

## FEDERAL COURT OF AUSTRALIA

### Smirke on behalf of the Jurruru People v State of Western Australia (No 4)

[2022] FCA 993

File number(s): WAD 490 of 2016  
WAD 537 of 2018  
WAD 538 of 2018

Judgment of: **MORTIMER J**

Date of judgment: 26 August 2022

Catchwords: **NATIVE TITLE** – consent determination – where determination made on the basis of mediation following a contested determination of a separate question – where nominated prescribed body corporate differs from that determined to hold similar native title on behalf of a similar, but not identical, common law native title holding group

Legislation: *Federal Court of Australia Act 1976* (Cth), ss 22, 37M, 37N  
*Native Title Act 1993* (Cth), ss 13(1)(a), 56(2), 57(2), 67(1), 68, 84D(4), 87, 94A, 225  
*Native Title (Prescribed Bodies Corporate) Regulations 1999* (Cth), r 11

Cases cited: *Commonwealth v Clifton* [2007] FCAFC 90; 164 FCR 335  
*Drill on behalf of the Purnululu Native Title Claim Group v State of Western Australia* [2020] FCA 1510  
*Drury on behalf of the Nanda People v State of Western Australia* [2018] FCA 1849  
*Drury on behalf of the Nanda People v State of Western Australia* [2020] FCAFC 69; 276 FCR 203  
*Farrer on behalf of the Ngarrawanji Native Title Claim Group v State of Western Australia (No 4)* [2021] FCA 1497  
*Freddie v Northern Territory* [2017] FCA 867  
*Hughes (on behalf of the Eastern Guruma People) v State of Western Australia* [2007] FCA 365  
*Jones on behalf of the Yinhawangka People v State of Western Australia* [2017] FCA 801  
*Jurruru People v State of Western Australia* [2012] FCA 2  
*Lander v State of South Australia* [2012] FCA 427

*Lovett on behalf of the Gunditjmara People v State of Victoria* [2007] FCA 474

*Moses v Western Australia* [2007] FCAFC 148; 160 FCR 148

*Mouda on behalf of Joombarn-Buru Native Title Claimants v State of Western Australia* [2021] FCA 1233

*Peterson v State of Western Australia* [2013] FCA 518

*Smirke on behalf of the Jurruru People v State of Western Australia (No 2)* [2020] FCA 1728

*Smirke on behalf of the Jurruru People v State of Western Australia (No 3)* [2021] FCA 1122

*Smirke on behalf of the Jurruru People v State of Western Australia* [2015] FCA 939

*Taylor on behalf of the Yamatji Nation Claim v State of Western Australia* [2020] FCA 42

*Thudgari People v State of Western Australia* [2009] FCA 1334

*Ward v State of Western Australia* [2006] FCA 1848

*Wurrunmurra on behalf of the Bunuba People v State of Western Australia* [2015] FCA 1480

Division:	General Division
Registry:	Western Australia
National Practice Area:	Native Title
Number of paragraphs:	59
Date of hearing:	26 August 2022
Counsel for the applicant in WAD537/2018 and WAD538/2018:	Stephen Wright SC
Solicitor for the applicant in WAD537/2019 and WAD538/2018:	Yamatji Marlpa Aboriginal Corporation
Counsel for the applicant in WAD490/2016, the twelfth to fifteenth respondents in WAD537/2018 and the tenth to thirteenth respondents in WAD538/2018:	Tina Jowett
Solicitor for the applicant in	Cross Country Native Title Services

WAD490/2016, the twelfth  
to fifteenth respondents in  
WAD537/2018 and the tenth  
to thirteenth respondents in  
WAD538/2018:

Counsel for the first  
respondent in each  
proceeding:

Griff Ranson SC

Solicitor for the first  
respondent in each  
proceeding:

State Solicitor's Office

## ORDERS

**WAD 537 of 2018**

**BETWEEN:** IVAN SMIRKE, ALEC ALEXANDER AND KELLMAN  
LIMERICK  
Applicant

**AND:** STATE OF WESTERN AUSTRALIA & ORS  
Respondents

**WAD 538 of 2018**

**BETWEEN:** IVAN SMIRKE, ALEC ALEXANDER AND KELLMAN  
LIMERICK  
Applicant

**AND:** STATE OF WESTERN AUSTRALIA & ORS  
Respondents

**WAD 490 of 2016**

**BETWEEN:** ROY TOMMY, NANCY TOMMY, MARY MILLS & ANOR  
Applicant

**AND:** STATE OF WESTERN AUSTRALIA & ORS  
Respondents

**ORDER MADE BY:** MORTIMER J  
**DATE OF ORDER:** 26 AUGUST 2022

### THE COURT NOTES THAT:

- A. Pursuant to s 87(1) of the *Native Title Act 1993* (Cth), the parties have filed with the Court a **Minute** of Proposed Consent Determination of Native Title.
- B. The Minute is in relation to an area covered by the entirety of the applications WAD 490 of 2016 and WAD 538 of 2018 (formerly WAD327/2012) and the balance of application WAD 537 of 2018 (formerly WAD6007/2000) (together, **the Determination Area**).
- C. The Minute reflects the Court's findings in *Smirke on behalf of the Jurruru People v State of Western Australia (No 2)* [2020] FCA 1728 and *Smirke on behalf of the Jurruru*

*People v State of Western Australia (No 3)* [2021] FCA 1122, and also gives effect to agreements subsequently reached by the parties in mediation and after further compromise following mediation.

- D. The terms of the agreement involve the making of consent orders for a determination of native title pursuant to ss 87 and 94A of the *Native Title Act 1993* (Cth) that native title exists in relation to the land and waters of the Determination Area.
- E. The parties acknowledge that the effect of the making of the determination is that the members of the native title claim groups, in accordance with the traditional laws acknowledged and the traditional customs observed by them, should be recognised as the native title holders for the Determination Area as set out in the determination.

**BEING SATISFIED** that a determination of native title in the terms set out in Attachment A would be within the power of the Court and, it appearing to the Court appropriate to do so, pursuant to sections 87 and 94A of the *Native Title Act 1993* (Cth) and by the consent of the parties:

**THE COURT ORDERS THAT:**

1. There be a determination of native title in the terms proposed in these orders, despite any actual or arguable defect in the authorisation of the applicant in WAD 490 of 2016 to seek and agree to a consent determination pursuant to s 87 of the *Native Title Act 1993* (Cth).

**BY CONSENT THE COURT ORDERS THAT:**

1. Pursuant to subsection 67(1) of the *Native Title Act 1993* (Cth), proceedings WAD 490 of 2016, WAD 537 of 2018 and WAD 538 of 2018 be determined together.
2. In relation to the Determination Area, there be a determination of native title in WAD 490 of 2016, WAD 537 of 2018 and WAD 538 of 2018 in the terms provided for in Attachment A ('the determination').
3. In respect of the Yinhawangka Area (as defined in paragraph 14 of the determination), the Gobawarra Yinhawangka Aboriginal Corporation (ICN 9813) shall hold the determined Yinhawangka native title in trust for the Yinhawangka People pursuant to section 56(2)(b) of the *Native Title Act 1993* (Cth).
4. In respect of the Jurruru Area (as defined in paragraph 14 of the determination), the Jurruru Aboriginal Corporation RNTBC (ICN 8251) shall hold the determined Jurruru native title in trust for the Jurruru People pursuant to section 56(2)(b) of the *Native Title Act 1993* (Cth).
5. In respect of the Overlap Area (as defined in paragraph 14 of the determination), the Gobawarra Yinhawangka Aboriginal Corporation (ICN 9813) shall hold the determined Yinhawangka native title in trust for the Yinhawangka People pursuant to section 56(2)(b) of the *Native Title Act 1993* (Cth) and the Jurruru Aboriginal Corporation RNTBC (ICN 8251) shall hold the determined Jurruru native title in trust for the Jurruru People pursuant to section 56(2)(b) of the *Native Title Act 1993* (Cth).
6. Within 28 days of the Agreement, which forms Schedule Seven to the determination, being executed by the Gobawarra Yinhawangka Aboriginal Corporation (ICN 9813) and the Jurruru Aboriginal Corporation RNTBC (ICN 8251), the Gobawarra

Yinhawangka Aboriginal Corporation (ICN 9813) shall file and serve a document notifying the Court and parties of that fact.

7. Order 5 of these Orders and paragraph 5 of the determination shall not take effect unless and until the notice in Order 6 has been filed.
8. In the event the Agreement referred to in Order 6 has not been executed within 6 months of the date of these Orders, or such later time as this Court may order, the matter is to be listed for further directions.
9. Subject to Order 10, there be no order as to costs.
10. The question of costs against Yamatji Marlpa Aboriginal Corporation (ICN 2001) in WAD 490 of 2016, WAD 537 of 2018 and WAD 538 of 2018 be reserved, subject to the filing of the interlocutory application(s) contemplated by the order of Mortimer J dated 24 February 2022 in proceeding WAD 490 of 2016.

Note: Entry of orders is dealt with in Rule 39.32 of the *Federal Court Rules 2011*.

## ATTACHMENT A

### DETERMINATION

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

##### Existence of native title: section 225 Native Title Act

1. Subject to paragraph 2, Jurruru native title and Yinhawangka native title exist in the Determination Area in the manner set out in paragraphs 6 and 7 of this determination.
2. No native title exists in those parts of the Determination Area that are identified in Schedule Three.

##### Native title holders: section 225(a) Native Title Act

3. In the Yinhawangka Area, Yinhawangka native title is held by the Yinhawangka People.
4. In the Jurruru Area, Jurruru native title is held by the Jurruru People.
5. In the Overlap Area:
  - (a) Yinhawangka native title is held by the Yinhawangka People; and
  - (b) Jurruru native title is held by the Jurruru People.

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

6. Subject to paragraphs 2, 8, 9, 10 and 13, the nature and extent of the Yinhawangka native title in relation to the **Yinhawangka Area** and the **Overlap Area** is that it confers the following non-exclusive rights, including the right to conduct activities necessary to give effect to them, on the Yinhawangka People:
  - (a) the right to live, being to enter and remain on the land, to camp and erect shelters and other structures for that purpose, and travel over and visit any part of the land and waters;
  - (b) the right to hunt, fish, gather, take and use the traditional resources;
  - (c) the right to take and use water;
  - (d) the right to engage in cultural activities and the transmission of cultural knowledge, including:
    - (i) visiting places of cultural or spiritual importance and maintaining, caring for, and protecting those places by carrying out activities to preserve their physical or spiritual integrity; and



- (ii) conducting ceremony and ritual, including burial and burial rites; and
  - (e) the right to be accompanied by those people who, though not native title holders and who (for the avoidance of doubt) cannot themselves exercise any native title right, are:
    - (i) spouses, parents or children of the native title holders; or
    - (ii) people required by or entering in connection with traditional law and custom for the performance of ceremonies or cultural activities.
7. Subject to paragraphs 2, 8, 9, 10 and 13, the nature and extent of the Jurruru native title in relation to the **Jurruru Area** and the **Overlap Area** is that it confers the following non-exclusive rights, including the right to conduct activities necessary to give effect to them, on the Jurruru People:
- (a) the right to enter and remain on the land, camp, erect temporary shelters, and travel over and visit any part of the land and waters;
  - (b) the right to hunt, fish, gather, take and use the traditional resources;
  - (c) the right to take and use water;
  - (d) the right to engage in cultural activities, including:
    - (i) visiting places of cultural or spiritual importance and maintaining, caring for, and protecting those places by carrying out activities to preserve their physical or spiritual integrity; and
    - (ii) conducting ceremony and ritual; and
  - (e) the right to be accompanied by those people who, though not Jurruru People, are:
    - (i) spouses, parents or descendant of one or more Jurruru person; or
    - (ii) people required by traditional law and custom for the performance of ceremonies or cultural activities.

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

8. The native title rights and interests are subject to and exercisable in accordance with:
- (a) the laws of the State and the Commonwealth, including the common law; and
  - (b) the traditional laws and customs of the Yinhawangka People and/or the Jurruru People (as the case may be) for personal, domestic and communal purposes (including social, cultural, religious, spiritual and ceremonial purposes).

9. Notwithstanding anything in this determination, there are no native title rights and interests in the Determination Area in relation to:
- (a) minerals as defined in the *Mining Act 1904* (WA) (repealed) and in the *Mining Act 1978* (WA), except to the extent that ochre is not a mineral pursuant to the *Mining Act 1904* (WA);
  - (b) petroleum as defined in the *Petroleum Act 1936* (WA) (repealed) and 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) water lawfully captured by the holders of the Other Interests.
10. The native title rights and interests set out in paragraphs 6 and 7 do not confer:
- (a) possession, occupation, use and enjoyment on the Yinhawangka People or the Jurruru People to the exclusion of all others; or
  - (b) a right to control access to, or use of, the land and waters of the Determination Area or its resources.

#### **Areas to which ss 47, 47A or 47B of the Native Title Act applies**

11. For the avoidance of doubt, sections 47, 47A and 47B of the *Native Title Act* do not apply to disregard any prior extinguishment in relation to the Determination Area.

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

12. The nature and extent of the Other Interests are described in Schedule Four.

#### **Relationship between native title rights and Other Interests**

13. Except as otherwise provided for by law, the relationship between the native title rights and interests described in paragraphs 6 and 7 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**

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

**"Determination Area"** means the land and waters described in Part 1 of Schedule One and depicted on the map at Schedule Two;

**"Jurruru Area"** means the land and waters depicted with a green hatch pattern in the map at Schedule Two;

**"Jurruru People"** means the people described in Schedule Six;

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

**"Native Title Act"** means the *Native Title Act 1993 (Cth)*;

**"Other Interests"** means the legal or equitable estates or interests and other rights in relation to the Determination Area described in Schedule Four and referred to in paragraph 12;

**"Overlap Area"** means the land and waters described in Part 2 of Schedule One and depicted by way of a blue cross-hatch pattern in the map at Schedule Two;

**"resources"** means flora, fauna, and other natural resources such as charcoal, stone, soil, sand, clay, gravel, timber, resin and ochre (except, for the avoidance of doubt, ochres for use in the manufacture of porcelain, fine pottery or pigments which are minerals pursuant to the *Mining Act 1904 (WA)* (repealed));

**"Titles Validation Act"** means the *Titles (Validation) and Native Title (Effect of Past Acts) Act 1995 (WA)*;

**"use"** does not include use by way of trade;

"**waters**" has the same meaning as in the *Native Title Act*;

"**Yinhawangka Area**" means the land and waters depicted with a purple hatch pattern in the map at Schedule Two; and

"**Yinhawangka People**" means the people described in Schedule Five.

15. In the event of any inconsistency between the written description of an area in Schedule One, Three or Four and the area as depicted on the map at Schedule Two, the written description prevails.

## **SCHEDULE ONE**

### **Part 1 – External boundary of the determination area**

The Determination Area, generally shown as bordered in blue on the map at Schedule Two, comprises all land and waters bounded by the following description:

All those land and waters commencing at Latitude 23.067387 South, Longitude 117.161894 East being a point on the present boundary of Native Title Determination WAD340/2010 Yinhawangka Part A (WCD2017/003) and extending generally southeasterly along the boundaries of that native title determination to Latitude 23.101992 South, Longitude 117.229480 East being a point on the present boundary of Native Title Determination WAD216/2010 Yinhawangka Part B (WCD2017/003); Then generally southerly and generally southeasterly along the boundaries of that native title determination to Latitude 23.701669 South, Longitude 117.739187 East being a point on the present boundary of Native Title Determination WAD72/1998 Nharnuwangga Wajarri and Ngarlawangga (WCD2000/001); Then southwesterly along the boundary of that native title determination to Latitude 23.716124 South being a point on the eastern boundary of Pastoral Lease N049718 (Mininer); Then southwesterly to Latitude 23.727920 South, Longitude 117.694158 East; Then southwesterly to a southern boundary of Pastoral Lease N049718 (Mininer) at Longitude 117.669525 East being a point on the present boundary of Native Title Determination WAD72/1998 Nharnuwangga Wajarri and Ngarlawangga (WCD2000/001); Then generally southwesterly along the boundaries of that native title determination to an eastern boundary of Pastoral Lease N050510 (Pingandy) at Latitude 23.835574 South; Then generally southwesterly through the following coordinate points:

<b>LATITUDE (SOUTH)</b>	<b>LONGITUDE (EAST)</b>
23.855564	117.459929
23.891595	117.393929
23.924224	117.345668
23.946174	117.304098

Then southwesterly to Latitude 23.952345 South, Longitude 117.294870 East being a point on the present boundary of Native Title Determination WAD6007/2000 Jurruru People Part A (WCD2015/002); Then generally southwesterly, generally northwesterly and generally northerly along the boundaries of the native title determination to Latitude 23.098784 South,

Longitude 117.169473 East being a point on the boundary of Native Title Determination WAD126/2005 Puutu Kunti Kurrama and Pinikura 2 (WCD2015/003); Then northwesterly along the boundary of that native title determination back to the commencement point.

**Note:**                **Geographic Coordinates provided in Decimal Degrees.**  
                          **All referenced Deposited Plans and Diagrams are held by the Western Australian Land Information Authority, trading as Landgate.**  
                          **Cadastral boundaries sourced from Landgate's Spatial Cadastral Database dated 1<sup>st</sup> October 2021.**

For the avoidance of doubt, the Determination Area excludes any land and waters the subject of the following native title determinations:

- Native Title Determination WAD126/2005 Puutu Kunti Kurrama and Pinikura #2 (WCD2015/003) as determined in the Federal Court on 02/09/2015.
- Native Title Determination WAD340/2020 Yinhawangka Part A (WCD2017/003) as determined in the Federal Court on 18/07/2017.
- Native Title Determination WAD216/2010 Yinhawangka Part B (WCD2017/003) as determined in the Federal Court on 18/07/2017.
- Native Title Determination WAD72/1998 Nharnuwangga Wajarri and Ngarlawangga (WCD2000/001) as determined in the Federal Court on 29/08/2000.
- Native Title Determination WAD6007/2000 Jurruru People Part A (WCD2015/002) as determined in the Federal Court on 01/09/2015.

