



# Extract from the National Native Title Register

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## Determination Information:

**Determination Reference:** Federal Court Number(s): WAD48/2019  
NNTT Number: WCD2021/001

**Determination Name:** [KD \(deceased\) on behalf of the Mirning People v State of Western Australia](#)

**Date(s) of Effect:** 12/08/2021

**Determination Outcome:** Native title does not exist

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

**Determination Date:** 18/01/2021

**Determining Body:** Federal Court of Australia

### ADDITIONAL INFORMATION:

On 18 January 2021, the Federal Court of Australia made a determination that native title does not exist in the determination area. Order 2 provides that the determination is to take effect on the date that the State of Western Australia files a notice that the Mirning Part B Indigenous Land Use Agreement has been Conclusively Registered on the Register of Indigenous Land Use Agreements.

On 12 August 2021, the State of Western Australia filed a Notice of Conclusive Registration, and therefore this determination is in effect from 12 August 2021.

### MATTERS DETERMINED:

#### THE COURT ORDERS THAT:

1. There be a determination of native title in WAD 48 of 2019 in terms of the determination as set out in Attachment A.
2. Order 1 is to take effect on the date that the State files a notice that the Mirning Part B Indigenous Land Use Agreement (**Mirning Part B ILUA**) has been Conclusively Registered (as defined in the Mirning Part B ILUA) on the Register of Indigenous Land Use Agreements.
3. If the Conclusive Registration Date does not occur on or before 31 December 2022, or such other date as the Court may order, Order 1 will not take effect and the proceedings are to be listed for further directions.

#### NOTING THAT IN THESE ORDERS:

**Conclusive Registration** means, once this Agreement has been registered, that this Agreement remains registered:

- (a) at a date that is 60 Business Days after the date on which a decision is made to register this Agreement, provided

that no legal proceedings have been commenced in respect of such registration; or

(b) otherwise, at a date that is 40 Business Days following the exhaustion and determination of the final available legal proceedings in respect of such legal proceedings,

and Conclusively Registered has a corresponding meaning.

**Conclusive Registration Date** means the date that the State has issued the Parties with a notice confirming when this Agreement has been Conclusively Registered.

## **ATTACHMENT A**

### **DETERMINATION**

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

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

1. By reason of surrender, native title does not exist in the Determination Area, being the land and waters described in Schedule One and depicted on the maps at Schedule Two.

#### **REGISTER ATTACHMENTS:**

1. WCD2021/001 Schedule One - Determination Area, 1 page - A4, 18/01/2021
2. WCD2021/001 Schedule Two - Maps of the Determination Area, 1 page - A4, 18/01/2021

*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.*