



## Extract from the National Native Title Register

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### Determination Information:

**Determination Reference:** Federal Court Number(s): WAD6096/1998  
NNTT Number: WCD2014/001

**Determination Name:** Banjima People v State of Western Australia & Ors

**Date(s) of Effect:** 11/03/2014

**Determination Outcome:** Native title exists in parts of the determination area

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

**Determination Date:** 11/03/2014

**Determining Body:** Federal Court of Australia

### ADDITIONAL INFORMATION:

Not Applicable

### REGISTERED NATIVE TITLE BODY CORPORATE:

Banjima Native Title Aboriginal Corporation RNTBC  
Trustee Body Corporate  
c/- Yamatji Marlpa Aboriginal Corporation  
PO Box 3072,  
249 Hay Street  
PERTH Western Australia 6892

### COMMON LAW HOLDER(S) OF NATIVE TITLE:

1. The native title in the Determination Area is held by the Banjima People. The Banjima People are the people referred to in Schedule 6.

The Banjima People are those Aboriginal persons who:

- (a) are descendants of one or more of the following apical ancestors:
  - (i) Bob Tucker (Wirilimura);
  - (ii) Gawi;
  - (iii) Yinini (Arju);
  - (iv) Sam Coffin;

- (v) George Marndu;
- (vi) Whitehead;
- (vii) Yidingganin;
- (viii) Maggie (Nyukayi);
- (ix) Yandikuji; and
- (b) recognise themselves as a Banjima person, and are recognised by others as a Banjima person.

**MATTERS DETERMINED:**

**THE COURT ORDERS THAT:**

1. In relation to the Determination Area, there be a determination of native title in WAD 6096 of 1998 in terms of the Determination in Attachment A.
2. The Banjima Native Title Aboriginal Corporation (ICN 7971) 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 OF NATIVE TITLE**

**THE COURT ORDERS, DECLARES AND DETERMINES THAT:**

**Existence of native title (s 225 *Native Title Act*)**

1. Native title exists in the Determination Area in the manner set out in paragraphs 3 and 4 of this determination.

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

2. The native title in the Determination Area is held by the Banjima People. The Banjima People are the people referred to in Schedule 6.

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

3. Subject to paragraphs 4, 5, 6 and 9 the nature and extent of the native title rights and interests in relation to the Determination Area (other than the Exclusive Area) are that they confer the following non-exclusive rights on the Banjima People, including the right to conduct activities necessary to give effect to them:

- (a) the right to access and move about the land and waters of the Determination Area, be present on the land and waters, live on the land in camps and shelters, and engage in cultural activities on the land and waters including conducting and participating in ceremonies and meetings;
- (b) the right to hunt and take fauna, gather and take flora, take fish and take stones, timber, ochre and water;
- (c) the right to have access to, maintain and protect places and areas of importance on or in the land and waters of the Determination Area, including rock art, engraving sites, stone arrangements and the like.

4. Subject to paragraphs 5 and 9 the nature and extent of the native title rights and interests in relation to the Exclusive Area are that they confer the following exclusive rights on the Banjima People, including the right to conduct activities necessary to give effect to them:

- (a) the right as against the whole world to possess, occupy, use and enjoy the land and waters of the Exclusive Area;
- (b) a right to make decisions about the use of the land and waters of the Exclusive Area by persons who are not members of the Banjima People; and
- (c) a right to control the access of others to the land and waters of the Exclusive Area.

## Qualifications on the native title rights and interests

5. The native title rights and interests set out in paragraphs 3 and 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 Banjima People;
  - (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) as at the date of this Determination; 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);
    - (ii) petroleum as defined in the *Petroleum Act 1936* (WA) (repealed) and in the *Petroleum and Geothermal Energy Resources Act 1967* (WA);
    - (iii) geothermal energy resources and geothermal energy as defined in the *Petroleum and Geothermal Energy Resources Act 1967* (WA); or
    - (iv) water captured by the holders of the Other Interests pursuant to those Other Interests.
6. The native title rights and interests set out in paragraph 3 do not confer:
- (a) possession, occupation, use and enjoyment on the Banjima People to the exclusion of all others; or
  - (b) a right to control the access to, or use of, the land and waters of the Determination Area (other than the Exclusive Area) or its resources.