**Datum:**                **Geocentric Datum of Australia 2020 (GDA2020)**  
**Prepared By:**      **Graphic Services (Landgate) 8<sup>th</sup> November 2021**

**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.

## Part 2 – Description of the overlap area

All those lands and waters commencing at the intersection of an eastern boundary of Native Title Determination WAD6007/2000 Jurruru People Part A (WCD2015/002) with Latitude 23.451864 South and extending northeasterly along the boundary of that native title determination to Latitude 23.389912 South; Then generally southeasterly through the following coordinate points:

LATITUDE (SOUTH)	LONGITUDE (EAST)
23.390572	117.154045
23.390601	117.154151
23.390636	117.154256
23.390677	117.154358
23.390723	117.154457
23.390774	117.154553
23.390829	117.154646
23.390890	117.154736
23.392146	117.156483
23.392216	117.156575
23.392292	117.156662
23.392372	117.156744
23.393792	117.158109
23.393869	117.158179
23.393949	117.158245
23.394033	117.158305
23.394120	117.158360
23.394210	117.158410
23.394302	117.158455
23.394396	117.158493
23.394492	117.158527
23.397822	117.159564
23.397922	117.159592
23.398024	117.159613
23.398126	117.159629
23.398229	117.159638
23.398332	117.159640
23.398436	117.159636
23.400785	117.159472
23.400896	117.159461

LATITUDE (SOUTH)	LONGITUDE (EAST)
23.401007	117.159442
23.401116	117.159416
23.401224	117.159382
23.401329	117.159341
23.401432	117.159293
23.401529	117.159240
23.401532	117.159239
23.401628	117.159178
23.401721	117.159110
23.401810	117.159037
23.401894	117.158957
23.402517	117.158335
23.402536	117.158445
23.402692	117.160316
23.402705	117.160434
23.402725	117.160551
23.402751	117.160667
23.402784	117.160781
23.402823	117.160892
23.402868	117.161001
23.402920	117.161106
23.404501	117.164124
23.404596	117.167516
23.404602	117.167624
23.404613	117.167733
23.404630	117.167840
23.404653	117.167946
23.404681	117.168051
23.404714	117.168154
23.405697	117.170940

LATITUDE (SOUTH)	LONGITUDE (EAST)
23.405739	117.171048
23.405786	117.171153
23.405840	117.171255
23.405898	117.171353
23.405962	117.171447
23.406031	117.171537
23.406105	117.171623
23.406184	117.171703
23.406267	117.171778
23.406353	117.171848
23.406444	117.171912
23.406538	117.171970
23.408459	117.173074
23.409722	117.174525
23.409733	117.174537
23.410971	117.175991
23.411048	117.176076
23.411129	117.176155
23.411215	117.176229
23.411305	117.176298
23.411398	117.176360
23.411494	117.176416
23.411594	117.176466
23.411696	117.176509
23.411801	117.176545
23.411907	117.176574
23.412015	117.176596
23.412123	117.176611
23.412233	117.176619
23.412342	117.176620
23.412452	117.176614
23.412561	117.176600
23.412669	117.176579
23.412775	117.176551
23.414249	117.176114
23.414358	117.176078
23.414464	117.176035
23.414567	117.175984
23.414667	117.175927
23.414764	117.175863
23.414857	117.175792

LATITUDE (SOUTH)	LONGITUDE (EAST)
23.414946	117.175715
23.415029	117.175633
23.415108	117.175544
23.415182	117.175451
23.415250	117.175353
23.415313	117.175250
23.415369	117.175143
23.415419	117.175033
23.415462	117.174919
23.415499	117.174803
23.415529	117.174685
23.415748	117.173702
23.415762	117.173629
23.416308	117.170680
23.416325	117.170573
23.416337	117.170464
23.416406	117.169595
23.416507	117.169619
23.417082	117.170019
23.417764	117.171462
23.418137	117.172386
23.418196	117.172666
23.418164	117.172765
23.418138	117.172867
23.418116	117.172970
23.418100	117.173074
23.417982	117.173965
23.417831	117.174504
23.417803	117.174617
23.417781	117.174731
23.417766	117.174847
23.417756	117.174964
23.417754	117.175081
23.417757	117.175197
23.417767	117.175314
23.417784	117.175429
23.417807	117.175544
23.417836	117.175656
23.417871	117.175767
23.418063	117.176314
23.418104	117.176422



<b>LATITUDE (SOUTH)</b>	<b>LONGITUDE (EAST)</b>
23.418152	117.176528
23.418205	117.176630
23.418264	117.176729
23.418328	117.176824
23.418397	117.176914
23.418998	117.177651
23.419076	117.177741
23.419159	117.177826
23.419247	117.177905
23.420214	117.178714
23.420553	117.179222
23.420614	117.179308
23.420679	117.179390
23.420748	117.179468
23.420821	117.179542
23.420898	117.179612
23.420978	117.179677
23.421061	117.179737
23.421594	117.180096
23.421697	117.180355
23.421738	117.180451
23.421784	117.180544
23.421834	117.180634
23.421889	117.180721
23.421948	117.180804
23.422657	117.181760
23.422723	117.181843
23.422793	117.181923
23.422866	117.181998
23.422944	117.182068
23.423708	117.182723
23.423784	117.182784
23.423862	117.182841
23.423943	117.182894
23.424026	117.182941
23.424112	117.182984
23.424552	117.183191
23.424785	117.183521
23.424857	117.183617
23.424934	117.183708
23.425017	117.183793

<b>LATITUDE (SOUTH)</b>	<b>LONGITUDE (EAST)</b>
23.425104	117.183873
23.425196	117.183946
23.425292	117.184013
23.425392	117.184073
23.425494	117.184126
23.426490	117.184601
23.427692	117.185483
23.427727	117.185509
23.427736	117.185515
23.428965	117.186361
23.429034	117.186407
23.430409	117.187263
23.430706	117.187660
23.430850	117.188185
23.430880	117.188285
23.430915	117.188384
23.430955	117.188480
23.430999	117.188574
23.431048	117.188665
23.431102	117.188753
23.431948	117.190063
23.432011	117.190154
23.432078	117.190241
23.432150	117.190324
23.432226	117.190402
23.432306	117.190475
23.432390	117.190542
23.432477	117.190605
23.434388	117.191888
23.434480	117.191946
23.434575	117.191998
23.434673	117.192044
23.434774	117.192083
23.436105	117.192559
23.437559	117.193520
23.438458	117.194225
23.439814	117.195462
23.439921	117.195612
23.439921	117.196666
23.439924	117.196788
23.439935	117.196910

LATITUDE (SOUTH)	LONGITUDE (EAST)
23.439952	117.197031
23.439977	117.197150
23.440008	117.197268
23.440046	117.197383
23.440091	117.197495
23.440142	117.197605
23.440199	117.197710
23.440262	117.197811
23.441009	117.198935
23.441067	117.199016
23.441128	117.199095
23.441193	117.199170
23.441261	117.199240
23.441333	117.199307
23.442930	117.200718
23.443011	117.200786
23.443096	117.200848
23.443183	117.200905
23.443274	117.200957
23.443367	117.201003
23.445336	117.201908
23.445442	117.201953
23.445550	117.201990
23.445661	117.202019
23.445772	117.202042
23.445885	117.202056
23.445999	117.202063
23.446112	117.202062
23.446226	117.202053
23.446338	117.202037
23.446450	117.202013
23.446559	117.201981
23.446667	117.201942
23.446772	117.201896
23.446875	117.201843
23.446974	117.201782
23.447069	117.201715
23.447652	117.201279
23.448072	117.201164
23.448779	117.201098
23.448890	117.201084

LATITUDE (SOUTH)	LONGITUDE (EAST)
23.449000	117.201062
23.449108	117.201033
23.449215	117.200997
23.449319	117.200954
23.449421	117.200904
23.449520	117.200847
23.449615	117.200784
23.449706	117.200714
23.449794	117.200639
23.449876	117.200557
23.449955	117.200471
23.450540	117.199779
23.450609	117.199693
23.450672	117.199603
23.450731	117.199509
23.450785	117.199412
23.450833	117.199311
23.450876	117.199208
23.450914	117.199102
23.450945	117.198993
23.450971	117.198883
23.451840	117.199011
23.451950	117.199024
23.452061	117.199029
23.452171	117.199027
23.452281	117.199017
23.452391	117.199001
23.452499	117.198977
23.452606	117.198945
23.452710	117.198907
23.452813	117.198862
23.452913	117.198811
23.453009	117.198752
23.453102	117.198688
23.453192	117.198617
23.453277	117.198541
23.453357	117.198459
23.453433	117.198372
23.453504	117.198280
23.453570	117.198184
23.453630	117.198083

LATITUDE (SOUTH)	LONGITUDE (EAST)
23.453684	117.197979
23.454057	117.197207
23.454089	117.197133
23.454169	117.197202
23.454252	117.197265
23.454338	117.197324
23.454428	117.197377
23.454520	117.197424
23.454614	117.197466
23.455830	117.197963
23.456407	117.198276
23.457609	117.198928
23.457614	117.198931
23.458313	117.199308
23.459041	117.200250
23.459358	117.201182
23.459397	117.201286
23.459440	117.201386
23.459489	117.201484
23.459543	117.201579
23.460767	117.203602
23.460819	117.203683
23.460874	117.203761
23.460934	117.203836
23.460996	117.203908
23.462167	117.205185
23.462245	117.205266
23.462327	117.205340
23.462414	117.205410
23.462503	117.205474
23.462597	117.205532
23.462693	117.205584
23.462792	117.205629
23.464176	117.206215
23.464278	117.206254
23.464382	117.206287
23.464488	117.206313
23.466381	117.206712
23.467213	117.207028
23.467838	117.207422
23.468519	117.208838

LATITUDE (SOUTH)	LONGITUDE (EAST)
23.468893	117.210314
23.468909	117.210373
23.468912	117.210380
23.469022	117.210761
23.468750	117.211577
23.468718	117.211683
23.468691	117.211790
23.468670	117.211899
23.468655	117.212008
23.468646	117.212119
23.468642	117.212230
23.468645	117.212341
23.468698	117.213486
23.468705	117.213588
23.468812	117.214706
23.468827	117.214827
23.468849	117.214947
23.468878	117.215065
23.468913	117.215181
23.468955	117.215295
23.469004	117.215405
23.469059	117.215512
23.469120	117.215615
23.469187	117.215713
23.469259	117.215807
23.469337	117.215896
23.469419	117.215979
23.469507	117.216057
23.469598	117.216128
23.469693	117.216194
23.469792	117.216252
23.469895	117.216304
23.470000	117.216349
23.470107	117.216386
23.470216	117.216417
23.470327	117.216440
23.470439	117.216455
23.470552	117.216462
23.470664	117.216463
23.470777	117.216455
23.470889	117.216440

LATITUDE (SOUTH)	LONGITUDE (EAST)
23.471000	117.216417
23.471109	117.216387
23.471216	117.216349
23.471321	117.216305
23.471424	117.216253
23.471523	117.216194
23.471618	117.216129
23.471710	117.216058
23.472668	117.215259
23.472736	117.215200
23.472801	117.215137
23.472863	117.215071
23.474007	117.213793
23.474037	117.213760
23.474107	117.213673
23.474166	117.213594
23.474948	117.214261
23.475033	117.214329
23.475122	117.214392
23.475214	117.214450
23.475310	117.214501
23.475407	117.214546
23.475507	117.214585
23.476945	117.215090
23.477032	117.215118
23.477120	117.215142
23.477210	117.215160
23.477300	117.215174
23.478604	117.215333
23.478708	117.215343
23.478812	117.215346
23.478916	117.215342
23.480541	117.215236
23.480656	117.215224
23.480715	117.215215
23.482099	117.214975
23.482199	117.214955
23.482297	117.214928
23.482394	117.214896
23.482489	117.214858
23.482582	117.214813

LATITUDE (SOUTH)	LONGITUDE (EAST)
23.482673	117.214764
23.483397	117.215285
23.483460	117.215328
23.483525	117.215369
23.485064	117.216287
23.486067	117.217104
23.487413	117.218330
23.488737	117.219973
23.489920	117.221550
23.490704	117.222933
23.490799	117.223425
23.490822	117.223528
23.490850	117.223630
23.490883	117.223730
23.490921	117.223828
23.490963	117.223923
23.491011	117.224016
23.491928	117.225706
23.492237	117.226690
23.492419	117.228194
23.492598	117.231047
23.492598	117.232569
23.492472	117.234078
23.492465	117.234201
23.492466	117.234323
23.492473	117.234445
23.492488	117.234567
23.492509	117.234687
23.492537	117.234806
23.492660	117.235260
23.492501	117.235898
23.492481	117.235984
23.492465	117.236071
23.492453	117.236158
23.492373	117.236823
23.492362	117.236938
23.492358	117.237052
23.492360	117.237167
23.492408	117.238277
23.492283	117.240184
23.492278	117.240295

<b>LATITUDE (SOUTH)</b>	<b>LONGITUDE (EAST)</b>
23.492280	117.240407
23.492287	117.240518
23.492300	117.240629
23.492319	117.240738
23.492585	117.242069
23.492612	117.242187
23.492646	117.242302
23.492686	117.242415
23.492732	117.242524
23.492785	117.242631
23.493406	117.243801
23.493325	117.243856
23.493246	117.243915
23.493171	117.243979
23.493099	117.244047
23.492807	117.244340
23.492729	117.244423
23.492655	117.244511
23.492587	117.244603
23.492524	117.244700
23.492467	117.244801
23.492415	117.244905
23.492369	117.245013
23.492329	117.245123
23.492296	117.245236
23.492269	117.245350
23.492248	117.245467
23.492234	117.245584
23.492101	117.247021
23.492094	117.247131
23.492092	117.247241
23.492096	117.247351
23.492106	117.247461
23.492121	117.247570
23.492466	117.249611
23.492704	117.251094
23.492727	117.251212
23.492756	117.251328
23.492792	117.251443
23.492834	117.251555
23.492882	117.251663

<b>LATITUDE (SOUTH)</b>	<b>LONGITUDE (EAST)</b>
23.492937	117.251769
23.492997	117.251870
23.493063	117.251967
23.493135	117.252060
23.493211	117.252148
23.493293	117.252230
23.493379	117.252307
23.493469	117.252378
23.493563	117.252442
23.493661	117.252501
23.493761	117.252552
23.493865	117.252597
23.493970	117.252635
23.494078	117.252666
23.494937	117.252881
23.495160	117.252966
23.495228	117.253081
23.495274	117.253425
23.494834	117.253587
23.494730	117.253630
23.494627	117.253679
23.494528	117.253735
23.494433	117.253798
23.494341	117.253867
23.494253	117.253942
23.494170	117.254023
23.494091	117.254110
23.494018	117.254201
23.493949	117.254297
23.493887	117.254398
23.493830	117.254502
23.493780	117.254610
23.493735	117.254722
23.493698	117.254836
23.493666	117.254952
23.493642	117.255071
23.493624	117.255190
23.493613	117.255311
23.493609	117.255432
23.493612	117.255553
23.493622	117.255674

LATITUDE (SOUTH)	LONGITUDE (EAST)
23.493638	117.255794
23.493662	117.255913
23.493692	117.256029
23.493729	117.256144
23.493772	117.256256
23.493822	117.256364
23.494663	117.258071
23.494427	117.258639
23.493719	117.259713
23.493067	117.260652
23.493005	117.260748
23.492948	117.260848
23.492896	117.260951
23.492850	117.261058
23.492811	117.261167
23.492777	117.261279
23.492750	117.261393
23.492729	117.261508
23.492714	117.261625
23.492706	117.261742
23.492704	117.261860
23.492709	117.261977
23.492721	117.262094
23.492738	117.262210
23.492763	117.262325
23.492793	117.262438
23.492830	117.262548
23.493256	117.263719
23.493299	117.263829
23.493349	117.263935
23.493404	117.264038
23.493465	117.264137
23.493531	117.264232
23.493603	117.264323
23.493680	117.264408
23.493761	117.264488
23.493847	117.264563
23.493936	117.264632
23.494859	117.265297
23.495016	117.265504
23.494896	117.265760

LATITUDE (SOUTH)	LONGITUDE (EAST)
23.494850	117.265867
23.494810	117.265976
23.494775	117.266088
23.494747	117.266202
23.494726	117.266318
23.494711	117.266435
23.494702	117.266553
23.494700	117.266671
23.494705	117.266789
23.494758	117.267587
23.494769	117.267702
23.494786	117.267816
23.494809	117.267928
23.494838	117.268039
23.494874	117.268148
23.494915	117.268255
23.494961	117.268358
23.495014	117.268459
23.495071	117.268556
23.495134	117.268649
23.495790	117.269562
23.495996	117.270388
23.495955	117.271689
23.495842	117.272728
23.495267	117.273963
23.495222	117.274067
23.495182	117.274175
23.495149	117.274284
23.494936	117.275056
23.494908	117.275171
23.494886	117.275287
23.494871	117.275405
23.494862	117.275523
23.494860	117.275642
23.494865	117.275761
23.494876	117.275879
23.494894	117.275996
23.494919	117.276112
23.494949	117.276226
23.494987	117.276338
23.495030	117.276447

