

## NOTICE OF FILING AND HEARING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 16/02/2022 1:05:29 PM AWST and has been accepted for filing under the Court's Rules. Filing and hearing details follow and important additional information about these are set out below.

### Filing and Hearing Details

Document Lodged:	Native Title determination application: compensation: Native Title (Federal Court) Regulations form 4
File Number:	WAD37/2022
File Title:	YINDJIBARNDI NGURRA ABORIGINAL CORPORATION RNTBC (ICN 8721) AND STATE OF WESTERN AUSTRALIA
Registry:	WESTERN AUSTRALIA REGISTRY - FEDERAL COURT OF AUSTRALIA
Reason for Listing:	To Be Advised
Time and date for hearing:	To Be Advised
Place:	To Be Advised



*Sia Lagos*

Dated: 18/02/2022 4:07:18 PM AWST

Registrar

### Important Information

As required by the Court's Rules, 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 Reason for Listing shown above is descriptive and does not limit the issues that might be dealt with, or the orders that might be made, at the hearing.

The date and time of lodgment also shown above are the date and time that the document was received by the Court. Under the Court's Rules the date of filing of the document is the day it was lodged (if that is a business day for the Registry which accepts it and the document was received by 4.30 pm local time at that Registry) or otherwise the next working day for that Registry.



**FEDERAL COURT OF AUSTRALIA  
WESTERN AUSTRALIA DISTRICT REGISTRY  
GENERAL DIVISION**

*Native Title (Federal Court) Regulations 1998, Paragraph 5(1)(d)*

**Form 4**

***Native Title Act 1993***

**Native Title Determination Application  
Compensation Application**

Filed By: Blackshield Lawyers	Tele: (08) 9288 4515
Name: Simon Blackshield	Fax: N/A
Address: Level 28, AMP Tower, 140 St Georges Terrace PERTH WA 6000	Ref: YNAC-1



**Form 4**  
Paragraph 5(1)(d)

**Native Title Act 1993**  
**Native Title Determination Application**  
**Compensation Application**

Note 1: This form is to be used for an application, as mentioned in subsection 61(1) of the Act, for a determination of compensation.

Note 2: Section 62 of the Act requires an application to be accompanied by an affidavit sworn by the applicant stating the following matters:

- (a) that the applicant believes that native title rights and interests exist or have existed in relation to the area covered by the application;
- (b) that the applicant believes that all of the statements made in the application are true;
- (c) if the application is authorised by a compensation claim group—that the applicant is authorised by all the persons in the compensation claim group to make the application and to deal with matters arising in relation to it;
- (d) if the application is authorised by a compensation claim group—the details of the process of decision-making complied with in authorising the applicant to make the application and to deal with matters arising in relation to it;
- (e) if the application is authorised by a compensation claim group and there are no conditions under section 251BA of the Act on the authority that relate to the making of the application—that there are no such conditions;
- (f) if the application is authorised by a compensation claim group and there are any conditions under section 251BA of the Act on the authority that relate to the making of the application—that the conditions have been satisfied and how the conditions have been satisfied;
- (g) if the application is made by a registered native title body corporate—either that the applicant holds (or is an agent prescribed body corporate in relation to) the native title rights and interests, or that the area is within the external boundary of the area of land or waters covered by an approved determination of native title under which the applicant holds (or is an agent prescribed body corporate in relation to) native title rights and interests.

**NAME OF APPLICANT(S)**

Yindjibarndi Ngurra Aboriginal Corporation RNTBC (ICN 8721)

**PART A**

**DETAILS OF THE CLAIM**

**1** The applicant applies for a determination of compensation under subsection 61(1) of the *Native Title Act 1993*.

**2** **AUTHORISATION** [see Act, s 61(1)]

*Capacity in which the applicant claims to be entitled to make the application, e.g. a person authorised by the compensation claim group to make the native title determination application.*

The applicant is entitled to make this application as the Registered Native Title Body Corporate which holds the native title rights and interests affected by the acts in relation to which compensation is claimed in this application.

Also see **Schedule Q** below.

**3 The schedules to this application contain the following information.**

**SCHEDULE A COMPENSATION CLAIM GROUP [see Act, s 61]**

Either:

- (a) the names (including Aboriginal names) of the persons (the **compensation claim group**) on whose behalf the application is made or a sufficiently clear description of the persons so that it can be ascertained whether any particular person is one of those persons; or
- (b) the name of the registered native title body corporate.

The name of the registered native title body corporate is  
Yindjibarndi Ngurra Aboriginal Corporation RNTBC (ICN 8721)

***More information can be provided and labelled as “Attachment A”***

**SCHEDULE B IDENTIFICATION OF BOUNDARIES [see Act, s 62]**

*Note: This information must be included, as well as the map mentioned in SCHEDULE C*

Information identifying the boundaries of:

- (a) the area covered by the application; and
- (b) any areas within those boundaries that are not covered by the application.

1. The external boundaries of the area covered by the Application are described in **Attachment B1**.
2. The areas within the external boundaries which are not covered by the application are those areas where native title rights and interests have been completely extinguished, being those areas which are identified in Schedule 2 of the determination in *Warrie (formerly TJ) (on behalf of the Yindjibarndi People) v State of Western Australia (No 2)* [2017] FCA 1299 (**Warrie (No 2)**). Those areas are listed in **Attachment B2** and are shaded in pink on the maps which comprise **Attachment C**.

For the avoidance of any doubt, the applicant claims that the native title rights throughout the application area have been adversely affected by the acts identified in **Schedule I**, and not merely those rights and interests existing in the parcels which are the subject of those acts.

***More information can be provided and labelled as “Attachment B”***



**SCHEDULE C      MAPS [see Act, s 62]**

A map showing the boundaries of the area covered by the application.

See **Attachment C**, which comprises 5 maps which collectively identify the external boundaries of the area covered by the application and (with pink shading) those areas within the external boundaries which are not covered by the application.

**SCHEDULE D      SEARCHES FOR NON-NATIVE TITLE INTERESTS [see Act, s 62]**

Details and results of all searches carried out by or on behalf of the compensation claim group to determine the existence of any non-native title rights and interests in relation to the land or waters in the area covered by the application.

No searches have been out by or on behalf of the compensation claim group to determine the existence of any non-native title rights and interests in relation to the land or waters in the area covered by the application.

***More information can be provided and labelled as "Attachment D"***

## SCHEDULE E

## APPLICANT'S INTERESTS IN AREA [see Act, s 62]



The description must not merely consist of a statement to the effect that the native title rights and interests are all native title rights and interests that existed, or have not been extinguished, at law.

A description of the native title rights and interests in relation to particular land or waters (including any activities in exercise of those rights and interests) for which compensation is claimed.

1. The native title rights and interests in respect of which compensation is claimed are the following rights and interests listed in the *Warrie (No 2)* determination, including the right to conduct activities to give effect to them:
  - (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;
  - (g) a right to forage for and take flora;
  - (h) a right to take and use resources;
  - (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 (including a right to impart traditional knowledge concerning the area, while on the area, and otherwise, to succeeding generations and others); and
  - (l) in the Exclusive Area identified in the *Warrie (No 2)* determination, the native title rights and interests confer the right to possession, occupation, use and enjoyment of that area to the exclusion of all others.
  
2. The activities which are carried out in exercise of those rights and interests include:
  - (a) accessing the area (including entering, traveling over and remaining within the area);
  - (b) rituals and ceremonies (including initiation practices);
  - (c) camping and constructing shelters for temporary habitation (including boughsheds, mias and humpies);
  - (d) fishing from the waters;
  - (e) collecting and foraging for bush medicine;
  - (f) hunting and foraging for fauna;



- (g) foraging and collecting flora;
- (h) taking and using resources;
- (i) taking water for drinking and domestic use;
- (j) cooking on the land including fire lighting for this purpose;
- (k) protecting and caring for sites and objects of significance (including imparting traditional knowledge concerning the area, while on the application area, and otherwise, to succeeding generations and others); and
- (l) controlling access and use by others.

**SCHEDULE F REPRESENTATIVE BODY(S)**

The name of each representative Aboriginal/Torres Strait Islander body for the area covered by the application.

Pilbara Native Title Services Limited.

**SCHEDULE G GENERAL DESCRIPTION OF NATIVE TITLE RIGHTS AND INTERESTS CLAIMED**  
*[see Act, s 62]*

A general description of the native title rights and interests for which compensation is claimed and in particular, the factual basis on which it is asserted that:

- (a) the compensation claim group, and the predecessors of those persons, had an association with the area; and
- (b) there existed traditional laws and customs that give rise to the claimed native title; and
- (c) the compensation claim group had continued to hold the native title in accordance with those traditional laws and customs.

**See Attachment G**

***More information can be provided and labelled as "Attachment G"***



Details of activities in relation to the land or waters that are or were carried on by the compensation claim group.

The activities in relation to the land and waters of the area covered by the application that are or were carried on by the compensation claim group and which have been affected by the relevant acts include:

- (a) accessing the area (including entering, traveling over and remaining within the area);
- (b) engaging in rituals and ceremonies (including initiation practices);
- (c) camping and constructing shelters for temporary habitation (including boughsheds, mias and humpies);
- (d) fishing from the waters;
- (e) collecting and foraging for bush medicine;
- (f) hunting and foraging for fauna;
- (g) foraging and collecting flora;
- (h) taking and using resources;
- (i) taking water for drinking and domestic use;
- (j) cooking on the land including fire lighting for this purpose;
- (k) protecting and caring for sites and objects of significance (including imparting traditional knowledge concerning the area, while on the application area, and otherwise, to succeeding generations and others); and
- (l) controlling access and use by others.

***More information can be provided and labelled as "Attachment H"***





Details of the act which it is claimed extinguished or affected native title rights and interests for which compensation is claimed, including:

- (a) the government or other person that did the act and whether the act has been validated; and
- (b) if the act has been validated, how this was done; and
- (c) copies of:
  - (i) all searches of official title registers (such as the title register of Crown lands and the land title register of the relevant State or Territory); and
  - (ii) all searches conducted with public bodies and authorities;that identify existing or expired non-native title rights and interests in relation to the land or waters covered by the compensation application.