## Areas to which s 47A or s 47B of the *Native Title Act* apply

7. Sections 47A and 47B of the *Native Title Act* apply to disregard any prior extinguishment in relation to the land and waters described in Schedule 4.

## The nature and extent of any other interests

8. The nature and extent of the Other Interests are described in Schedule 5.

## Relationship between native title rights and other interests

9. Except as otherwise provided for by law, the relationship between the native title rights and interests described in paragraphs 3 and 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

10. In this determination, unless the contrary intention appears:

**“Determination Area”** means the land and waters within the external boundary described in item S1.1 of Schedule 1 and depicted on the maps at Schedule 3, but not including the Unclaimed Area;

**“Exclusive Area”** means that part of the Determination Area described in item S1.2 of Schedule 1 and depicted on the maps at Schedule 3;

**“land”** has the same meaning as in the *Native Title Act* and, for the avoidance of doubt, includes any natural

collection of water found on the land which does not fall within the definition of “waters”;

“**Native Title Act**” means the *Native Title Act 1993* (Cth);

“**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 5 and referred to in paragraph 8, as at the date of this determination;

“**Unclaimed Area**” means the land and waters described in Schedule 2 and shaded pink on the maps in Schedule 3;

“**underground water**” includes water that percolates from the ground;

“**use**” does not include use by way of trade;

“**waters**” has the same meaning as in the *Native Title Act*.

11. In the event of any inconsistency between the written description of an area in Schedule 1, Schedule 2, Schedule 4 or Schedule 5, and the area as depicted on the maps at Schedule 3, the written description prevails.

## **Schedule 1 - Determination Area and Exclusive Area**

### **S1.1 Determination Area**

The external boundary of the Determination Area, generally shown as bordered in blue on the maps at Schedule 3, is as follows:

Commencing at a point on the northern boundary of Reserve 30082 (Karijini National Park) at Longitude 118.124481° East, also being a point on the southern boundary of Native Title Determination Application WAD6005/03 Yindjibarndi #1 (WC03/3), and extending north westerly, generally north easterly and generally easterly along boundaries of that native title determination application passing through the following coordinate points.

<b>Longitude (East)</b>	<b>Latitude (South)</b>
118.066727	22.177725
118.244529	22.043553
118.321057	21.927553
118.335569	21.923244
118.391671	21.921325
118.469730	21.982051
118.582419	21.968384

Then south easterly along boundaries of that native title determination application to the intersection with Native Title Determination Application WAD6287/98 Palyku (WC99/16) at Longitude 118.814893° East, Latitude 22.008794° South; then generally south easterly along boundaries of that native title determination application passing through the following coordinate points.

<b>Longitude (East)</b>	<b>Latitude (South)</b>
118.998448	22.084728
119.082157	22.288105

Then south easterly to a northern boundary of Native Title Determination Application WAD6280/98 Nyiyaparli (WC05/6) at Latitude 22.345315° South and extending generally south easterly along boundaries of that native title determination application passing through the following coordinate points.

<b>Longitude (East)</b>	<b>Latitude (South)</b>
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119.249935 22.576797

119.301788 22.795397

Then south westerly along boundaries of that native title determination application to the intersection with Native Title Determination Application WAD196/2013 Nyiyaparli #3 (WC13/3) at Longitude 119.127503° East, Latitude 22.995316° South; then generally south westerly along boundaries of that native title determination application passing through the following coordinate points.

**Longitude (East) Latitude (South)**

119.121440 23.002285

118.941522 23.019693

118.940505 23.020809

118.936945 23.024922

118.932942 23.030788

118.932172 23.031113

118.928092 23.033906

Then continuing south westerly along the boundary of that native title determination application to Longitude 118.926692° East; then generally westerly passing through the following coordinate points.

**Longitude (East) Latitude (South)**

118.907401 23.036837

118.890123 23.037907

118.882137 23.037086

118.877361 23.037086

118.867584 23.034175

118.856409 23.037404

118.849937 23.042655

118.842607 23.051530

118.836573 23.059998

118.824910 23.068668

118.813698 23.077498

118.809213 23.079881

118.803186 23.081142

118.795950 23.079381

118.786087 23.077638

118.779920 23.079600

118.766091 23.078945

118.760207 23.079817

118.753850 23.079040

118.745301	23.077077
118.732209	23.070666
118.720676	23.069293
118.705636	23.071051
118.695825	23.074835
118.681529	23.071051
118.649792	23.047597
118.623483	23.028031

Then north westerly to an easternmost boundary of the southern severance of Reserve 30082 (Karijini National Park) at Latitude 23.024322° South and extending northerly, easterly, again northerly, westerly and again northerly to the southern boundary of the Pastoral Lease 3114/1191 (Juna Downs); then generally westerly, generally northerly, generally easterly and northerly along boundaries of that pastoral lease to Latitude 22.809865° South; then generally north westerly passing through the following coordinate points back to the commencement point.