LATITUDE (SOUTH)	LONGITUDE (EAST)
23.495079	117.276553
23.495135	117.276656
23.495196	117.276755
23.495262	117.276849
23.495333	117.276939
23.495410	117.277024
23.495491	117.277104
23.495576	117.277179
23.497346	117.278632
23.497718	117.278949
23.497735	117.279037
23.497735	117.280754
23.497736	117.280844
23.497741	117.280914
23.497847	117.282325
23.497858	117.282435
23.497875	117.282545
23.497898	117.282653
23.497926	117.282760
23.497960	117.282865
23.497999	117.282967
23.498044	117.283067
23.498094	117.283164
23.499025	117.284868
23.499075	117.284954
23.499129	117.285037
23.499672	117.285828
23.500173	117.286924
23.500297	117.288227
23.500418	117.289839
23.500357	117.290760
23.499830	117.292965
23.499806	117.293080
23.499788	117.293196
23.499777	117.293312
23.499772	117.293429
23.499774	117.293547
23.499782	117.293664
23.499933	117.295197
23.499516	117.297726
23.499503	117.297823

LATITUDE (SOUTH)	LONGITUDE (EAST)
23.499494	117.297921
23.499489	117.298019
23.499489	117.298117
23.499524	117.299714
23.499530	117.299825
23.499541	117.299936
23.499558	117.300045
23.499580	117.300153
23.499609	117.300260
23.499642	117.300365
23.499980	117.301320
23.500008	117.301659
23.499830	117.302874
23.499817	117.302985
23.499809	117.303098
23.499808	117.303211
23.499813	117.303324
23.499823	117.303436
23.499840	117.303547
23.499862	117.303657
23.499890	117.303766
23.500352	117.305363
23.500389	117.305478
23.500432	117.305591
23.500482	117.305700
23.500538	117.305806
23.500600	117.305908
23.500668	117.306006
23.500741	117.306098
23.500820	117.306186
23.500903	117.306268
23.500991	117.306344
23.501083	117.306414
23.501179	117.306478
23.501279	117.306535
23.501381	117.306586
23.501486	117.306629
23.501594	117.306666
23.501703	117.306694
23.501814	117.306716
23.501926	117.306730

LATITUDE (SOUTH)	LONGITUDE (EAST)
23.502038	117.306736
23.502151	117.306735
23.502263	117.306726
23.502375	117.306709
23.502485	117.306685
23.502594	117.306654
23.502701	117.306615
23.502725	117.306606
23.502940	117.306915
23.503009	117.307008
23.503083	117.307097
23.503162	117.307180
23.503245	117.307258
23.503333	117.307330
23.503424	117.307396
23.503519	117.307456
23.503617	117.307510
23.503718	117.307557
23.503822	117.307598
23.503927	117.307631
23.504034	117.307658
23.504143	117.307677
23.504252	117.307690
23.504362	117.307695
23.504472	117.307692
23.504582	117.307683
23.504691	117.307666
23.504798	117.307642
23.504905	117.307611
23.505009	117.307573
23.505111	117.307528
23.505210	117.307477
23.505306	117.307419
23.506406	117.306709
23.506493	117.306650
23.506577	117.306585
23.506657	117.306515
23.506733	117.306440
23.506805	117.306360
23.506873	117.306276
23.507796	117.305070

LATITUDE (SOUTH)	LONGITUDE (EAST)
23.507866	117.304972
23.507930	117.304870
23.507988	117.304764
23.508040	117.304653
23.508085	117.304540
23.508124	117.304424
23.508156	117.304305
23.508180	117.304184
23.508198	117.304062
23.508209	117.303939
23.508212	117.303815
23.508208	117.303692
23.508197	117.303569
23.508090	117.302674
23.508525	117.302742
23.508616	117.302753
23.508707	117.302760
23.508798	117.302761
23.508848	117.303261
23.508945	117.304946
23.508955	117.305057
23.508970	117.305168
23.508991	117.305277
23.509017	117.305384
23.509049	117.305490
23.509548	117.306987
23.509585	117.307088
23.509627	117.307187
23.509673	117.307283
23.509725	117.307376
23.509781	117.307466
23.509842	117.307552
23.509907	117.307635
23.509976	117.307713
23.510810	117.308608
23.511231	117.309162
23.511631	117.310124
23.511673	117.310216
23.511718	117.310306
23.511768	117.310393
23.512562	117.311700



LATITUDE (SOUTH)	LONGITUDE (EAST)
23.512339	117.311952
23.512265	117.312041
23.512196	117.312135
23.512133	117.312233
23.512075	117.312335
23.512023	117.312441
23.511977	117.312550
23.511937	117.312662
23.511904	117.312777
23.511877	117.312893
23.511644	117.314058
23.511626	117.314167
23.511613	117.314277
23.511605	117.314387
23.511604	117.314498
23.511608	117.314609
23.511618	117.314719
23.511634	117.314829
23.511655	117.314937
23.511682	117.315044
23.511809	117.315496
23.511239	117.315603
23.511132	117.315627
23.511027	117.315658
23.510923	117.315695
23.510822	117.315739
23.510723	117.315790
23.510628	117.315847
23.510535	117.315911
23.510447	117.315980
23.510362	117.316055
23.510282	117.316135
23.510206	117.316220
23.510136	117.316311
23.510070	117.316405
23.510010	117.316504
23.509955	117.316606
23.509907	117.316712
23.509864	117.316821
23.509565	117.317653
23.509526	117.317770

LATITUDE (SOUTH)	LONGITUDE (EAST)
23.509495	117.317889
23.509471	117.318009
23.509454	117.318132
23.509444	117.318255
23.509441	117.318378
23.509445	117.318502
23.509457	117.318625
23.509475	117.318747
23.509501	117.318867
23.509679	117.319594
23.509607	117.319732
23.509555	117.319841
23.509508	117.319954
23.509469	117.320070
23.509436	117.320188
23.509410	117.320308
23.509391	117.320429
23.509379	117.320552
23.509374	117.320675
23.509377	117.320798
23.509386	117.320921
23.509403	117.321043
23.509465	117.321412
23.509377	117.323043
23.509374	117.323153
23.509377	117.323264
23.509385	117.323374
23.509400	117.323484
23.509420	117.323592
23.509445	117.323700
23.509476	117.323805
23.509842	117.324936
23.509877	117.325035
23.509916	117.325131
23.509960	117.325224
23.510009	117.325315
23.510062	117.325403
23.510827	117.326601
23.510894	117.326699
23.510966	117.326792
23.511043	117.326880

LATITUDE (SOUTH)	LONGITUDE (EAST)
23.511125	117.326962
23.511212	117.327039
23.511302	117.327110
23.511397	117.327175
23.511496	117.327233
23.511597	117.327284
23.511701	117.327329
23.511808	117.327367
23.511916	117.327397
23.512026	117.327420
23.512137	117.327435
23.512249	117.327443
23.512361	117.327444
23.512472	117.327437
23.512584	117.327422
23.512694	117.327400
23.512802	117.327371
23.512909	117.327334
23.513014	117.327291
23.513115	117.327240
23.513214	117.327183
23.514013	117.326684
23.514104	117.326622
23.514193	117.326555
23.514277	117.326482
23.514357	117.326404
23.514433	117.326321
23.514504	117.326233
23.514570	117.326141
23.514631	117.326044
23.514686	117.325944
23.514736	117.325841
23.515435	117.324277
23.515475	117.324181
23.515510	117.324083
23.515540	117.323983
23.515566	117.323882
23.515765	117.322983
23.515786	117.322875
23.515802	117.322767
23.515811	117.322657

LATITUDE (SOUTH)	LONGITUDE (EAST)
23.515851	117.322018
23.515956	117.321993
23.516060	117.321960
23.516161	117.321921
23.516260	117.321876
23.516357	117.321824
23.516746	117.321598
23.516799	117.321712
23.516773	117.321820
23.516753	117.321930
23.516738	117.322041
23.516730	117.322152
23.516727	117.322264
23.516730	117.322376
23.516740	117.322487
23.516755	117.322598
23.516775	117.322708
23.516781	117.322731
23.516591	117.323098
23.516540	117.323205
23.516495	117.323315
23.516456	117.323428
23.516424	117.323544
23.516398	117.323661
23.516379	117.323780
23.516367	117.323900
23.516362	117.324020
23.516363	117.324141
23.516371	117.324261
23.516504	117.325625
23.516520	117.325746
23.516542	117.325865
23.516571	117.325983
23.516607	117.326099
23.516649	117.326212
23.516698	117.326322
23.516753	117.326428
23.516814	117.326531
23.516880	117.326629
23.516952	117.326723
23.517030	117.326811

LATITUDE (SOUTH)	LONGITUDE (EAST)
23.517112	117.326894
23.518257	117.327978
23.518742	117.328634
23.519360	117.329762
23.519464	117.330066
23.519310	117.330670
23.518742	117.331805
23.518697	117.331901
23.518657	117.332001
23.518258	117.333065
23.518221	117.333172
23.518190	117.333281
23.518165	117.333391
23.518146	117.333503
23.518133	117.333616
23.518127	117.333729
23.517753	117.333149
23.517687	117.333052
23.517616	117.332961
23.517540	117.332874
23.517459	117.332793
23.517373	117.332717
23.517284	117.332647
23.517190	117.332582
23.517094	117.332525
23.516994	117.332473
23.516891	117.332429
23.516786	117.332391
23.516679	117.332361
23.516571	117.332337
23.516462	117.332321
23.516351	117.332312
23.516241	117.332310
23.516131	117.332316
23.516021	117.332329
23.515912	117.332349
23.515804	117.332377
23.515698	117.332411
23.515595	117.332453
23.515494	117.332501
23.514529	117.333000

LATITUDE (SOUTH)	LONGITUDE (EAST)
23.514434	117.333053
23.514343	117.333111
23.514254	117.333176
23.514170	117.333245
23.514089	117.333320
23.514013	117.333401
23.513941	117.333485
23.513874	117.333575
23.513812	117.333668
23.513754	117.333765
23.513703	117.333866
23.513337	117.334631
23.513287	117.334743
23.513245	117.334858
23.513209	117.334975
23.513180	117.335095
23.513158	117.335216
23.513143	117.335339
23.513135	117.335462
23.513135	117.335586
23.513141	117.335710
23.513241	117.336907
23.513252	117.337009
23.513268	117.337109
23.513288	117.337208
23.513313	117.337306
23.513879	117.339304
23.513910	117.339403
23.513946	117.339500
23.513986	117.339595
23.514031	117.339688
23.514963	117.341484
23.515022	117.341590
23.515087	117.341691
23.515157	117.341788
23.515234	117.341880
23.515315	117.341967
23.515401	117.342047
23.515492	117.342122
23.516790	117.343120
23.516845	117.343161

LATITUDE (SOUTH)	LONGITUDE (EAST)
23.518024	117.343999
23.519276	117.345126
23.519358	117.345195
23.519443	117.345259
23.519532	117.345318
23.519623	117.345371
23.519717	117.345418
23.519814	117.345460
23.519912	117.345495
23.520012	117.345524
23.520114	117.345547
23.522010	117.345913
23.522114	117.345930
23.522219	117.345940
23.522324	117.345943
23.522429	117.345940
23.522533	117.345931
23.522637	117.345914
23.522740	117.345891
23.524437	117.345459
23.524545	117.345428
23.524651	117.345389
23.524754	117.345343
23.524855	117.345291
23.526452	117.344393
23.526536	117.344342
23.526618	117.344287
23.526697	117.344227
23.526773	117.344162
23.526845	117.344094
23.527910	117.343029
23.527990	117.342944
23.528065	117.342853
23.528135	117.342757
23.528199	117.342657
23.528258	117.342553
23.528310	117.342445
23.528356	117.342333
23.528396	117.342219
23.528428	117.342102
23.528455	117.341984

LATITUDE (SOUTH)	LONGITUDE (EAST)
23.528474	117.341864
23.528486	117.341742
23.528491	117.341620
23.528490	117.341498
23.528448	117.340521
23.528737	117.339995
23.528790	117.339891
23.528837	117.339784
23.528878	117.339674
23.528913	117.339561
23.528942	117.339446
23.528964	117.339330
23.529263	117.337467
23.529277	117.337365
23.529286	117.337262
23.529290	117.337159
23.529289	117.337056
23.529277	117.336718
23.531086	117.336060
23.531160	117.336031
23.531234	117.335998
23.531306	117.335962
23.532371	117.335396
23.532469	117.335340
23.532563	117.335278
23.532654	117.335209
23.532741	117.335134
23.532824	117.335054
23.532902	117.334968
23.532974	117.334877
23.533042	117.334782
23.533104	117.334682
23.533160	117.334578
23.533211	117.334471
23.533255	117.334361
23.533293	117.334248
23.533324	117.334132
23.533349	117.334015
23.533367	117.333896
23.533378	117.333777
23.533382	117.333657

LATITUDE (SOUTH)	LONGITUDE (EAST)
23.533380	117.333536
23.533371	117.333416
23.533355	117.333297
23.533333	117.333180
23.533303	117.333063
23.533268	117.332950
23.533226	117.332838
23.533177	117.332730
23.532745	117.331832
23.532690	117.331727
23.532630	117.331625
23.532564	117.331528
23.532493	117.331436
23.532416	117.331348
23.532335	117.331266
23.532371	117.331236
23.532458	117.331160
23.532541	117.331077
23.532618	117.330990
23.532691	117.330897
23.532758	117.330800
23.532819	117.330698
23.532874	117.330592
23.532923	117.330483
23.532966	117.330371
23.533003	117.330256
23.533032	117.330139
23.533055	117.330020
23.533072	117.329899
23.533167	117.329965
23.533265	117.330023
23.533367	117.330075
23.533472	117.330120
23.533579	117.330158
23.533687	117.330188
23.533798	117.330211
23.533909	117.330227
23.534022	117.330235
23.534134	117.330235
23.534247	117.330228
23.534358	117.330213

LATITUDE (SOUTH)	LONGITUDE (EAST)
23.534469	117.330191
23.534578	117.330161
23.534685	117.330124
23.534790	117.330079
23.534827	117.330062
23.534873	117.330167
23.534923	117.330269
23.534980	117.330368
23.535041	117.330463
23.535108	117.330554
23.535180	117.330640
23.535256	117.330721
23.535336	117.330798
23.535421	117.330869
23.535509	117.330934
23.535601	117.330994
23.535695	117.331048
23.535793	117.331096
23.536082	117.331226
23.536090	117.331290
23.536109	117.331409
23.536135	117.331526
23.536167	117.331642
23.536206	117.331755
23.536251	117.331865
23.536302	117.331972
23.536359	117.332075
23.536422	117.332175
23.536491	117.332270
23.536564	117.332360
23.536643	117.332445
23.536726	117.332525
23.536814	117.332599
23.536906	117.332667
23.537001	117.332729
23.537100	117.332784
23.537202	117.332832
23.537306	117.332874
23.537413	117.332909
23.537521	117.332936
23.537630	117.332957

LATITUDE (SOUTH)	LONGITUDE (EAST)
23.537741	117.332970
23.537852	117.332975
23.537963	117.332973
23.538074	117.332964
23.540525	117.332676
23.540636	117.332659
23.540747	117.332634
23.540855	117.332602
23.540962	117.332563
23.541066	117.332517
23.541167	117.332464
23.541265	117.332404
23.541360	117.332337
23.541450	117.332265
23.541536	117.332186
23.541618	117.332101
23.541694	117.332012
23.541765	117.331917
23.541830	117.331818
23.541890	117.331714
23.541943	117.331607
23.542160	117.332147
23.542172	117.332176
23.542201	117.332242
23.542564	117.333028
23.542470	117.333098
23.542380	117.333174
23.542295	117.333256
23.542215	117.333344
23.542141	117.333437
23.542071	117.333535
23.542008	117.333637
23.541951	117.333744
23.541900	117.333854
23.541855	117.333967
23.541817	117.334084
23.541786	117.334202
23.541762	117.334323
23.541745	117.334445
23.541735	117.334568
23.541733	117.334691

LATITUDE (SOUTH)	LONGITUDE (EAST)
23.541737	117.334814
23.541749	117.334937
23.541767	117.335059
23.541793	117.335179
23.541826	117.335297
23.541865	117.335413
23.541911	117.335526
23.541964	117.335635
23.542137	117.335970
23.542382	117.337421
23.542402	117.337526
23.542426	117.337621
23.542698	117.338625
23.542712	117.339620
23.542394	117.340892
23.542369	117.341002
23.542351	117.341113
23.542338	117.341226
23.542189	117.342999
23.542182	117.343118
23.542182	117.343237
23.542189	117.343355
23.542202	117.343473
23.542222	117.343591
23.542248	117.343706
23.542281	117.343820
23.542320	117.343931
23.542365	117.344039
23.542417	117.344144
23.542474	117.344246
23.543050	117.345207
23.543100	117.345285
23.543153	117.345361
23.543209	117.345433
23.544538	117.347070
23.545124	117.348291
23.545371	117.349401
23.545563	117.350276
23.545587	117.350376
23.545780	117.351081
23.545815	117.351198

LATITUDE (SOUTH)	LONGITUDE (EAST)
23.545858	117.351313
23.545907	117.351424
23.545962	117.351532
23.546024	117.351636
23.546092	117.351736
23.546165	117.351830
23.546243	117.351920
23.546327	117.352004
23.546415	117.352082
23.546508	117.352154
23.546605	117.352219
23.546705	117.352278
23.547730	117.352833
23.547830	117.352883
23.547933	117.352927
23.548038	117.352963
23.548145	117.352993
23.548253	117.353015
23.548363	117.353031
23.548473	117.353038
23.548583	117.353039
23.548693	117.353032
23.548803	117.353018
23.548912	117.352997
23.549019	117.352969
23.550128	117.352636
23.550194	117.352691
23.550262	117.352742
23.550333	117.352790
23.550406	117.352833
23.550385	117.352950
23.550371	117.353067
23.550363	117.353186
23.550363	117.353305
23.550368	117.353424
23.550381	117.353542
23.550400	117.353659
23.550425	117.353774
23.550457	117.353888
23.550496	117.353999
23.550540	117.354108