Details of the acts which affected the native title rights and interests and for which compensation is sought are contained in the table and maps which comprise **Attachment I** to this application. The acts were done by the Minister administering the *Mining Act 1978* (WA) on behalf of the State of Western Australia, and consisted of grants of various mining tenements to:

1. FMG Pilbara Pty Ltd (ACN 106943828);
2. Pilbara Energy (Generation) Pty Ltd (ACN 631303305);
3. Pilbara Energy Company Pty Ltd (ACN 624732878);
4. Pilbara Gas Pipeline Pty Ltd (ACN 163526207); and
5. The Pilbara Infrastructure Pty Ltd (ACN 103096340).

All of the grants listed in Attachment I were made after the commencement of the *Titles (Validation) and Native Title (Effect of Past Acts) Act 1995* (WA) and were future acts notified in accordance with the relevant provisions of the *Native Title Act 1993* (Cth) (NTA). Accordingly, none of them required validation.

The applicant has in its possession searches conducted by the State of Western Australia which identify existing or expired non-native title rights and interests in relation to the land or waters within the external boundaries of the Application.

Those documents are contained in electronic form on the DVD which is Annexure LRM6 to the affidavit of Lee Rex Morgan sworn 19 November 2014 in the *Warrie* proceeding WAD 6005 of 2003. A copy of that Annexure can be provided on request.

## SCHEDULE J

## BASIS FOR APPLICATION



Details of the basis for the compensation application, such as the provision of the Act that deals with the compensation entitlement.

The application is made under ss 61(1) and 50(2) of the NTA for a determination of compensation in accordance with Part 2, Division 5 of the NTA for the acts listed in **Attachment I**. The entitlement to compensation arises under s 24MD(3) of the NTA and/or under s 10(1) of the *Racial Discrimination Act, 1976* (Cth) and s 45 of the NTA.

***More information can be provided and labelled as "Attachment J"***

## SCHEDULE K

## DETAILS OF ANY OTHER APPLICATIONS [see Act, s 62]

Details of any other applications to the High Court, Federal Court or a recognised State/Territory body, of which the applicant is aware, that have been made in relation to the whole or a part of the area covered by the application and that seek a determination of native title or a determination of compensation in relation to native title.

There are no such applications of which the applicant is aware which are currently on foot.

***More information can be provided and labelled as "Attachment K"***



**SCHEDULE KA DETAILS OF NOTIFICATIONS [see Act, s 62]**

Details of any notifications under paragraph 24MD(6B)(c) of the Act, of which the applicant is aware, that have been given and that relate to the whole or part of the area.

See **Attachment KA/L** for details of all such notifications of which the applicant is aware which relate to all of the land and waters within the external boundaries of the Application.

***More information can be provided and labelled as "Attachment K"***

**SCHEDULE L DETAILS OF ANY SECTION 29 NOTICES [see Act, s 62]**

Details of any notices under section 29 of the Act (or under a corresponding provision of a law of a State or Territory), of which the applicant is aware, that have been given and that relate to the whole or a part of the area.

See **Attachment KA/L** for details of all such notifications of which the applicant is aware which relate to all of the land and waters within the external boundaries of the Application.

***More information can be provided and labelled as "Attachment L"***

**SCHEDULE LA    DETAILS OF ANY SECTION 251BA CONDITIONS [see Act, s 62]**



Details of any conditions under section 251BA of the Act on the authority of the applicant to make the application and to deal with matters arising in relation to it.

Not applicable where the applicant is a registered body corporate (see s 61(1) of the NTA).

***More information can be provided and labelled as "Attachment LA"***

**SCHEDULE M    COMPENSATION RECEIVED**

Details of any compensation received by the applicant or to which the applicant may be entitled under any agreement or award because of the act or a related act.

No compensation has been received by the applicant and nor does the applicant have an entitlement to compensation under any agreement or award.

***More information can be provided and labelled as "Attachment M"***

**SCHEDULE N    NON-MONETARY COMPENSATION [see Act, s 79]**

Whether the applicant is claiming non-monetary compensation, and if so, the nature of the non-monetary compensation claimed.

The applicant is not claiming non-monetary compensation.

***More information can be provided and labelled as "Attachment N"***

The following items are not required, but may be included:



**SCHEDULE O TRADITIONAL PHYSICAL CONNECTION [see Act, s 62]**

Details of any traditional physical connection with any of the land or waters covered by the application by any member of the compensation claim group.

Details of the traditional physical connection with the land and waters covered by the application by members of the compensation claim group are contained in the evidence, findings and judgement in *Warrie (formerly TJ) on behalf of the Yindjibarndi People v Western Australia* [2017] FCA 803; 365 ALR 624 (*Warrie*) and in respect of which the applicant will seek their receipt into evidence and their adoption, pursuant to s 86(1) of the NTA.

***More information can be provided and labelled as “Attachment O”***

**SCHEDULE P PREVENTION FROM GAINING ACCESS [see Act, s 62]**

Details of the circumstances in which any member of the compensation claim group has been prevented from gaining access to any of the land or waters covered by the application.

Members of the compensation claim group have been prevented from gaining access to the compensation application area since the Fortescue Metal Group’s mining operations commenced. Details of the circumstances in which that has occurred are contained in the evidence, findings and judgement in *Warrie* and in respect of which the applicant will seek their receipt into evidence and their adoption, pursuant to s 86(1) of the NTA.

***More information can be provided and labelled as “Attachment P”***

**SCHEDULE Q ANY OTHER RELEVANT INFORMATION**




Any other relevant information that the applicant wants to provide.

The applicant obtained the consent from the Yindjibarndi common law holders to make the application pursuant to Reg 8B of the *Native Title (Prescribed Body Corporate) Regulations 1999* (Cth) at a meeting held in Roebourne on 11 December 2021. That consent was given in accordance with a process of decision-making adopted by the Yindjibarndi common law holders at the meeting for that purpose.

***More information can be provided and labelled as "Attachment Q"***

Signed by applicant / applicant's solicitor\*

A handwritten signature in black ink, appearing to read 'Simon [unclear]', is written over a white rectangular background.

Date

14 February 2022

\* delete whichever is inapplicable



**PART B FILING AND SERVICE**

**IF THE APPLICANT IS REPRESENTED**

APPLICANT'S REPRESENTATIVE

ADDRESS FOR SERVICE

Suburb  State/Territory  Postcode

E-mail

Telephone (during the day)  Facsimile

This application is filed on behalf of

Applicant's address

Suburb  State/Territory  Postcode

**IF THE APPLICANT IS UNREPRESENTED**

APPLICANT'S NAME   
*Note: This should include first name, surname & Aboriginal name (if any)*  
Mr/Mrs/Ms:   
Given Name:   
Surname:   
Aboriginal name (if any):

ADDRESS FOR SERVICE

Suburb  State/Territory  Postcode

Email

Telephone (during the day)  Facsimile

Applicant's address

Suburb  State/Territory  Postcode

Telephone (during the day)  Facsimile (if any)



## ATTACHMENT B1

The external boundaries of the area covered by the application are as follows:

All those lands and waters commencing at the intersection of Native Title Determination WAD6208/1998 Eastern Guruma (WCD2007/001) with a eastern boundary of Native Title Determination WAD6090/1998 Kuruma Marthudunera (Part A) (WCD2016/006) at Latitude 22.003438 South and extending generally north easterly along boundaries of that native title determination to the intersection with a western boundary of Native Title Determination WAD6017/1996 Ngarluma/Yindjibarndi (WCD2005/001) at Latitude 21.955526 South; then southerly, generally easterly and northerly along boundaries of that native title determination to the intersection with a western boundary of Native Title Application WAD6169/1998 Kariyarra People (WC1999/003); then generally south easterly along the boundaries of that native title application through the following coordinate positions:

<b>LATITUDE (SOUTH)</b>	<b>LONGITUDE (EAST)</b>
21.874703	118.591512
21.860344	118.676151
<b>LATITUDE (SOUTH)</b>	<b>LONGITUDE (EAST)</b>
22.220779	117.965134
22.216053	117.959709
22.211266	117.953720





Then continuing south westerly along the boundary of that native title application to the intersection of the eastern bank of the Cockeraga River with a line joining coordinate positions Latitude 21.860344 South, Longitude 118.676151 East and Latitude 22.008794 South, Longitude 118.814893 East; then generally southerly along that river bank to the intersection with a northern boundary of Native Title Determination WAD6096/1998 Banjima People (WCD2014/001); then generally westerly, generally north westerly, generally south westerly and south easterly along boundaries of that native title determination to the intersection with a northern boundary of Reserve 30082 (Karijini National Park) at Longitude 118.124481 East; then westerly and southerly along boundaries of that reserve to the intersection with a eastern boundary of Native Title Determination WAD6208/1998 Eastern Guruma (WCD2007/001); then north westerly along the boundary of that native title determination to the intersection with a southern boundary of Pastoral Lease N050483 (Mt Florance) at Longitude 117.966611 East; then generally north westerly through the following coordinate positions:

Then north westerly to the intersection of a western boundary of Pastoral Lease N050483 (Mt Florance) with Latitude 22.210019 South being a point on the present boundary of Native Title Determination WAD6208/1998 Eastern Guruma (WC2007/001) and then generally north westerly along the boundaries of that native title determination back to the commencement point.

For the avoidance of doubt these boundaries do not any land and waters which were subject to the following determinations of native title or applications for determinations of native title as at 13 November 2017:

- (a) Native Title Determination WAD6017/1996 Ngarluma/Yindjibarndi (WCD2005/001) as Determined in the Federal Court on the 2nd May 2005;
- (b) Native Title Determination WAD6096/1998 Banjima People (WCD2014/001) as Determined in the Federal Court on the 11th March 2014;
- (c) Native Title Determination WAD6208/1998 Eastern Guruma (WCD2007/001) as Determined in the Federal Court on the 1st March 2007;



- (d) Native Title Determination WAD6090/1998 Kuruma Marthudunera (Part A)  
(WCD2016/006) as Determined in the Federal Court on the 1st November 2016;  
and
- (e) Native Title Determination Application WAD6169/1998 Kariyarra People  
(WC1999/003) as Registered in the Federal Court on the 22nd April 1999.



