



No: WAD 37 of 2022

Federal Court of Australia
District Registry: Western Australia
Division: General

**YINDJIBARNDI NGURRA ABORIGINAL
CORPORATION RNTBC (ICN 8721)**

Applicant

STATE OF WESTERN AUSTRALIA & ORS

Respondents

Affidavit of: **Simon Charles Blackshield**

Address: Level 28, AMP Tower
140 St Georges Terrace
PERTH WA 6000

Occupation: Lawyer

Date: 18 March 2024

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1	Affidavit of Simon Charles Blackshield	1 - 4	2
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5	Annexure "SCB-4" being a notional parcel boundary description produced by the NNTT	4	23-25

Filed on behalf of the Applicant

Prepared by Simon Blackshield
Law firm: Blackshield Lawyers
Tel: (08) 9288 4515 / 0414257435
Email: simon@blackshield.net


Address for service

Level 28, AMP Tower, 140 St Georges Terrace PERTH WA 6000

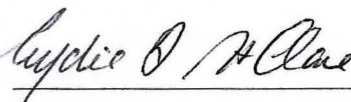
I, **SIMON CHARLES BLACKSHIELD**, of Level 28, AMP Tower, 140 St Georges Terrace, Perth, in the State of Western Australia, Lawyer, affirm:

1. I am the solicitor on record for the Applicant in this proceeding. I refer to the map which appears in the expert report of valuer Brian Miles filed (in redacted form) on 16 January 2024 at [16]. The original of that map, produced by the National Native Title Tribunal's Geospatial Unit on 27 January 2023 (**notional parcel map**), is annexed hereto and marked "**SCB-1**", together with a copy of the "Enlargement" version of that map, produced on the same date.
2. The production of the notional parcel map was initiated by my email to the "Claims Assistance" email address of the National Native Title Tribunal (NNTT) of 3 January 2023. A copy of that email and its attachment are annexed hereto and marked "**SCB-2**".
3. Preparation of the notional parcel map was progressed and finalised through exchanges of emails between NNTT Senior Geospatial Specialist Jamie Strain and me between 25 and 27 January 2023. A copy of those exchanges (in reverse chronological order and without their attachments) is annexed hereto and marked "**SCB-3**".
4. On 2 February 2023, I received an email from the NNTT which attached, *inter alia*, the two maps which comprise annexure "**SCB-1**" and a boundary description of the notional parcel. A copy of that boundary description is annexed hereto and marked "**SCB-4**".

AFFIRMED by the Deponent)
 at PERTH)
 in the State of Western Australia)
 on 13th March 2024)
 Before me:)



 Simon Charles Blackshield


 A person authorised to administer oaths and
 affirmations for the purposes of the Federal Court

“SCB-1”