LATITUDE (SOUTH)	LONGITUDE (EAST)
23.550591	117.354213
23.550647	117.354315
23.550709	117.354414
23.550776	117.354507
23.550848	117.354597
23.550925	117.354681
23.551007	117.354760
23.551093	117.354834
23.551183	117.354901
23.551277	117.354963
23.551298	117.354976
23.551253	117.355213
23.551235	117.355329
23.551222	117.355446
23.551217	117.355563
23.551217	117.355681
23.551225	117.355798
23.551238	117.355915
23.551259	117.356030
23.551285	117.356144
23.551318	117.356256
23.551357	117.356366
23.551402	117.356473
23.551452	117.356577
23.551509	117.356677
23.552085	117.357638
23.552149	117.357738
23.552219	117.357834
23.552294	117.357924
23.552374	117.358009
23.552458	117.358089
23.552548	117.358163
23.552641	117.358230
23.552737	117.358292
23.552838	117.358346
23.552941	117.358394
23.553046	117.358435
23.553154	117.358469
23.553263	117.358495
23.553374	117.358514
23.553827	117.358576

LATITUDE (SOUTH)	LONGITUDE (EAST)
23.553941	117.359210
23.553964	117.359322
23.553994	117.359433
23.554029	117.359541
23.554457	117.360738
23.554475	117.360787
23.554805	117.361641
23.554805	117.362336
23.554808	117.362451
23.554817	117.362565
23.554832	117.362678
23.554854	117.362790
23.554881	117.362901
23.554914	117.363010
23.554954	117.363116
23.554998	117.363220
23.555049	117.363320
23.555104	117.363418
23.555319	117.363770
23.555319	117.363788
23.555240	117.365402
23.554908	117.367429
23.554353	117.368910
23.552976	117.371035
23.552917	117.371132
23.552863	117.371233
23.552815	117.371338
23.552772	117.371445
23.552736	117.371555
23.552706	117.371667
23.552682	117.371781
23.551726	117.377014
23.551373	117.378059
23.550680	117.378738
23.550600	117.378821
23.550526	117.378909
23.550456	117.379002
23.550391	117.379100
23.550333	117.379201
23.550280	117.379306
23.550233	117.379415

LATITUDE (SOUTH)	LONGITUDE (EAST)
23.550192	117.379526
23.550157	117.379640
23.550130	117.379756
23.550108	117.379874
23.550094	117.379993
23.550086	117.380112
23.550084	117.380232
23.550090	117.380352
23.550102	117.380471
23.550121	117.380589
23.550147	117.380706
23.550233	117.381047
23.550243	117.381088
23.550580	117.382329
23.550616	117.384559
23.550401	117.386539
23.549916	117.389720
23.549902	117.389837
23.549894	117.389955
23.549892	117.390073
23.549897	117.390190
23.549909	117.390308
23.549927	117.390424
23.549952	117.390539
23.549983	117.390652
23.550020	117.390763
23.550063	117.390872
23.550405	117.391662
23.550411	117.391676
23.551220	117.393511
23.551239	117.393835
23.550790	117.395183
23.550761	117.395275
23.550737	117.395370
23.550717	117.395465
23.550702	117.395561
23.550424	117.397592
23.550411	117.397712
23.550405	117.397831
23.550406	117.397952
23.550413	117.398071



<b>LATITUDE (SOUTH)</b>	<b>LONGITUDE (EAST)</b>
23.550428	117.398190
23.550449	117.398308
23.550476	117.398425
23.550510	117.398539
23.550551	117.398651
23.550598	117.398760
23.551153	117.399956
23.551172	117.399995
23.551202	117.400054
23.551341	117.400316
23.551329	117.400436
23.551323	117.400557
23.551325	117.400677
23.551333	117.400798
23.551348	117.400917
23.551575	117.402370
23.551542	117.403506
23.551315	117.404734
23.551297	117.404856
23.551285	117.404979
23.551280	117.405102
23.551283	117.405226
23.551293	117.405349
23.551310	117.405471
23.551334	117.405592
23.551365	117.405711
23.551402	117.405827
23.551447	117.405941
23.551498	117.406052
23.551555	117.406158
23.551619	117.406261
23.551688	117.406359
23.551763	117.406452
23.551843	117.406540
23.551928	117.406622
23.552018	117.406699
23.552112	117.406768
23.552603	117.407110
23.552695	117.407170
23.552795	117.407226
23.552820	117.407321

<b>LATITUDE (SOUTH)</b>	<b>LONGITUDE (EAST)</b>
23.552849	117.407413
23.552883	117.407504
23.552922	117.407593
23.553157	117.408106
23.553207	117.408208
23.553263	117.408307
23.553324	117.408402
23.553390	117.408493
23.553461	117.408580
23.553537	117.408662
23.553617	117.408738
23.553701	117.408810
23.553789	117.408876
23.553880	117.408936
23.553975	117.408991
23.554072	117.409039
23.554172	117.409081
23.554273	117.409116
23.554377	117.409145
23.555038	117.409307
23.555180	117.409403
23.555361	117.409611
23.555257	117.409616
23.555153	117.409627
23.555049	117.409646
23.554947	117.409671
23.554847	117.409702
23.554748	117.409739
23.554651	117.409783
23.553690	117.410253
23.553592	117.410305
23.553497	117.410363
23.553406	117.410427
23.553318	117.410497
23.553234	117.410573
23.553155	117.410654
23.553080	117.410740
23.553010	117.410831
23.552945	117.410927
23.552886	117.411026
23.552833	117.411129

LATITUDE (SOUTH)	LONGITUDE (EAST)
23.552785	117.411235
23.552743	117.411345
23.552708	117.411457
23.552678	117.411571
23.552655	117.411686
23.552639	117.411803
23.552629	117.411921
23.552626	117.412039
23.552626	117.412573
23.552628	117.412661
23.552628	117.412668
23.552667	117.413537
23.552666	117.413563
23.552438	117.414080
23.552393	117.414192
23.552355	117.414306
23.552323	117.414422
23.552298	117.414540
23.552279	117.414660
23.552268	117.414781
23.552263	117.414902
23.552265	117.415024
23.552287	117.415472
23.552296	117.415592
23.552312	117.415711
23.552334	117.415829
23.552363	117.415945
23.552399	117.416059
23.552441	117.416171
23.552489	117.416279
23.552544	117.416384
23.552604	117.416485
23.552670	117.416582
23.552741	117.416674
23.552817	117.416761
23.552898	117.416843
23.552984	117.416920
23.553073	117.416991
23.553167	117.417055
23.553264	117.417114
23.553364	117.417166

LATITUDE (SOUTH)	LONGITUDE (EAST)
23.553467	117.417211
23.553572	117.417249
23.553679	117.417280
23.553788	117.417303
23.553898	117.417320
23.554009	117.417329
23.554119	117.417331
23.554230	117.417325
23.554341	117.417312
23.555045	117.417205
23.555156	117.417185
23.555266	117.417157
23.555374	117.417121
23.555479	117.417078
23.555582	117.417028
23.555682	117.416972
23.556151	117.417171
23.556405	117.417527
23.556488	117.418165
23.556507	117.418284
23.556533	117.418403
23.556565	117.418519
23.556605	117.418632
23.556650	117.418743
23.556702	117.418851
23.556760	117.418955
23.556731	117.419074
23.556709	117.419195
23.556694	117.419317
23.556686	117.419439
23.556685	117.419563
23.556691	117.419686
23.556704	117.419808
23.556725	117.419929
23.556752	117.420049
23.556881	117.420540
23.556914	117.420654
23.556954	117.420766
23.556999	117.420875
23.557051	117.420981
23.557109	117.421083

LATITUDE (SOUTH)	LONGITUDE (EAST)
23.557173	117.421181
23.557242	117.421275
23.557316	117.421364
23.557395	117.421448
23.557478	117.421526
23.557566	117.421599
23.557658	117.421666
23.557753	117.421726
23.557852	117.421781
23.557953	117.421828
23.558057	117.421869
23.558163	117.421903
23.558271	117.421929
23.558380	117.421949
23.558490	117.421961
23.558600	117.421966
23.558711	117.421963
23.558821	117.421953
23.558930	117.421936
23.559039	117.421912
23.559145	117.421880
23.559250	117.421842
23.559352	117.421796
23.559066	117.422160
23.558560	117.422747
23.558486	117.422839
23.558417	117.422935
23.558354	117.423036
23.558297	117.423140
23.558246	117.423249
23.558201	117.423360
23.558163	117.423474
23.558131	117.423591
23.558106	117.423710
23.558088	117.423830
23.558077	117.423951
23.558073	117.424072
23.558075	117.424194
23.558203	117.426714
23.558213	117.426838
23.558230	117.426960

LATITUDE (SOUTH)	LONGITUDE (EAST)
23.558254	117.427081
23.558286	117.427200
23.558324	117.427317
23.558368	117.427431
23.558419	117.427541
23.558477	117.427648
23.558541	117.427751
23.558610	117.427849
23.558685	117.427942
23.558766	117.428030
23.558851	117.428112
23.558941	117.428188
23.559035	117.428258
23.559566	117.428625
23.561063	117.429739
23.561063	117.430329
23.561063	117.430366
23.561067	117.430489
23.561077	117.430612
23.561095	117.430734
23.561120	117.430855
23.561152	117.430974
23.561191	117.431090
23.571794	117.434804
23.578564	117.435569
23.580646	117.436229
23.582583	117.437521
23.582823	117.438329
23.583103	117.440065
23.583123	117.440173
23.583149	117.440281
23.583181	117.440386
23.583218	117.440490
23.583261	117.440591
23.583308	117.440689
23.583361	117.440784
23.583419	117.440876
23.583481	117.440964
23.584385	117.442170
23.584449	117.442251
23.584518	117.442328

LATITUDE (SOUTH)	LONGITUDE (EAST)
23.584590	117.442401
23.584665	117.442469
23.584744	117.442533
23.586552	117.443920
23.586602	117.443956
23.586973	117.444221
23.587787	117.446425
23.587831	117.446533
23.587880	117.446638
23.587935	117.446740
23.587996	117.446838
23.588063	117.446932
23.588873	117.448013
23.589084	117.448297
23.588994	117.448576
23.588964	117.448678
23.588939	117.448781
23.588920	117.448885
23.588906	117.448990
23.588897	117.449096
23.588893	117.449202
23.588895	117.449308
23.588913	117.449752
23.588932	117.450211
23.588844	117.450274
23.588760	117.450342
23.588679	117.450416
23.588603	117.450495
23.588531	117.450578
23.588463	117.450666
23.588401	117.450758
23.588344	117.450853
23.588291	117.450953
23.588245	117.451055
23.588203	117.451160
23.588168	117.451268
23.587921	117.452091
23.587408	117.453401
23.587368	117.453513
23.587335	117.453628
23.587307	117.453745

LATITUDE (SOUTH)	LONGITUDE (EAST)
23.587287	117.453863
23.587273	117.453983
23.587266	117.454104
23.587216	117.455856
23.586308	117.458449
23.585735	117.459620
23.584694	117.461355
23.584641	117.461450
23.584592	117.461548
23.584549	117.461650
23.583856	117.463398
23.583815	117.463508
23.583782	117.463621
23.583754	117.463736
23.583151	117.466600
23.583145	117.466628
23.583133	117.466696
23.582530	117.470403
23.582529	117.470411
23.582293	117.471900
23.581784	117.472727
23.579630	117.476202
23.579581	117.476284
23.579537	117.476369
23.579496	117.476456
23.579460	117.476545
23.578213	117.479817
23.578174	117.479931
23.578141	117.480047
23.578115	117.480164
23.577258	117.484605
23.577239	117.484721
23.577237	117.484738
23.576769	117.488399
23.576757	117.488518
23.576752	117.488637
23.576754	117.488757
23.576967	117.493743
23.577054	117.500197
23.577056	117.500256
23.577494	117.510687

LATITUDE (SOUTH)	LONGITUDE (EAST)
23.577502	117.510796
23.577515	117.510905
23.577533	117.511013
23.579637	117.521531
23.580764	117.527140
23.583318	117.539849
23.583343	117.539957
23.583373	117.540063
23.583409	117.540167
23.583450	117.540269
23.587261	117.549016
23.590645	117.559950
23.590678	117.560047
23.590715	117.560143
23.590758	117.560236
23.590804	117.560327
23.590855	117.560415
23.590911	117.560500
23.594416	117.565583
23.594426	117.565596
23.597931	117.570592
23.597995	117.570677
23.598062	117.570758
23.598134	117.570835
23.598209	117.570908
23.598289	117.570976
23.598371	117.571039
23.598457	117.571097
23.598545	117.571149
23.599531	117.571697
23.599621	117.571744
23.599713	117.571785
23.599807	117.571820
23.599903	117.571850
23.600000	117.571874
23.600098	117.571893
23.600602	117.571971
23.600896	117.572484
23.601524	117.573675
23.601553	117.573728
23.601583	117.573778

LATITUDE (SOUTH)	LONGITUDE (EAST)
23.602939	117.576016
23.602973	117.576070
23.602978	117.576078
23.603632	117.577072
23.603748	117.577555
23.604050	117.578897
23.604077	117.579004
23.604110	117.579110
23.604148	117.579213
23.604192	117.579314
23.605043	117.581149
23.605440	117.582187
23.605933	117.583698
23.605974	117.583812
23.606022	117.583924
23.606076	117.584032
23.606136	117.584136
23.606202	117.584236
23.606563	117.584747
23.606963	117.585425
23.607027	117.585526
23.607097	117.585622
23.607172	117.585714
23.607252	117.585800
23.607337	117.585881
23.607426	117.585956
23.607520	117.586024
23.607617	117.586086
23.607718	117.586142
23.607822	117.586190
23.607928	117.586232
23.608037	117.586266
23.608147	117.586292
23.608258	117.586311
23.608371	117.586323
23.608484	117.586327
23.608789	117.586327
23.608896	117.586323
23.609003	117.586313
23.609109	117.586296
23.609213	117.586272

LATITUDE (SOUTH)	LONGITUDE (EAST)
23.609317	117.586241
23.609418	117.586203
23.609633	117.586418
23.609712	117.586493
23.609795	117.586562
23.609882	117.586627
23.609971	117.586685
23.610064	117.586738
23.610159	117.586785
23.610257	117.586826
23.611273	117.587214
23.611901	117.587586
23.613259	117.588829
23.614938	117.590863
23.614951	117.590879
23.615004	117.590939
23.616394	117.592452
23.616633	117.592857
23.616569	117.593049
23.616492	117.593137
23.616420	117.593230
23.616354	117.593328
23.616293	117.593431
23.616239	117.593537
23.616190	117.593647
23.616148	117.593759
23.616113	117.593875
23.616084	117.593992
23.616062	117.594111
23.616047	117.594232
23.616038	117.594353
23.616037	117.594475
23.616042	117.594596
23.616055	117.594717
23.616074	117.594837
23.616101	117.594955
23.616133	117.595071
23.616173	117.595185
23.616219	117.595296
23.616271	117.595404
23.616329	117.595508

LATITUDE (SOUTH)	LONGITUDE (EAST)
23.616736	117.596186
23.616800	117.596286
23.616870	117.596382
23.616946	117.596472
23.617026	117.596558
23.618857	117.598389
23.618925	117.598454
23.618997	117.598515
23.619070	117.598572
23.619147	117.598625
23.621215	117.599982
23.621292	117.600029
23.621371	117.600073
23.621452	117.600112
23.621793	117.600267
23.621709	117.600331
23.621629	117.600400
23.621552	117.600474
23.621480	117.600553
23.621411	117.600636
23.621348	117.600723
23.621289	117.600814
23.621234	117.600909
23.621185	117.601006
23.620914	117.601583
23.620867	117.601691
23.620826	117.601802
23.620791	117.601915
23.620763	117.602031
23.620741	117.602148
23.620726	117.602266
23.620718	117.602386
23.620716	117.602505
23.620722	117.602625
23.620733	117.602743
23.620752	117.602861
23.620777	117.602978
23.620808	117.603092
23.620846	117.603204
23.620890	117.603314
23.620940	117.603420

LATITUDE (SOUTH)	LONGITUDE (EAST)
23.620996	117.603523
23.621058	117.603622
23.621125	117.603717
23.621198	117.603807
23.621275	117.603892
23.621357	117.603972
23.621443	117.604046
23.621533	117.604115
23.621627	117.604177
23.621725	117.604233
23.621825	117.604283
23.622198	117.604452
23.622299	117.604495
23.622403	117.604530
23.622508	117.604559
23.622615	117.604581
23.622723	117.604596
23.622831	117.604603
23.622939	117.604604
23.623048	117.604598
23.623156	117.604584
23.624315	117.604401
23.624566	117.604401
23.625033	117.604730
23.625118	117.604787
23.625207	117.604838
23.625297	117.604884
23.625390	117.604924
23.625485	117.604959
23.626706	117.605366
23.626806	117.605396
23.626907	117.605420
23.627009	117.605437
23.627112	117.605448
23.627216	117.605452
23.627319	117.605450
23.628676	117.605383
23.628781	117.605374
23.628886	117.605359
23.628989	117.605336
23.629092	117.605307