<b>Longitude (East)</b>	<b>Latitude (South)</b>
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118.407264	22.770879
118.308845	22.747356
118.282302	22.613946
118.293569	22.579722
118.142003	22.235568

For the avoidance of any doubt, land and waters within the following native title determinations applications are excluded:

Native title determination application WAD6169/98 Kariyarra People (WC99/3)

Native title determination application WAD6287/98 Palyku (WC99/16)

Native title determination application WAD6005/03 Yindjibarndi 1 (WC03/3)

Native title determination application WAD6280/98 Nyiyaparli (WC05/6)

Native title determination application WAD196/2013 Nyiyaparli #3 (WC13/3)

Native title determination application WAD340/2010 Yinhawangka Part A (WC10/16)

### **S1.2 Exclusive Area**

The Exclusive Area, generally shown as shaded green on the maps at Schedule 3, comprises:

#### **Areas where section 47A applies**

SL 3116/11923 (GE I144640)

Reserve 31428

#### **Areas where section 47B applies**

UCL 7

UCL 9

UCL 42

## Schedule 2 - Unclaimed Area

The following areas, being land and waters where native title has been completely extinguished, were excluded from the application for native title in WAD 6096 of 1998 and are excluded from the Determination Area.

All of the following areas are shown generally as shaded pink on the maps in Schedule 3.

### S2.1 Freehold

#### Freehold No.

CT0007700069A CT0016000027A CT0016000028A CT0016000029A CT0018400139A  
CT0018500059A CT0018800124A CT0018900013A CT0018900175A CT0019600120A  
CT0019600121A CT0021700077A CT0022300135A CT0029300114A CT0029900019A  
CT0032700028A CT0032700083A CT0037800011A CT0041700053A CT0043000081A  
CT0053000198A CT0054500182A CT0054500184A CT0054700197A CT0055100159A  
CT0055500014A CT0059700099A CT0060000199A CT0060900059A CT0062600137A  
CT0119800803 CT0119800804 CT0119800805 CT0119800806 CT0119800807  
CT0119800808 CT0119800809 CT0119800810 CT0119800811 CT0119800811  
CT0119800812 CT0119800813 CT0119900467 CT0121500837 CT0121500919  
CT0122200617 CT0122900734 CT0122900991 CT0123800446 CT0123800463  
CT0123800669 CT0123800670 CT0123800721 CT0125200040 CT0125200184  
CT0125900658 CT0129300132 CT0129300413 CT0129300619 CT0131800209  
CT0131800301 CT0131900010 CT0132000315 CT0132200610 CT0132200660  
CT0132200674 CT0132400525 CT0132400526 CT0132700480 CT0132700481  
CT0132700915 CT0132800628 CT0133100374 CT0133100974 CT0133400171  
CT0133800741 CT0134200423 CT0134200424 CT0134300929 CT0134500545  
CT0134600122 CT0134900164 CT0135200349 CT0135300253 CT0135500480  
CT0136200162 CT0136500506 CT0136700096 CT0137300656 CT0137500656  
CT0137600410 CT0137600567 CT0140200111 CT0140200112 CT0140200113  
CT0140200114 CT0140200115 CT0140300705 CT0140300706 CT0140300707  
CT0140300708 CT0140300709 CT0140300710 CT0140300711 CT0140300712  
CT0140300713 CT0140300714 CT0140300715 CT0140300716 CT0140300717  
CT0140300718 CT0140300719 CT0140300720 CT0140300721 CT0140300722  
CT0140300723 CT0140300724 CT0140300725 CT0140300726 CT0140300727  
CT0140300728 CT0140300729 CT0140300730 CT0140300731 CT0140300732  
CT0140300733 CT0140300734 CT0140300735 CT0140300736 CT0140300737  
CT0140300738 CT0140300739 CT0140300740 CT0140300741 CT0140300742  
CT0140300743 CT0140300744 CT0140300745 CT0140300746 CT0140300747  
CT0140300748 CT0140300749 CT0140300750 CT0140300751 CT0140300752