No: WAD 37 of 2022

Federal Court of Australia

District Registry: Western Australia

Division: General

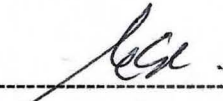
**YINDJIBARNDI NGURRA ABORIGINAL
CORPORATION RNTBC (ICN 8721)**

Applicant

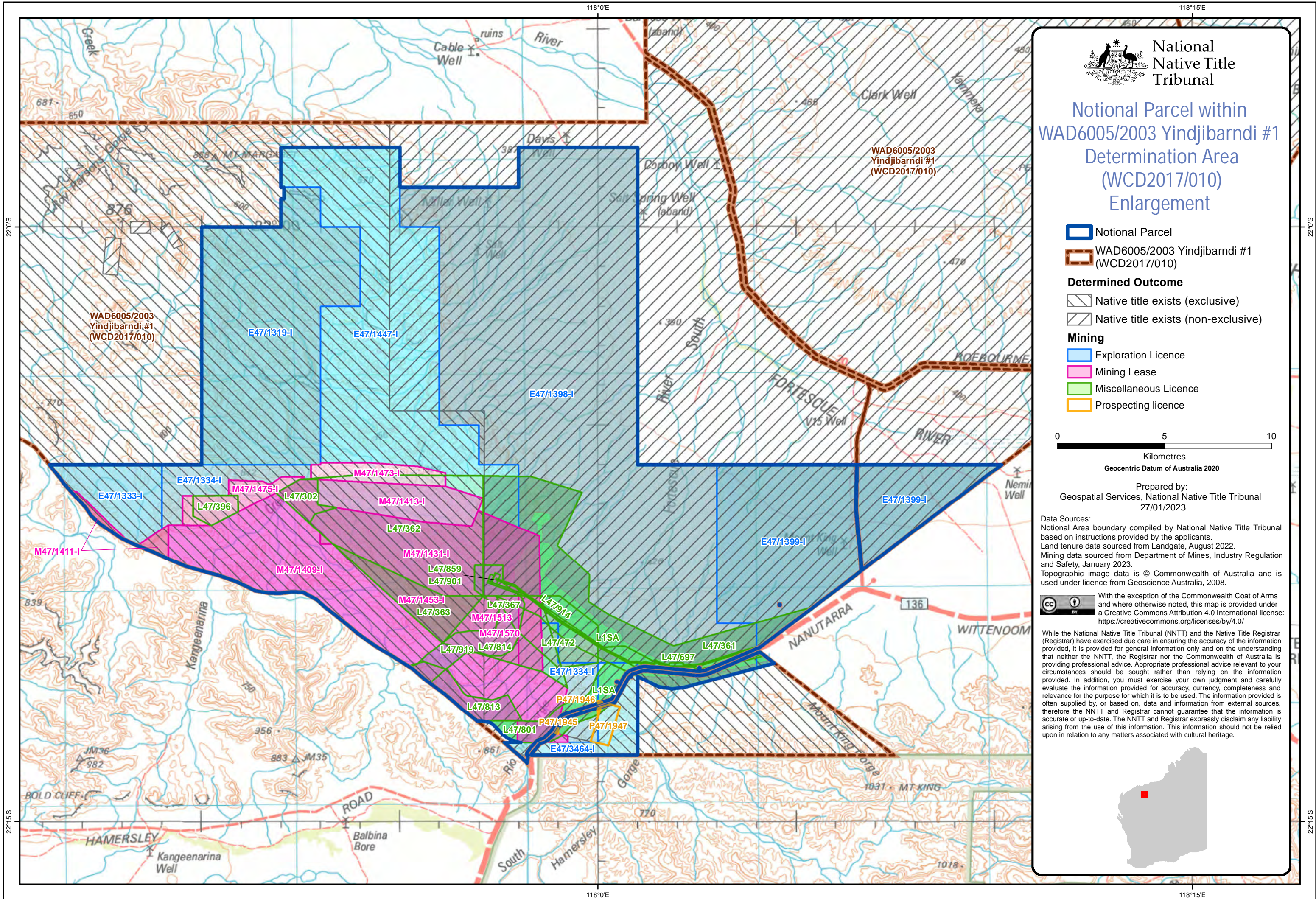
STATE OF WESTERN AUSTRALIA & ORS

Respondents

This and the following two pages is the annexure marked “SCB-1” referred to in the affidavit of Simon Charles Blackshield affirmed at Perth in the State of Western Australia this 18th day of March 2024 before me:



A person authorised to administer oaths and
affirmations for the purposes of the Federal Court



National
Native Title
Tribunal

Notional Parcel within WAD6005/2003 Yindjibarndi #1 Determination Area (WCD2017/010) Enlargement

- Notional Parcel
- WAD6005/2003 Yindjibarndi #1 (WCD2017/010)
- Determined Outcome**
 - Native title exists (exclusive)
 - Native title exists (non-exclusive)
- Mining**
 - Exploration Licence
 - Mining Lease
 - Miscellaneous Licence
 - Prospecting licence

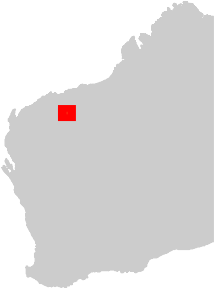
0 5 10
Kilometres
Geocentric Datum of Australia 2020

Prepared by:
Geospatial Services, National Native Title Tribunal
27/01/2023

Data Sources:
Notional Area boundary compiled by National Native Title Tribunal based on instructions provided by the applicants.
Land tenure data sourced from Landgate, August 2022.
Mining data sourced from Department of Mines, Industry Regulation and Safety, January 2023.
Topographic image data is © Commonwealth of Australia and is used under licence from Geoscience Australia, 2008.

With the exception of the Commonwealth Coat of Arms and where otherwise noted, this map is provided under a Creative Commons Attribution 4.0 International license: <https://creativecommons.org/licenses/by/4.0/>

While the National Native Title Tribunal (NNTT) and the Native Title Registrar (Registrar) have exercised due care in ensuring the accuracy of the information provided, it is provided for general information only and on the understanding that neither the NNTT, the Registrar nor the Commonwealth of Australia is providing professional advice. Appropriate professional advice relevant to your circumstances should be sought rather than relying on the information provided. In addition, you must exercise your own judgment and carefully evaluate the information provided for accuracy, currency, completeness and relevance for the purpose for which it is to be used. The information provided is often supplied by, or based on, data and information from external sources, therefore the NNTT and Registrar cannot guarantee that the information is accurate or up-to-date. The NNTT and Registrar expressly disclaim any liability arising from the use of this information. This information should not be relied upon in relation to any matters associated with cultural heritage.



“SCB-2”

No: WAD 37 of 2022

Federal Court of Australia

District Registry: Western Australia

Division: General

**YINDJIBARNDI NGURRA ABORIGINAL
CORPORATION RNTBC (ICN 8721)**

Applicant

STATE OF WESTERN AUSTRALIA & ORS

Respondents

This and the following two pages is the annexure marked “SCB-2” referred to in the affidavit of Simon Charles Blackshield affirmed at Perth in the State of Western Australia this 18th day of March 2024 before me:



A person authorised to administer oaths and
affirmations for the purposes of the Federal Court

From: Simon Blackshield <simon@blackshield.net>
Sent: Tuesday, 3 January 2023 10:37 AM
To: Claims Assistance
Cc: Paul Rowe
Subject: WAD 37 of 2022 (YNAC v State of WA & Ors): mapping request
Attachments: Boundaries of notional parcel.pdf

Dear Madam/Sir,

I act for the Yindjibarndi Aboriginal Corporation RNTBC in the above compensation matter.

For valuation purposes, I am seeking a map and boundary description for a notional parcel of land within the Yindjibarndi #1 determination area (WCD2017/010).

