



Extract from the National Native Title Register

Determination Information:

Determination Reference: Federal Court Number(s): WAD127/1997
NNTT Number: WCD2018/006

Determination Name: [Holborow on behalf of the Yaburara & Mardudhunera People v State of Western Australia \(No 3\)](#)

Date(s) of Effect: 27/07/2018

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: 27/07/2018

Determining Body: Federal Court of Australia

ADDITIONAL INFORMATION:

Not Applicable

REGISTERED NATIVE TITLE BODY CORPORATE:

Wirrawandi Aboriginal Corporation RNTBC
Trustee Body Corporate
PO Box 323
Karratha Western Australia 6714

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 Mardudhunera People.

MATTERS DETERMINED:

THE COURT ORDERS THAT:

1. In relation to the Determination Area, there be a determination of native title in WAD 127 of 1997 in the

terms provided for in Attachment A.

2. The Wirrawandi Aboriginal Corporation ICN: 8870 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:
 - (a) identified in Schedule Three; or
 - (b) seaward of the mean low water mark of the mainland coast.

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

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

The nature and extent of native title rights and interests: section 225(b) and (e) *Native Title Act*

4. Subject to paragraphs 5, 6, 7 and 10 the nature and extent of the native title rights and interests in relation to the Determination Area is that they confer the following non-exclusive rights on the Mardudhunera People:
 - (a) the right to enter and remain on the Determination Area, camp, erect temporary shelters and to travel over and visit any part of the Determination Area;
 - (b) the right to hunt, fish, gather and use the traditional resources of the Determination Area;
 - (c) the right to take and use water;
 - (d) the right to engage in cultural activities on the Determination Area, including:
 - (i) visiting places of cultural or spiritual importance and protecting those places by carrying out lawful activities to preserve their physical or spiritual integrity; and
 - (ii) conducting ceremony and ritual; and
 - (e) the right to invite those descendants (including by adoption in accordance with traditional laws and customs) of Tutparinya, Pantun, Eva, Mabel, Jessie and Toby who are not native title holders and who, for the avoidance of doubt, are not exercising native title rights or interests, to carry out activities of the kind referred to in paragraphs (a) - (d) above within the Determination Area.

Qualifications on the native title rights and interests

5. The native title rights and interests are subject to and exercisable in accordance with:
 - the laws of the State and the Commonwealth, including the common law; and
 - the traditional laws and customs of the Mardudhunera People for personal, domestic, and communal purposes (including social, cultural, religious, spiritual and ceremonial purposes) but not for commercial purposes.
6. Notwithstanding anything in this determination, there are no native title rights and interests in the Determination Area in relation to:
 - 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);

petroleum as defined in the *Petroleum Act 1936* (WA) (repealed) and in the *Petroleum and Geothermal Energy Resources Act 1967* (WA);

geothermal energy resources and geothermal energy as defined in the *Petroleum and Geothermal Energy Resources Act 1967* (WA); or

water lawfully captured by the holders of the Other Interests.

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

possession, occupation, use and enjoyment on the Mardudhunera People to the exclusion of all others;

or

a right to control the access to, or use of, the land and waters of the Determination Area or its resources.

No application of sections 47, 47A or 47B of the *Native Title Act*

8. For the avoidance of doubt, sections 47, 47A and 47B of the *Native Title Act* do not apply to disregard any prior extinguishment in relation to the land and waters of the Determination Area.

The nature and extent of any Other Interests

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

Relationship between native title rights and Other Interests

10. 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:

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,

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

11. 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);

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

mean low water mark means the line of the low water mark as depicted in Landgate's Spatial Cadastral Database dated 2 January 2018 and shown on the maps at Schedule Two;

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 9;

resources means flora, fauna, and other natural resources such as charcoal, stone, soil, sand, clay, gravel, timber, resin and ochre (except, for the avoidance of doubt, ochres for use in the manufacture of porcelain, fine pottery or pigments which are minerals pursuant to the *Mining Act 1904* (WA) (repealed));

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

use does not include use by way of trade.

12. 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 map at Schedule Two the written description prevails.

