



# Extract from the National Native Title Register

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## Determination Information:

**Determination Reference:** Federal Court Number(s): WAD165/2008  
NNTT Number: WCD2015/007

**Determination Name:** Samson on behalf of the Ngarluma People v State of Western Australia

**Date(s) of Effect:** 21/12/2015

**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:** 21/12/2015

**Determining Body:** Federal Court of Australia

### ADDITIONAL INFORMATION:

Not Applicable

### REGISTERED NATIVE TITLE BODY CORPORATE:

Ngarluma Aboriginal Corporation RNTBC  
Trustee Body Corporate  
Attention: Chief Executive Officer  
Unit 61/5 Sharpe Street  
KARRATHA Western Australia 6714

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

(3) The native title rights and interests are held in trust by the Ngarluma Aboriginal Corporation, as the prescribed body corporate for the purposes of section 56 of the *Native Title Act*, for the Ngarluma People as the common law holders of native title. The Ngarluma People are the people described in Schedule Six.

The native title holders are the Ngarluma People, being those Aboriginal persons who recognise themselves as, and are recognised by other Ngarluma People as members of the Ngarluma language group.

### MATTERS DETERMINED: THE COURT ORDERS THAT:

1. There be a determination of native title in WAD 165 of 2008 in terms of Annexure One attached to these orders.

2. The Ngarluma Aboriginal Corporation RNTBC (ICN 4511) shall hold the determined native title in trust for the native title holders pursuant to section 56(2) of the *Native Title Act 1993* (Cth).

## **ANNEXURE ONE**

### **DETERMINATION OF NATIVE TITLE**

#### **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 the subject of the interests identified in Schedule Three, which are generally shown as shaded pink on the maps at Schedule Two.

##### **Native Title Holders (section 225(a) *Native Title Act*)**

- (3) The native title rights and interests are held in trust by the Ngarluma Aboriginal Corporation, as the prescribed body corporate for the purposes of section 56 of the *Native Title Act*, for the Ngarluma People as the common law holders of native title. The Ngarluma People are the people described in Schedule Six.

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

- (4) Subject to paragraphs 5, 6, 7 and 10, the Ngarluma People have the following non-exclusive native title rights and interests in relation to the Determination Area:
  - (a) a right to access (including to enter, to travel over and remain);
  - (b) a right to engage in ritual and ceremony (including to carry out and participate in initiation practices);
  - (c) a right to camp and to build shelters (including boughsheds, mias and humpies) and to live temporarily thereon as part of camping or for the purpose of building a shelter;
  - (d) a right to fish from the waters;
  - (e) a right to collect and forage for bush medicine;
  - (f) a right to hunt and forage for and take fauna (including fish, shellfish, crab, oysters, sea turtle, dugong, goanna, kangaroo, emu, bush turkey, echidna, porcupine, witchetty grub, swan);

- (g) a right to forage for and take flora (including timber logs, branches, bark and leaves, gum, wax, Aboriginal tobacco, fruit, peas, pods, melons, bush cucumber, seeds, nuts, grasses, potatoes, wild onion and honey);
- (h) a right to take black, yellow, white and red ochre;
- (i) a right to take water for drinking and domestic use;
- (j) a right to cook on the land including light a fire for this purpose;
- (k) a right to protect and care for sites and objects of significance in the Determination Area (including a right to impart traditional knowledge concerning the area, while on the area and otherwise, to succeeding generations and others so as to perpetuate the benefits of the area and warn against behaviour which may result in harm, but not including a right to control access or use of the land by others).

### **Qualifications on the native title rights and interests**

(5) Notwithstanding anything in this determination, there are no native title rights and interests in or in relation to:

- (a) minerals (including ochres to the extent they are minerals) as defined in the *Mining Act 1904* (WA), or in the *Mining Act 1978* (WA);
- (b) petroleum as defined in the *Petroleum Act 1936* (WA), or in the *Petroleum and Geothermal Energy Resources Act 1967* (WA);
- (c) geothermal energy resources and geothermal energy as defined in the *Petroleum and Geothermal Energy Resources Act 1967* (WA); or
- (d) Subterranean Waters.

(6) The non-exclusive 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.

(7) For the avoidance of doubt, the native title rights set out in paragraph 4:

- (a) do not confer possession, occupation, use or enjoyment on the Ngarluma People to the exclusion of all others; and
- (b) are not exercisable other than in accordance with and subject to traditional laws and customs for personal, domestic and non-commercial communal purposes (including social, cultural, religious, spiritual and ceremonial purposes).