## Attachment B2

### 1. RESERVES

Reserve No.	Current / Last Purpose
31429	Conservation of flora and fauna
38991	Water supply

### 2. LEASES

Lease No.	Summary / General Description of the Current / Last Purpose
GE H954583	Permanent campsite for use in connection with the Tom Price to Dampier railway (Camp Anderson)
SL 3116/7842 (GE I123646)	Construction and operation of a 220 KV power transmission line and ancillary purposes (the Dampier/Paraburdoo Power Transmission Line)
SL 3116/4984 (GE I195323)	Railway and ancillary purposes (the Dampier/Tom Price Railway)

### 3. ROADS 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:

MapInfo ID	Description	Shown /referred to in
ROAD 01	Roebourne-Wittenoom Road, including a 200m-wide corridor	Cancelled public plan 503 154 (97/300) dated 30 June 1941 1: 250,000 plan for Pyramid (SF50-7, Edition 1) Map 2553 1: 100 000 plan for Wittenoom (Edition 1)



ROAD 02	Road 1644	Government Gazette 31 1903, 1 April 1904, December 1914 Cancelled public plan 505 558 dated 28 March 1894 Cancelled public plan 506 648 dated 15 August 1903
HISTORICAL ROAD 01	Nanutarra-Wittenoom Road, including a 200m-wide corridor	Cancelled public plan 502 692 dated August 1963 1: 250 000 plan for Mt Bruce (F50) dated January 1969 1: 250 000 plan for Mount Bruce (SF50-11, Edition 1) Map 2553 1: 100 000 plan for Wittenoom (Edition 1)
-	Fortescue Valley Crossing Road	Map 2553 Wittenoom 1:100 000, dated 20 March 1996 Plan LAWA 1221 dated 29 November 1996 Government Gazette 15 July 1997, 18 May 1999
-	Hooley Road (north-south road from Hooley Station homestead to Roebourne-Wittenoom Road)	Map 2553 Wittenoom 1:100 000, dated 20 March 1996 1: 250,000 plan for Pyramid (SF50-7, Edition 1) Map 2553 1: 100 000 plan for Wittenoom (Edition 1)



-	Hooley Road (east-west road from Hooley Station homestead to Roebourne-Wittenoom Road)	Cancelled public plan 503 155 (97/3000) dated 9 November 1951 1: 250,000 plan for Pyramid (SF50-7, Edition 1)
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- (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-paragraph 3(a) above:

Public work	Location /description
Material pit 1	Main Roads Western Australia material pit at 337.58 straight line kilometres along Nanutarra-Wittenoom Road at Longitude 118.007943°, Latitude 22.191282°, approximately 250m from the left-hand side of the road
Material pit 2	Main Roads Western Australia material pit at 337.67 straight line kilometres along Nanutarra-Wittenoom Road at Longitude 118.007943°, Latitude 22.191282°, approximately 180m from the left-hand side of the road
Material pit 3	Main Roads Western Australia material pit at 338.12 straight line kilometres along Nanutarra-Wittenoom Road at Longitude 118.013747°, Latitude 22.189070°, approximately 150m from the right-hand side of the road
Material pit 4	Main Roads Western Australia material pit at 338.21 straight line kilometres along Nanutarra-Wittenoom Road at Longitude 118.013747°, Latitude 22.189070°, approximately 150m from the right-hand side of the road
Material pit 5	Main Roads Western Australia material pit at 341.29 straight line kilometres along Nanutarra-Wittenoom Road at Longitude 118.042615°, Latitude 22.185471°, approximately 210m from the left-hand side of the road
Water bore	Main Roads Western Australia Pilbara bore No. 211 at 345.9 straight line kilometres along the Nanutarra-Wittenoom Road at Longitude 118.076340°, Latitude 22.158818°, approximately 1.2km from the left-hand side of the road.

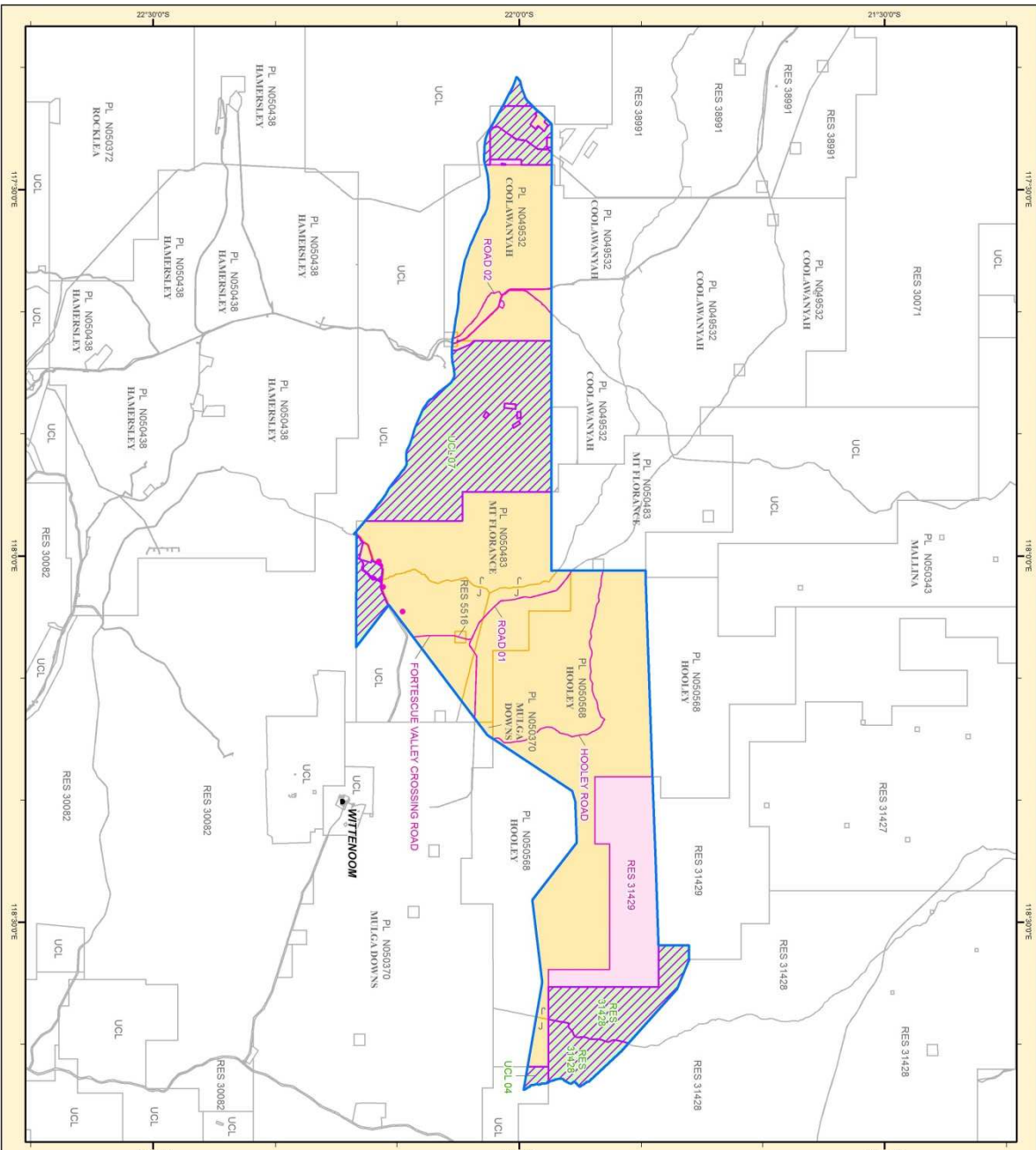
**4. RESUMPTIONS FOR VESTING OF ESTATES IN FEE SIMPLE**



<b>MapInfo ID</b>	<b>Description / purpose</b>
Resumption 2	Additions to Hamersley-Tom Price Railway Lease



# ATTACHMENT C



## YINDJIBARNDI #1

### DETERMINATION OF NATIVE TITLE

WAD 6005 of 2003

SCHEDULE 3

LEGEND	
	DETERMINATION AREA (part 1 of Schedule 1)
	EXCLUSIVE AREA (paragraph 4 and part 2 of Schedule 1)
	NON-EXCLUSIVE AREA (paragraph 3)
	UNCLAIMED AREA (paragraph 11 and Schedule 2)
	AREAS TO WHICH SECTIONS 47A or 47B OF THE NTA APPLY (paragraph 7 and Schedule 4)