CT0140300753 CT0140300754 CT0140300755 CT0140300756 CT0140300757  
 CT0140300758 CT0140300759 CT0140300760 CT0140300761 CT0140300762  
 CT0140300763 CT0140300764 CT0140300765 CT0140300766 CT0140300767  
 CT0140300768 CT0140300769 CT0140300770 CT0140300771 CT0140300772  
 CT0140300773 CT0140300774 CT0140400530 CT0140400531 CT0141700694  
 CT0141800108 CT0141800871 CT0142200402 CT0142200525 CT0142200616  
 CT0145300112 CT0145500632 CT0146600505 CT0146600506 CT0146600511  
 CT0147200651 CT0147200652 CT0147200654 CT0147600152 CT0149900117  
 CT0152800090 CT0155200888 CT0156400262 CT0159000555 CT0162100290  
 CT0162100291 CT0163200081 CT0167200443 CT0172900666 CT0173000453  
 CT0173700572 CT0173800326 CT0173800768 CT0174000801 CT0174500969  
 CT0175900800 CT0176100592 CT0176400726 CT0176600714 CT0177000596  
 CT0177200837 CT0177300714 CT0177600029 CT0177600030 CT0177600031  
 CT0179600559 CT0185600117 CT0187800904 CT0187800905 CT0188900685  
 CT0195000834 CT0200400375 CT0200800478 CT0200800479 CT0200800480  
 CT0201100615 CT0201100616 CT0204600979 CT0207300476 CT0207700889  
 CT0219400344 CT0219400345 CT0219400346 CT0222200358 CT0222200359

## **S2.2 Reserves**

<b>Reserve No.</b>	<b>Current / Last Purpose</b>
23710	Boy Scouts
23278	Aerial Landing Ground
23776	Explosive Magazine
23864	Sports Ground, Racecourse and Caravan park
23865	Park and Recreation
23866	Shire Purposes
24236	Disused Cemetery
24438	Protection of Flora & Fauna
24824	Police
24849	Depot Site – St John Ambulance
24858	Shire Purposes
24898	Aerial Landing Ground
25156	Church Site – Church of England
25793	Park
26028	Water Supply



26031 Water Supply Depot & Quarters  
 26369 Use & Requirements of Shire of West Pilbara  
 26764 Hospital Site  
 26780 School Site  
 27373 Gun Club and Club Premises  
 27588 Recreation  
 27998 Fire Station Site  
 28375 Fire Station Site

30082 (part) being that portion of Reserve 30082 vested pursuant to section 33 of the *Land Act 1933 (WA)* on 31 October 1969 National Park

34773 Power Station Site  
 34774 Tank Site  
 34775 Pipeline  
 37591 Tourist Information Bay  
 38972 Vehicle Parking  
 39305 Tourist Purposes  
 39515 Depot Site (Water Authority of Western Australia)  
 42078 Gravel Purposes

### **S2.3 Leases**

<b>Lease No.</b>	<b>Summary / General Description of the Current / Last Purpose</b>
SL 3116/03132	A Store and Yard
SL 3116/03687 (GE I154279)	Construction, development, maintenance, use and operation of a railway and ancillary installations and facilities
SL 3116/03882	Service Station Site
SL 3116/03914	Tourist Information Centre
SL 3116/04028	Construction, development, maintenance, use and operation of radio communications and ancillary installations and facilities
SL 3116/04147	Caravan Park Site
SL 3116/04955	Riding School and Stables
SL 3116/05078	Fuel Storage
SL 3116/05990	Service Station
SL 3116/06300 (GE I123596)	Quarry for the production of railway ballast and a stockpile area for the storage of railway ballast.
SL 3116/06329 (GE I123720)	Laying out, development, construction, provision and use of a water supply and ancillary installations and facilities for drawing, conserving, reticulating and supplying water to the maintenance camp established on the land the subject of Special Lease 3116/6300.
SL 3116/11869 (GE I134828)	Development, construction, provision, upgrading, operation and use of a

railway, power transmission line and communications system and associated facilities including borrow pits

GE J717063 Final design, construction, use, operation and maintenance of a rail spur line and associated access road