### **Areas to which section 47B of the *Native Title Act* applies**

(8) Section 47B of the *Native Title Act* applies with the effect that any prior extinguishment of native title is to be disregarded in relation to the land and waters described in Schedule Four.

### **The nature and extent of any Other Interests**

(9) The nature and extent of the Other Interests are described in Schedule Five.

### 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:

(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

(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;

**“land”** has the same meaning as in the Native Title Act and, for the avoidance of doubt, includes any water found on the land which does not fall within the definition of “waters”;

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

**“Other Interests”** means the legal or equitable estates or interests and other rights in relation to the Determination Area described in Schedule Five and referred to in paragraph 9;

**“Subterranean Waters”** means waters which are for the time being contained in aquifers underneath the natural surface of the Determination Area; but does not include such waters to the extent that they have percolated to the natural surface of the Determination Area;

**“waters”** has the same meaning as in the *Native Title Act* but also includes:

(a) a creek, a stream or brook;

(b) any natural collection of water into, through, or out of which a river, creek, stream or brook flows; and

(c) waters which percolate from the ground.

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

## SCHEDULE ONE

### DETERMINATION AREA

The **Determination Area**, generally shown as bordered in blue on the maps in Schedule Two, comprises all those land and waters within application WAD 165 of 2008, being:

### DAMPIER AREA

All those lands and waters bounded by a line commencing at the intersection of the High Water Mark and the northern boundary of Special Lease 3116/3907, and extending southeasterly, generally southerly, southwesterly and generally northwesterly along boundaries of that special lease to again the High Water Mark; then generally northeasterly along the high water mark back to the commencement point.

### KARRATHA AREA

#### Area 1

All those lands and waters bounded by a line commencing at the intersection of a western boundary of Reserve 34922 and a boundary of Searipple Road road reserve and extending generally easterly along the boundary of that road reserve to a western boundary of Reserve 44015; then northwesterly, northeasterly and southeasterly along boundaries of that reserve to again a boundary of Searipple Road road reserve; then generally northeasterly along the boundary of that road reserve to a southern boundary of Lot 1481 on Deposited Plan 182315; then westerly, northerly, easterly, southeasterly and southerly along boundaries of that lot to a northern boundary of Mystery Road road reserve; then generally southeasterly along the boundary of that road reserve to Longitude 116.871324° East; then southerly to a southern boundary of Mystery Road road reserve at Longitude 116.871197° East; then northwesterly along the boundary of that road reserve to a eastern boundary of Maitland Road road reserve; then southwesterly and generally southerly along the boundary of that road reserve to a northern boundary of Millstream Road road reserve; then southeasterly, southerly and northwesterly along the boundary of that road reserve to a eastern boundary of Reserve 32197; then generally southwesterly, southeasterly, southwesterly, northwesterly, northeasterly, again southeasterly and generally northeasterly along boundaries of that reserve to again a boundary of Millstream Road road reserve; then generally westerly and generally southwesterly along the boundary of that road reserve and the boundary of Dampier Road road reserve to a eastern boundary of Reserve 34105; then generally southwesterly and generally westerly along boundaries of that reserve to a southeastern corner of Reserve 37085; then generally westerly along boundaries of that reserve to a eastern boundary of Reserve 37774; then southerly, southwesterly, again southerly and again southwesterly along boundaries of that reserve to a eastern boundary of Rosemary Road road reserve; then southwesterly to a western boundary of Rosemary Road road reserve at Latitude 20.755515° South; then northwesterly along the boundary of that road reserve to the easternmost corner of former Lot 263 on Deposited Plan 214683; then southwesterly, northwesterly and northerly along boundaries of that former lot to a southern boundary of Radley Drive road reserve; then generally southwesterly along the boundary of that road reserve to a eastern boundary of reserve 40708; then southerly, westerly and northerly along boundaries of that reserve to again a boundary of Radley Drive road reserve; then generally southwesterly and generally northwesterly along