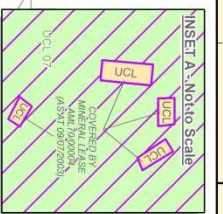
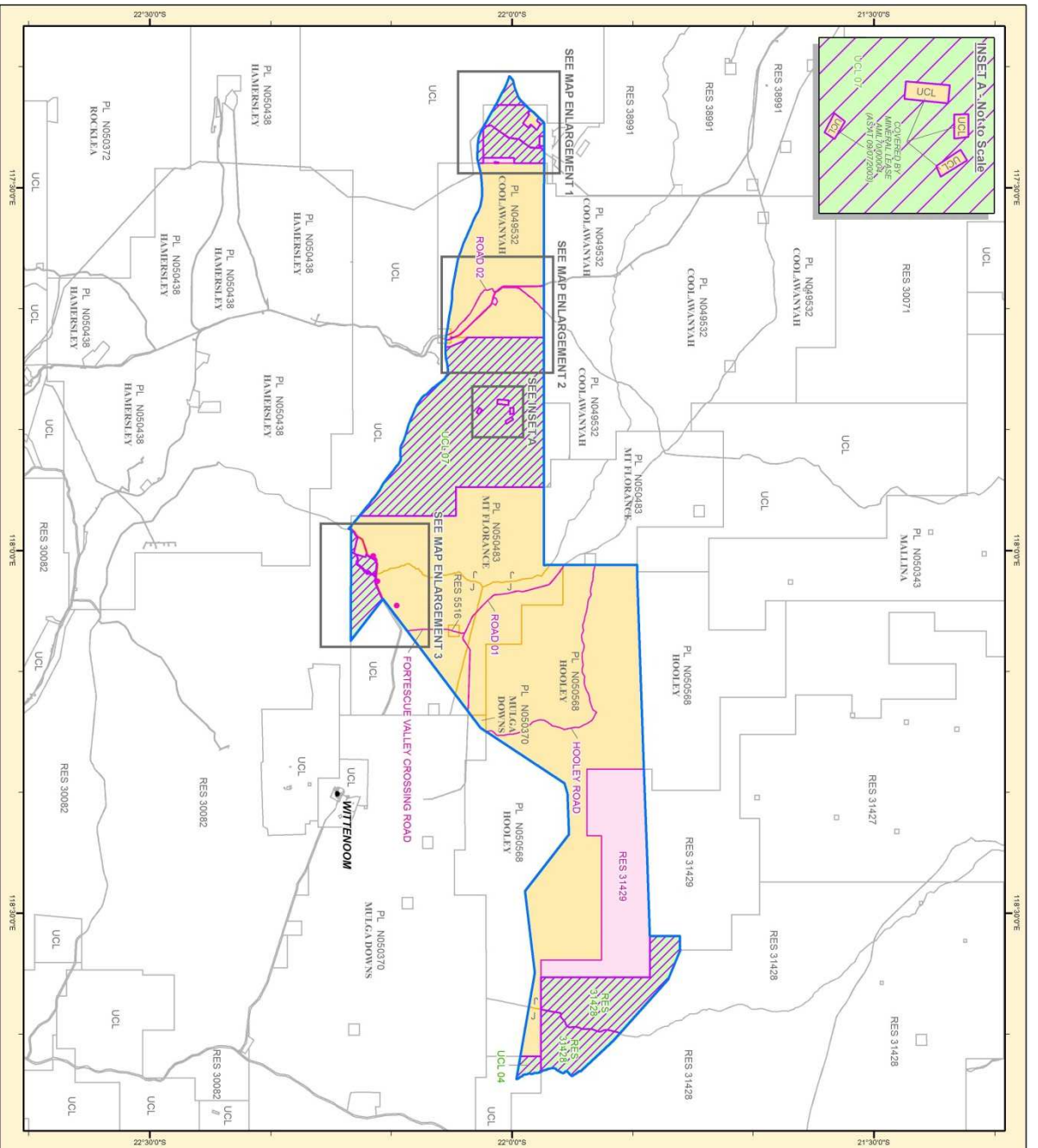
**DATA SOURCES**  
 Boundaries and Topography from the Department of Natural Resources and Environment (DNRE) 1:50,000 scale topographic map. The map is based on the 1984 datum and is not georeferenced. The map is based on the 1984 datum and is not georeferenced. The map is based on the 1984 datum and is not georeferenced.



**COPIES AVAILABLE**  
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**GRAPHIC SERVICES**  
 PRODUCED BY LANDGATE





# YINDJIBARNDI #1

## DETERMINATION OF NATIVE TITLE

### WAD 6005 of 2003

#### SCHEDULE 3

**LEGEND**

- DETERMINATION AREA (Part 1 of Schedule 1)
- EXCLUSIVE AREA (paragraph 4 and Part 2 of Schedule 1)
- NON-EXCLUSIVE AREA (paragraph 3)
- UNCLAIMED AREA (paragraph 11 and Schedule 2)
- AREAS TO WHICH SECTIONS 47A or 47B OF THE RTA APPLY (paragraph 7 and Schedule 4)



**General and Technical Data Sources**

Source: cadastral Database (CDB), 10/02/2017 and 31/07/2017  
 Administrative boundaries: Topographic data extracted from the State Government Geospatial Information System (GIS) 10/02/2017  
 Road centreline data: Topographic data extracted from the State Government Geospatial Information System (GIS) 10/02/2017  
 Boundaries of the Yindjibarndi Traditional Owners' Country: Boundaries of the Yindjibarndi Traditional Owners' Country as determined by the Yindjibarndi Traditional Owners' Council (YTOC) 10/02/2017  
 Local Aboriginal name data: Local Aboriginal name data as determined by the Yindjibarndi Traditional Owners' Council (YTOC) 10/02/2017  
 Proposed native title areas: Proposed native title areas as determined by the Yindjibarndi Traditional Owners' Council (YTOC) 10/02/2017  
 Western Australia Land Information Authority, 2016  
 11/11/2017, 9:30 AM



**DISCLAIMER**

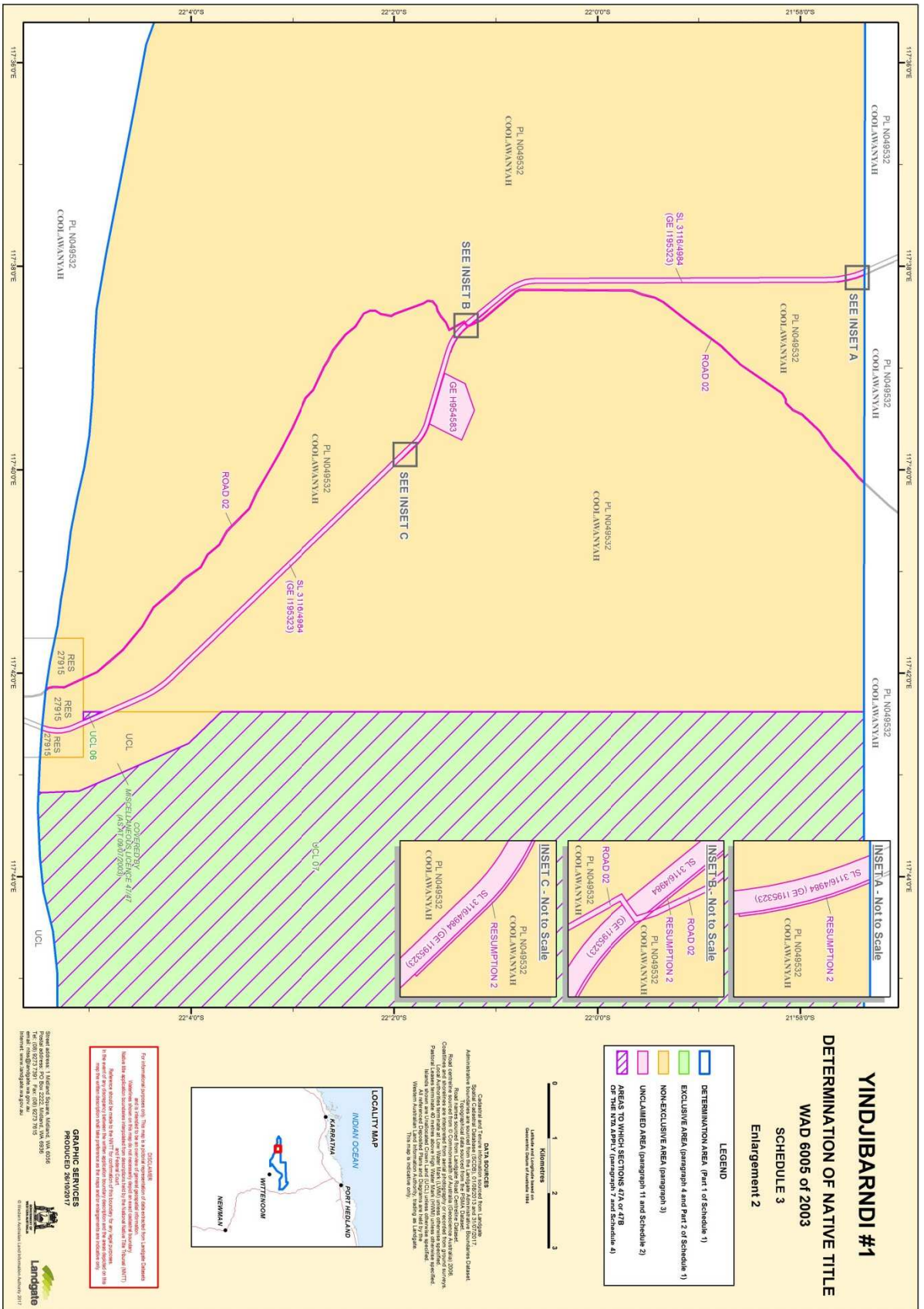
For information purposes only. This map is a technical representation of data collected from Landgate databases. It does not constitute a legal determination of native title. The map is provided as a guide only and should not be relied upon for legal purposes. The map is provided as a guide only and should not be relied upon for legal purposes. The map is provided as a guide only and should not be relied upon for legal purposes.

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# YINDJIBARNDI #1

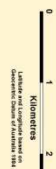
## DETERMINATION OF NATIVE TITLE

### WAD 6005 OF 2003

#### SCHEDULE 3

#### Enlargement 2

- LEGEND**
- DETERMINATION AREA (Part 1 of Schedule 1)
  - EXCLUSIVE AREA (paragraph 4 and Part 2 of Schedule 1)
  - NON-EXCLUSIVE AREA (paragraph 3)
  - UNCLAIMED AREA (paragraph 11 and Schedule 2)
  - AREAS TO WHICH SECTIONS 47A or 47B OF THE RTA APPLY (paragraph 7 and Schedule 4)



**DATA SOURCES**

Copyright and Titles Information: Spatial Reference: Geocentric Datum of Australia (GDA94) (1010201) is and 317022117  
 Administrative: Topographic data sourced from the State Land Information System  
 Road services: Road services data sourced from the State Land Information System  
 Other: Road services data sourced from the State Land Information System  
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## ATTACHMENT G

The native title rights and interests for which compensation is claimed are those specified in Schedule E.

