee Body Corporate  
76 Wittenoom Street  
East Perth Western Australia 6004

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

2. The native title in the Determination Area is held by the persons described in Schedule 2 (**native title holders**).

### SCHEDULE 2

#### DESCRIPTION OF THE NATIVE TITLE HOLDERS

- (1) The Native Title Holders are those Aboriginal people from time to time who:
- (a) have rights in part or all of the Determination Area according to traditional law and custom through:
    - (i) descent from forebears who were born in the Determination Area or lived in the Determination Area;

- (ii) being born in the Determination Area;
- (iii) growing up in the Determination Area;
- (iv) spiritual imbuement in the Determination Area; or
- (v) having long-term association and knowledge of the Determination Area; and
- (b) are recognised in accordance with traditional law and custom by other native title holders as having native title rights and interests in part or all of the Determination Area.

(2) As at the date of this Determination, this includes (but is not limited to) persons who are:

(a) descended from forebears, who were born in the Determination Area or lived in the Determination Area, including but not limited to:

- (i) Numbar (Kylie);
- (ii) Karntu;
- (iii) Jack Ridley;
- (iv) Siblings Mary Paul or Robbie Franks;
- (v) Minnie Nimbud;
- (vi) Roy St. Clair/Sinclair;
- (vii) Siblings Lulu, Ronny, Munmurrie Doug, or Queenie;
- (viii) Siblings Jiimina (Jean Tucker) or Wiimu (Merle Forrest);
- (ix) Siblings Buman (Teresa Walker), Nangu (Doreen O'Loughlin), or Cumba (Tom Murray);
- (x) Violet Ninga Goldsmith;
- (xi) Ungala (Mary Nugget);
- (xii) Siblings Juwi/Joey Walker or Linda Duwa Barnes;
- (xiii) Bowie;
- (xiv) Martin Anderson;
- (xv) Nancy Brown;
- (xvi) Danny Brown;
- (xvii) Lloyd Brown;
- (xviii) Dempsey Bryant;
- (xix) Susan Crowley;
- (xx) Union of Wilbur Brooks and Judith Donaldson;
- (xxi) Siblings Paul Rice or Gay Felton;
- (xxii) Siblings Gary, Jaylene, or Graham Finlay;
- (xxiii) Betty Gibson;
- (xxiv) Siblings Patty Grant or Russell Grant/Truman;
- (xxv) Jill Green;
- (xxvi) Simon Hart;
- (xxvii) Siblings Cyril Hansen/Pirrparntji or Frank Hogan;
- (xxviii) Siblings Bruce, Dawn, Julie, Kimberley, Parka, or Teresa Hogan;
- (xxix) Siblings Dirk, Glenda, Joy, Wendy, Harold, Mavis, or William Jackson;
- (xxx) Cousins Ada, Arnold, or Colin Jamieson;
- (xxxi) Cousins Victor Willis (dec.) or Betty Kennedy;
- (xxxii) Bessie Kennedy;
- (xxxiii) Siblings Dan, Bobby Modoko, or Tom Gunnada Jones;
- (xxxiv) Siblings Heather, David, Keith, Rhonda, or Samuel Martin;
- (xxxv) Siblings Murray, or Francis McCarthy;
- (xxxvi) Alec McKenzie;
- (xxxvii) Siblings Keith, Loren, Lois, or Rosalie Pennington;
- (xxxviii) Siblings Kevin or Daphne Prayder (Prator);
- (xxxix) Darlene Stevens;
- (xl) Siblings Carol, Henry, or Lydon Stevens;
- (xli) Siblings Irene, Lindsay, or Roxanne Thomas;
- (xlii) Siblings Barbara, Jonathan, Polly, Victor, or Warren Tunkin;
- (xliii) Siblings George, Luwana, Marilyn, or Marna Walker;
- (xliv) Carol Thompson (nee Walker);
- (xlv) Siblings Cindy, Girlie, John Kevin, or Ronnie Watson;
- (xlvi) Faith Woods;
- (xlvii) Linda Manyinka (also known as Linda Anderson/Coleman);
- (xlviii) Union of Elvina Munyungka (also known as Elvina/Monica Brown/Currie) (dec.) and Rodney Currie (dec.); and
- (xlix) Craig West; and
- (b) recognised in accordance with traditional law and custom by other native title holders as having native title rights and interests in part or all of the Determination Area.