LATITUDE (SOUTH)	LONGITUDE (EAST)
23.629231	117.605503
23.629290	117.605582
23.629353	117.605658
23.629419	117.605729
23.629758	117.606077
23.629744	117.606196
23.629737	117.606315
23.629737	117.606434
23.629744	117.606554
23.629757	117.606672
23.629777	117.606789
23.629804	117.606905
23.630004	117.607677
23.629966	117.607702
23.629423	117.608075
23.629420	117.608078
23.629329	117.608144
23.629239	117.608220
23.629154	117.608302
23.629073	117.608389
23.628998	117.608482
23.628928	117.608580
23.628864	117.608682
23.628806	117.608788
23.628755	117.608899
23.628710	117.609012
23.628672	117.609128
23.628640	117.609247
23.628616	117.609368
23.628492	117.609359
23.627799	117.609024
23.627699	117.608980
23.627595	117.608942
23.627490	117.608911
23.627384	117.608886
23.627276	117.608869
23.627167	117.608859
23.627058	117.608856
23.626949	117.608860
23.626841	117.608871
23.626733	117.608890

LATITUDE (SOUTH)	LONGITUDE (EAST)
23.626627	117.608915
23.626522	117.608947
23.626419	117.608986
23.626012	117.609156
23.625908	117.609203
23.625807	117.609258
23.625709	117.609319
23.625615	117.609386
23.625525	117.609460
23.625440	117.609540
23.625359	117.609626
23.625283	117.609717
23.625213	117.609812
23.625148	117.609913
23.625089	117.610017
23.625037	117.610126
23.624990	117.610238
23.624951	117.610352
23.624918	117.610469
23.624808	117.610497
23.624700	117.610531
23.624594	117.610573
23.624491	117.610622
23.624391	117.610678
23.624294	117.610740
23.624201	117.610809
23.624112	117.610884
23.624028	117.610965
23.623948	117.611052
23.623874	117.611143
23.623805	117.611240
23.623741	117.611341
23.623684	117.611446
23.623633	117.611555
23.623588	117.611667
23.623549	117.611782
23.623518	117.611899
23.623493	117.612019
23.623475	117.612139
23.623464	117.612261
23.623460	117.612383

LATITUDE (SOUTH)	LONGITUDE (EAST)
23.623463	117.612505
23.623473	117.612627
23.623560	117.613416
23.623578	117.613537
23.623602	117.613658
23.623633	117.613776
23.623671	117.613893
23.623715	117.614006
23.623766	117.614116
23.624358	117.615299
23.624406	117.615391
23.624464	117.615486
23.624918	117.616193
23.624844	117.616234
23.624771	117.616278
23.624701	117.616327
23.624633	117.616379
23.623647	117.617168
23.623561	117.617241
23.623480	117.617319
23.623403	117.617402
23.623331	117.617491
23.623264	117.617583
23.623202	117.617680
23.623146	117.617781
23.623095	117.617886
23.623051	117.617993
23.623012	117.618103
23.622979	117.618216
23.622953	117.618330
23.622933	117.618446
23.622920	117.618563
23.622810	117.619834
23.622804	117.619950
23.622803	117.620066
23.622809	117.620181
23.622821	117.620296
23.622839	117.620410
23.622864	117.620523
23.622894	117.620634
23.622931	117.620743



LATITUDE (SOUTH)	LONGITUDE (EAST)
23.622973	117.620849
23.623146	117.621249
23.622984	117.622236
23.622968	117.622350
23.622959	117.622465
23.622956	117.622580
23.622956	117.623676
23.622959	117.623797
23.622970	117.623918
23.622987	117.624039
23.623011	117.624157
23.623042	117.624274
23.623080	117.624389
23.623123	117.624501
23.623174	117.624609
23.623230	117.624714
23.623292	117.624815
23.623360	117.624912
23.623434	117.625004
23.623512	117.625091
23.623595	117.625172
23.623683	117.625248
23.623775	117.625318
23.623870	117.625381
23.623970	117.625438
23.624072	117.625488
23.624177	117.625531
23.624284	117.625566
23.624392	117.625595
23.624503	117.625616
23.624614	117.625630
23.624726	117.625636
23.624838	117.625635
23.624950	117.625626
23.625061	117.625610
23.625543	117.625522
23.625645	117.625500
23.625746	117.625472
23.625846	117.625437
23.625943	117.625396
23.626038	117.625349

LATITUDE (SOUTH)	LONGITUDE (EAST)
23.626130	117.625297
23.626220	117.625238
23.626306	117.625174
23.626388	117.625105
23.626467	117.625031
23.627621	117.625886
23.627695	117.625938
23.627770	117.625986
23.627848	117.626029
23.627927	117.626069
23.628584	117.626375
23.628685	117.626419
23.628788	117.626455
23.628893	117.626485
23.628999	117.626508
23.629106	117.626524
23.629214	117.626533
23.629322	117.626535
23.629430	117.626530
23.629538	117.626517
23.629645	117.626498
23.629751	117.626472
23.629855	117.626439
23.629957	117.626400
23.630262	117.626593
23.631034	117.628410
23.631140	117.628752
23.630780	117.628840
23.630675	117.628869
23.630575	117.628904
23.629822	117.629192
23.629326	117.629369
23.629035	117.629387
23.628928	117.629397
23.628822	117.629414
23.628717	117.629438
23.628614	117.629468
23.628512	117.629506
23.628412	117.629549
23.628316	117.629599
23.628222	117.629655

LATITUDE (SOUTH)	LONGITUDE (EAST)
23.628131	117.629717
23.628044	117.629785
23.627960	117.629858
23.627881	117.629937
23.627257	117.630594
23.627178	117.630683

LATITUDE (SOUTH)	LONGITUDE (EAST)
23.627105	117.630776
23.627037	117.630874
23.626974	117.630977
23.626918	117.631084
23.626868	117.631194
23.626825	117.631307

Then northeasterly to the intersection with a southwestern boundary of Native Title Determination WAD216/2010 Yinhawangka Part B (WCD2017/003) with Longitude 117.631327 East; Then generally southeasterly along the boundary of that native title determination to Latitude 23.701669 South, Longitude 117.739187 East being a point on the present boundary of Native Title Determination WAD72/1998 Nharnuwangga Wajarri and Ngarlawangga (WCD2000/001); Then southwesterly along the boundary of that native title determination to an eastern boundary of Pastoral Lease N049718 (Mininer) at Latitude 23.716124 South being a point on the boundary of Native Title Application WAD490/2016 Yinhawangka Gobawarra (WC2016/004); Then southwesterly along the boundary of that native title application to Longitude 117.709959 East; Then generally northwesterly through the following coordinate points:

LATITUDE (SOUTH)	LONGITUDE (EAST)
23.653649	117.499464
23.513554	117.163621

Then northwesterly back to the commencement point.

**Note:** Geographic Coordinates provided in Decimal Degrees.  
 All referenced Deposited Plans and Diagrams are held by the Western Australian Land Information Authority, trading as Landgate.  
 Cadastral boundaries sourced from Landgate's Spatial Cadastral Database dated 1<sup>st</sup> October 2021.  
 Native Title Determination Application WAD490/2016 Yinhawangka Gobawarra (WC2016/004) as accepted for registration on 20<sup>th</sup> April 2017.

For the avoidance of doubt the Overlap Area excludes any land and waters the subject of the following native title determinations:

- Native Title Determination WAD216/2010 Yinhawangka Part B (WCD2017/003) as determined in the Federal Court on 18/07/2017.
- Native Title Determination WAD72/1998 Nharnuwangga Wajarri and Ngarlawangga (WCD2000/001) as determined in the Federal Court on 29/08/2000.
- Native Title Determination WAD6007/2000 Jurruru People Part A (WCD2015/002) as determined in the Federal Court on 01/09/2015.

**Datum: Geocentric Datum of Australia 2020 (GDA2020)**

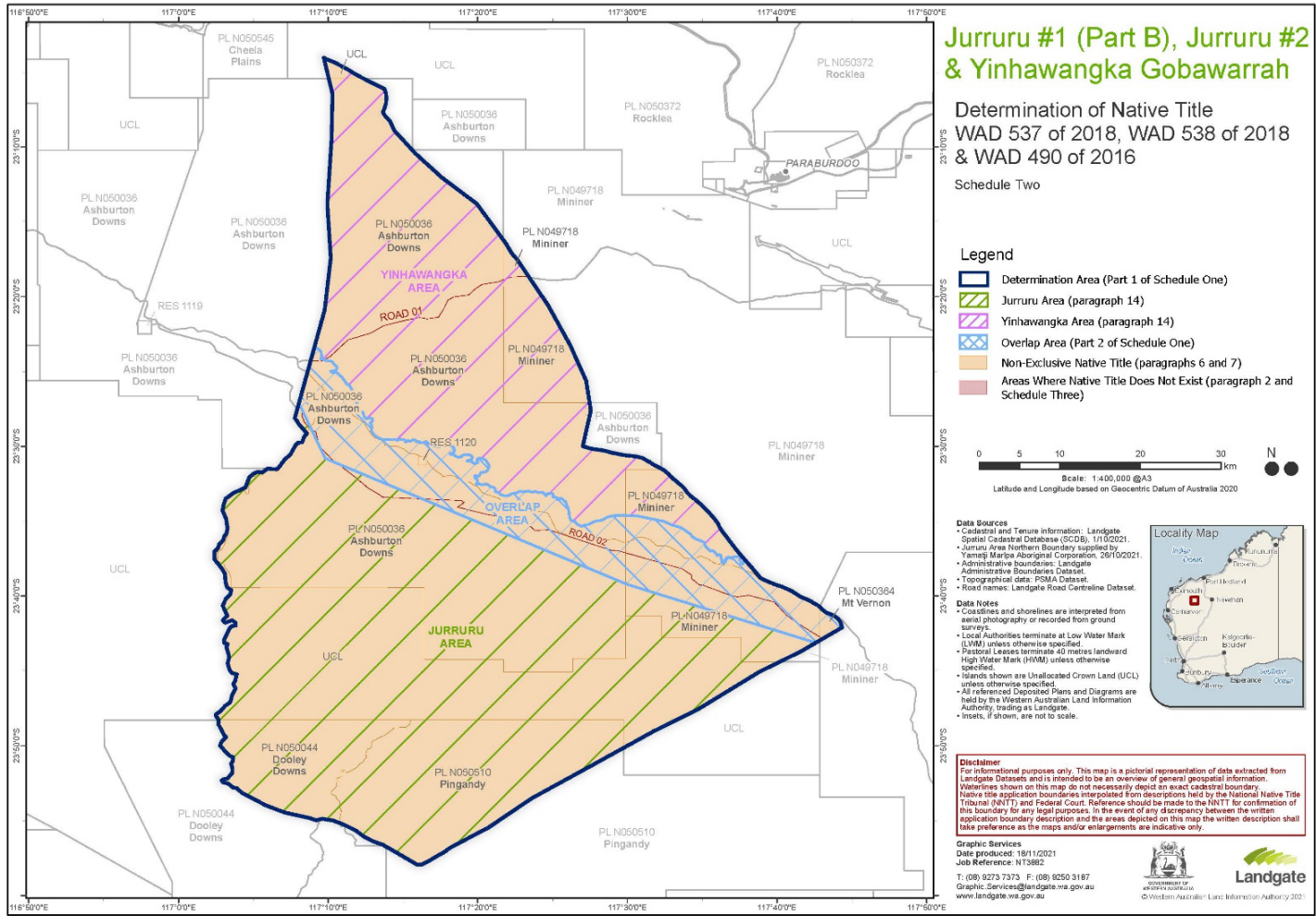
**Prepared By: Graphic Services (Landgate) 15<sup>th</sup> November 2021**

**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.

## SCHEDULE TWO

### Map of the determination area



\*W:\55\WAD490\_2016\550372\_2012\_A\_WAD490\_2016\Determination\Determinative\_Map\Map\Information\_Maps\_1.apx

## SCHEDULE THREE

### Areas where native title does not exist [Paragraph 2]

No native title exists in relation to land and waters the subject of the following interests within the Determination Area which, with the exception of public works (as described in clause 2 of this Schedule), are generally shown as shaded in pink and outlined in red on the map at Schedule Two.

#### 1. Roads

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The following 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 Act*):

Mapinfo ID	Description	Shown on / in
Road 01	Road No. 5424	Road Dedication Plan 92/300; Public Plan 503115 (cancelled 12/10/1939)
Road 02	Road No. 8385	Government Gazette 11/04/1930 at p.1066; Public Plan 503115 (cancelled 12/10/1939)

#### 2. Public Works

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Any other public works as that expression is defined in the *Native Title Act* and the *Titles Validation Act* (including the land and waters on which a public work is constructed, established or situated as described in section 251D of the *Native Title Act*) and to which section 12J of the *Titles Validation Act* or section 23C(2) of the *Native Title Act* applies, which were constructed or established or commenced to be constructed or established on or before 23 December 1996.

## SCHEDULE FOUR

### Other interests [Paragraph 12]

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

[NOTE: Land tenure interests registered with the Western Australian Land Information Authority are current as at 28 June 2022. Mining tenements and petroleum interests registered with the Department of Mines, Industry Regulation and Safety are current as at 22 July 2022. All other interests are current as at the date of the determination.]

#### 1. Pastoral Leases

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

Lease No.	Description
PL N049718	Mininer
PL N050036	Ashburton Downs
PL N050044	Dooley Downs
PL N050364	Mt Vernon
PL N050510	Pingandy

#### 2. Reserves

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The interests of persons who have the care, control and management of the following reserve and the interests of people entitled to access and use the reserve for the purpose for which it is reserved, subject to any statutory limitations upon those rights:

Reserve Number	Current / Last Purpose
1120	Watering Place

### 3. Easements

The following easement and the rights and interests of the holders from time to time of that easement:

Easement Number	Purpose
F 924685	For the purpose described in the Government Gazette on 4 July 1995, commencing on page 2799 at "LA 801 Goldfields Gas Pipeline Agreement Act 1994 Public Works Act 1902 Land Acquisition"

### 4. Mining tenements

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

#### (a) Exploration licences

Tenement ID
E 0802307
E 0802629
E 0802756
E 0802889
E 0802938
E 0802947
E 0802948
E 0802992
E 0802994

Tenement ID
E 0802996
E 0802997
E 0803016
E 0803040
E 0803104
E 0803113
E 0803121
E 0803122
E 0803222

Tenement ID
E 0803257
E 0803262
E 0803269
E 0803273
E 0803279
E 0803289
E 0803328

#### (b) Prospecting licences

Tenement ID
P 0800699

## 5. Petroleum interests

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The agreement as amended and ratified by the *Goldfields Gas Pipeline Agreement Act 1994* (WA) and rights and interests comprised in, conferred under or in accordance with, or pursuant to that agreement, including the following tenement:

Tenement ID	Tenement type
PL 24	Pipeline Licence

## 6. Access to Mining and Petroleum Areas

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- (a) Without limiting the operation of any other clause in Schedule Four, but subject to clause 6(b) below, the rights of the holders from time to time of a mining tenement or petroleum interest referred to in clauses 4 or 5 of Schedule Four 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 purposes of exercising the rights granted by that tenement or interest.
- (b) Nothing in clause 6(a) above allows any upgrade, extension, widening or other improvement to the road or track other than work done to maintain it in reasonable repair and in order to leave it in substantially the same condition as it was prior to its use pursuant to clause 6(a).

## 7. Other

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The following rights and interests in the Determination Area:

- (a) Rights and interests, including licences and permits, granted by the Crown in right of the State or of the Commonwealth pursuant to statute or otherwise in the exercise of its executive power and any regulations made pursuant to such legislation;
- (b) Rights and interests held by reason of the force and operation of the laws of the State or of the Commonwealth, including but not limited to, the force and operation of the *Rights in Water and Irrigation Act 1914* (WA);
- (c) Rights and interests of members of the public arising under common law, including but not limited to:



- (i) the public right to fish;
  - (ii) the public right to navigate; and
  - (iii) the right 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; or
  - (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;
- (e) So far as confirmed pursuant to section 212(2) of the *Native Title Act* and section 14 of the *Titles Validation Act* as at the date of this determination, any existing public access to and enjoyment of, the following places in the Determination Area:
- (i) waterways;
  - (ii) beds and banks or foreshores of waterways;
  - (iii) coastal waters;
  - (iv) beaches;
  - (v) stock routes; and
  - (vi) areas that were public places at the end of 31 December 1993;
- (f) Any other:
- (i) legal or equitable estate or interest in the land or waters; 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; or
    - (B) an estate or interest in the land or waters; or
  - (iii) restriction on the use of the land or waters, whether or not annexed to other land or waters.

## **SCHEDULE FIVE**

### **Yinhawangka People [Paragraphs 3 and 14]**

The Yinhawangka People are those persons who:

- (a) are descended from, in accordance with the traditional laws acknowledged and the traditional customs observed by the Yinhawangka People:
  - (i) Minatangunha;
  - (ii) Jarndundha;
  - (iii) the couple Thurantajinha and Wilga; or
  - (iv) Nijawarla; and
  
- (b) identify themselves as Yinhawangka under traditional law and custom and are so identified by other Yinhawangka People as Yinhawangka; and
  
- (c) have a connection with the land and waters of the Yinhawangka Area or the Overlap Area, in accordance with the traditional laws acknowledged and the traditional customs observed by the Yinhawangka People.

## **SCHEDULE SIX**

### **Jurruru People [Paragraphs 4 and 14]**

The Jurruru People are those persons who:

- (a) are descended from Kantitharra or Punartu or are adopted by such biological descendants in accordance with traditional laws acknowledged and the traditional customs observed by the Jurruru People;
- (b) identify themselves as Jurruru under traditional law and custom and are so identified by other Jurruru People as Jurruru; and
- (c) have a connection with the land and waters of the Jurruru Area or the Overlap Area, in accordance with the traditional laws acknowledged and the traditional customs observed by the Jurruru People.