the boundary of that road reserve to a boundary of Baynton Drive road reserve; then southwesterly, northwesterly and generally northeasterly along the boundary of that road reserve to a southwestern boundary of Reserve 40989; then northwesterly, northeasterly and southeasterly along boundaries of that reserve to again a boundary of Baynton Drive road reserve; then generally northeasterly and generally northerly along the boundary of that road reserve to again a boundary of Dampier Road road reserve; then generally westerly along the boundary of that road reserve to the prolongation southerly of the western boundary of Balmoral Road road reserve; then northerly to and generally northerly, generally northeasterly and generally southeasterly along the boundary of that road reserve to a northern boundary of Lot 2654 on Deposited Plan 184357; then northeasterly, northwesterly, again northeasterly, southwesterly, southwesterly, again northwesterly and again south westerly along boundaries of that lot to again a boundary of Balmoral Road road reserve; then generally southeasterly along the boundary of that road reserve to a northern boundary of Closed Road on Deposited Plan 213104; then southeasterly along the boundary of that closed road to again a boundary of Balmoral Road road reserve; then generally northeasterly along the boundary of that road reserve to a boundary of Warambie Road road reserve; then easterly and generally northeasterly along the boundary of that road reserve to the southeastern corner of Reserve 33666; then northwesterly along the boundary of that reserve to the westernmost corner of Lot 4545 on Deposited Plan 189403 (Reserve 41119); then northeasterly along the boundary of that lot and the northern boundary of Reserve 41120 and onwards to the northern most corner of former Lot 1121 on Deposited Plan 175620; then southeasterly along the boundary of that lot to again a boundary of Searipple Road road reserve; then generally northeasterly and generally easterly along the boundary of that road reserve back to the commencement point; and

## Area 2

All those lands and waters bounded by a line commencing at the northernmost corner of the northeastern severance of Reserve 35098 and extending southeasterly along the boundary of that severance to the northwestern boundary of Reserve 35097; then northeasterly along that boundary to the southernmost corner of reserve 31834; then northwesterly, northeasterly and southeasterly along boundaries of that reserve to again boundary of Reserve 35097; then northeasterly and southeasterly along boundaries of that reserve to a northern boundary of Lot 2567 on Deposited Plan 214664; then northeasterly along the boundary of that lot to a western boundary of former Lot 1058 as shown on Deposited Plan 211552; then northerly, generally easterly, southeasterly and southwesterly along boundaries of that former lot to the easternmost corner of Lot 4901 on Deposited Plan 35280; then southwesterly along the boundary of that lot to the northernmost corner of the northern severance of Reserve 32318; then southwesterly along the boundary of that severance to its westernmost corner; then southerly to the northernmost corner of the southern severance of Reserve 32318; then generally southwesterly along boundaries of that severance to a northern boundary of Pastoral Lease 3114/464 (Karratha Station); then generally southwesterly along boundaries of that pastoral lease to a eastern boundary of Karratha Road road reserve; then northerly along the boundary of that road reserve to the southernmost corner of Lot 4937 on Deposited Plan 40583, then southwesterly to the southeastern corner of Lot 4935 on Deposited Plan 40583, then southwesterly and northwesterly along boundaries of that lot to the southwestern corner of Venn Road road reserve; then northerly and northeasterly along the boundary of that road reserve to again a boundary of Karratha Road road reserve; then generally northerly along the boundary of that road reserve to the prolongation southwesterly of the northern boundary of Mooligunn Road road reserve; then northeasterly along that prolongation and northeasterly, easterly and southeasterly along the boundary of that road reserve to a western boundary of the southwestern severance of Reserve 35098; then generally northeasterly along boundaries of that severance to a western boundary of Keating Road road reserve; then generally northeasterly along the boundary of that road reserve to a southwestern boundary of the northeastern severance of Reserve 35098; then northwesterly and northeasterly along boundaries of that severance back to the commencement point.

## WICKHAM AREA

### Area 1

All that land comprising Reserves 35972, 35973 and 37370; and

## Area 2

All those lands and waters bounded by a line commencing at the northeastern corner of Lot 103 on Deposited Plan 175534 and extending southerly and southwesterly along boundaries of that lot to a prolongation northerly of the eastern boundary of Lot 104 on Deposited Plan 175534, then southerly along that prolongation to the eastern most north eastern corner of that lot, then southerly westerly and northerly along boundaries of that lot to the north eastern corner of Lot 752 on Deposited Plan 219429, then southwesterly along the boundary of that lot to the prolongation southerly of the eastern boundary of Lot 361 on Deposited Plan 193049, (General Lease 1195322), then northerly along that prolongation to the south eastern corner of that lot, then northerly and westerly along boundaries of that lease to the southeastern corner of Reserve 46195, then northerly along the boundary of that reserve and onwards to the northern boundary of Wickham Drive road reserve, then north easterly along the boundary of that road reserve to Longitude 117.144421° East, then south easterly back to the commencement point; and