The factual basis on which it is asserted that:

- (a) the compensation claim group, and the predecessors of those persons, had an association with the area; and
- (b) there existed traditional laws and customs that give rise to the claimed native title; and
- (c) the compensation claim group had continued to hold the native title in accordance with those traditional laws and customs;

The applicant relies upon the *Warrie (No 2)* determination and the findings and the evidence in *Warrie (formerly TJ) on behalf of the Yindjibarndi People v Western Australia* [2017] FCA 803; 365 ALR 624 which have established that:

1. At sovereignty, the application area was occupied and used by Aboriginal people.
2. The occupation and use of the application area was done as of right under a body of laws acknowledged and customs observed by those Aboriginal people.
3. Under that body of laws and customs, the Aboriginal people who occupied and used the application area at sovereignty possessed the rights and interests described in Schedule E in relation to, and had a connection with, the land and waters of the application area.
4. The Aboriginal people who occupied and used the application area at sovereignty were members of the Yindjibarndi language group.
5. The members of the compensation claim group are the Yindjibarndi People, who are the descendants of the persons who occupied the application area at sovereignty, being those persons described in Schedule 6 to the *Warrie (No 2)* determination.
6. The Yindjibarndi People have continued, substantially uninterrupted since sovereignty, to acknowledge and observe a body of traditional laws and customs under which they possess as a group, those same rights and interests in relation to, and have a connection with, the land and waters of the application area.



7. The application area is considered by Yindjibarndi People to be redolent with spirituality, commemorated by senior male members through mytho-ritual traditions; and in particular, the uniquely Yindjibarndi, *Birdarra Law*. The right to rehearse the spirituality and manage its geographic and physical manifestations rests with those ritually qualified to do so. Those who have gained this qualification, usually but not exclusively with respect to ancestral country, are spoken of as having the right “*to speak for country*”.
8. The exercise of rights to use country, including within the application area, requires knowledge of the country and its resources. In order to use country safely, those exercising rights must know of the spiritual potentialities of the country, particularly its dangers.
9. Under traditional Yindjibarndi law and custom, persons who do not belong to the country and cannot assert rights to it are identified by the use of the word “manjangu”. Such persons are strangers and should not access and use Yindjibarndi country, including the application area, without the permission of appropriate Yindjibarndi persons who can speak for that country. Strangers who are ignorant of country may fall foul of spiritual danger of which they are ignorant or may cause spiritual harm to the country. In granting permission, a Yindjibarndi person who can speak for the country affords a stranger some protection against this danger by instruction and ritual introduction. As referred to in paragraph 7 above, those identifying as Yindjibarndi also acknowledge and observe the mytho-ritual religious observance called “*Birdarra*”; an observance which includes singing the “*Burndud*”: a series of songs and accompanying exegesis, sung in connection with male rituals.
10. The *Burndud* is understood to relate directly to Yindjibarndi country including the application area through the association of the various subjects of the songs with named places in the countryside, and the singing of the songs is understood to unite the singer with the part of country that is the subject of the song, in such a way that the country can “feel” the singer, and the singer can “feel” the country and keep it alive.
11. Much of the information about the *Birdarra* (and associated rituals) is esoteric and restricted in its dissemination to ritually qualified men. Women do not generally discuss any matters relating to *the Birdarra*. Yindjibarndi People continue to practice the *Birdarra Law*.
12. Immediately prior to the doing of the acts in relation to which compensation is claimed, Yindjibarndi People regularly:
  - (a) hunted, fished and gathered within the application area;



(b) regularly carried out “*Thallu*” and other religious rituals within the application area; and

(c) regularly visited and camped within the application area.

<b>Tenement #</b>	<b>Type</b>	<b>Date Granted</b>	<b>Expiry</b>
<b>M47/1409-I</b>	Mining Lease	26.11.10	25.11.31
<b>M47/1411-I</b>	Mining Lease	26.11.10	25.11.31
<b>M47/1413-I</b>	Mining Lease	26.11.10	25.11.31
<b>M47/1431-I</b>	Mining Lease	08.07.11	07.07.32
<b>M47/1453-I</b>	Mining Lease	17.01.13	16.01.34
<b>M47/1473-I</b>	Mining Lease	29.08.14	28.08.35
<b>M47/1475-I</b>	Mining Lease	29.08.14	28.08.35
<b>M47/1513-I</b>	Mining Lease	03.12.18	Surrendered 31.03.20
<b>M47/1570</b>	Mining Lease	31.03.20	30.03.41
<b>L 1SA</b>	Miscellaneous Licence S.A.	29.11.06	28.11.56
<b>L47/302</b>	Miscellaneous Licence	05.06.09	Surrendered 07.01.13
<b>L47/361</b>	Miscellaneous Licence	11.10.11	10.10.32
<b>L47/362</b>	Miscellaneous Licence	03.05.11	02.05.32
<b>L47/363</b>	Miscellaneous Licence	03.05.11	02.05.32
<b>L47/367</b>	Miscellaneous Licence	02.03.12	01.03.33
<b>L47/396</b>	Miscellaneous Licence	23.05.12	Surrendered 07.01.13
<b>L47/472</b>	Miscellaneous Licence	18.07.14	17.07.35
<b>L47/697</b>	Miscellaneous Licence	02.12.13	01.12.34
<b>L47/801</b>	Miscellaneous Licence	24.05.19	23.05.40
<b>L47/813</b>	Miscellaneous Licence	06.04.18	05.04.39



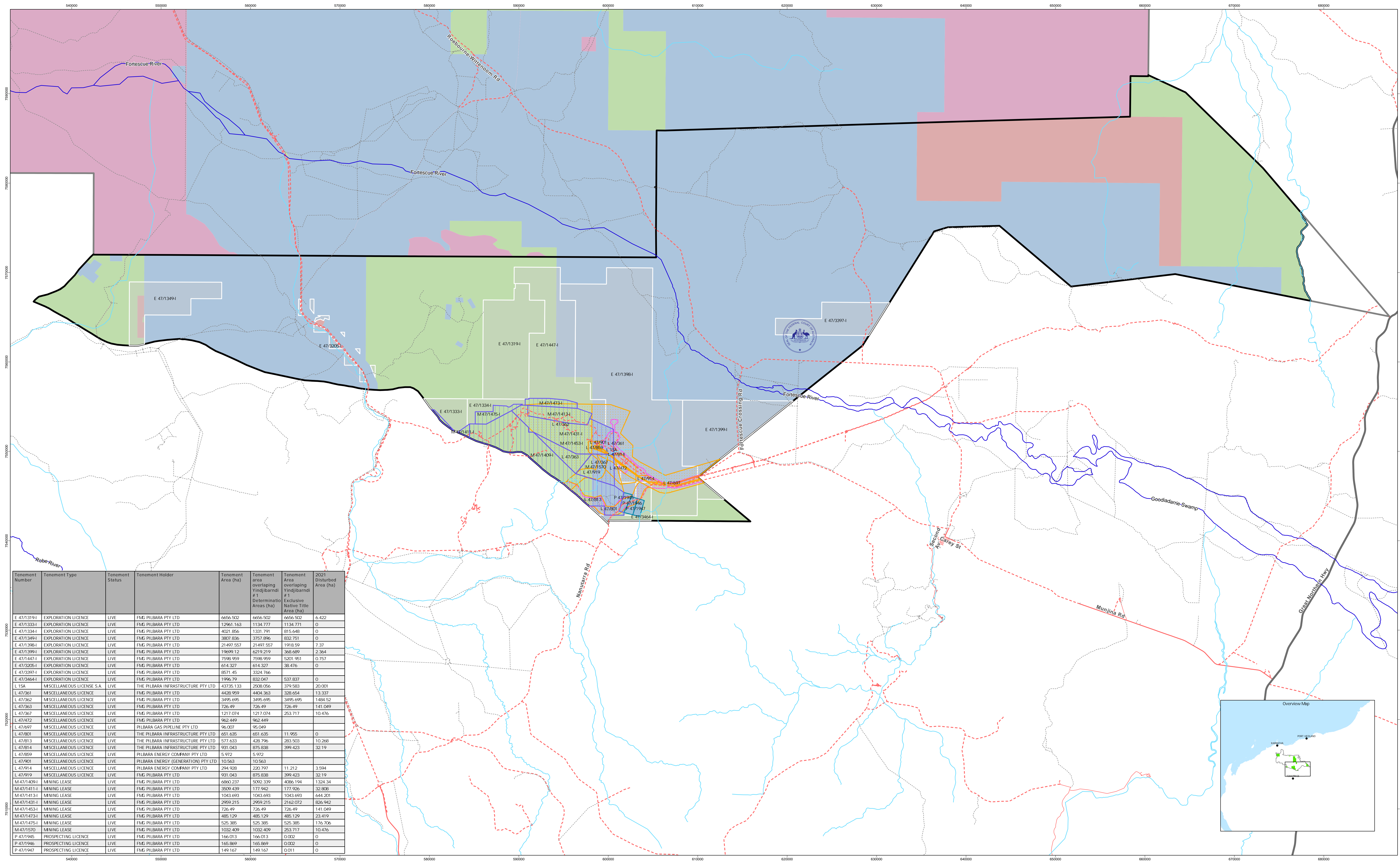
<b>L47/814</b>	Miscellaneous Licence	06.04.18	05.04.39
<b>L47/859</b>	Miscellaneous Licence	06.02.19	05.02.40
<b>L47/901</b>	Miscellaneous Licence	26.06.19	25.06.40
<b>L47/914</b>	Miscellaneous Licence	15.11.19	14.11.40
<b>L47/919</b>	Miscellaneous Licence	10.01.20	09.01.41
<b>E45/2842-I</b>	Exploration Licence	06.03.13	Surrendered 22.05.15
<b>E45/2844-I</b>	Exploration Licence	11.10.11	Surrendered 01.12.14
<b>E47/1319-I</b>	Exploration Licence	16.03.12	15.03.22
<b>E47/1333-I</b>	Exploration Licence	28.07.07	27.07.22
<b>E47/1334-I</b>	Exploration Licence	02.06.07	01.06.22
<b>E47/1349-I</b>	Exploration Licence	18.05.12	17.05.22
<b>E47/1361-I</b>	Exploration Licence	31.10.12	Surrendered 04.02.16
<b>E47/1384-I</b>	Exploration Licence	07.05.14	Surrendered 13.07.21
<b>E47/1397-I</b>	Exploration Licence	05.03.14	04.03.21
<b>E47/1398-I</b>	Exploration Licence	08.07.11	07.07.22
<b>E47/1399-I</b>	Exploration Licence	08.07.11	07.07.22
<b>E47/1447-I</b>	Exploration Licence	02.06.07	01.06.22
<b>E47/1611-I</b>	Exploration Licence	12.06.07	Surrendered 29.04.16
<b>E47/1669-I</b>	Exploration Licence	07.05.14	Surrendered 21.12.15
<b>E47/1670-I</b>	Exploration Licence	07.05.14	Surrendered 21.12.15