**SCHEDULE SEVEN**

**Agreement for the protection of sites in the Overlap Area [Orders 6, 7 and 8]**

DATED the                      day of                      2022

**JURRURU ABORIGINAL CORPORATION RNTBC (ICN 8251)**

**and**

**GOBAWARRAH YINHAWANGKA ABORIGINAL CORPORATION RNTBC (ICN 9813)**

---

**DEED OF AGREEMENT REGARDING YINHAWANGKA AND**

**JURRURU OVERLAP AREA**

---

**THIS DEED** is made on this \_\_\_\_\_ day of \_\_\_\_\_

BETWEEN

Jurruru Aboriginal Corporation RNTBC (ICN 8251) (**Jurruru PBC**)

and

Gobawarra Yinhawangka Aboriginal Corporation RNTBC (ICN 9813) (**Yinhawangka PBC**)

## RECITALS

- A. On 2 December 2020, the Court gave judgment in relation to a separate question in *Smirke on behalf of the Jurruru People v State of Western Australia (No 2)* [2020] FCA 1728 (**Smirke No 2**); and on [date], the Federal Court of Australia made a Determination of Native Title by consent in respect of WAD490/2016, WAD537/2018 and WAD538/2018 (**the Determination**).
- B. In *Smirke No 2*, the Court made findings about the existence of Jurruru native title and Yinhawangka native title in the lands and waters the subject of that judgment but did not make findings about the boundaries of those native titles.
- C. On 21 September 2021, the Applicant in WAD 490/2016 (**YG Applicant**) and the Applicant in WAD537/2018 and WAD538/2018 (**Jurruru Applicant**) reached agreement regarding the southern extent of Yinhawangka native title and about the northern extent of Jurruru native title, as a result of the Court's findings in *Smirke No 2*. These agreed borders are reflected in the Determination and are depicted in the map at Schedule Two of the Determination.
- D. The YG Applicant's acceptance of the borders was conditional on the respective prescribed bodies corporate entering into an agreement to facilitate and promote each native title holding group's right to protect sites of significance in the Overlap Area.
- E. The YG Applicant and Jurruru Applicant agreed that the YG and Jurruru sites would be identified by reference to the maps and indexes of sites which were submitted in evidence (as item 4.57 (at pages 276 and 277), and items 6.17 and 6.21 in Exhibit A, the final Court Book) during the hearing of the separate question which resulted in the *Smirke No 2* decision.
- F. The Parties, as the registered native title bodies corporate for the Overlap Area, enter into this deed to give effect to the agreement made by the YG and Jurruru Applicants on behalf of the native title holding groups of the Overlap Area.

## OPERATIVE PROVISIONS

### 1. INTERPRETATION

- 1.1. In this Deed of Agreement, unless the contrary intention appears, words and expressions defined in the Determination have the same meaning where used; and:

**Business Day** means a day other than a Saturday, Sunday or public holiday in Western Australia.

**Heritage Protection Legislation** means Western Australian or Commonwealth legislation enacted from time to time for the purpose of protecting Aboriginal heritage and includes, as at the date of execution of this Agreement:

1.1.1. *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* (Cth);

1.1.2. *Aboriginal Cultural Heritage Act 2021* (WA);

1.1.3. *Aboriginal Heritage Act 1972* (WA); and

1.1.4. *Environment Protection and Biodiversity Conservation Act 1999* (Cth).

**Jurruru Sites means those** sites listed in the index at Attachment B to this Agreement and marked as Jurruru Sites in the map at Attachment C to this Agreement, or as more fully or accurately located through clause 6.1.

**NTA** means the *Native Title Act 1993* (Cth).

**Party** means a party to this Agreement and **Parties** the parties to this Agreement.

**YG Sites** means those sites listed in the index at Attachment A to this Agreement and marked as YG sites in the map at Attachment C to this Agreement, or as more fully or accurately located through clause 6.2.

- 1.2. In this Agreement, unless the contrary intention appears:

1.2.1. words and expressions defined in the NTA have the same meaning where used;

1.2.2. a reference to a clause, schedule or annexure is a reference to a clause of, or a schedule or annexure to, this Agreement and a reference to this Agreement includes any recital, schedule or annexure;

1.2.3. a reference to a statute, code or other law includes regulations and other instruments under it and consolidations, amendments, re-enactments or replacements of any of them;

1.2.4. the word 'person' includes a firm, body corporate, partnership, joint venture or unincorporated association;

1.2.5. the singular includes the plural and vice versa;

1.2.6. a reference to a person, statutory authority or government body (corporate or unincorporated) established under any written law includes a reference to any person (corporate or unincorporated) established or continuing to perform the same or a substantially similar function;

1.2.7. a reference to dollars or \$ is to Australian currency;

1.2.8. an agreement, representation or warranty on the part of or in favour of two or more persons binds or is for the benefit of them jointly and severally; and

- 1.2.9. a reference to anything is a reference to the whole or any part of it and a reference to a group of persons is a reference to any one or more of them.

## 2. AGREEMENT AREA

- 2.1. This Agreement relates to the Overlap Area, a map of which comprises Schedule Two of the Determination. The Overlap Area is also depicted on the map at Attachment C.

## 3. AUTHORITY TO ENTER INTO AGREEMENT

- 3.1. The Jurruru PBC represents and warrants that:
  - 3.1.1. all necessary authorisations have been obtained to enter into this Agreement; and
  - 3.1.2. this Agreement is valid, binding and enforceable in accordance with its terms against the Jurruru PBC.
- 3.2. The Yinhawangka PBC represents and warrants that:
  - 3.2.1. all necessary authorisations have been obtained to enter into this Agreement; and
  - 3.2.2. this Agreement is valid, binding and enforceable in accordance with its terms against the Yinhawangka PBC.
- 3.3. Each Party acknowledges and agrees that they have relied on the warranties provided in this clause to enter into this Agreement.

## 4. ASSIGNMENT

- 4.1. A Party may only assign its rights and interests in this Agreement where it ceases to be the registered native title body corporate for the relevant native title holding group for the Overlap Area, and a new prescribed body corporate becomes the registered native title body corporate for the relevant native title holding group for the Overlap Area.
- 4.2. If a party ceases to be the registered native title body corporate for the relevant native title holding group in the Overlap Area (**ceasing prescribed body corporate**), and there is a **replacement prescribed body corporate** for the relevant native title group in the Overlap Area:
  - 4.2.1. The ceasing prescribed body corporate must assign this Agreement to the replacement prescribed body corporate within 20 Business Days of the replacement prescribed body corporate becoming the registered native title body corporate for the relevant group for the Overlap Area.
  - 4.2.2. Assignment is to be effected by the ceasing prescribed body corporate providing notice to the continuing party that it has assigned this Agreement to the replacement prescribed body corporate.
  - 4.2.3. The notice in clause 4.2(b) must be accompanied by a deed of assumption executed by the replacement prescribed body corporate in favour of the continuing party, agreeing to be bound by this Agreement, and to assume all of the ceasing prescribed body corporate's obligations under this Agreement.

- 4.3. Once an assignment of this Agreement has occurred under and in accordance with clause 4.2, the ceasing prescribed body corporate will be deemed to have been released, to the extent of the assignment from all claims and liabilities arising under or in respect of this Agreement arising after the effective date of the assignment, but without affecting any claim or liability arising prior to such date.
- 4.4. Unless otherwise agreed by the Parties in writing or required by law, an assignment under this clause 4 shall not affect the operation of this Agreement.

## **5. AGREEMENT TO PROTECT YG AND JURRURU SITES**

### **5.1. The Jurruru PBC:**

- 5.1.1. Recognises Yinhawangka People have the right to protect YG Sites in the Overlap Area;
- 5.1.2. Shall not give its consent to the destruction of any YG Sites in the Overlap Area as part of any agreement or Aboriginal heritage survey or for the purpose of any Heritage Protection Legislation; and
- 5.1.3. Shall include in any agreement about or that affects any part of the Overlap Area:
- 5.1.3.1. a reference to any and all YG Sites that are affected by that agreement; and
  - 5.1.3.2. a request that the parties to that agreement write to the Yinhawangka PBC through its contact person or secretary in order to confer with the Yinhawangka PBC about that or those YG Site(s).

### **5.2. The Yinhawangka PBC:**

- 5.2.1. Recognises Jurruru People have the right to protect Jurruru Sites in the Overlap Area;
- 5.2.2. Shall not give its consent to the destruction of any Jurruru Sites in the Overlap Area as part of any agreement or Aboriginal heritage survey or for the purpose of any Heritage Protection Legislation; and
- 5.2.3. Shall include in any agreement about or that affects any part of the Overlap Area:
- 5.2.3.1. a reference to any and all Jurruru Sites that are affected by that agreement; and
  - 5.2.3.2. a request that the parties to that agreement write to the Jurruru PBC through its contact person or secretary in order to confer with the Jurruru PBC about that or those Jurruru Site(s).

## **6. CLARIFICATION OF LOCATION OF JURRURU SITES AND YG SITES**

- 6.1. If the Jurruru PBC, acting reasonably and in good faith, and with the consent of the senior common law holders with particular affiliations and responsibilities for the relevant sites, becomes aware that the map in Attachment C does not accurately or fully identify the location of any of the sites in Attachment B, it may provide the Yinhawangka PBC a map or other descriptor that more accurately or fully identifies the location of the sites for use with this agreement.



- 6.2. If the Yinhawangka PBC, acting reasonably and in good faith, and with the consent of the senior common law holders with particular affiliations and responsibilities for the relevant sites, becomes aware that the map in Attachment C does not accurately or fully identify the location of any of the sites in Attachment A, it may provide the Jurruru PBC a map or other descriptor that more accurately or fully identifies the location of the sites for use with this agreement.
- 6.3. For the avoidance of doubt, this clause 6 does not permit:
- 6.3.1. Either Party to add or remove any YG Site or Jurruru Site;
  - 6.3.2. The Yinhawangka PBC to make any change relating to Jurruru Sites; or
  - 6.3.3. The Jurruru PBC to make any change relating to YG Sites.

## **7. BREACH**

- 7.1. If a Party (Defaulting Party) breaches any of the terms of this Agreement set out at clauses 4 and 5, the other Party (Non-Defaulting Party) may serve a notice (Default Notice) on the Defaulting Party specifying the breach and, on receiving the Default Notice, the Defaulting Party must remedy that breach, if the breach is capable of being remedied, within 21 days after receiving the Default Notice.
- 7.2. If the Defaulting Party does not remedy the breach pursuant to clause 7.1 of this Agreement, the Non-Defaulting Party may by notice in writing to the Defaulting Party, suspend the performance of its obligations and the Defaulting Party's rights under this Agreement until the breach is remedied or no longer exists.
- 7.3. Any remedy exercised under this clause 7 is without prejudice to any other rights a Party may have under this Agreement or otherwise at law.

## **8. NOTICES**

- 8.1. Any notice or other communication that may or must be given under this Agreement:
- 8.1.1. must be in writing;
  - 8.1.2. may be given by an authorised officer of the Party giving notice;
  - 8.1.3. must be:
    - 8.1.3.1. hand delivered or sent by prepaid post to the address of the Party receiving the notice as set out in clause 8.2; or
    - 8.1.3.2. sent by email to the email address of the Party receiving the notice as set out in clause 8.2; and
  - 8.1.4. is taken to be received:
    - 8.1.4.1. in the case of hand delivery, on the date of delivery;
    - 8.1.4.2. in the case of post, on the fourth Business Day after posting;
    - 8.1.4.3. in the case of delivery by email, in accordance with section 14 of the *Electronic Transactions Act 2011* (WA); and

8.1.4.4. if received after 4.00 pm or on a day other than a Business Day, is taken to be received on the next Business Day.

8.2. As at the date of execution of this Agreement, notices required to be given under this Agreement must be in writing to:

8.2.1. In the case of Jurruru Aboriginal Corporation RNTBC:

Edina Boross  
JurruruAC@ymac.org.au  
Level 8, The Esplanade  
Perth WA 6000

8.2.2. In the case of Gobawarra Yinhawangka Aboriginal Corporation RNTBC:

Mrs Julie Walker  
walkayinya59@outlook.com  
9 Clam Court  
South Hedland WA 6722

8.3. Each party is responsible for providing updated contact details for the purpose of this Clause 8 as and when those contact details change.

## **9. GENERAL**

9.1. This Agreement constitutes the entire agreement between the Parties and supersedes all communications, negotiations, arrangements and agreements, whether oral or written, between the Parties with respect to the subject matter of this Agreement.

9.2. Each Party will pay its own legal and other costs and expenses in connection with the preparation and completion of this Agreement, except for stamp duty which if due and payable, the costs will be shared equally between the Parties.

9.3. This Agreement is governed by the laws in force in Western Australia and each Party irrevocably submits to the non-exclusive jurisdiction of the courts of Western Australia.

9.4. This Agreement may be executed in counterparts.

**EXECUTED as a deed in Western Australia**

EXECUTED by Jurruru Aboriginal )  
Corporation RNTBC (ICN: 8251) in )  
accordance with the requirements of )  
section 99-5 of the of the *Corporations* )  
(*Aboriginal and Torres Strait Islanders*)  
*Act 2006* (Cth) by:

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Signature of director

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Signature of director/secretary

---

Name of director

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Name of director/secretary

EXECUTED by Gobawarra )  
Yinhawangka Aboriginal Corporation )  
RNTBC (ICN: **9813**) in accordance with )  
the requirements of section 99-5 of the of )  
the *Corporations (Aboriginal and Torres*  
*Strait Islanders) Act 2006* (Cth) by:

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Signature of director

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Signature of director/secretary

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Name of director

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Name of director/secretary

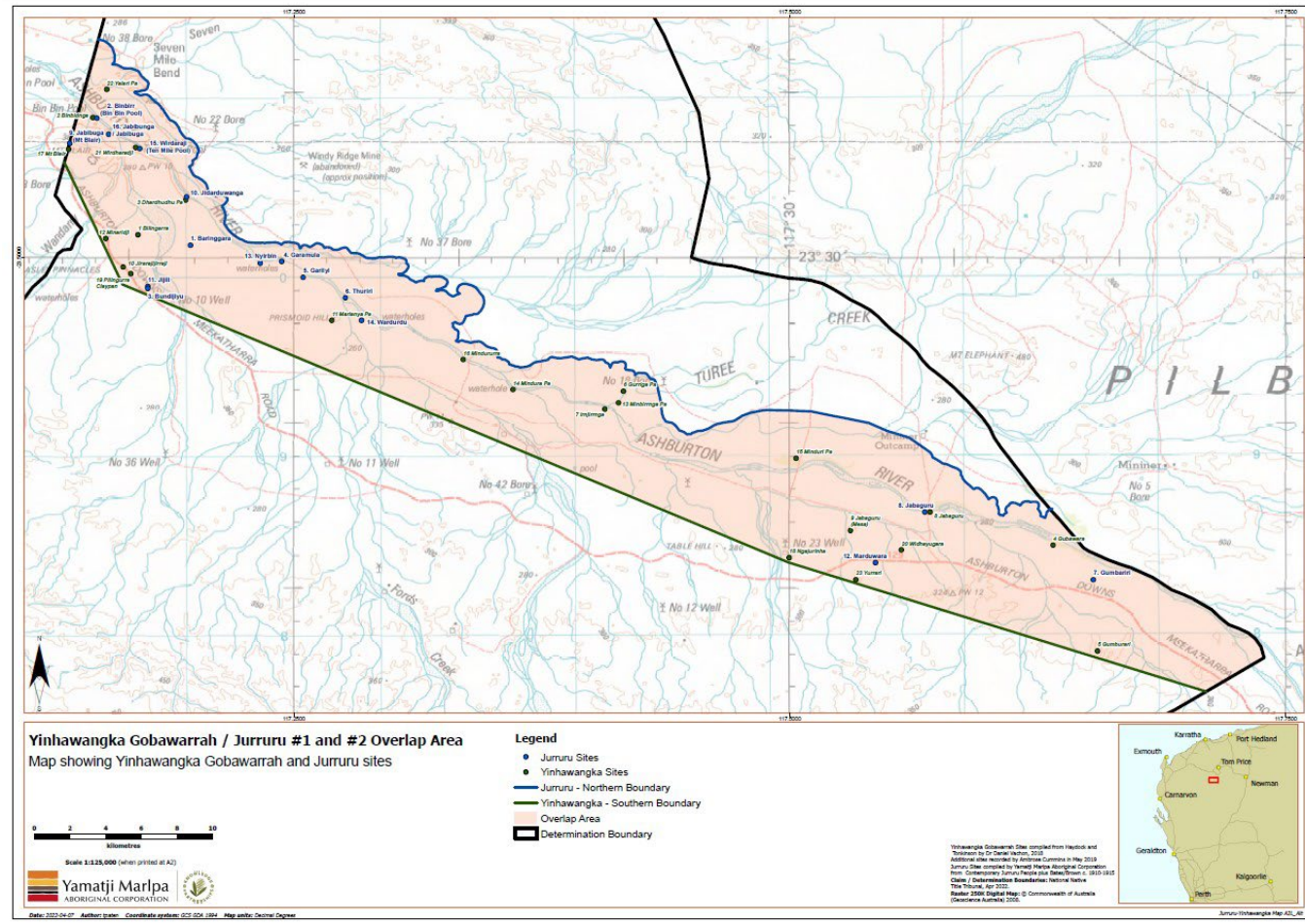
## ATTACHMENT A – INDEX OF YINHAWANGKA GOBAWARRAH SITES

Site Number	Label
1	Bilingarra
2	Binbidnga
3	Dhardhudhu Pa
4	Gubawara
5	Gumburari
6	Gurriga Pa
7	Irnjirrnga
8	Jabaguru
9	Jabaguru (Mesa)
10	Jirarajjirraji
11	Marlanya Pa
12	Minaridji
13	Minbirrnga Pa
14	Mindura Pa
15	Mindurl Pa
16	Mindururra
17	Mt Blair
18	Ngajurinha
19	Pilingurra Claypan
20	Widhayugara
21	Wirdharadji
22	Yalari Pa
23	Yurrari