SCHEDULE ONE

DETERMINATION AREA

[See NNTR attachment 1: "Schedule One - Determination Area"]

SCHEDULE TWO

MAPS OF THE DETERMINATION AREA

[See NNTR attachment 2: "Schedule Two - Maps of the Determination Area"]

SCHEDULE THREE

AREAS WHERE NATIVE TITLE DOES NOT EXIST

(Paragraph 2(a))

Native title does not exist in relation to land and waters the subject of the following interests within the Determination Area which, with the exception of public works (as described in clauses 7 and 8 of this Schedule), are generally shown as shaded in pink on the maps at Schedule Two:

1. Freehold

The following grants of estates in fee simple:

Certificate of Title

CT0126000243

CT0162700311

2. Reserves

The following reserves:

| Reserve No. | Current / Last Purpose |
|-------------|-------------------------------------|
| 33831 | Conservation of Flora and Fauna |
| 40748 | Natural Gas Pipeline Purposes |
| 41435 | Natural Gas Pipeline Purposes |
| 41436 | Natural Gas Pipeline Purposes |
| 41437 | Natural Gas Pipeline Purposes |
| 41651 | Natural Gas Pipeline Purposes |
| 41652 | Natural Gas Pipeline Purposes |
| 43163 | Repeater Station Site |
| 44742 | Air Strip |
| 46952 | Government Requirements |
| 46694 | Construction And Launching Facility |

3. Leases

The following lease:

| Lease No. | Current / Last Purpose |
|--|----------------------------------|
| GE N330882 (formerly GE I127605 (SL 3116/11282)) | Transient Workforce Accomodation |

4. Roads

The following dedicated roads, roads set aside, taken or resumed or roads which are to be considered public works (as that expression is defined in the *Native Title Act* and the *Titles Validation Act*):

| MapInfo No. | Description |
|--------------------|---|
| Road 01 | Lots 365, 431, 432, 433, 434 and 534 on DP 219913 (being 40 Mile Beach Road) |
| Road 06 | Portion of Road No. 15215 (being a portion of the North West Coastal Highway) |
| Road 07 | Road No. 17778 (being the Fortescue River Road) |
| Road 08 | Portion of Road No. 00388 |
| Road 09 | Portion of Road No. 04260 |
| Historical Road 01 | Portion of Road No. 00283 |
| Historical Road 02 | Portion of Road No. 00388 |
| Historical Road 03 | Portion of Road No. 04260 |
| Historical Road 04 | Portion of Road No. 07692 |
| Historical Road 05 | Portion of Road No. 07693 |
| Historical Road 06 | Portion of Road No. 04261 |
| Historical Road 07 | Portion of Road No. 07692 |
| Historical Road 08 | Portion of Road No. 15215 (being a portion of the North West Coastal Highway) |

5. Dampier to Bunbury Natural Gas Pipeline

The land and waters the subject of the Dampier to Bunbury Natural Gas Pipeline, being the land of Pipeline Licence PL 40 and the following easements (which are currently held by the Dampier to Bunbury Natural Gas Pipeline Land Access Minister) for the purpose of access to, and the construction, use and maintenance of, a natural gas pipeline and associated apparatus and appurtenances (Dampier to Bunbury Natural Gas Pipeline) for the transmission and conveyance of natural gas:

| MapInfo No. | Easement No. |
|-------------|-----------------------|
| Easement 02 | E144713 (3134B/386) |
| Easement 05 | E229563 (3134B/211) |
| Easement 06 | E367403 (3134B/104) |
| Easement 07 | E421914 (3134B/487) |
| Easement 11 | H347160 |
| Easement 28 | E054781 (3134B/313) |
| Easement 29 | E388802 (E 3134B/565) |
| Easement 30 | E388803 (E 3134B/566) |
| Easement 34 | H347159 |
| Easement 35 | H347161 |
| Easement 36 | H347162 |

6. Taking Orders

The land and waters subject to the following taking order:

Taking Order Purpose

H833123 Road and Construction and Launching Facility

7. Telstra

That part of Lot 524 on Deposited Plan 75975 which is subject to the Peter's Creek Cellular Mobile Telephone Service Facility (CMTS).

8. Public Works

Any other public work as that expression is defined in the *Native Title Act* and the *Titles Validation Act* (including the land and waters on which a public work is constructed, established or situated as described in section 251D of the *Native Title Act*) and to which section 12J of the *Titles Validation Act* or section 23C(2) of the *Native Title Act* applies.

SCHEDULE FOUR

OTHER INTERESTS

(Paragraph 9)

The nature and extent of the Other Interests in relation to the Determination Area as at the date of this determination are:

1. RESERVES

(a) The following reserves:

Reserve No. Current / Last Purpose

| | |
|-------|--|
| 00355 | Watering Place For Travellers & Stock |
| 00357 | Watering Place For Travellers & Stock |
| 00378 | Watering Place For Travellers & Stock |
| 00379 | Watering Place For Travellers & Stock |
| 00380 | Public Purposes |
| 00381 | Water |
| 09701 | De Grey Mullewa Stock Route |
| 46588 | Recreation & Preservation Of Coastal Environment |
| 52734 | Port Purposes |
| 52735 | Port Purposes |
| 52929 | Port Purposes |

(b) The rights and interests of persons who have the care, control and management of the reserves identified in subclause (a) above;

(c) The rights and interests of persons entitled to access and use the reserves identified in subclause (a) above for the respective purposes for which they are reserved, subject to any statutory limitations upon those rights; and

(d) The rights and interests of persons holding leases over areas of the reserves identified in subclause (a) above.