<b>E47/1673-I</b>	Exploration Licence	07.06.12	Surrendered 21.12.15
<b>E47/1674-I</b>	Exploration Licence	07.06.12	Surrendered 21.12.15
<b>E47/2574-I</b>	Exploration Licence	22.11.13	Surrendered 09.02.15
<b>E47/3205-I</b>	Exploration Licence	21.09.16	20.09.26
<b>E47/3397-I</b>	Exploration Licence	29.07.16	28.07.26
<b>E47/3464-I</b>	Exploration Licence	24.02.17	23.02.22
<b>E47/3483-I</b>	Exploration Licence	12.07.17	Surrendered 03.07.19
<b>P47/1945</b>	Prospecting Licence	11.08.21	10.08.25
<b>P47/1946</b>	Prospecting Licence	11.08.21	10.08.25
<b>P47/1947</b>	Prospecting Licence	11.08.21	10.08.25





## Live Tenements held by FMG and its subsidiaries on Yindjibarndi #1

**Legend**

- Yindjibarndi #1
- Yindjibarndi Boundary
- Rivers: Mainstream, Rivers
- Roads: Main, Sealed; Main, Unsealed, Minor, Unsealed; Minor, Sealed; National Highway, Sealed; Track, Unsealed, Other
- NT Determined Outcome: Native title exists (exclusive), Native title exists (non-exclusive), Native title does not exist, Native title extinguished
- FMG Lease/Licence: EXPLORATION LICENCE, MINING LEASE, MISCELLANEOUS LICENCE, PROSPECTING LICENCE

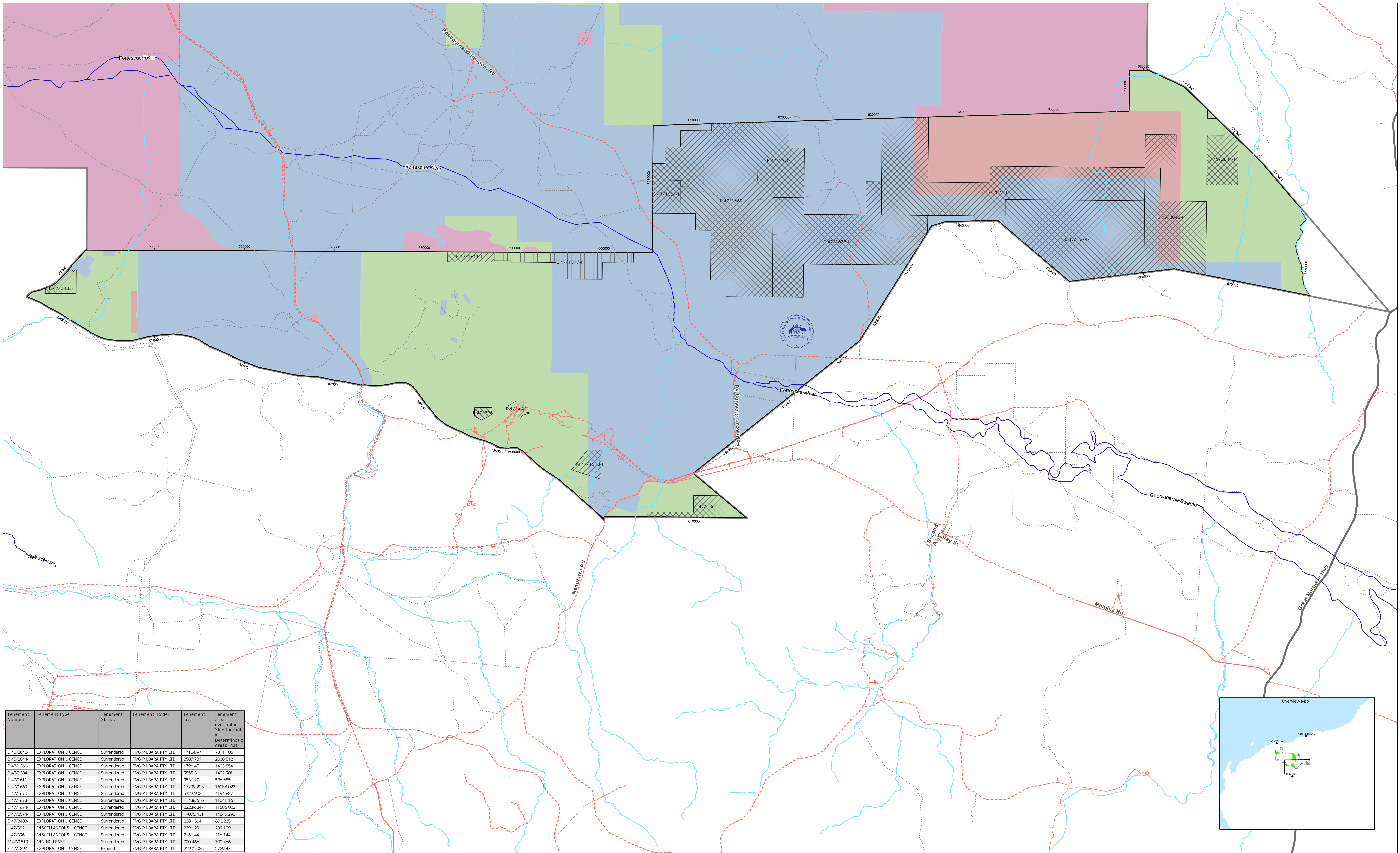


Mip Finalised	7 February 2022
FMG Lease/Licence data downloaded	25 November 2021
FMG Lease/Licence data source:	© State of Western Australia (Department of Mines, Industry Regulation and Safety) 2020

Scale: 1:135,000 @ A0  
Name: GDA 1994 MGA Zone 50

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Tenement Number	Tenement Type	Tenement Status	Tenement Holder	Tenement area	Tenement area overlapping Yindjibarndi #1 Determination Areas (ha)
E 45/2842-I	EXPLORATION LICENCE	Surrendered	FMG PILBARA PTY LTD	17154.97	7311.106
E 45/2844-I	EXPLORATION LICENCE	Surrendered	FMG PILBARA PTY LTD	8587.789	2038.512
E 47/1361-I	EXPLORATION LICENCE	Surrendered	FMG PILBARA PTY LTD	6796.47	1403.854
E 47/1384-I	EXPLORATION LICENCE	Surrendered	FMG PILBARA PTY LTD	9855.3	1402.901
E 47/1611-I	EXPLORATION LICENCE	Surrendered	FMG PILBARA PTY LTD	953.127	596.685
E 47/1669-I	EXPLORATION LICENCE	Surrendered	FMG PILBARA PTY LTD	17799.223	16058.023
E 47/1670-I	EXPLORATION LICENCE	Surrendered	FMG PILBARA PTY LTD	5722.902	4194.887
E 47/1673-I	EXPLORATION LICENCE	Surrendered	FMG PILBARA PTY LTD	11438.616	11041.16
E 47/1674-I	EXPLORATION LICENCE	Surrendered	FMG PILBARA PTY LTD	22239.847	11686.003
E 47/2574-I	EXPLORATION LICENCE	Surrendered	FMG PILBARA PTY LTD	19075.421	14546.298
E 47/2483-I	EXPLORATION LICENCE	Surrendered	FMG PILBARA PTY LTD	2381.564	603.235
L 47/302	MISCELLANEOUS LICENCE	Surrendered	FMG PILBARA PTY LTD	239.129	239.129
L 47/396	MISCELLANEOUS LICENCE	Surrendered	FMG PILBARA PTY LTD	216.144	216.144
M 47/1513-I	MINING LEASE	Surrendered	FMG PILBARA PTY LTD	700.466	700.466
E 47/1397-I	EXPLORATION LICENCE	Expired	FMG PILBARA PTY LTD	21901.035	2739.47

**Legend**

- Yindjibarndi #1
- Yindjibarndi Boundary
- Rivers: Mainstream, Rivers
- Roads: Main, Sealed; Main, Unsealed, Minor, Unsealed; Minor, Sealed; National Highway, Sealed; Track, Unsealed, Other; Other
- NT Determined Outcome: Native title exists (exclusive); Native title exists (non-exclusive); Native title does not exist; Native title extinguished
- FMG Dead Lease/License: Surrendered, Expired

## Dead Tenements held by FMG and its subsidiaries on Yindjibarndi #1

0 2.25 4.5 9 13.5 18 Kilometers

Scale: 1:135,000 @ A0  
Name: GDA 1994 MGA Zone 50

Mip Finalised	7 February 2022
FMG Dead Lease/License data downloaded	24 January 2022
FMG Dead Lease/License data source	© State of Western Australia (Department of Mines, Industry Regulation and Safety) 2020

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# ATTACHMENT KA/L



## Geospatial overlap analysis

**Determination Name** Yindjibarndi #1  
**Federal Court No.** WAD6005/2003  
**NNTT No.** WCD2017/010  
**GT Ref No.** GT2021/1527  
**Date** 23 December 2021

This analysis is based on a copy of the description (Schedule 1) and map (Schedule 3) for the native title determination WAD6005/2003 – Yindjibarndi #1 (WCD2017/010) as determined in the Federal Court of Australia on 13 November 2017.