GE K843924 Construction, provision, extension, use, operation and maintenance of a railway spur line and access roads

GE K843925 Construction, provision, extension, use, operation and maintenance on the Land of a communication repeater station

## **S2.4 Dedicated roads and roads set aside, taken or resumed and associated features**

(a) 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) and Native Title (Effect of Past Acts) Act 1995 (WA)*), including the following:

<b>Road Name</b>	<b>Location / Description</b>
Bolitho Road (Historical Roads 4 and 8)	Bolitho Road shown generally on CPP 503154, Map 2553 Wittenoom 1:100 000 and Wittenoom Townsite Public Plan BL61(2) 06.20
Great Northern Highway (Current Roads 19 – 32)	The Great Northern Highway (including a 200m road corridor) shown generally as Lot 186 on DP 219303, Lot 187 on DP 219304, Lot 188 on DP 219305, Lot 189 on DP 219306, Lot 190 on DP 219307, Lot 191 on DP 219308, Lots 192 and 193 on DP 219309, Lot 194 on DP 219310, Lots 195 and 196 on DP 219311, Lots 197 to 199 on DP 219312, Lots 200 and 312 on DP 219313, Lot 313 on DP 219314, Lot 314 on DP 219315, Lots 315 and 316 on DP 219316 and Lot 3000 on DP 50859
Karijini Drive	Karijini Drive (including a 200m road corridor outside of Reserve 30082 and a 30m road corridor within Reserve 30082) shown generally as Lot 301 on DP 63350 (sheets 1 – 10), Lot 302 on DP 62473 and Lot 303 on DP 62474 (sheets 1 – 3)
Munjina / Roy Hill Road (Current Road 5, Historical Road 7)	Munjina / Roy Hill Road shown generally on CPP 502697, CPP 503154, CPP 503164 and Map SF 50–12 Roy Hill 1:250 000
Nanutarra / Munjina Road (Current Roads 4 and 33, Historical Roads 9 – 10)	Nanutarra / Munjina Road (including a 200m road corridor outside of town boundaries and a 100m road corridor within town boundaries) shown generally on DP 243189, CPP 502692, CPP 503154, Map SF 50–11 Mt Bruce 1:125 000 (dated Jan 1969) and Map 2553 Wittenoom 1:100 000. Road also known as the Nanutarra / Wittenoom Road and the Munjina / Wittenoom Road
Road No. 15057 (Current Road 17)	Commencing at eastern boundary of Pastoral Lease 3114/974 and extending southeast and northeast through Reserve 30082 to terminate at Joffre Falls. Gazetted as a public street on 24 February 1978 and shown generally on Map SF 50–11 Mt Bruce 1:125 000 (dated Jan 1969)
Road No. 17957 (Current Road 18)	Road adjacent to CT0207700889 (Auski Roadhouse) at the junction of the Great Northern Highway and Nanutarra / Munjina Road. Gazetted as a public street on 29 June 1990 and shown generally on DP 188611
Roebourne / Wittenoom Road (Current Roads 6 and 14, Historical Road 5)	Roebourne / Wittenoom Road shown generally on DP 170097, CPP 503154 and Map 2553 Wittenoom 1:100 000
Wittenoom Roads (Current Roads 1 – 3, 9, 12, 13, 15 and 16, Historical Roads 1 – 3 and 6)	Those roads, road widenings and rights of way in the townsite of Wittenoom shown generally on DPs 33612, 162974, 162975, 168772, 173044, 173515, 174937, 175021, 206101, 206102, 212103 and 213988

(b) The following public works (as that expression is defined in the *Native Title Act* and the *Titles (Validation) and Native Title (Effect of Past Acts) Act 1995 (WA)*) associated with the roads identified in sub-item 0 above:

<b>Public Work</b>	<b>Location / Description</b>
Tourist Information Bay	Located at the junction of the Great Northern Highway and Karijini Drive

(approximately 1 hectare in size)

Water Bores Located on or near the Great Northern Highway being:

(each of an area of 0.1 ha, the centre point of which is:)

Bore Straight Linear Kilometre - distance in linear kilometres from the start of the road Easting Northing