2. Pastoral Leases

The following pastoral leases and the rights and interests of the holders from time to time of those pastoral leases:

| Lease No. | Station Name |
|------------------|---------------------|
| PL N049492 | Yalleen Station |
| PL N049500 | Yarraloola Station |
| PL N050076 | Mardie Station |
| PL N050300 | Karratha Station |

3. Leases

The following leases and the rights and interests of the holders from time to time of those leases:

| Lease No. | Purpose |
|------------------|--|
| GE L022354 | Construction and operation of a gas processing plant and associated infrastructure. |
| GE L380579 | Construction and operation of an accommodation area and accommodation area access road for housing workers connected with the construction and operation of a natural gas processing plant and associated on shore infrastructure. |
| RO M378187 | Installation, maintenance and operation of telecommunications network facility or radio communications facility. |

4. Roads

The following roads and the rights and interests of the persons having the care, control and management of those roads from time to time:

| MapInfo ID. | Description |
|--------------------|---|
| Road 02 | Lots 257, 660 and 661 on DP 30489 (being a portion of the North West Coastal Highway) |
| Road 03 | Lot 662 on DP 30490 (being a portion of the North West Coastal Highway) |
| Road 04 | Lots 666 and 667 on DP 30491 (being a portion of the North West Coastal Highway) |
| Road 05 | Lot 524 on DP 75975 (being a portion of the North West Coastal Highway) |

5. Easements

The following easements and the rights and interests of the holders from time to time of those easements:

| No. | Purpose |
|-----------------------|--|
| Easement 01 | Access |
| Easement 25 (L528640) | Access, Excavation, Laydown and Ancillary Pipeline Purposes and Pipeline Construction, Operation and Maintenance |

6. Taking Orders

The land and waters subject to the following taking order and the rights and interests arising from time to time in respect of that taking order:

| Taking Order | Purpose |
|---------------------|----------------|
|---------------------|----------------|

7. Port

The land and waters subject to the following port declared pursuant to the *Shipping and Pilotage Act 1967* (WA) and the rights and interests arising from time to time in respect of that port:

| Port | Location |
|----------------------|--|
| Port of Cape Preston | As described in Schedule 1A of the <i>Shipping and Pilotage (Ports and Harbours) Regulations 1966</i> (WA) |

8. Dampier to Bunbury Natural Gas Pipeline

(a) The interests of the Dampier to Bunbury Natural Gas Pipeline Land Access Minister in the land of the Dampier to Bunbury Natural Gas Pipeline Corridor, including State corridor rights, under the *Dampier to Bunbury Pipeline Act 1997* (WA), and the interests of any other person in land in the Dampier to Bunbury Natural Gas Pipeline Corridor under sections 34, 36 and 41(2)(b) of the *Dampier to Bunbury Pipeline Act 1997* (WA), including the land and waters the subject of the following taking orders:

Taking Order

H950513

H950669

H950807

I209489

I209494

I209598

I209605

I209606

I209613

I209621

I209632

I209637

I209638

I209640

I209644

I209646

I209652

I529856

(b) For the avoidance of doubt, those interests include:

| Interest | Description / Purpose |
|-----------------------------------|-----------------------|
| Easement 03 (E198379 [3134B/257]) | Access |
| Easement 04 (E198381 [3134B/258]) | Access |

9. Mining Tenements

(a) The following mining tenements granted under the *Mining Act 1904* (WA) (repealed) and / or the *Mining Act 1978* (WA) and the rights and interests of the holders from time to time of those mining tenements:

(i) Exploration Licences

Tenement ID

E 0800117

E 0800118

E 0800636

E 0800660

E 0800698

E 0801331

E 0801414

E 0801451

E 0801684

E 0801685

E 0801686

E 0801825

E 0801849

E 0802361

E 0802401

E 0802740

E 0802741

E 0802943

E 4701537

E 4702372

E 4702505

E 4702677

E 4702734

E 4703072

E 4703160

E 4703301

E 4703348

E 4703391

E 4703607

E 4703707

E 4703708

E 4703709

(ii) General Purpose Leases

Tenement ID

G 0800051

G 0800052

G 0800053

G 0800054

G 0800063

G 0800074

G 0800075

(iii) Mining Leases

Tenement ID

M 0800118

M 0800119

M 0800120

M 0800121

M 0800122

M 0800123

M 0800124

M 0800125

M 0800126

M 0800127

M 0800128

M 0800129

M 0800130

M 0800264

M 0800265

M 0800266

M 4701415

M 4701420

(iv) Miscellaneous Licences

Tenement ID

L 0800020
L 0800045
L 0800093
L 0800104
L 0800105
L 0800126
L 0800131
L 0800149
L 4700344
L 4700345

(v) Prospecting Licences

Tenement ID

P 0800594
P 0800596
P 0800597
P 0800599
P 0800600
P 0800601
P 0800602
P 0800604
P 0800608

(vi) Temporary Reserves

Tenement ID

TR 7005461

(b) The agreement as amended and ratified by the *Iron Ore Processing (Mineralogy Pty Ltd) Agreement Act 2002* (WA) and the rights and interests comprised in, conferred under or in accordance with, or pursuant to that agreement.

10. Petroleum Interests

(a) The following petroleum interests granted under the *Petroleum and Geothermal Energy Resources Act 1967* (WA), the *Petroleum (Submerged Lands) Act 1982* (WA) or the *Petroleum Pipelines Act 1969* (WA) and the rights and interests of the holders from time to time of those interests:

(i) Exploration Permits

No.

EP 491

(ii) Pipeline Licences

No. Name

PL 17 Varanus Island to DBNGP Onshore
 PL 40 Dampier to Bunbury Natural Gas Pipeline
 PL 42 Varanus Island to DBNGP Onshore
 PL 77 Sino Iron Gas Pipeline
 PL 81 Devil Creek (DCDP Onshore Gas Supply Pipeline)
 PL 86 DCDP Sales Gas Pipeline
 PL 91 Fortescue River Crossing Pipeline
 PL 92 Gorgon DomGas Onshore Pipeline
 PL 105 Fortescue River Gas Pipeline
 TPL 08 Varanus Gas Sales Pipeline (Terr Sea)
 TPL 13 Varanus Island Gas Sales and Gas Plant (Terr Sea)
 TPL 20 Devil Creek Development Project (Territorial)
 TPL 24 Gorgon DomGas Offshore Pipeline

(iii) Easements:

| No. | Purpose |
|-------------------------------------|--|
| Easement 10 (G875450 / EA 282) a | Construction, operation, inspection, maintenance and repair of a pipeline, being PL 17 |
| Easement 26 (L717418) | Construction, operation, inspection, maintenance and repair of a pipeline, being PL 81 and PL 86 |
| Easement 27 (L790223) | Construction, operation, inspection, maintenance and repair of a pipeline, being PL 92 |
| Easement 31 (G875454 (EA 283) a | Construction, operation, inspection, maintenance and repair of a pipeline, being PL 17 |
| Easement 32 G875457 (EA 284) a | Construction, operation, inspection, maintenance and repair of a pipeline, being PL 17 |
| Easement 33 G875459 (EA 285) a | Construction, operation, inspection, maintenance and repair of a pipeline, being PL 17 |

(b) The agreement as amended and ratified by the *Goldfields Gas Pipeline Agreement Act 1994* (WA) and the rights and interests comprised in, conferred under or in accordance with, or pursuant to that agreement, including the following interests:

| Tenure ID | Description / Tenure Type |
|----------------------|---|
| PL 24 | Pipeline Licence (Goldfields Gas Transmission Pipeline) |
| Easement 8 (F924685) | Easement |

11. Access to Mining Tenements and Petroleum Interests

(a) Without limiting the operation of any other clause in Schedule Four, but subject to clause 11(b) below, any rights of the holders from time to time of a mining tenement or petroleum interest, including those listed in clauses 9 and 10 of this Schedule Four, to use (including by servants, agents and contractors) such portions of roads and tracks in the Determination Area (existing as at the date of this determination) as are necessary to have access to the area the subject of the mining tenement or petroleum interest for the purposes of exercising the rights granted by that tenement or interest.

(b) Nothing in clause 11(a) above allows any upgrade, extension, widening or other improvement to the road or track other than work done to maintain it in reasonable repair and in order to leave it in substantially the same condition as it was prior to its use pursuant to clause 11(a).

(c) Nothing in Schedule Four will limit the rights of the holders from time to time of mining tenements or petroleum interests, including those referred to in clauses 9 and 10 of Schedule Four, including, without limitation, any right to exclude members of the public from entering onto the land and waters the subject of any mining tenement or petroleum interest.