## Area 3

All those lands and waters bounded by a line commencing at the northwestern corner of Walcott Drive road reserve, being a point on a boundary of General Lease 1195322 and extending northeasterly to southwestern corner of Lot 660 on Deposited Plan 219427, then northeasterly along the boundary of that lot to its southeastern corner, again a point on a boundary of General Lease 1195322, then generally northeasterly, generally southeasterly and generally southwesterly along boundaries of that general lease and onwards to a western boundary of Walcott Drive road reserve, then northwesterly along the boundary of that road reserve back to the commencement point; and

## Area 4

All those lands and waters bounded by a line commencing at Latitude 20.662706° South on a southwestern boundary of Lot 798 on Deposited Plan 31274, (General Lease 1195322) and extending generally southeasterly, generally southwesterly and generally northwesterly along boundaries of that lot to a northeastern corner of Lot 775 on Deposited Plan 31274, (General Lease 1195322), then northeasterly back to the commencement point; and

## Area 5

All that land comprising Reserve 31274 and Unallocated Crown Land, being Wickham Town Lot 112; and

## Area 6

All those lands and waters bounded by a line commencing at Latitude 20.658647° South, Longitude 117.146449° East and extending easterly to the northernmost northwestern corner of Wilson Way road reserve; then easterly along the boundary of that road reserve to the northwestern corner of Lot 44 on Deposited Plan 211961; then easterly along the boundary of that lot and northern boundaries of Lots 45 to 51 to a western boundary of the Point Samson Roeboume Road road reserve; then generally easterly and generally southwesterly along the boundary of that road reserve to a northeastern corner of Lot 791 on Deposited Plan 31274, (General Lease 1195322), then northwesterly and southwesterly along boundaries of that lot to a southern boundary of former Lot 97 on Deposited Plan 211961; then northwesterly along the boundary of that lot to its westernmost corner; then

northwesterly to Latitude 20.663391° South, Longitude 117.144469° East; thence northeasterly back to the commencement point.

## **POINT SAMPSON AREA**

All those lands and waters bounded by a line commencing at the northernmost corner of Lot 197 on Deposited Plan 186712 and extending southeasterly along the boundary of that lot to a northeastern boundary of Mearns Drive road reserve; then southeasterly and southerly along the boundary of that road reserve to a northwestern boundary of Reserve 23664; then northeasterly along the boundary of that reserve to the Point Samson Townsite Boundary; then generally southerly, generally north easterly, generally southwesterly, generally northerly, generally easterly and again generally north easterly along the townsite boundary to the westernmost corner of Lot 197 on Deposited Plan 186712; then northeasterly along the boundary of that lot back to the commencement point.

The application area does not include any part of the WAD 6017 of 1996 Ngarluma/Yindjibarndi determination, and the description is based on the exclusions as set out in the First Schedule Attachment I of Daniel v Western Australia [2005] FCA 536 (2 May 2005).

### **Note:**

**Geographic Coordinates provided in Decimal Degrees**

**Cadastral Boundaries sourced from Landgate**

**Spatial Cadastral Data dated 16 February 2007**

**Datum: Geocentric Datum of Australia (1994)**

**Prepared by: Native Title Spatial Services (Landgate) 16 February 2007**

### **Use of Coordinates**

Where coordinates are used within the description to represent cadastral or topographical boundaries or the intersection with such, they are intended as a guide only. As an outcome to the custodians of cadastral and topographic data continuously recalculating the geographic position of their data based on improved survey and data maintenance procedures, it is not possible to accurately define such a position other than by detailed ground survey

## **SCHEDULE TWO**

### **MAPS OF THE DETERMINATION AREA**

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



## SCHEDULE THREE

### AREAS WHERE NATIVE TITLE RIGHTS AND INTERESTS DO NOT EXIST

[See NNTR attachment 2: "Schedule Three - Areas where native title rights and interests do not exist"]

## SCHEDULE FOUR

### AREAS TO WHICH SECTION 47B OF THE NATIVE TITLE ACT APPLIES:

#### 1. Section 47B

Section 47B of the *Native Title Act* applies with the effect that any extinguishment over the following areas, (to the extent that they were not covered by an interest described in section 47B(1)(b)(i) or (ii) or subject to a resumption process as described in section 47B(1)(c) of the *Native Title Act* when the relevant native title determination application was made) is to be disregarded:

- (a) to the extent that it is not covered by exploration licence E 47/1233, those parts of UCL 003 that were previously subject to portion of Reserve 23663, portion of Reserve 27673 and portion of historical Roads [MapInfo No.] 019, 031 and 035;
- (b) the whole of UCL 035, previously subject to portion of Reserve 27673 and portion of freehold CT 0120800132;
- (c) the whole of UCL 036, previously subject to portion of Reserve 27673;
- (d) the whole of UCL 037, previously subject to portion of Reserve 27673 and portion of historical Road [MapInfo No.] 031;
- (e) the whole of UCL 080, previously subject to portion of Reserve 27673: and
- (f) to the extent that it is not covered by exploration licence E 47/1233, those parts of UCL 092 that were previously subject to portion of Reserve 27673 and portion of historical Roads [MapInfo No.] 019 and 031.

