



Kimberley Land Council

MEDIA RELEASE

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Bindunbur native title decision handed down

A Federal Court decision has confirmed the existence of native title over the Middle Dampier Peninsula in the Kimberley region of Western Australia.

Handed down by Justice Anthony North, the judgment dealt with three different native title claims known as Bindunbur, Goolarabooloo and Jabirr Jabirr.

Today's decision recognises the Bindunbur and Jabirr Jabirr native title claim groups as the native title holders over the area covered by their claims. This means that Nyul Nyul, Nimanbur and Jabirr Jabirr/Ngumbarl people will be recognised as the native title holders. The Bindunbur and Jabirr Jabirr claims cover approximately 12,000 square kilometres of land and sea country.

The Goolarabooloo claim which in part overlapped the Jabirr Jabirr claim was not successful.

Kimberley Land Council Chief Executive Officer Nolan Hunter said today's decision is a momentous occasion for Nyul Nyul, Nimanbur and Jabirr Jabirr/Ngumbarl people.

"This judgment finally sees native title recognised on the Middle Dampier Peninsula in the Kimberley region of Western Australia." Mr Hunter said.

"Many years of hard work have led to this day and I pay tribute to all those people past and present who have contributed to the outcome.

"Native title has a profound impact on Kimberley Aboriginal people as it provides the recognition that they are Traditional Owners – something they have been waiting their entire lives for.

"Today marks the start of a new beginning for the Traditional Owners, who will be able to use native title to make positive change in their communities."

The Bindunbur and Jabirr Jabirr native title claims are the first Kimberley native title case to be forced to go through litigation in the past decade, with other recent determinations being delivered via consent of all the parties rather than a litigated process. The Kimberley region of Western Australia is now more than 80 per cent determined as native title land.

"I acknowledge the strength and the resilience of the native title holders throughout this process before the courts," Mr Hunter said.

“Native title litigation is an arduous and emotional process. We need a better and fairer way of determining native title and a thorough review of the Native Title Act.

“Kimberley Aboriginal people’s connection to their country and culture is strong. Of the five native title claims the KLC has taken to litigation all of them have come down in favour of the native title party.

“Aboriginal people should not be forced into native title litigation by the State Government when the State knows full well that the Traditional Owners will win.”

Following today’s announcement, the KLC will work with the native title claimants, the State Government and other parties to finalise the terms of a native title determination that will accord with the Judge’s decision.

The Kimberley Land Council is the legal representative for the Nyul Nyul, Nimanbur and Jabirr Jabirr/Ngumbarl people in the Bindunbur native title claim.

The people of the Middle Dampier Peninsula authorised the Bindunbur native title claim in 2013. Bindunbur means bush country, a name that was chosen by the claimants because it connects the Aboriginal people of the peninsula and links the country through shared law and custom.