The external boundaries of the deemed parcel are marked in red on the attached, and runs as follows from the western-most point:

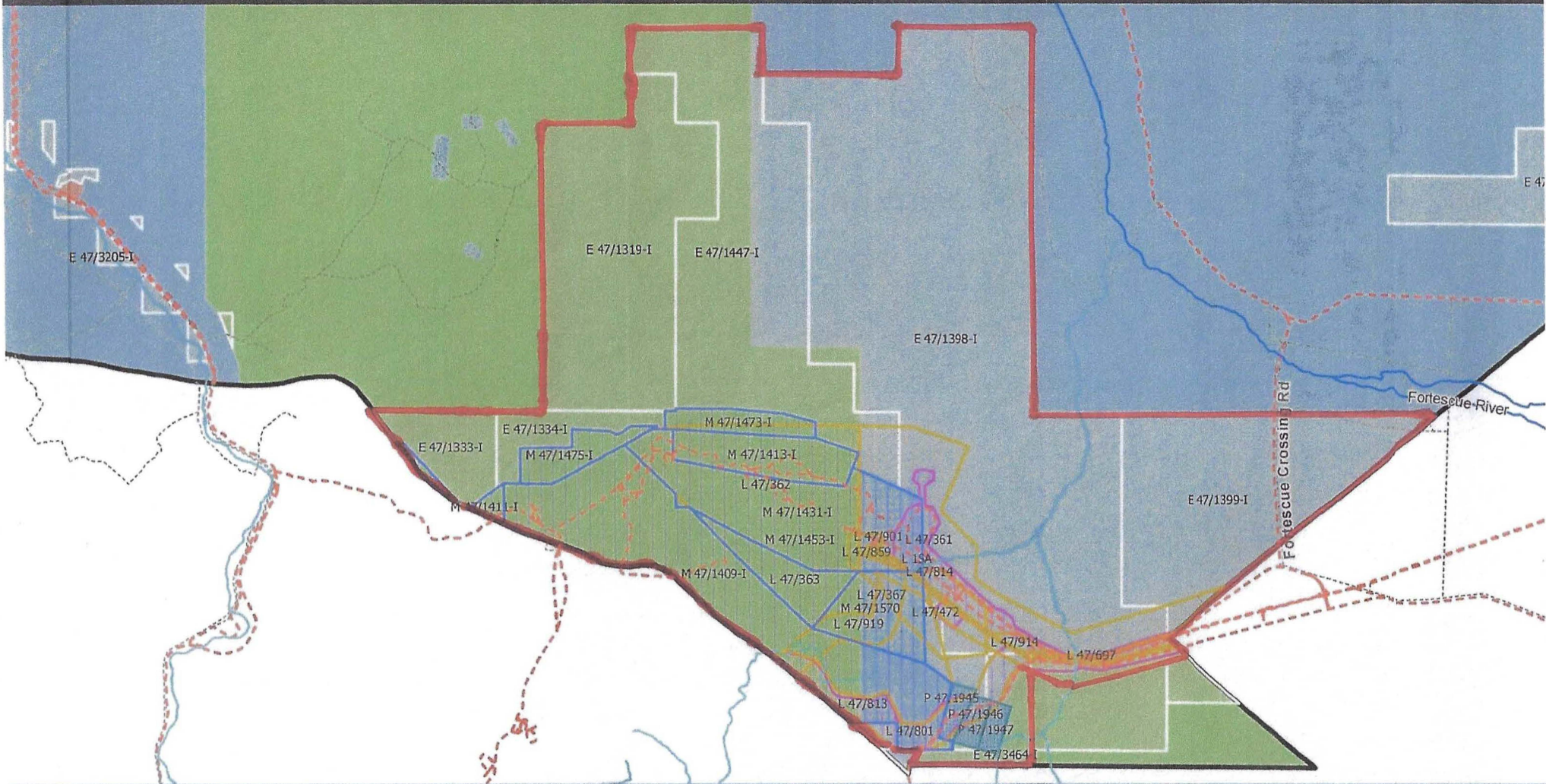
along the northern boundaries of E47/1333-I and E47/13334-I, then along the western boundaries of E47/1319-I and E47/1447-I, then along the northern boundaries of E47/1447-I and E47/1398-I, then along the eastern boundary of E47/1398-I, then along the northern boundary of E47/1398-I and E47/1399-I, then following the boundary of the Yindjibarndi #1 determination area south-westerly, then cutting back along that boundary in a south-easterly direction to the southern boundary point of L47/697, then following the southern boundary of L47/697 to where it meets the boundary of E47/3464-I, then along the eastern boundary of E47/3464-I to the southern boundary of the Yindjibarndi #1 determination area, then along the southern boundary of the Yindjibarndi #1 determination area to the eastern boundary of E47/3464-I, then up the eastern boundary of E47/3464-I to the southern boundary of L47/801, then along the southern boundary of L47/801 to the point where it intersects the the southern boundary of the Yindjibarndi #1 determination area, then north-westerly along the southern boundary of the Yindjibarndi #1 determination area to the commencement point.

The maps and description is sought ASAP. My client may be able to provide the Tribunal with some relevant electronic files.

Best regards

Simon Blackshield
Principal Lawyer
PH: 0414 257 435

BLACKSHIELD
LAWYERS



9,

“SCB-3”

No: WAD 37 of 2022

Federal Court of Australia

District Registry: Western Australia

Division: General

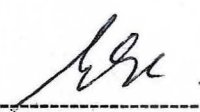
**YINDJIBARNDI NGURRA ABORIGINAL
CORPORATION RNTBC (ICN 8721)**

Applicant

STATE OF WESTERN AUSTRALIA & ORS

Respondents

This and the following thirteen pages is the annexure marked “SCB-3” referred to in the affidavit of Simon Charles Blackshield affirmed at Perth in the State of Western Australia this 18th day of March 2024 before me:



A person authorised to administer oaths and
affirmations for the purposes of the Federal Court

10,

From: Simon Blackshield <simon@blackshield.net>
Sent: Friday, 27 January 2023 1:28 PM
To: Jamie Strain
Subject: RE: WAD 37 of 2022 (YNAC v State of WA & Ors): mapping issue [SEC=OFFICIAL]

Yes Jamie, cause they are included in the claim.