## SCHEDULE FIVE

### OTHER INTERESTS

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

Note: the Other Interests recorded in clauses 1 - 3 are current as at 26 February 2015.

## 1. Reserves

The following reserves and the rights and interests of persons who have the care, control and management of those reserves from time to time:

| Reserve No. | Current / Last Purpose                   |
|-------------|--|
| 30707       | Police                                   |
| 31635       | Depot (Main Roads Department)            |
| 35619       | Pedestrian Access Way                    |
| 36689       | State Energy Commission Sub Station Site |
| 37774       | Parkland Recreation and Drainage         |
| 40255       | School Site (Roman Catholic)             |
| 42048       | Public Utility and Access                |

## 2. Roads

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

| MapInfo ID | Description                  | Townsite | Shown In    |
|------------|------------------------------|----------|-------------|
| ROAD 023   | Portion of Shallow Well Road | Karratha | DP 035280   |
| ROAD 024   | Portion of Walcott Drive     | Wickham  | DP 035754   |
| ROAD 025   | Portion of Mardie Road       | Karratha | DP 040583   |
| ROAD 075   | Portion of Jennifer Court    | Karratha | DP 192917   |
| ROAD 132   | Coolawanyah Road             | Karratha | BH.65/33.25 |

## 3. Mining and Petroluem [sic] Interests

(a) The rights and interests of the holders of the following mining tenements granted under the *Mining Act 1978* (WA):

### i) Exploration Licences

| Tenement ID | Holder                              | Date Granted |
|-------------|-------------------------------------|--------------|
| E 47/1233   | MCC Australia Sanjin Mining Pty Ltd | 17/11/2005   |
| E 47/1271   | MCC Australia Sanjin Mining Pty Ltd | 06/09/2006   |

(ii) **Temporary Reserves**

| Tenement ID | Holder             | Date Granted |
|-------------|--------------------|--------------|
| TR 70/5461  | Minister for Mines | 07/08/1970   |

(b) The rights and interests of the holders of the following petroleum titles granted under the *Petroleum Pipelines Act 1969* (WA):

i) **Pipeline Licences**

| Tenement ID | Holder                         | Date Granted |
|-------------|--------------------------------|--------------|
| PL 82       | APA (Pilbara Pipeline) Pty Ltd | 24/06/2009   |

**4. Access to Mining and Petroleum Areas**

Any rights of the holders from time to time of the mining tenements and petroleum interests listed in clause 3 of this Schedule Five to use (including by servants, agents and contractors) such portions of existing roads and tracks in the Determination Area as necessary to have access to the area the subject of the mining tenement or petroleum interest for the purpose of exercising the rights granted by that tenement or interest.

**5. Other**

The following rights and interests in the Determination Area as at the date of this determination (other than rights and interests of a kind referred to in clauses 1 to 4 inclusive of this Schedule Five):

(a) Rights and interests, including licences and permits, validly granted (including in accordance with the *Native Title Act*) 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 the *Rights in Water and Irrigation Act 1914* (WA);

(c) The rights and interests 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; and
- (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) and Native Title (Effect of Past Acts) Act 1995* (WA) 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) The rights and interests of Telstra Corporation Limited (ACN 051 775 556):

- (i) as the owner or operator of telecommunications facilities within the Determination Area;
- (ii) 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:

- (A) to inspect land;
- (B) to install and operate telecommunications facilities; and
- (C) to alter, remove, replace, maintain, repair and ensure the proper functioning of its telecommunications facilities:

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

(iv) under any lease, licence, access agreement or easement relating to its telecommunications facilities in the Determination Area; and

(g) Any other validly granted or created (including in accordance with the *Native Title Act*):

(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 SIX**

### **NATIVE TITLE HOLDERS**

The native title holders are the Ngarluma People, being those Aboriginal persons who recognise themselves as, and are recognised by other Ngarluma People as members of the Ngarluma language group.

### **REGISTER ATTACHMENTS:**

1. Schedule Two - Maps of the Determination Area, 17 pages - A3, 21/12/2015
2. Schedule Three - Areas where native title rights and interests do not exist, 48 pages - A4, 21/12/2015

*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.*