3 1321.60 50K0674210 UTM7490675

5 1347.50 50K0674228 UTM7514938

5B 1347.50 50K0674924 UTM7514946

5C 1347.50 50K0675046 UTM7514883

11 1373.40 50K0681426 UTM7538054

10 1383.10 50K0683405 UTM7547350

8A 1388.75 50K0684579 UTM7552644

Located on or near the Nanutarra / Munjina Road being:

Bore	Straight Linear Kilometre	Easting	Northing
362.10 2.8	360.10	50K626602	UTM7550066
75-10-90 3.80L	386.40	50K0647216	UTM7539198
H025 31.000 4.0	406.50	50K0666029	7531624

Located on or near Karijini Drive being:

Bore	Straight Linear Kilometre	Easting	Northing
4B1	29.40	50K0649564	UTM7505390
5	21.70	50K0656244	UTM7501319

### **Schedule 3 - Maps of the Determination Area**

[See NNTR attachment 1: "Schedule 3 - Maps of the Determination Area"]

### **Schedule 4 - Areas to which sections 47A & 47B apply (paragraph 7)**

Sections 47, 47A or 47B of the *Native Title Act* apply to the following land and waters within the Determination Area, which are generally shown as hatched in green on the maps at Schedule 3:

#### **S4.1 Section 47A**

Section 47A of the *Native Title Act* applies with the effect that any extinguishment by the creation of prior interests, including those referred to below, in relation to those parts of the Determination Area the subject of the following interests has been disregarded:

#### **Areas where section 47A applies**

SL 3116/11923 (GE I144640)

Reserve 31428

#### **S4.2 Section 47B**

Section 47B of the *Native Title Act* applies with the effect that any extinguishment by the creation of prior interests in relation to those parts of the Determination Area referred to below has been disregarded:

#### **Areas where section 47B applies**

UCL 7

UCL 9

UCL 42

### **Schedule 5 - Other Interests (Paragraph 0)**

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

#### **S5.1 Leases**

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

<b>Lease No.</b>	<b>Summary / General Description of the Current Purpose</b>
SL 3116/11923 (GE I144640)	Use and Benefit of Aboriginal Inhabitants
GE L021122	Installation or construction and the use, operation and maintenance of fibre-optic cables and associated repeater stations for rail radio communications
GE L021123	Construction, provision, extension, use, operation and maintenance of an accommodation village
GE L021124	Construction, provision, extension, use, operation and maintenance of a railway and associated access road

#### **S5.2 Reserves**

(a) The following reserves:

<b>Reserve No.</b>	<b>Current Purpose</b>
01329	Water and Stopping Place
01330	Water and Stopping Place
01470	Public Utility
01747	Watering Place for Travellers and Stock
22415	Government Requirements
22418	Public Utility
23863	Historical Site – Cemetery
30082	National Park
31428	Use and Benefit of Aborigines
50105	Airstrip

(b) The rights and interests of persons who have the care, control and management of the reserves identified in sub-item 0 above;

(c) The rights and interests of persons entitled to access and use the reserves identified in sub-item 0 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 sub-item 0 above, including but not limited to the lease dated 1 March 1988 granted by the Aboriginal Lands Trust to Mugarinya Community Association Inc. in respect of Reserve 31428.

#### **S5.3 Pastoral Leases**

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

<b>Pastoral Lease</b>	<b>Station Name</b>
3114/0465	Mt Florance
3114/0984	Marillana
3114/1047	Mulga Downs
3114/1173	Hooley
3114/1191	Juna Downs
398/763	Mulga Downs

#### **S5.4 Water Interests**

(a) The following licences and permits granted pursuant to the *Rights in Water and Irrigation Act 1914* (WA) and the rights and interests of the holders from time to time of those licences and permits:

(i) Licences to take groundwater (section 5)

##### **Instrument ID**

66333 89501 105695 110044 158473 158573 158838 159658 161141 161143 161814  
164559 164672 165652 166205 166389 166549 166889 167112 167113 167115 167239  
170358 170361 170749 171321 171469 171728 171847 171858 171866 172052 172106  
172110 172221 172438 172439 172447 172861 173219 173579 173615 174096 174097  
174098 174180 174412 174534 174541 174542 174613 177962

(ii) Licences to construct or alter wells (section 26D)

##### **Instrument ID**

171320 171357 171533 171857 171865 172096 172147 172151 172152 172664 172665  
172666 172667 172859 172860 172871 172949 172952 173043 173254 174335 174588  
174616 174652 174673 174674 174681 174712 174714 174817 174867