12. Telstra Corporation Limited

The rights and interests of Telstra Corporation Limited (ACN 051 775 556):

(a) as the owner or operator of telecommunications facilities within the Determination Area;

(b) created pursuant to the *Post and Telegraph Act 1901* (Cth), the *Telecommunications Act 1975* (Cth), the *Australian Telecommunications Corporation Act 1989* (Cth), the *Telecommunications Act 1991* (Cth) and the *Telecommunications Act 1997* (Cth), including rights:

(i) to inspect land;

(ii) to install, occupy and operate telecommunications facilities; and

(iii) to alter, remove, replace, maintain, repair and ensure the proper functioning of its telecommunications facilities;

(c) for its employees, agents or contractors to access its telecommunications facilities in and in the vicinity of the Determination Area in the performance of their duties; and

(d) under any lease, licence, permit, access agreement or easement relating to its telecommunications facilities in the Determination Area.

13. KM / YM Indigenous Land Use Agreement

The rights and interests of the Robe River Kuruma People under the Indigenous Land Use Agreement (as amended or replaced from time to time) made pursuant to Part 2, Division 3, Subdivision C of the *Native Title Act* between the Applicants in the Kuruma Marthudunera native title determination application (WAD 6090 of 1998) and the Applicants in the Yaburara Mardudhunera native title determination application (WAD 127 of 1997), which agreement was registered as an Indigenous Land Use Agreement on 4 July 2014, to the extent that those rights and interests are consistent with Recital F, clause 4(e) and Schedule Five of this determination.

14. Cape Preston Indigenous Land Use Agreement

The *Cape Preston Project Deed (YM Mardie ILUA)*, an Indigenous Land Use Agreement made pursuant to Part 2, Division 3, Subdivision C of the *Native Title Act* dated 4 June 2015 and registered on the Register of Indigenous Land Use Agreements on 6 November 2015 (Tribunal No. WI2015/003), and the rights and interests comprised in, conferred under, or in accordance with, or pursuant to, that Indigenous Land Use Agreement.

15. Other

The following rights and interests in the Determination Area:

(a) Rights and interests, including licences and permits, granted by the Crown in right of the State or of the Commonwealth pursuant to statute or otherwise in the exercise of its executive power and any regulations

made pursuant to such statutes;

- (b) Rights and interests held by reason of the force and operation of the laws of the State or of the Commonwealth including, but not limited to, the *Rights in Water and Irrigation Act 1914* (WA);
- (c) Rights and interests of members of the public arising under common law, including but not limited to:
 - (i) the public right to fish;
 - (ii) the public right to navigate; and
 - (iii) the right of any person to use and enjoy any roads in the Determination Area (subject to the laws of the State) over which, as at the date of this determination, members of the public have a right of access under the common law;
- (d) The right to access the Determination Area by:
 - (i) an employee, agent or instrumentality of the State;
 - (ii) an employee, agent or instrumentality of the Commonwealth;
 - (iii) an employee, agent or instrumentality of any local government authority,

as required in the performance of his or her statutory or common law duty where such access would be permitted to private land;

- (e) So far as confirmed pursuant to section 212(2) of the *Native Title Act* and section 14 of the *Titles Validation Act* as at the date of this determination, any existing public access to and enjoyment of:
 - (i) waterways;
 - (ii) beds and banks or foreshores of waterways;
 - (iii) coastal waters;
 - (iv) beaches;
 - (v) stock routes; and
 - (vi) areas that were public places at the end of 31 December 1993;
- (f) Any other:
 - (i) legal or equitable estate or interest in the land or waters of the Determination Area; or
 - (ii) right (including a right under an option and a right of redemption), charge, power or privilege over, or in connection with:
 - (A) the land or waters of the Determination Area; or
 - (B) an estate or interest in the land or waters of the Determination Area; or
 - (iii) restriction on the use of the land or waters of the Determination Area, whether or not annexed to other land or waters.

SCHEDULE FIVE

MARDUDHUNERA PEOPLE

(Paragraph 3)

The Mardudhunera People are those Aboriginal persons who:

- (1) are descended from Willy Cooper, Alf Boona, Mirbin Lowe, Woggi, Eva, Mabel, Pantun or Jessie (including through adoption in accordance with traditional Mardudhunera laws and customs);

(2) identify themselves as Mardudhunera under Mardudhunera traditional law and custom and are so identified by other Mardudhunera People as Mardudhunera; and

(3) have a connection with the land and waters in the Determination Area in accordance with traditional Mardudhunera laws and customs.

REGISTER ATTACHMENTS:

1. Schedule One - Determination Area, 12 pages - A4, 27/07/2018

2. Schedule Two - Maps of the Determination Area, 7 pages - A4, 27/07/2018

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.