### OVERLAP ANALYSIS

#### **Register of Native Title Claims and Schedule of Native Title Determination Applications**

No applications as per the Register of Native Title Claims and the Schedule of Native Title Determination Applications fall within the external boundary of this determination as at 23 December 2021.

#### **Native Title Determinations**

No native title determinations fall within the external boundary of this determination as at 23 December 2021.

#### **Indigenous Land Use Agreements**

One (1) agreement as per the Register of Indigenous Land Use Agreements falls within the external boundary of this determination as at 23 December 2021.

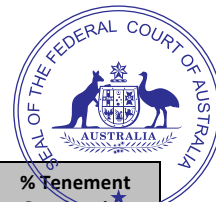
Tribunal Number	Name	Status	ILUA Area (sq km)	Overlap Area (sq km)	% ILUA Overlapping WCD2017/010	% WCD2017/010 Overlapping ILUA
WI2014/005	Yindjibarndi People and RTIO Indigenous Land Use Agreement (Initial ILUA)	ILUA registered	12077.685	2462.165	20.39	100.00

No agreements being considered for registration fall within the external boundary of this determination as at 23 December 2021.

#### **S29 Notices or Equivalent**

Thirty-one (31) Section 29 or equivalent notices fall within the external boundary of this determination since the date of determination (13 November 2017) as at 23 December 2021.

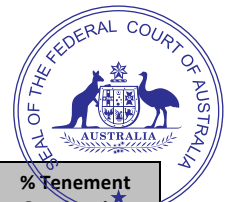
Tribunal s29 Number	TENID	Notification Date	Notification Type	Tenement Area (sq km)	Overlap Area (sq km)	% Tenement Overlapping WCD2017/010
WL2018/0015	L47/813	19/1/2018	s24 Land Acquisition	5.780	4.290	74.23
WL2018/0016	L47/814	19/1/2018	s24 Land Acquisition	9.316	8.763	94.07
WL2018/0069	L47/839	13/4/2018	s24 Land Acquisition	76.810	73.296	95.43
WL2018/0103	L47/845	8/6/2018	s24 Land Acquisition	1.510	0.929	61.53



Tribunal s29 Number	TENID	Notification Date	Notification Type	Tenement Area (sq km)	Overlap Area (sq km)	% Tenement Overlapping WCD2017/010
WL2018/0175	L47/859	23/11/2018	s24 Land Acquisition	0.060	0.060	100.00
WL2018/0176	L47/860	23/11/2018	s24 Land Acquisition	3.324	2.105	63.32
WL2019/0078	L47/901	5/4/2019	s24 Land Acquisition	0.106	0.106	100.00
WL2019/0191	L47/909	26/7/2019	s24 Land Acquisition	8.295	0.796	9.59
WL2019/0218	L47/914	6/9/2019	s24 Land Acquisition	2.951	2.095	71.00
WL2019/0260	L47/919	1/11/2019	s24 Land Acquisition	9.316	8.763	94.07
WL2020/0011	L47/925	24/1/2020	s24 Land Acquisition	5.623	5.623	100.00
WS2018/0022	E47/3794	19/1/2018	s29 Tenement	292.487	221.719	75.80
WS2018/0023	E47/3860	19/1/2018	s29 Tenement	216.250	102.038	47.19
WS2018/0024	E47/3861	19/1/2018	s29 Tenement	196.936	105.090	53.36
WS2018/0025	E47/3862	19/1/2018	s29 Tenement	88.987	88.987	100.00
WS2018/0328	E45/4989	7/2/2018	s29 Tenement	537.508	185.769	34.56
WS2018/0330	E45/4995	7/2/2018	s29 Tenement	111.261	0.565	0.51
WS2018/2375	E47/4014	9/11/2018	s29 Tenement	292.487	221.719	75.80
WS2019/0204	M47/1570	25/1/2019	s29 Tenement	10.330	10.329	100.00
WS2019/0325	E47/3901	8/2/2019	s29 Tenement	374.926	204.061	54.43
WS2019/2751	M47/1577	13/12/2019	s29 Tenement	4.941	0.729	14.76
WS2021/0290	E45/5726	22/1/2021	s29 Tenement	219.526	0.440	0.20
WS2021/0446	P47/1945	5/2/2021	s29 Tenement	1.661	1.404	84.52
WS2021/0447	P47/1946	5/2/2021	s29 Tenement	1.660	1.462	88.12
WS2021/0448	P47/1947	5/2/2021	s29 Tenement	1.492	1.453	97.38
WS2021/0893	E47/4487	16/4/2021	s29 Tenement	9.531	5.958	62.51
WS2021/2121	AM-E47/1334-I	15/10/2021	s29 Tenement	1.590	1.426	89.71
WS2021/2122	AM-E47/1334-I	15/10/2021	s29 Tenement	1.616	1.387	85.83
WS2021/2123	AM-E47/1334-I	15/10/2021	s29 Tenement	0.194	0.194	100.00
WS2021/2124	AM-E47/3464-I	15/10/2021	s29 Tenement	1.299	1.260	96.98
WS2021/2125	AM-E47/3464-I	15/10/2021	s29 Tenement	0.070	0.036	52.11

One-hundred-and-ten (110) Section 29 or equivalent notices fall within the external boundary of this determination prior to the date of determination (13 November 2017) as at 23 December 2021.

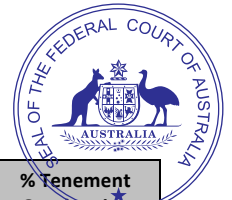
Tribunal s29 Number	TENID	Notification Date	Notification Type	Tenement Area (sq km)	Overlap Area (sq km)	% Tenement Overlapping WCD2017/010
WL2008/0049	L47/274	5/9/2008	s24 Land Acquisition	0.162	0.160	98.78
WL2008/0070	L47/315	19/9/2008	s24 Land Acquisition	3.982	0.813	20.42
WL2008/0071	L47/317	19/9/2008	s24 Land Acquisition	18.926	0.376	1.98
WL2008/0153	L47/302	4/8/2008	s24 Land Acquisition	2.471	2.471	100.00
WL2008/0180	L47/316	19/9/2008	s24 Land Acquisition	0.537	0.447	83.31
WL2009/0099	L47/350	3/12/2009	s24 Land Acquisition	44.355	42.945	96.82
WL2010/0011	L47/354	28/1/2010	s24 Land Acquisition	7.206	7.206	100.00
WL2010/0012	L47/355	28/1/2010	s24 Land Acquisition	34.942	34.942	100.00
WL2010/0039	L47/361	25/3/2010	s24 Land Acquisition	44.355	42.945	96.82



Tribunal s29 Number	TENID	Notification Date	Notification Type	Tenement Area (sq km)	Overlap Area (sq km)	% Tenement Overlapping WCD2017/010
WL2010/0040	L47/362	25/3/2010	s24 Land Acquisition	34.942	34.942	100.00
WL2010/0041	L47/363	25/3/2010	s24 Land Acquisition	7.206	7.206	100.00
WL2010/0074	L47/367	19/5/2010	s24 Land Acquisition	12.258	12.258	100.00
WL2010/0142	L47/396	25/11/2010	s24 Land Acquisition	2.158	2.158	100.00
WL2011/0070	L47/507	23/5/2011	s24 Land Acquisition	12.257	12.257	100.00
WL2012/0207	L47/275	8/6/2012	s24 Land Acquisition	0.051	0.045	88.76
WL2012/0208	L47/448	8/6/2012	s24 Land Acquisition	76.152	33.254	43.67
WL2012/0209	L47/589	8/6/2012	s24 Land Acquisition	6.919	6.919	100.00
WL2012/0210	L47/590	8/6/2012	s24 Land Acquisition	4.797	3.732	77.80
WL2012/0211	L47/598	8/6/2012	s24 Land Acquisition	0.738	0.738	100.00
WL2013/0037	L47/368	21/12/2012	s24 Land Acquisition	9.630	9.630	100.00
WL2013/0040	L47/673	21/12/2012	s24 Land Acquisition	211.002	87.952	41.68
WL2013/0137	FNA 10223	24/4/2013	s24 Land Acquisition	366.380	88.689	24.21
WL2013/0138	FNA 10751	3/5/2013	s24 Land Acquisition	342.265	87.952	25.70
WL2013/0175	L47/697	31/5/2013	s24 Land Acquisition	0.960	0.950	98.90
WL2014/0078	L47/472	16/5/2014	s24 Land Acquisition	9.630	9.630	100.00
WL2014/0163	L47/733	3/10/2014	s24 Land Acquisition	15.452	5.985	38.73
WL2015/0103	L47/753	4/9/2015	s24 Land Acquisition	7.218	1.382	19.15
WL2016/0030	FNA10751	13/5/2016	s24 Land Acquisition	356.108	87.354	24.53
WL2017/0121	L47/801	23/6/2017	s24 Land Acquisition	6.520	5.707	87.54
WS1996/1861	E47/806	18/3/1996	s29 Tenement	74.210	14.198	19.13
WS1999/0389	E47/939	2/6/1999	s29 Tenement	50.819	49.532	97.47
WS2003/0938	AM-ML4SA	9/4/2003	s29 Tenement	1.303	1.303	100.00
WS2003/0939	AM-ML4SA	9/4/2003	s29 Tenement	32.989	32.989	100.00
WS2003/0940	AM-ML4SA	9/4/2003	s29 Tenement	2.630	2.630	100.00
WS2003/0941	AM-ML4SA	9/4/2003	s29 Tenement	2.146	2.146	100.00
WS2003/0942	AM-ML4SA	9/4/2003	s29 Tenement	0.524	0.524	100.00
WS2005/0155	E47/1398	12/1/2005	s29 Tenement	222.198	221.123	99.52
WS2005/0574	E47/1314	9/3/2005	s29 Tenement	98.479	89.195	90.57
WS2005/0575	E47/1315	9/3/2005	s29 Tenement	222.233	155.762	70.09
WS2005/2885	E47/1483	16/11/2005	s29 Tenement	222.278	61.760	27.78
WS2006/0170	E47/1397	18/1/2006	s29 Tenement	219.284	27.640	12.60
WS2006/0171	E47/1399	18/1/2006	s29 Tenement	215.752	62.064	28.77
WS2006/0250	E47/1489	1/2/2006	s29 Tenement	222.407	89.776	40.37
WS2006/1138	E47/1483	24/5/2006	s29 Tenement	222.278	61.760	27.78
WS2006/1559	E47/1617	5/7/2006	s29 Tenement	88.756	9.038	10.18
WS2006/2465	E47/1447	27/9/2006	s29 Tenement	101.593	101.593	100.00
WS2006/2884	E47/1334	8/11/2006	s29 Tenement	199.857	102.561	51.32
WS2006/3184	E47/1611	6/12/2006	s29 Tenement	19.064	5.958	31.25
WS2006/3356	E47/1333	20/12/2006	s29 Tenement	196.669	12.749	6.48