(iii) Permits to obstruct or interfere with the bed, banks or waters of a watercourse (section 17)

##### **Instrument ID**

167685 167840 168343 171385 171386 172597 173345 173346 173347

(b) The following proclamations made under the *Rights in Water and Irrigation Act 1914* (WA) and the rights and interests comprised in, conferred under or in accordance with those proclamations:

(i) Pilbara Surface Water Area Proclamation 1965 (proclaimed on 13 August 1965); and

(ii) Pilbara Ground Water Area Proclamation 1965 (proclaimed on 12 February 1965 and varied by proclamation on 21 December 1990 and 2 May 1997)

#### **S5.5 Mining Tenements**

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

(i) Mining Leases

##### **Tenement ID**

M 4500629 M 4501086 M 4501087 M 4501088 M 4501089 M 4501090  
M 4501091 M 4501092 M 4501093 M 4501094 M 4700069 M 4700070  
M 4700071 M 4700206 M 4700281 M 4700283 M 4700284 M 4700289  
M 4700290 M 4700291 M 4700292 M 4701353 M 4701354 M 4701355  
M 4701356 M 4701359 M 4701360 M 4701414 M 4701421 M 4701433  
M 4701434

(ii) Miscellaneous Licences

**Tenement ID**

L 4500147 L 4500222 L 4700050 L 4700055 L 4700059 L 4700070 L 4700071  
L 4700072 L 4700073 L 4700074 L 4700075 L 4700076 L 4700077 L 4700078  
L 4700092 L 4700095 L 4700097 L 4700098 L 4700099 L 4700100 L 4700104  
L 4700108 L 4700113 L 4700114 L 4700115 L 4700118 L 4700173 L 4700182  
L 4700183 L 4700223 L 4700321 L 4700336 L 4700361 L 4700375 L 4700378  
L 4700420 L 4700422 L 4700554 L 4700559 L 4700560 L 4700569 L 4700643  
L 4700696

(iii) General Purpose Leases

**Tenement ID**

G 4700012 G 4700013 G 4700014 G 4700015 G 4700016 G 4700017 G 4700018  
G 4700019 G 4700020

**Tenement ID**

(iv) Exploration Licences

**Tenement ID**

E 4501073 E 4501074 E 4502497 E 4502499 E 4502593 E 4502651 E 4502652  
E 4502708 E 4502841 E 4502842 E 4503593 E 4504028 E 4504231 E 4700013  
E 4700014 E 4700328 E 4700421 E 4700487 E 4700525 E 4700584 E 4700628  
E 4700631 E 4700641 E 4700753 E 4701016 E 4701222 E 4701235 E 4701236  
E 4701238 E 4701239 E 4701243 E 4701244 E 4701315 E 4701329 E 4701361  
E 4701363 E 4701385 E 4701399 E 4701408 E 4701429 E 4701431 E 4701432  
E 4701434 E 4701436 E 4701453 E 4701490 E 4701491 E 4701495 E 4701539  
E 4701540 E 4701561 E 4701584 E 4701607 E 4701608 E 4701612 E 4701613  
E 4701614 E 4701620 E 4701644 E 4701645 E 4701646 E 4701647 E 4701648  
E 4701673 E 4701674 E 4701702 E 4701767 E 4701790 E 4701819 E 4701841  
E 4701870 E 4701871 E 4701872 E 4701873 E 4701874 E 4701875 E 4701904  
E 4701927 E 4701943 E 4702001 E 4702004 E 4702044 E 4702046 E 4702110

E 4702113 E 4702117 E 4702221 E 4702366 E 4702432 E 4702473 E 4702474

E 4702500 E 4702655 E 4702656 E 4702733

(v) Prospecting Licences

**Tenement ID**

P 4701421 P 4701539 P 4701540 P 4701555 P 4701598 P 4701612 P 4701613

P 4701614 P 4701615 P 4701616 P 4701617 P 4701618 P 4701636

(vi) Temporary Reserves

**Tenement ID**

TR 7005616 TR 7005621 TR 7005622

(b) The agreement as amended and ratified by the *Iron Ore (Mt Goldsworthy) Agreement Act 1964 (WA)* and rights and interests comprised in, conferred under or in accordance with, or pursuant to that agreement, including the following mining tenements:

<b>Tenement ID</b>	<b>Tenement Type</b>
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AML 7000281	Mineral Lease
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(c) The agreement as amended and ratified by the *Iron Ore (Mount Newman) Agreement Act 1964 (WA)* and rights and interests comprised in, conferred under or in accordance with, or pursuant to that agreement, including the following mining tenements:

<b>Tenement ID</b>	<b>Tenement Type</b>
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AML 7000244	Mineral Lease
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(d) The agreement as amended and ratified by the *Iron Ore (Mount Bruce) Agreement Act 1972 (WA)* and rights and interests comprised in, conferred under or in accordance with, or pursuant to that agreement, including the following mining tenements:

<b>Tenement ID</b>	<b>Tenement Type</b>
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AML 7000252	Mineral Lease
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(e) The agreement as amended and ratified by the *Iron Ore (Marillana Creek) Agreement Act 1991 (WA)* and rights and interests comprised in, conferred under or in accordance with, or pursuant to that agreement, including the following mining tenements:

<b>Tenement ID</b>	<b>Tenement Type</b>
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AM 7000270	Mining Lease
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(f) The agreement as amended and ratified by the *Iron Ore (Hope Downs) Agreement Act 1992 (WA)* and rights and interests comprised in, conferred under or in accordance with, or pursuant to that agreement, including the following mining tenements:

<b>Tenement ID</b>	<b>Tenement Type</b>
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AM 7000282	Mining Lease
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(g) The agreement as amended and ratified by the *Iron Ore (Yandicoogina) Agreement Act 1996 (WA)* and rights and interests comprised in, conferred under or in accordance with, or pursuant to that agreement, including the following mining tenements:

<b>Tenement ID</b>	<b>Tenement Type</b>
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AM 7000274	Mining Lease
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(h) The agreement as amended and ratified by the *Railway and Port (The Pilbara Infrastructure Pty Ltd)*

*Agreement Act 2004 (WA)* and rights and interests comprised in, conferred under or in accordance with, or pursuant to that agreement, including the following mining tenements:

<b>Tenement ID</b>	<b>Tenement Type</b>
AL 7000001	Miscellaneous Licence

(i) The agreement as amended and ratified by the *Iron Ore (FMG Chichester Pty Ltd) Agreement Act 2006 (WA)* and rights and interests comprised in, conferred under or in accordance with, or pursuant to that agreement.

#### **S5.6 Other**

The following rights and interests:

(a) Valid or validated 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 legislation.

(b) Valid or validated rights or 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 force and operation of the *Rights in Water and Irrigation Act 1914 (WA)* and the *Land Administration Act 1997 (WA)*.

(c) 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 or other statutory authority;

as required and permitted by law in the performance of his or her statutory or common law duty.

(d) So far as confirmed pursuant to s. 212(2) of the *Native Title Act* and s. 14 of the *Titles (Validation) and Native Title (Effect of Past Acts) Act 1995 (WA)*, any then existing public access to, and enjoyment of, the following places in the Determination Area:

- (i) waterways;
- (ii) beds and banks or foreshores of waterways;
- (iii) stock routes; and
- (iv) areas that were public places at the end of 31 December 1993.

(e) Powers of entry and other rights, obligations and powers by reason and force of the declarations as to Wittenoom and surrounding areas being contaminated sites pursuant to the relevant provisions of the *Contaminated Sites Act 2003 (WA)*.

(f) Any other valid or validated:

- (i) legal or equitable estate or interest in the land or waters; or
- (ii) any other 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; or
  - (B) an estate or interest in the land or waters; or
- (iii) restriction on the use of the land or waters, whether or not annexed to other land or waters.

#### **Schedule 6 - Title Holders (Paragraph 2)**

The Banjima People are those Aboriginal persons who:

- (a) are descendants of one or more of the following apical ancestors:



- (i) Bob Tucker (Wirilimura);
- (ii) Gawi;
- (iii) Yinini (Arju);
- (iv) Sam Coffin;
- (v) George Marndu;
- (vi) Whitehead;
- (vii) Yidingganin;
- (viii) Maggie (Nyukayi);
- (ix) Yandikujji; and
- (b) recognise themselves as a Banjima person, and are recognised by others as a Banjima person.

**REGISTER ATTACHMENTS:**

1. Schedule 3 - Maps of the Determination Area, 10 pages - A4, 11/03/2014

*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.*