## ATTACHMENT B – INDEX OF JURRURU SITES

Site Number	Site Label
1	Baringgara
2	Binbirr (Bin Bin Pool)
3	Bundijiyu
4	Garamula
5	Garilyi (approx.)
6	Thuriri
7	Gumbariri
8	Jabaguru
9	Jabibuga (Mt Blair)
10	Jidarduwanga
11	Jijili (approx. loc.)
12	Marduwara
13	Nyirbin
14	Wardurdu (approx. loc.)
15	Wirdaraji (Ten Mile Pool)
16	Jabibunga / Jabibuga

## ATTACHMENT C – MAP SHOWING YG SITES AND JURRURU SITES IN THE OVERLAP AREA



## REASONS FOR JUDGMENT

### MORTIMER J:

#### INTRODUCTION AND BACKGROUND

- 1 Before the Court are three applications for determinations of native title pursuant to s 225 of the *Native Title Act 1993* (Cth). Taken together, the applications cover an area of land and waters in the Pilbara that is 3423 square kilometres in size, with the Ashburton River running through the middle. The area lies between lands and waters previously determined under the NTA to be held by the Jurruru People (to the west), the Yinhawangka People (to the north and east), and the Nharnuwangga People (to the south). The present determination area is depicted in the map at Schedule 2 to the proposed determination.
- 2 The Court is asked to make orders under s 87 of the NTA that two native titles exist in the area covered by the applications: one held by the Yinhawangka People, and one by the Jurruru People. In relation to the Ashburton River and a strip of land extending south from its southern bank, tracking alongside the river and across the whole determination area, the Court is asked to determine that the two native titles overlap and thus the land and waters are shared. Subject to the determination of a foreshadowed application for costs against the Yamatji Marlpa Aboriginal Corporation, the native title representative body for the region, the proposed determination seeks finally to resolve a long running dispute about the traditional ownership of this area.
- 3 The complex history of Federal Court proceedings related to this dispute is summarised in *Smirke on behalf of the Jurruru People v State of Western Australia (No 2)* [2020] FCA 1728 at [18]-[43] and in *Smirke on behalf of the Jurruru People v State of Western Australia (No 3)* [2021] FCA 1122 at [71]-[86]. It is unnecessary to repeat those summaries in full here; it suffices to outline the origins of the three proceedings in which a determination of native title is presently sought, and relevant findings the Court has made in those proceedings to date.
- 4 The first of the three proceedings was commenced on behalf of the Jurruru People on 24 July 2000, by way of a Form 1 application that became known as the Jurruru #1 Application. It was entered onto the Register of Native Title Claims on 1 March 2001 and subsequently notified by the Native Title Registrar pursuant to s 66 of the NTA. The period of three months after the notification day referred to in s 66(8) and s 66(10)(c) of the NTA ended on 29 August 2001.

- 5 The Jurruru #1 Application, originally filed with the proceeding number WAD6007/2000 (later replaced by the electronic file number WAD537/2018), was amended pursuant to Court orders on two occasions: once on 19 February 2001, prior to its registration, and once on 6 July 2006. In 2012, the Court made orders to replace the members of the native title applicant: *Jurruru People v State of Western Australia* [2012] FCA 2.
- 6 As amended, the Jurruru #1 Application sought a determination of native title in relation to approximately 10,066 square kilometres of land and waters in the Ashburton area northeast of Carnarvon.
- 7 On 1 September 2015, this Court made a determination of native title by consent under s 87A of the NTA in relation to the vast majority of the Jurruru #1 Application’s claim area: *Smirke on behalf of the Jurruru People v State of Western Australia* [2015] FCA 939. The remainder of the claim area, comprising approximately 2737 square kilometres in the east, became known as “Jurruru #1 (Part B)”.
- 8 After the consent determination in *Smirke*, the Jurruru #1 Application was amended on three further occasions, most recently on 9 October 2020. The amended application was again entered on the Register of Native Title Claims on 13 November 2020.
- 9 The second application in these proceedings, the Jurruru #2 Application (WAD538/2018, formerly WAD327/2012), was filed on behalf of the Jurruru People on 22 November 2012. It was notified by the Native Title Registrar pursuant to s 66 of the NTA, the three-month post-notification period ending on 9 July 2013. The Jurruru #2 Application twice failed to meet the conditions for registration that are prescribed in the NTA, for reasons not presently relevant. A further amended application filed on 5 October 2020 satisfied the registration criteria and was entered on the Register of Native Title Claims on 13 November 2020. The Jurruru #2 Application seeks a determination of native title in relation to approximately 666 square kilometres of land immediately adjacent to the eastern boundary of the Jurruru #1 (Part B) claim area. As in other reasons handed down in these proceedings, references to the ‘Jurruru applicant’ in these reasons are references to the applicant in the Jurruru #1 and the Jurruru #2 applications.
- 10 The third and final application in these proceedings was filed on 17 October 2016 and registered on 20 April 2017. Its three-month notification period ended on 30 August 2017. This application was made on behalf of the ‘Yinhawangka Gobawarra People’, and it has become



known as the Yinhawangka Gobawarra Application (WAD490/2016). Its claim group members largely comprise Yinhawangka People who were determined to hold native title over land and waters to the north and north-east in *Jones on behalf of the Yinhawangka People v State of Western Australia* [2017] FCA 801, with one relevant difference: the Yinhawangka Gobawarra Application identifies Nijawarla as an apical ancestor of its claim group, whereas the definition of the native title holders in *Jones* does not include this ancestor.

- 11 The Yinhawangka Gobawarra Application covers 3423 square kilometres of land and waters. Aside from approximately 20 square kilometres at its northern tip, in which there are no overlapping claims for native title, the claim area of the Yinhawangka Gobawarra Application is wholly coextensive with the Jurruru #1 (Part B) and Jurruru #2 claim areas.
- 12 This overlap reflects a dispute between the Jurruru People and a group of Yinhawangka People who identify as Yinhawangka Gobawarra as to the traditional ownership of the lands and waters in question. As these reasons, and the reasons in *Smirke (No 2)*, make clear, there are some in the current generation of Yinhawangka People who do not agree with the Yinhawangka Gobawarra claim, and indeed there was one Yinhawangka elder, David Cox, who gave evidence against the claim and in favour of the Jurruru claim.
- 13 In February 2018, after many failed attempts at mediation, the Court made orders to facilitate the separate determination in each of the three proceedings of the question of who holds native title in the overlap area, and what rights and interests are comprised in that native title or titles. The Court heard evidence on country in July 2019, followed by a tranche of expert evidence heard in Perth in December 2019 and closing submissions in February 2020. The Jurruru applicant submitted that the evidence showed that the land in the overlap area belonged to the Jurruru People. The Yinhawangka Gobawarra applicant contended that they had proved that the Yinhawangka Gobawarra People held rights and interests in the land that were derived from under the same Yinhawangka traditional laws and customs as those recognised in *Jones*, but which formed a separate Yinhawangka Gobawarra native title.
- 14 On 2 December 2020, the Court published orders and reasons in *Smirke (No 2)* determining that, but for any extinguishment, native title is held by the Jurruru People in relation to most parts of the overlap area south of the Ashburton River, and by the Yinhawangka People in relation to the parts of the overlap area north of the Ashburton River.

15 In its reasons, at [13]-[14] the Court emphasised the critical role of the burden of proof, and the realities of what was possible, and not possible, in the task of attempting to reconstruct what the position in a claim area was at sovereignty, and moving forward from that time. It did so by adopting what was said in *Drill on behalf of the Purnululu Native Title Claim Group v State of Western Australia* [2020] FCA 1510 at [13]:

As I explain below, the Court’s answers to the separate questions depend on reaching a view about what, on the evidence before it, are more likely than not to be the facts. That is what the civil standard “balance of probabilities” means. The Court does not decide what the “truth” is in any absolute sense. The Court is not in that sense the arbiter of history. The Court decides whether the party who must prove the necessary facts has shown the facts it contends for are more likely than not to have existed. In circumstances which involve the level of historical reconstruction that these separate questions do, that is not only all that is required; it is all that can reasonably be expected. This exercise is carried out on the basis of the evidence adduced, and inferences which can reasonably be drawn from that evidence. The Court must assess what, reasonably and rationally, can be made of the evidence before it. It does so from a more objective perspective than that brought by the parties, and for that reason, it may well see some evidence as persuasive although one party does not. Conversely, it may see other evidence as unpersuasive, although a party, its expert or the claim group members find that evidence persuasive. Even where the task is challenging, and the evidence pulls in different directions (as it does in many of the factual issues to be resolved in these separate questions), the Court’s function is to make a decision, and to decide if the party with the onus of proof has discharged it.

16 Importantly for the terms of the determination that the Court has been asked to make today, in *Smirke (No 2)*, the Court held that the Ashburton River itself, and at least some sites in the area around its southern banks, were more likely than not traditionally shared country. There was some evidence about one site in particular, Jabaguru, but even in relation to this site, the Court found the evidence did not favour native title being held by only one of the two contesting groups. At [526]-[527]:

The detailed knowledge about distinctions between kinds of traditional or customary interests in a site such as Jabaguru has been lost to time. Neither native title applicant has proven on the balance of probabilities that Jabaguru was an area in which only one of the Jurruru or the Yinhawangka had rights and interests of a possessory or ownership nature. In my opinion the evidence available to the Court can only lead to the conclusion that it is more likely than not that Jurruru and Yinhawangka groups (and perhaps Ngarla as well) had traditional and customary interests in the area, and that both those sets of interests had a possessory or ownership character – but how they were worked out as between these groups is simply not knowledge any longer available.

As the later part of these reasons explains, it is not possible for the Court on the available evidence or draw a particular line on a map in the surrounds of the Ashburton River about where Yinhawangka country finishes and Jurruru country begins. The area of Jabaguru likewise cannot be delineated between the groups. In the first instance, the two groups will need to try and negotiate an outcome based on the Court’s findings. Failing agreement, further and more specific evidence might be required.

17 At [852], the Court’s reasons explain further why the evidence did not support the proposition that the Ashburton River operated as some kind of “hard boundary” between the Yinhawangka and the Jurruru:

Relying on Dr Palmer’s opinions, which I have generally found the most persuasive, and accepting the “at sovereignty” source material is thin, I consider it is more likely than not that the estate groups which did exist, did not have rights and interests in the land and waters which treated the Ashburton River as some kind of hard boundary. Some groups are more likely to have spilled over on both sides, some may have had country for which they asserted possessory rights located further away from the river. It is difficult to discount the possibility that there may have been Yinhawangka-identifying people in at least some areas to the south of, but close to, the river, although as Dr Palmer explained probably not very far south.

18 The Court therefore gave the parties an opportunity to try to negotiate about the area around the Ashburton River, with the proviso that if they could not agree, a further trial would be necessary: *Smirke (No 2)* at [7]-[8].

19 The Court determined that the rights and interests in the Jurruru native title were the same as those in the native title determined in *Smirke*. In relation to the Yinhawangka native title, the Court held that there was no separate Yinhawangka Gobawarra native title, and that those who constitute the Yinhawangka Gobawarra claim group would hold native title in relation to certain parts of the claim area with at least some other members of the Yinhawangka People: *Smirke (No 2)* at [1292].

20 In light of these findings, the parties were referred to mediation with the assistance of Judicial Registrar McGregor, with a view to progressing the proceedings to a determination of native title by consent on all remaining issues, or in the absence of agreement, further trial.

21 That referral was progressed, but in mid-2021, the Jurruru applicant raised a question about the authorisation of the Yinhawangka Gobawarra Application. This was despite the Jurruru applicant having no interest in the Yinhawangka area after the Court’s findings in *Smirke (No 2)*: see *Smirke (No 3)* at [6]. The State joined in raising a question about authorisation, which meant it was appropriate for the matter to be resolved. There being no agreed resolution, a further separate question was formulated. The Court was asked to decide whether it has the power to make a determination in favour of the native title holding group in *Jones* and the descendants of Nijawarla in circumstances where that group of people had not, in its totality, authorised the making of the Yinhawangka Gobawarra Application.

- 22 In *Smirke (No 3)*, the Court decided it had jurisdiction to make a determination of native title in favour of a group that differs in some respects from that described in the originating application without the need for further authorisation. Contrary to the submissions of the Jurruru applicant and of the State, the Court considered the authorities, and in particular *Commonwealth v Clifton* [2007] FCAFC 90; 164 FCR 335, read with *Moses v Western Australia* [2007] FCAFC 78; 160 FCR 148, did not preclude such an approach.
- 23 Fundamental to the Court’s decision were the unique history of the Yinhawangka Gobawarra Application, including the previous s 61 applications on behalf of the family groups who comprise the key members of the Yinhawangka Gobawarra claimants, the particular circumstances in terms of the separate question process and decision in *Smirke (No 2)*, from which there was no application for leave to appeal and by which the parties were bound, and the absence of any application to intervene by the Yinhawangka Aboriginal Corporation RNTBC (ICN 7837), the PBC for the Yinhawangka determination area in *Jones*, despite being on notice about the proposed determination after *Smirke (No 2)*. The Court found (at [154]-[157]):

The Yinhawangka area is not “no man’s land”. The Court’s findings demonstrate the significance of some parts of the land and waters in the Yinhawangka area to the people whose country it is. In these circumstances, the interests of the administration of justice would not be served by a dismissal of the YG s 61 application. That would not be compatible with the objectives of the Native Title Act to provide for the protection and recognition of native title. Nor would it be compatible with the objectives of the Federal Court Act, in particular the overarching objective provisions in s 37M and s 37N, but also the legislative instruction in s 22 of the Federal Court Act:

The Court shall, in every matter before the Court, grant, either absolutely or on such terms and conditions as the Court thinks just, all remedies to which any of the parties appears to be entitled in respect of a legal or equitable claim properly brought forward by him or her in the matter, so that, as far as possible, all matters in controversy between the parties may be completely and finally determined and all multiplicity of proceedings concerning any of those matters avoided.

Nor would the interests of the administration of justice be served by requiring the YG applicant to amend its application (presumably to reflect precisely the Court’s findings in *Smirke (No 2)*, although the State and the Jurruru applicant did not really develop this point) and submit it for authorisation to a wider group of Yinhawangka People. That course of action raises the real possibility of an amended claim not being authorised, not for any reason stemming from traditional law and custom, but stemming from the antagonism to the YG group which I found in *Smirke (No 2)* to be a core feature of the interaction of Yinhawangka People for decades now, and which I also found affected the evidence of people such as David Cox and Brendan Cooke (as to the latter see *Smirke (No 2)* at [272] and [274]).

Although I have found it may be possible to characterise the Court’s findings in *Smirke (No 2)* as no more than findings about the “true membership” of the claim group, and

as findings that there is a wider membership of the claim group than articulated in the YG's s 61 application, I accept that the history of the competing native title applications about the overlap area, and the various challenges in relation to those people who were part of the GMY claim and then the YG claim, mean that it could be seen to be stretching the (undefined) concept of "true membership" as set out in *Clifton* at [37] to apply it here.

In the particular circumstances of these proceedings, the course which is most appropriate is for the Court to exercise its power under s 84D(4) to make a determination notwithstanding a defect in authorisation. I therefore turn to consider s 84D(4).

24 Against another oppositional submission made by the Jurruru applicant, the Court found it had power to exercise its discretion under s 84D(4) of the NTA: see *Smirke (No 3)* at [159]-[165]. Having decided the power was available, the Court then explained why it considered it was appropriate to exercise it: see *Smirke (No 3)* at [167]-[186]. Amongst the matters to which the Court referred in these passages were the significant interpersonal, and inter-family disputes which coloured the ongoing disputes between key members of the Jurruru claim group and key members of the Yinhawangka Gobawarra claim group, who were all part of the same extended family. At [178]-[180], the Court found:

There is also a clear basis in the Court's findings in *Smirke (No 2)* to infer that if the Court were to require the YG applicant to revert to some wholesale authorisation process with a wider Yinhawangka group, that any such process is more likely than not to be derailed by the very same forces which have sought to exclude the Tommy family and those who are aligned with them for the last 20 years or more. The Court's findings in *Smirke (No 2)* suggest that opposition and exclusion were misplaced, in the sense of what the evidence in that case demonstrated about rights and interests under traditional law and custom. One explanation put forward by Dr McGrath and accepted to some extent by the Court was based in gender: Mabel Tommy, as a woman, was not accepted as having the knowledge that the objective evidence suggested she did. There may be other explanations: the Court's findings in *Smirke (No 2)* pass no judgment on these interpersonal issues which have endured for decades, nor on the effects of family breakdown; the Court's findings pass no judgment on people's behaviour and conduct, and all the other entirely human matters which can give rise to animosity and the adoption of entrenched positions about deeply felt issues. However, the circumstances described in the Court's reasons, and the fact there has been a litigated outcome, mean that there are likely to be multiple, non-traditional factors at play between the YG claim group and the wider Yinhawangka group.