On 27/01/2023 1:00:00 PM, Jamie Strain <jamie.strain@nntt.gov.au> wrote:

OFFICIAL

Hi Simon,

Just looking at your mining list now, the below are now dead tenements. Did you still want them included?

M47/1513-I, Dead, surrendered 31/03/2020

L47/302, Dead, surrendered 7/01/2013

L47/396, Dead, surrendered 7/01/2013

P47/1946, Dead, expired 14/03/2022

P47/1947, Dead, expired 14/03/2022

Kind regards,

Jamie Strain | Senior Geospatial Specialist
Geospatial Services | Perth
Telephone (08) 6317 5331

From: Simon Blackshield <simon@blackshield.net>
Sent: Friday, 27 January 2023 9:26 AM
To: Jamie Strain <Jamie.Strain@nntt.gov.au>
Subject: Re: WAD 37 of 2022 (YNAC v State of WA & Ors): mapping issue [SEC=OFFICIAL]

Caution: This is an external email. DO NOT click links or open attachments unless you recognise the sender and know the content is safe.

Thanks Jamie, that is a good suggestion, and early next week will be fine :)

On Fri, 27 Jan 2023, 9:12 am Jamie Strain, <Jamie.Strain@nntt.gov.au> wrote:

OFFICIAL

Good morning Simon,

I can include the list of tenements on the mining map, though I would recommend including an enlargement map to enable them to be identified more clearly.

Also what is your timeframe for the mapping as with the additional changes they may not be completed today.

Kind regards,

Jamie Strain | Senior Geospatial Specialist
Geospatial Services | Perth
Telephone (08) 6317 5331

From: Simon Blackshield <simon@blackshield.net>
Sent: Thursday, 26 January 2023 7:09 PM
To: Jamie Strain <Jamie.Strain@nntt.gov.au>
Subject: RE: WAD 37 of 2022 (YNAC v State of WA & Ors): mapping issue

Caution: This is an external email. DO NOT click links or open attachments unless you recognise the sender and know the content is safe.

Dear Jamie,

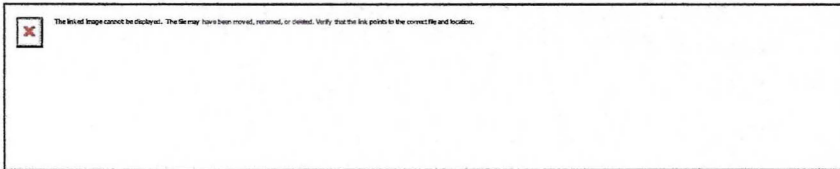
I'm really sorry, a problem with the tenement map just hit me this afternoon: the tenements listed in my request were only those needed to define the external boundary of the main "parcel".

The full set of (frequently overlapping) tenements - all of which should be included in that map is attached.

Best regards

Simon Blackshield

Principal Lawyer
PH: 0414 257 435



On 25/01/2023 4:56:29 PM, Jamie Strain <jamie.strain@nntt.gov.au> wrote:

OFFICIAL

Hi Simon,

Please see attached revised drafts with the exclusive/non-exclusive areas included for all the Yindjibarndi #1 area. Again let me know if you require further changes.

The maps and description will be finalised on Friday.

Kind regards,

Jamie Strain | Senior Geospatial Specialist
Geospatial Services | Perth
Telephone (08) 6317 5331

From: Jamie Strain <Jamie.Strain@nntt.gov.au>
Sent: Wednesday, 25 January 2023 4:56 PM
To: Simon Blackshield
Subject: RE: WAD 37 of 2022 (YNAC v State of WA & Ors): mapping request [SEC=OFFICIAL]
Attachments: 20230125_WP2022_001_Notional_Parcel_Mining_Map_A3L.pdf; 20230125_WP2022_001_Notional_Parcel_Tenure_Map_A3L.pdf

OFFICIAL

Hi Simon,

Please see attached revised drafts with the exclusive/non-exclusive areas included for all the Yindjibarndi #1 area. Again let me know if you require further changes.
The maps and description will be finalised on Friday.

Kind regards,

Jamie Strain | Senior Geospatial Specialist
Geospatial Services | Perth
Telephone (08) 6317 5331

From: Simon Blackshield <simon@blackshield.net>
Sent: Wednesday, 25 January 2023 4:33 PM
To: Jamie Strain <Jamie.Strain@nntt.gov.au>
Subject: RE: WAD 37 of 2022 (YNAC v State of WA & Ors): mapping request [SEC=OFFICIAL]

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Thanks Jamie,

Those are great, except that on the map showing exclusive v. non-exclusive, that should be done for E47/3205-I as well (as I understand it, only the eastern-most parcel within that tenement is within an exclusive area, the rest being in the non-exclusive area).

Best regards

Simon Blackshield
Principal Lawyer
PH: 0414 257 435



On 25/01/2023 4:13:47 PM, Jamie Strain <jamie.strain@nntt.gov.au> wrote:

14
OFFICIAL

Hi Simon,

Please have a look at the attached draft maps and let me know if these meet your requirements or if you have further changes.