Tribunal s29 Number	TENID	Notification Date	Notification Type	Tenement Area (sq km)	Overlap Area (sq km)	% Tenement Overlapping WCD2017/010
WS2007/3953	E47/1557	10/10/2007	s29 Tenement	127.007	97.934	77.11
WS2007/4652	M47/1409	7/11/2007	s29 Tenement	68.420	50.644	74.02
WS2007/5472	M47/1409	19/12/2007	s29 Tenement	68.420	50.644	74.02
WS2008/0609	M47/1411	30/1/2008	s29 Tenement	35.027	1.743	4.98
WS2008/1859	E47/1674	26/3/2008	s29 Tenement	222.397	116.905	52.57
WS2008/2460	E47/1319	23/4/2008	s29 Tenement	69.856	69.856	100.00
WS2008/2461	E47/1342	23/4/2008	s29 Tenement	181.158	18.383	10.15
WS2008/2462	E47/1349	23/4/2008	s29 Tenement	38.114	34.194	89.72
WS2008/2468	E47/1669	23/4/2008	s29 Tenement	222.513	173.352	77.91
WS2008/2469	E47/1670	23/4/2008	s29 Tenement	216.231	122.606	56.70
WS2008/2470	E47/1673	23/4/2008	s29 Tenement	222.401	162.482	73.06
WS2008/2486	M47/1413	23/4/2008	s29 Tenement	10.377	10.377	100.00
WS2008/3868	E47/1361	18/6/2008	s29 Tenement	149.024	14.048	9.43
WS2008/4074	E47/1384	2/7/2008	s29 Tenement	98.553	13.967	14.17
WS2008/4768	E47/1671	27/8/2008	s29 Tenement	222.578	63.063	28.33
WS2008/4769	E47/1672	27/8/2008	s29 Tenement	222.581	39.966	17.96
WS2009/2101	E47/2044	12/8/2009	s29 Tenement	222.278	61.760	27.78
WS2009/2434	M47/1431	26/8/2009	s29 Tenement	29.664	29.664	100.00
WS2009/3263	M47/542	4/11/2009	s29 Tenement	9.527	9.526	100.00
WS2009/3264	M47/543	4/11/2009	s29 Tenement	9.526	5.172	54.29
WS2010/1040	E45/3578	24/3/2010	s29 Tenement	620.066	187.434	30.23
WS2010/1733	E45/2844	19/5/2010	s29 Tenement	85.877	20.378	23.73
WS2010/1800	L47/368	19/5/2010	s29 Tenement	9.627	9.626	100.00
WS2010/2142	E45/3495	30/6/2010	s29 Tenement	25.448	1.509	5.93
WS2011/0074	M47/1453	12/1/2011	s29 Tenement	7.206	7.206	100.00
WS2011/1636	L47/472	1/6/2011	s29 Tenement	9.627	9.627	100.00
WS2011/1832	E45/3861	29/6/2011	s29 Tenement	25.448	1.509	5.93
WS2011/2907	E47/1349	16/11/2011	s29 Tenement	38.114	34.194	89.72
WS2011/3255	E47/1361	14/12/2011	s29 Tenement	149.024	14.048	9.43
WS2011/3264	E47/1673	14/12/2011	s29 Tenement	222.401	162.482	73.06
WS2011/3265	E47/1674	14/12/2011	s29 Tenement	222.397	116.905	52.57
WS2012/1686	E47/1311	13/6/2012	s29 Tenement	161.927	117.769	72.73
WS2012/1741	P47/1526	13/6/2012	s29 Tenement	0.471	0.471	100.00
WS2012/1742	P47/1527	13/6/2012	s29 Tenement	0.080	0.080	100.00
WS2012/1743	P47/1661	13/6/2012	s29 Tenement	0.253	0.253	100.00
WS2012/1744	P47/1662	13/6/2012	s29 Tenement	1.738	1.738	100.00
WS2012/1763	E45/2842	27/6/2012	s29 Tenement	171.549	41.686	24.30
WS2012/1863	E47/2574	11/7/2012	s29 Tenement	190.754	102.859	53.92
WS2012/1892	M47/1475	11/7/2012	s29 Tenement	8.103	8.103	100.00
WS2012/2135	L47/673	8/8/2012	s29 Tenement	211.002	87.952	41.68
WS2012/2244	E47/1397	22/8/2012	s29 Tenement	219.284	27.640	12.60
WS2012/2603	M47/1473	19/9/2012	s29 Tenement	4.854	4.854	100.00
WS2013/0505	E47/585-I	16/1/2013	s29 Tenement	2.542	2.542	100.00
WS2013/1584	E45/3929	24/4/2013	s29 Tenement	585.064	187.434	32.04
WS2013/1937	E47/1342	19/6/2013	s29 Tenement	181.158	18.383	10.15
WS2013/1938	E47/1669	19/6/2013	s29 Tenement	222.513	173.352	77.91
WS2013/1939	E47/1670	19/6/2013	s29 Tenement	216.231	122.606	56.70
WS2013/2870	E47/2767-I	25/9/2013	s29 Tenement	3.177	3.177	100.00
WS2013/2871	E47/2769-I	25/9/2013	s29 Tenement	60.363	18.383	30.45
WS2013/2936	P47/1601	25/9/2013	s29 Tenement	0.767	0.629	82.01
WS2013/2999	E47/1384	9/10/2013	s29 Tenement	98.553	13.967	14.17
WS2014/0483	P47/1701-I	26/2/2014	s29 Tenement	1.754	1.712	97.57
WS2014/0924	E47/2721	21/5/2014	s29 Tenement	63.515	62.084	97.75



Tribunal s29 Number	TENID	Notification Date	Notification Type	Tenement Area (sq km)	Overlap Area (sq km)	% Tenement Overlapping WCD2017/010
WS2014/2022	E47/3132-I	5/11/2014	s29 Tenement	25.414	6.573	25.86
WS2015/2398	E47/3362-I	4/11/2015	s29 Tenement	6.352	6.352	100.00
WS2016/0275	E47/3397	10/2/2016	s29 Tenement	85.744	33.177	38.69
WS2016/0866	E47/3205	4/5/2016	s29 Tenement	63.515	62.083	97.75
WS2016/1761	M47/1513-I	10/8/2016	s29 Tenement	10.330	10.330	100.00
WS2016/1889	E47/3491-I	24/8/2016	s29 Tenement	9.531	5.958	62.51
WS2016/2427	E47/3464	5/10/2016	s29 Tenement	31.712	9.038	28.50
WS2016/2557	E47/3483	19/10/2016	s29 Tenement	25.414	6.573	25.86

### **Representative Aboriginal/Torres Strait Islander Body Areas**

One (1) Representative Aboriginal/Torres Strait Islander Body area falls within the external boundary of this determination as at 23 December 2021.

Representative ATSI Body Region	Representative ATSI Body Organisation	Area Overlap (Sq km)	% WCD2017/010 Overlapping ATSI Body
Pilbara	Yamatji Marlpa Aboriginal Corporation	2462.182	100.00

### **Local Government Authority**

Three (3) Local Government Authorities fall within the external boundary of this determination as at 23 December 2021.

Local Government Authority	Area Overlap (Sq km)	% WCD2017/010 Overlapping LGA
Shire of Ashburton	2252.597	91.49
Shire of East Pilbara	8.784	0.36
Town of Port Hedland	200.789	8.15





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

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

Applicant

**STATE OF WESTERN AUSTRALIA**

Respondent

Affidavit of: **Michael Woodley**  
Address: 21 Hampton Street  
ROEBOURNE WA 6718  
Occupation: Chief Executive Officer  
Date: 15 February 2022

I, **MICHAEL WOODLEY**, of 21 Hampton Street, Roebourne, in the State of Western Australia, Chief Executive Officer, affirm:

1. I am the Chief Executive Officer of the Yindjibarndi Ngurra Aboriginal Corporation RNTBC (“the Applicant”), and am authorised to make this affidavit on the Applicant’s behalf. I am making this affidavit in compliance with the requirements of subsections 62(5) and (6) of the *Native Title Act 1993* and Regs 4 and 5 of the *Native title (Federal Court) Regulations 1998*.
2. The Applicant believes that native title rights and interests exist or have existed in relation to the area covered by the application.

Handwritten signature of Simon Blackshield.

Handwritten signature of Michael Woodley.

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Filed on behalf of the Applicant  
Prepared by Simon Blackshield  
Law firm: Blackshield Lawyers  
Tel: (08) 9288 4515 / 0414257435  
Email: [simon@blackshield.net](mailto:simon@blackshield.net)

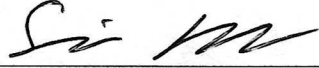
**Address for service**  
Level 28, AMP Tower,  
140 St Georges Terrace PERTH WA 6000



3. The Applicant believes that all of the statements made in the application are true.
4. The Applicant holds the native title rights and interests affected by the acts for which compensation is claimed in the application on trust for the common law holders, as the registered native title body corporate for the Yindjibarndi #1 Determination Area.

AFFIRMED by the Deponent )  
at PERTH )  
in the State of Western Australia )  
on 15 February 2022 )  
Before me: )

  
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Michael Woodley

  
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Simon Charles Blackshield,  
Solicitor of the High Court  
of Australia