## **MATTERS DETERMINED:**

### **THE COURT ORDERS THAT:**

1. There be a determination of native title in the Determination Area in the terms provided in Attachment A.

2. Upurli Upurli Nguratja Aboriginal Corporation (ICN:10033) 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 (s 225 *Native Title Act*)**

1. Native title exists in relation to the whole of the Determination Area.

##### **Native title holders (s 225(a) *Native Title Act*)**

2. The native title in the Determination Area is held by the persons described in Schedule 2 (**native title holders**).

##### **The nature and extent of native title rights and interests (ss 225(b) and s 225(e) *Native Title Act*)**

3. Subject to orders 6 and 7, 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 is the right to possession, occupation, use and enjoyment of those parts to the exclusion of all others.

4. Subject to orders 5, 6 and 7, the nature and extent of the native title rights and interests in relation to each part of the Determination Area, other than those parts of the Determination Area referred to in Schedule 3, are the following rights or interests:

- (a) the right to access, remain in and use that part;
- (b) the right to access, take and use the resources of that part for any purpose;
- (c) the right to engage in spiritual and cultural activities on that part; and
- (d) the right to maintain and protect areas, sites and places of significance on that part.

##### **Qualifications on native title rights and interests (ss 225(b) and 225(e) *Native Title Act*)**

5. The native title rights and interests in order 4 do not confer possession, occupation, use and enjoyment of those parts of the Determination Area on the native title holders to the exclusion of all others.

6. The native title rights and interests are subject to and exercisable in accordance with:

- (a) the traditional laws and customs of the native title holders; and
- (b) the laws of the State and the Commonwealth, including the common law.

7. Notwithstanding anything in this Determination:

- (a) there are no native title rights and interests in the Determination Area in or in relation to:
  - (i) minerals as defined in the *Mining Act 1904* (WA) (repealed) and the *Mining Act 1978* (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); and
- (b) 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) at the date of this Determination is the non-exclusive right to take, use and enjoy that water.

##### **The nature and extent of any other interests (s 225(c) *Native Title Act*)**

8. The nature and extent of other rights and interests in relation to the Determination Area are those set out in Schedule 4 (**other interests**).

##### **Relationship between native title rights and other interests (s 225(d) *Native Title Act*)**

9. Except as otherwise provided for by law, the relationship between the native title rights and interests described in orders 3 and 4 and the other interests is as follows:

- (a) the Determination does not affect the validity of those other interests;
- (b) to the extent of any inconsistency between the other interests described in Schedule 4 and the continued existence, enjoyment or exercise of the native title rights and interests:
  - (i) 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
  - (ii) otherwise the other interests co-exist with the native title rights and interests, and for the avoidance of doubt, the

doing of an activity required or permitted under those interests prevails over the native title rights and interests and their exercise, but does not extinguish them.

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

10. Section 47A of the *Native Title Act* applies to the parts of the Determination Area set out in Schedule 5.

11. Section 47B of the *Native Title Act* applies to the parts of the Determination Area set out in Schedule 6.

**Definitions and interpretation**

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

**Determination Area** means the land and waters within the external boundary described in Part 1 of Schedule 1 and depicted on the maps at Schedule 7, but not including the Excluded Areas.

**Excluded Areas** means the land and waters described in Part 2 of Schedule 1 and depicted on the maps at Schedule 7.

**Land and Waters** respectively have the same meanings as in the *Native Title Act*.

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

**State** means the State of Western Australia.

13. In the event of an inconsistency between the written description of areas in the Schedules and the areas depicted on the maps in Schedule 7, the written descriptions shall prevail.

**REGISTER ATTACHMENTS:**

1. WCD2023\_003 Schedule 1 - Determination Area, 4 pages - A4, 28/11/2023
2. WCD2023\_003 Schedule 3 - Where native title is exclusive possession, 1 page - A4, 28/11/2023
3. WCD2023\_003 Schedule 4 - Other interests, 8 pages - A4, 28/11/2023
4. WCD2023\_003 Schedule 5 - Area to which Section 47A applies, 1 page - A4, 28/11/2023
5. WCD2023\_003 Schedule 6 - Area to which Section 47B applies, 1 page - A4, 28/11/2023
6. WCD2023\_003 Schedule 7 - Maps of the determination area, 3 pages - A4, 28/11/2023

*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.*