Kind regards,

Jamie Strain | Senior Geospatial Specialist

Geospatial Services | Perth

Telephone (08) 6317 5331

From: Simon Blackshield <simon@blackshield.net>

Sent: Wednesday, 25 January 2023 2:20 PM

To: Jamie Strain <Jamie.Strain@nntt.gov.au>

Subject: RE: WAD 37 of 2022 (YNAC v State of WA & Ors): mapping request [SEC=OFFICIAL]

Caution: This is an external email. DO NOT click links or open attachments unless you recognise the sender and know the content is safe.

Sorry Jamie, what I meant was could you prepare two separate editions of the map, one with the mining tenure and one without?

On 25/01/2023 2:18:14 PM, Jamie Strain <jamie.strain@nntt.gov.au> wrote:

OFFICIAL

Hi Simon,

Yes, I can include both.

Kind regards,

Jamie Strain | Senior Geospatial Specialist

Geospatial Services | Perth

Telephone (08) 6317 5331

From: Simon Blackshield <simon@blackshield.net>

Sent: Wednesday, 25 January 2023 2:15 PM

To: Jamie Strain <Jamie.Strain@nntt.gov.au>

Subject: RE: WAD 37 of 2022 (YNAC v State of WA & Ors): mapping request [SEC=OFFICIAL]

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Can I ask for both re the background?

On 25/01/2023 2:10:14 PM, Jamie Strain <jamie.strain@nntt.gov.au> wrote:

OFFICIAL

Hi Simon,

That's fine, ill adjust the description to encompass that intent.

In regards to the map, in addition to the determination outcomes and E47/3205-I being shown, did you want the mining boundaries as mentioned in the description shown, or just a general land tenure background?

Kind regards,

Jamie Strain | Senior Geospatial Specialist

Geospatial Services | Perth

Telephone (08) 6317 5331

From: Simon Blackshield <simon@blackshield.net>
Sent: Wednesday, 25 January 2023 2:02 PM
To: Jamie Strain <Jamie.Strain@nntt.gov.au>
Subject: RE: WAD 37 of 2022 (YNAC v State of WA & Ors): mapping request [SEC=OFFICIAL]

Caution: This is an external email. DO NOT click links or open attachments unless you recognise the sender and know the content is safe.

Thanks Jamie,

In regards to that part of the boundary, could I leave it up to you to come up with a map boundary descriptions that capture those parts of E47/3464-I, L47/801 and L47/813 which fall within the Yindjibarndi #1 determination area?

Best regards

Simon Blackshield

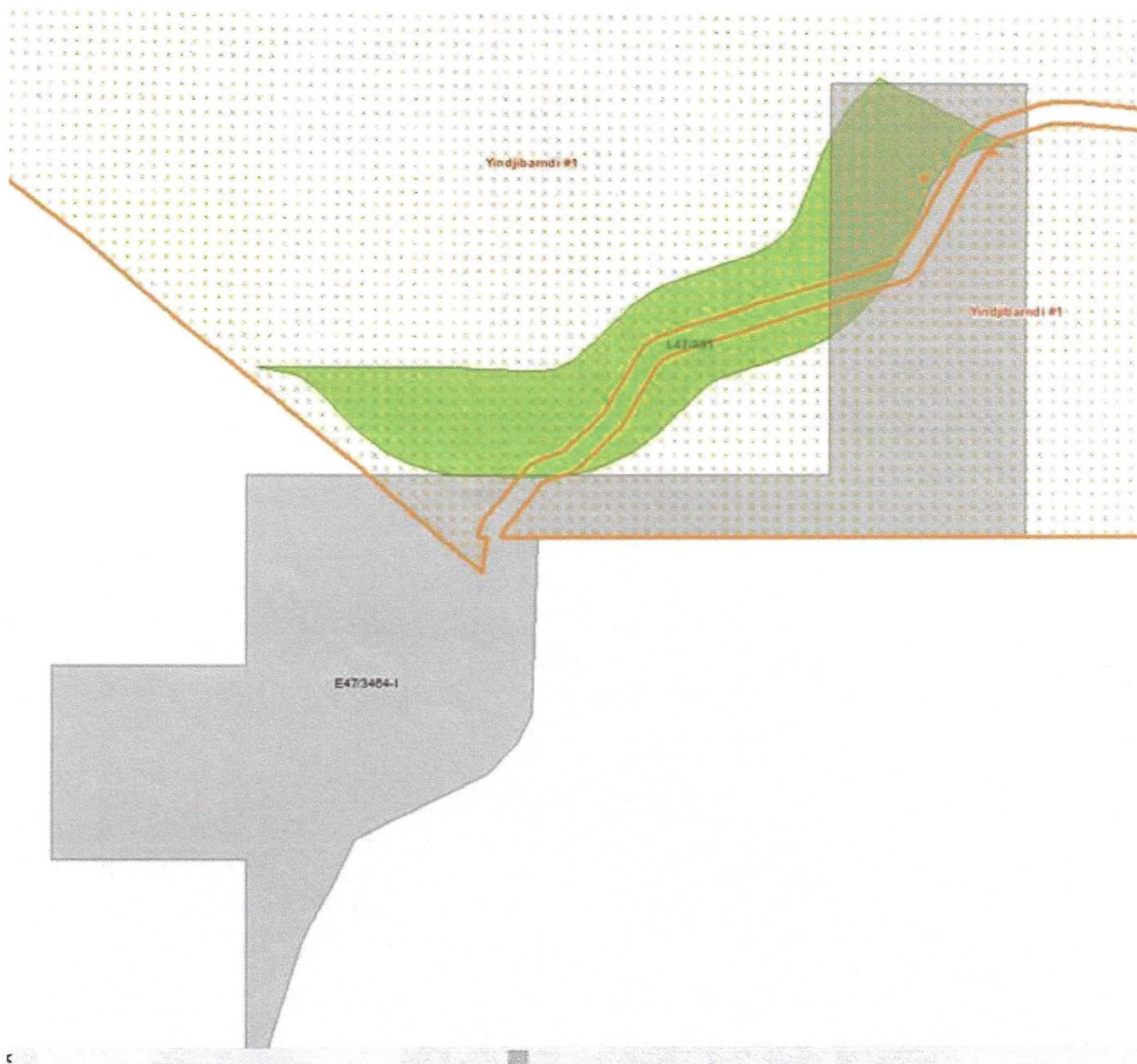
On 25/01/2023 11:46:17 AM, Jamie Strain <jamie.strain@nntt.gov.au> wrote:

OFFICIAL

Hi Simon,

No problem, I can add the extra matters to the map. A further question in regards to my query at 2.

The determination boundary doesn't intersect with a western boundary of E47/3464-I either (see extents of E47/3464-I and L47/801 and the determination extent below). Can you provide further instructions regarding your boundary in this area?



Kind regards,

Jamie Strain | Senior Geospatial Specialist

Geospatial Services | Perth

Telephone (08) 6317 5331

From: Simon Blackshield <simon@blackshield.net>

Sent: Wednesday, 25 January 2023 11:27 AM

To: Jamie Strain <Jamie.Strain@nntt.gov.au>

Cc: Paul Rowe <Paul.Rowe@nntt.gov.au>

Subject: RE: WAD 37 of 2022 (YNAC v State of WA & Ors): mapping request
[SEC=OFFICIAL]

Caution: This is an external email. DO NOT click links or open attachments unless you recognise the sender and know the content is safe.

Hi Jamie,

Thanks very much for your email, please see my responses to your questions below.

Also, sorry to muck you around with these additional matters that weren't included in the original request, but could you:

1. Include in the map the several parcels which comprise E47/3205-I;
2. Retain the green/blue distinction between exclusive and non-exclusive portions of the areas within the notional parcel; and
3. Provide a breakdown (in square metres or whatever) of the area subject to exclusive rights and the area subject to non-exclusive rights?

Best regards

Simon Blackshield

Principal Lawyer
PH: 0414 257 435

BLACKSHIELD
LAWYERS

On 25/01/2023 10:01:15 AM, Jamie Strain <jamie.strain@nntt.gov.au> wrote:

OFFICIAL

19.

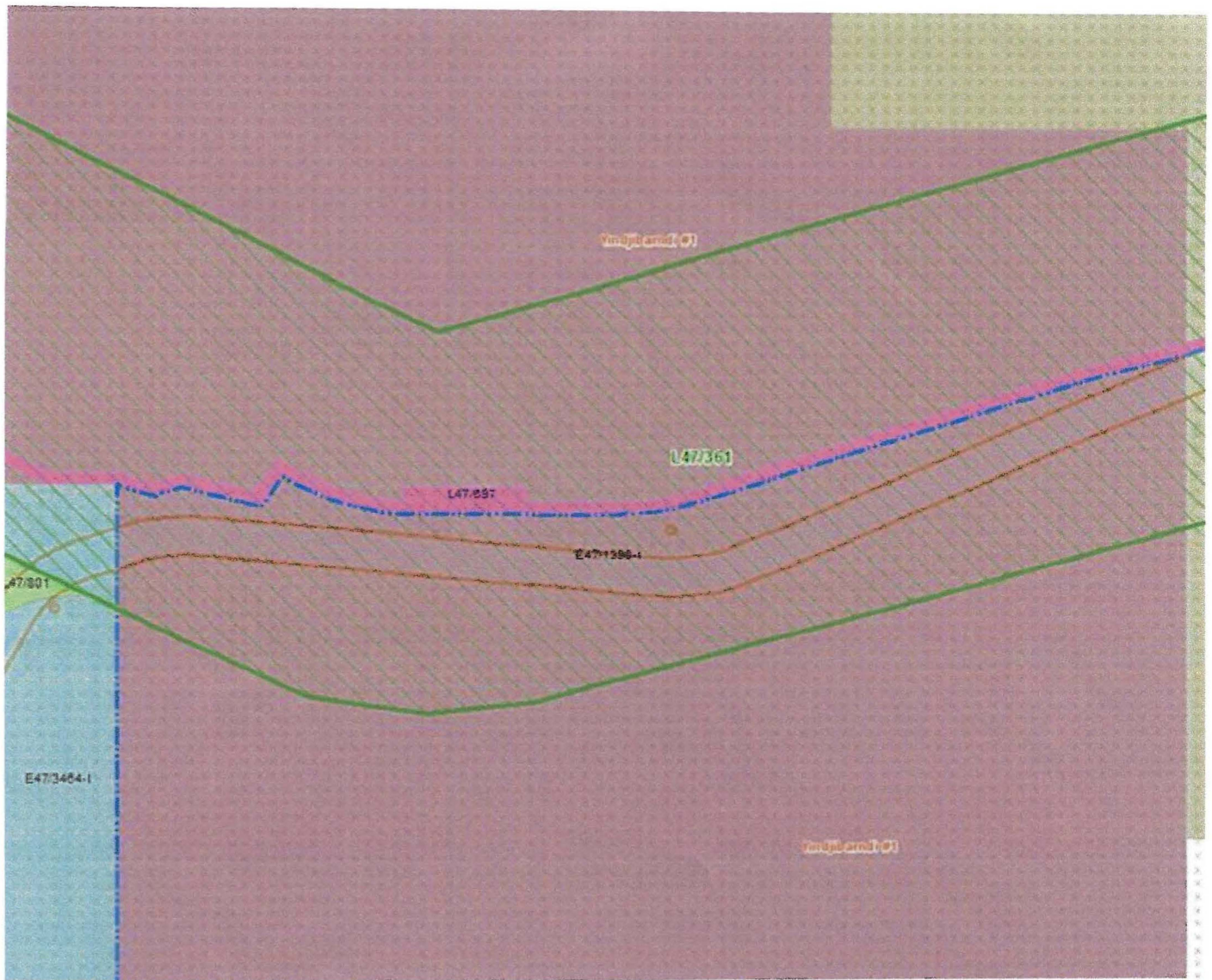
Good morning Simon,

In regards to your request, I have some queries about the boundary:

1. In your description where you state "... then following the boundary of the Yindjibarndi #1 determination area south-westerly, then cutting back along that boundary in a south-easterly direction to the southern boundary point of L47/697, then following the southern boundary of L47/697..."

In the sketch below L47/697 (in pink) is north of the line in your supplied map. (note my working boundary in dashed blue) Is it correct to assume your intent is the southern boundary of L47/361 (in green hatcher below)?

YES

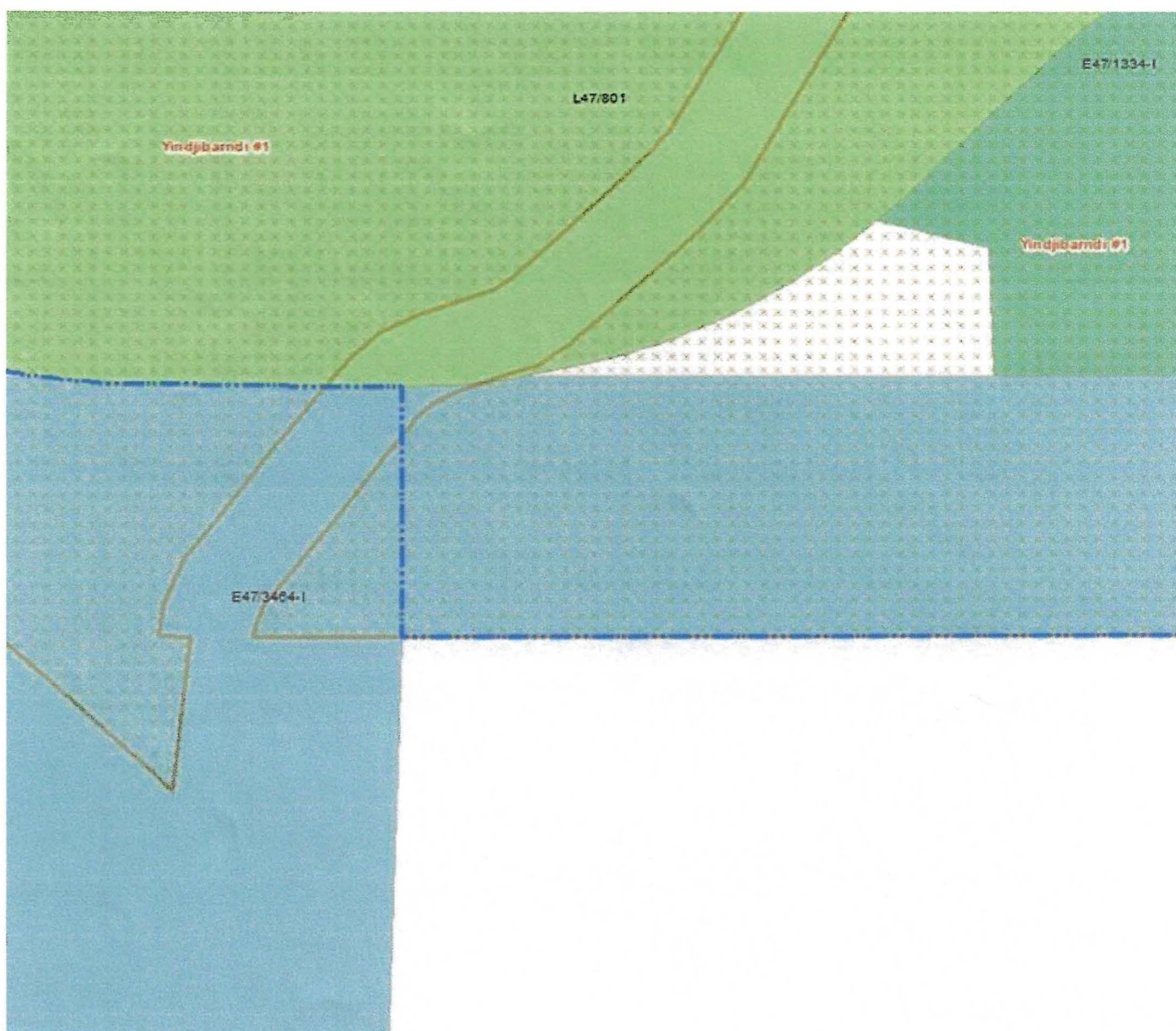


2. In your description where you state "... then along the southern boundary of the Yindjibarndi #1 determination area to the eastern boundary of E47/3464-I, then up the eastern boundary of E47/3464-I to the southern boundary of L47/801"

The southern boundary of Yindjibarndi #1 hits a eastern corner of E47/3464-I (see below) but there is no eastern boundary of the exploration licence that intersects L47/801 in that area. Would you prefer to go north from that corner to the southern boundary of L47/801?

My apologies, the relevant part of the description should have read:

"...then along the southern boundary of the Yindjibarndi #1 determination area to the western boundary of E47/3464-I, then up the western boundary of E47/3464-I to the southern boundary of L47/801"



3. Also, as shown in the sketches above the Yindjibarndi #1 determination lists some Unclaimed areas that are excluded from the determination boundary. The

unclaimed area of Historical Road 01 (Nanutarra-Wittenoom Road, including a 200m-wide corridor) as listed in Schedule 3 of the determination falls within the external extent of the Nominal parcel area. I am assuming you would like this area also excluded from your proposed boundary?

YES

“SCB-4”

No: WAD 37 of 2022

Federal Court of Australia

District Registry: Western Australia

Division: General

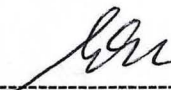
**YINDJIBARNDI NGURRA ABORIGINAL
CORPORATION RNTBC (ICN 8721)**

Applicant

STATE OF WESTERN AUSTRALIA & ORS

Respondents

This and the following two pages is the annexure marked “SCB-4” referred to in the affidavit of Simon Charles Blackshield affirmed at Perth in the State of Western Australia this 18th day of March 2024 before me:



A person authorised to administer oaths and
affirmations for the purposes of the Federal Court

Notional Parcel

External boundary description

The Notional Parcel area covers all the land and waters within the external boundary described as:

Commencing at the intersection of the south western external boundary of Native Title Determination WAD6005/2003 Yindjibarndi #1 (WCD2017/010) with a northern boundary of the north easternmost severance of Exploration Licence E47/1333-I at approximate Latitude 22.099986° South and extending easterly along the northern boundary of that severance to a north western corner of the north westernmost severance of Exploration Licence E47/1334-I; then easterly along the northern boundary of that severance to a south western corner of Exploration Licence E47/1319-I; then northerly, easterly and generally northerly along western boundaries of that exploration licence to a southern boundary of Exploration Licence E47/1447-I; then westerly, northerly, easterly and southerly along boundaries of that exploration licence to a north western corner of Exploration Licence E47/1398-I; then generally easterly, southerly and easterly along boundaries of that exploration licence to a north western corner of Exploration Licence E47/1399-I; then easterly along the northern boundary of that exploration licence to the south eastern external boundary of Native Title Determination WAD6005/2003 Yindjibarndi #1 (WCD2017/010); then generally south westerly and south easterly along that external determination boundary to the intersection with a southern boundary of Miscellaneous Licence L47/361 at approximate Latitude 22.183371° South; then generally south westerly and generally north westerly along the southern boundary of that miscellaneous licence to an eastern boundary of Exploration Licence E47/3464-I; then southerly along the eastern boundary of that exploration licence to a southern external boundary of Native Title Determination WAD6005/2003 Yindjibarndi #1 (WCD2017/010); then westerly, southerly and north westerly along the southern external boundary of that determination to a northern boundary of Exploration Licence E47/3464-I at approximate Longitude 117.960423° East; then easterly along the northern boundary of that Exploration Licence to the southern boundary of Miscellaneous Licence L47/801; then generally north westerly along the south western boundary of that miscellaneous licence to the southern boundary of Miscellaneous Licence L47/813; then westerly along the southern boundary of that miscellaneous licence to the south western external boundary of Native Title Determination WAD6005/2003 Yindjibarndi #1 (WCD2017/010) and then generally north westerly along that determination boundary back to the commencement point.

Exclusions

The Notional Area excludes all areas as described in 'Schedule 2: Unclaimed Area' of Native Title Determination WAD6005/2003 Yindjibarndi #1 WCD2017/010.

Note

Data Reference and source

- Notional Area boundary compiled by National Native Title Tribunal based on instructions provided by the applicants.
- Native title determination WAD6005/2003 Yindjibarndi #1 (WCD2017/010) as determined by the Federal Court 13 November 2017.
- Mining data sourced from Department of Mines, Industry Regulation and Safety January 2023.

Reference datum

Geographical coordinates have been provided by the NNTT Geospatial Services and are referenced to the Geocentric Datum of Australia 2020 (GDA2020), in decimal degrees and are based on the spatial reference data acquired from the various custodians at the time.

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 of 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.

Prepared by Geospatial Services, National Native Title Tribunal (27 January 2023)

NOTICE OF FILING

Details of Filing

Document Lodged:	Affidavit - Form 59 - Rule 29.02(1)
Court of Filing	FEDERAL COURT OF AUSTRALIA (FCA)
Date of Lodgment:	19/03/2024 1:06:53 PM AWST
Date Accepted for Filing:	19/03/2024 1:06:58 PM AWST
File Number:	WAD37/2022
File Title:	YINDJIBARNDI NGURRA ABORIGINAL CORPORATION RNTBC ICN 8721 AND STATE OF WESTERN AUSTRALIA & ORS
Registry:	WESTERN AUSTRALIA REGISTRY - FEDERAL COURT OF AUSTRALIA



A handwritten signature in blue ink that reads "Sia Lagos".

Registrar

Important Information

This Notice has been inserted as the first page of the document which has been accepted for electronic filing. It is now taken to be part of that document for the purposes of the proceeding in the Court and contains important information for all parties to that proceeding. It must be included in the document served on each of those parties.

The date of the filing of the document is determined pursuant to the Court's Rules.