If, in 2021 (or 2022), people at a Yinhawangka meeting were called upon to vote on authorisation of an amended claim (recalling the unaddressed difficulties I have referred to about whether they would be asked to authorise a claim reflecting the Court's findings, or something else), it would be neither rational nor logical to ignore all these non-traditional motivations for how people might act, might think, and might vote. The more contemporary animosity is just as likely to drive decision making as anything which could remotely be described as "traditional" opinions. And that is before one even reaches the controversial contention – evident from parts of factual history given by Barker J and a source of conflict from that at least that point on – that those who lead the Jurruru claim, such as Ivan Smirke, claim because of their descent through Nancy Tommy to be able to attend Yinhawangka meetings, and to vote "as"

Yinhawangka People, notwithstanding the conflict of interest writ large in such an assertion.

To require the YG applicant to go back to such a process; and to require the representative body to fund such a resource intensive process, would make a mockery of the native title system, and bring the administration of justice into disrepute. In the very particular circumstances of these proceedings, there must be finality, and that finality should proceed on the basis of the Court's findings in *Smirke (No 2)*, which have not been challenged by any application for leave to appeal.

25 Accordingly, the Court decided to exercise the discretion under s 84D(4) of the NTA to proceed to a determination of native title over the Yinhawangka area despite any alleged defect in the authorisation of the Yinhawangka Gobawarra applicant. An order reflecting that decision forms part of the orders made today.

26 The parties then returned to mediation and subsequently reached agreement about the Ashburton River area, which had been an outstanding impediment to a determination of native title in the proceedings. This area is depicted in blue shading in the map at Schedule 2 to the proposed determination; it delineates the areas of shared non-exclusive native title and the areas in which the Yinhawangka People and the Jurruru People hold their respective non-exclusive native title independent of the other. The agreement reached involves a deed to be entered into by the respective prescribed bodies corporate (**PBCs**) after the making of a determination. The deed will facilitate and promote each native title holding group's right to protect sites in the shared area. It forms Schedule 7 to the proposed determination, and the parties seek orders that any determination not take effect in respect of the shared area unless and until the deed has been executed by both PBCs.

#### **THE MATERIAL BEFORE THE COURT**

27 As part of the separate question process, the Court received a large body of evidence concerning the connection of the Jurruru People and the Yinhawangka People to the area subject of the proposed determination, and has recorded its findings in relation to that material in *Smirke (No 2)* and *Smirke (No 3)*.

28 The terms of the proposed determination go to matters that were not the subject of specific findings in those decisions, such as the exact boundaries of the shared areas around the Ashburton River. The parties submit that, having been legally represented throughout the hearings of the separate questions and the consent determination negotiation process that followed, the Court can be satisfied that their agreement has been given freely and on an informed basis. They submit this approach is consistent with the premise of s 87 of the NTA

and the Act's emphasis on conciliation, such that further evidence about these matters need not be adduced: citing *Hughes (on behalf of the Eastern Guruma People) v State of Western Australia* [2007] FCA 365 at [9]; *Peterson v State of Western Australia* [2013] FCA 518 at [22]; *Ward v State of Western Australia* [2006] FCA 1848 at [8]. I accept that submission.

29 Therefore, aside from the Court's findings in *Smirke (No 2)* and *Smirke (No 3)*, as well as (I infer) the existing determinations in *Smirke* and *Jones*, the only material relied on by the parties is:

- (a) the minute of proposed consent determination signed by each of the parties to each of the three proceedings, filed on 17 August 2022;
- (b) an affidavit filed and affirmed by Colin McKellar on 24 August 2022 deposing to the Jurruru claim group's authorisation of the Jurruru applicant to agree to the proposed consent determination; and
- (c) the written nominations, consents and affidavit material relating to the appointment of PBCs that are referred to at [42]-[43] below.

#### **THE APPLICABLE REQUIREMENTS OF SECTION 87**

30 In broad terms, s 87(1) of the NTA requires three criteria to be met: the period specified in the notice given in relation to the original native title application must have elapsed, the s 87 agreement must be in writing and signed by all the relevant parties to the proceeding, and the Court must be satisfied that the orders would be within its power to make. In the present case, the first two criteria have clearly been met.

31 In relation to the third criterion, the applicants and the State jointly submit that:

- (a) each of the three applications for a determination of native title is valid, noting the Court's decision in *Smirke (No 3)* concerning the exercise of power under s 84D(4) of the NTA;
- (b) the applications seek determinations of native title over an area for which there has been no determination of native title, and there are no other proceedings before the Court to seek a determination of native title in that area (see ss 13(1)(a), 67(1) and 68 of the NTA);
- (c) the form of the proposed determination complies with s 94A and s 225 of the NTA and is otherwise consistent with the Court's findings in *Smirke (No 2)* and *Smirke (No 3)*; and

(d) the requirements in s 87 of the NTA are otherwise satisfied.

32 I accept these submissions.

33 By s 87(1A) of the NTA, the Court must be satisfied it is appropriate to make the determination sought by the parties. I have explained my understanding of what “appropriateness” requires in the context of consent determinations in *Drury on behalf of the Nanda People v State of Western Australia* [2018] FCA 1849 at [52]-[56]. I adopt the same approach in these proceedings. I refer also to the consideration of appropriateness outlined by McKerracher J in *Mouda on behalf of Joombarn-Buru Native Title Claimants v State of Western Australia* [2021] FCA 1233 at [39]-[50], with which I respectfully agree.

34 I accept the parties’ submissions that, unlike many consent determinations, there has been extensive evidence and fact finding put before the Court on connection, and the Court has made extensive findings on the basis of that material. These findings, together with the parties’ negotiated agreement on boundaries, provide an ample basis for the Court’s satisfaction that the proposed determination is appropriate.

35 It is also material to the Court’s consideration of the appropriateness of a determination of native title that the State has formed the view that the proposed determination is in the interests of the community it represents, in performance of its role in relation to the negotiation of a determination of native title by consent: see *Taylor on behalf of the Yamatji Nation Claim v State of Western Australia* [2020] FCA 42 at [63]-[65]. The State has conducted searches of land tenure and mining and petroleum registries to determine the nature and extent of other interests within the proposed determination area, and has recognised those interests in the proposed determination. It has also considered the position of those who do not have a proprietary interest in the proposed determination area but might nevertheless be affected by the recognition of native title rights. In deciding to support the proposed determination of native title, the State submits that it has weighed this consideration against the particular interest of First Nations peoples in Western Australia in fulfilling the objects and purposes articulated in the first two paragraphs of the preamble to the NTA.

36 I accept these submissions. Building on my observations in *Taylor*, it should be recalled that the Preamble to the NTA provides that, through the NTA:

The **people of Australia** intend:

(a) to rectify the consequences of past injustices by the special measures contained



in this Act, announced at the time of introduction of this Act into the Parliament, or agreed on by the Parliament from time to time, for securing the adequate advancement and protection of Aboriginal peoples and Torres Strait Islanders; and

- (b) to ensure that Aboriginal peoples and Torres Strait Islanders receive the full recognition and status within the Australian nation to which history, their prior rights and interests, and their rich and diverse culture, fully entitle them to aspire.

(Emphasis added.)

37 In these proceedings, the State of Western Australia represents a sub-section of the “people of Australia”, Indigenous and non-Indigenous; namely, those who reside in Western Australia. It is in the interests of all Australians that native title be recognised where it can be, as the NTA intends, and that State governments contribute to the achievement of this objective by good faith cooperation and proactive involvement in the negotiation processes which the NTA places at the forefront of achieving such recognition. Through its assessment and evaluation of the terms of the s 87 agreement, and its public support for that agreement by joining in it, and by making supporting submissions to the Court, the State of Western Australia pursues the intention to which the Preamble refers. It is appropriate for the Court to acknowledge the particular proactive role it has played in the resolution of these three proceedings.

38 Finally, the applicants and the State submit that the various pastoralists who are parties to the proceedings have been consulted and invited to participate in the agreement of the proposed determination, and each consents to the orders the Court is asked to make. I accept that submission.

39 As the applicants and the State submit, the Court’s function under s 87 of the NTA differs from its function in a contested application for a determination of native title: see *Freddie v Northern Territory* [2017] FCA 867 at [16]; *Lovett on behalf of the Gunditjmarra People v State of Victoria* [2007] FCA 474 at [36]; *Thudgari People v State of Western Australia* [2009] FCA 1334 at [25]; *Wurrumurra on behalf of the Bunuba People v State of Western Australia* [2015] FCA 1480 at [27]. In particular, when considering whether to make orders pursuant to s 87 the Court’s attention is directed to the process by which the parties’ agreement was made: *Lander v State of South Australia* [2012] FCA 427 at [11]. The Court should also have regard to the objectives prescribed in s 37M and s 37N of the *Federal Court of Australia Act 1976* (Cth), to promote the “just resolution of disputes, according to law, and as quickly, inexpensively and efficiently as possible”.

40 Having regard to the consistency of the proposed determination with the Court's findings in *Smirke (No 2)* and the nature of the process by which elements of the determination that were not the subject of specific findings have been agreed, I accept the parties' submission that it is appropriate for the Court to make orders in the terms of the proposed determination.

### **THE NOMINATION OF PRESCRIBED BODIES CORPORATE**

41 The applicants in these proceedings have requested the Court make determinations for separate PBCs to hold the Jurruru and Yinhawangka native titles.

42 The Jurruru applicant has filed a notice of nomination of the **Jurruru Aboriginal Corporation** (ICN 8251) and the written consent of that corporation to facilitate its determination as the PBC for the Jurruru native title for the purposes of s 56(2)(a) of the NTA. The process by which the JAC was nominated and provided consent to its nomination is deposed to by Mr McKellar in his affidavit filed 24 August 2022, and copies of the nomination and written consent are annexed to that affidavit.

43 The Yinhawangka Gobawarra applicant has filed a notice of nomination of the **Gobawarra Yinhawangka Aboriginal Corporation** (ICN 9813) and its written consent to facilitate its determination as the PBC in relation to the Yinhawangka native title for the purposes of s 56(2)(a) of the NTA. The process by which the GYAC was nominated and provided consent to its nomination is deposed to by Dante Mavec in his affidavit filed by the Yinhawangka Gobawarra applicant on 15 August 2022. A copy of the written consent was annexed to that affidavit. A copy of the nomination was filed on 25 August 2022.

44 Like other aspects of these proceedings, the circumstances giving rise to the nomination of the GYAC have some history and complexity. The principal reason for this complexity is the decision of the Yinhawangka common law holders described in *Jones* not to consent to the nomination of the YAC. The YAC is the PBC for the native title subject of the determination in *Jones*. The decision of the *Jones* common law holders followed a series of consultations that the YAC conducted in various locations in the Pilbara region and in Perth about the Yinhawangka Gobawarra applicant's request for its appointment as the PBC in this case. The Court expresses its gratitude to the YAC for its cooperation in this process. The consultations culminated in a meeting of approximately 60 of the adult Yinhawangka common law holders from *Jones*, including some members of the Yinhawangka Gobawarra claim group and at least two members of the Yinhawangka Gobawarra applicant. The request to nominate YAC was rejected by a majority vote of those present.

**Can YAC hold Yinhawangka native title for one area and GYAC hold Yinhawangka native title for another area?**

- 45 In *Drury on behalf of the Nanda People v State of Western Australia* [2020] FCAFC 69; 276 FCR 203 at [74]-[75], Colvin J and I explained why in our opinion it would not be appropriate for there to be two different PBCs for different areas of land and waters that are subject to the same traditional title. In *Smirke (No 2)* the Court determined that any Yinhawangka native title within the Yinhawangka Gobawarra Application's claim area is derived from the same traditional title as that recognised in *Jones*. Given YAC has not been nominated, the question arises: can GYAC be appointed as a trustee PBC under s 56(2) of the NTA?
- 46 In written submissions filed in these proceedings on 23 June 2022, the Yinhawangka Gobawarra applicant and the State submitted that any principle to be derived from the observations at [74]-[75] in *Drury* is not applicable. In their submission, the overall structure of the NTA provides that the holders of native title at common law are to control the identity of the PBC that is appointed to hold their native title under the Act, and it is only if they fail to act that the Court can intervene to determine the identity of the PBC. Thus, s 56(2)(c) of the NTA provides that the Court must determine that native title is held by the common law holders if there is no nomination of a *trustee* PBC under s 56(2)(a), and s 57(2)(c) then provides that the Court must determine in accordance with the regulations which body is to perform the function of an *agent* PBC if the common law holders do not first nominate an agent PBC of their own accord and the PBC provides its consent.
- 47 The Yinhawangka Gobawarra applicant and the State submit that the Court cannot appoint the YAC as the agent PBC under s 57(2)(c) because the common law holders in *Jones* have not consented to its nomination as a PBC in respect of the Yinhawangka area and because the YAC is a trustee PBC, and therefore cannot be appointed as an agent PBC. Further, they submit that the Court could not appoint the Indigenous Land and Sea Corporation as the agent PBC pursuant to s 57(2)(c) of the NTA and r 11 of the *Native Title (Prescribed Bodies Corporate) Regulations 1999* (Cth) without first affording the holders of the Yinhawangka native title in the Yinhawangka Gobawarra Application the opportunity to nominate their own agent PBC under s 57(2)(a), citing *Farrer on behalf of the Ngarrawanji Native Title Claim Group v State of Western Australia (No 4)* [2021] FCA 1497. In the submission of the Yinhawangka Gobawarra applicant and the State, the legislative scheme for the determination of PBCs gives primacy to the intention of the holders of native title at common law, and it would therefore be appropriate in the circumstances to invite the common law holders of any Yinhawangka native

title on the Yinhawangka Gobawarra Application to nominate their own PBC. The State and the Yinhawangka Gobawarra applicant informed the Court that they have not identified any case law which would support an argument contrary to this submission.

48 The Court accepted those submissions. In orders made on the basis of the written submissions referred to above, the Court noted that, following the YAC's refusal of consent to be nominated as a trustee PBC in this case, the Yinhawangka Gobawarra applicant intended to establish a new corporation for the purpose of accepting nomination. The orders requested that the Yinhawangka Gobawarra applicant file a nomination of a trustee PBC, along with the PBC's consent, or – failing that – the nomination of an agent PBC and its consent. If no such nomination and consent were provided, the orders noted that the Court would determine that the native title would be held by the common law holders, pursuant to s 56(2)(c), and appoint the ILSC as agent PBC immediately thereafter. This latter course of action has not been necessary because a notice of nomination and written consent by GYAC have been filed: see [43] above.

49 The State recognised the significance of the position outlined in *Drury*, as a matter of policy and general principle:

In the First Respondent's submission, there are cogent policy reasons why the NTA scheme should generally proceed on an assumption that the area of responsibility of a PBC will most sensibly correspond to the entire area in which a particular group holds native title, regardless of the determination area(s) and/or overlaps with other native title holding groups. There ought to be compelling justification for the Court to entertain a departure from the *Drury* principle.

50 I accept that submission. Nevertheless, the obiter remarks in *Drury* were not, in my opinion, intended to form a straitjacket for the operation of the NTA. The circumstances in which this Court comes to make determinations of native title cover a tremendous spectrum. Sometimes, as part of compliance with the NTA's objective of resolving matters by negotiation if possible, innovative and flexible solutions to boundary and membership disputes are found. Added to this is the well-established reality that for a variety of reasons, native title holders may have to bring several s 61 applications in respect of different areas over which they claim to hold native title. Those reasons include funding challenges, the operation of s 48B of the NTA, availability of anthropological and evidence gathering resources, interactions with third party proprietary interest holders, and disputes between or within claim groups. An approach to the construction of the NTA which accommodates such resolutions is to be preferred where possible, as this will be an approach most compatible with the Preamble and the objectives of the NTA.

51 The bifurcation of the administration of a single native title was one of the concerns expressed by Colvin J and myself in *Drury* at [75]. Where the rights conferred are rights *in rem*, this is a legitimate consideration. However, as the submissions of the State and the Yinhawangka Gobawarra applicant have emphasised, the NTA reposes ultimate proprietary authority in the common law holders. A PBC, whether trustee or agent, is the vehicle through which native title is to be administered, and through which dealings in that native title are to occur. The authority for that administration and those dealings however ultimately resides with the common law holders.

52 The situation which now confronts the Court is the situation expressly left open by the Full Court in *Drury* at [74].

53 Where, as here, some of the common law holders for one area (ie the Yinhawangka area) are also common law holders for a different area (ie the area previously determined in *Jones*), the way that this sub-set of common law holders wishes to hold, and deal with, their native title may not follow the more straightforward situation in *Drury*. In the present situation, there is no identity between apical ancestors in *Jones* and in the present determination for the Yinhawangka area. Not all the apical ancestors in *Jones* were found to have rights and interests in the Yinhawangka area in the Yinhawangka Gobawarra Application. Further, Nijawarla was an additional and new ancestor. Thus, although the body of laws and customs which confers the native title rights and interests is the same body of laws and customs, the rights and interests arising from that body of law and custom are held distinctly and differently, in relation to a particular area, by a differently composed group of common law holders.

54 There is nothing incompatible with the scheme of the NTA in that circumstance for a different PBC to be nominated for that different area. Indeed, as I found at [588] in *Smirke (No 2)*:

Although each of the Jurruru and the Yinhawangka Peoples have their own determinations of native title, it is clear on the evidence that – despite the way the parties had expressed the agreed issues ahead of trial – both groups operate under the same broad normative system of traditional law and custom.

55 This was sometimes called a “Pilbara” system. A number of factors, including the post-sovereignty ascendancy of language identities over territories no longer possessed or inhabited by estate level groups, had coalesced so that rights and interests in land and waters under this wider normative system could nevertheless be differentially recognised and ascertained: see *Smirke (No 2)* at [615]-[617]. Of course, neither the NTA nor the obiter statements in *Drury* require a single PBC in the Pilbara because of the existence of this wider normative system.

The point is the same as the one I have made above: although the body of laws and customs which confers the native title rights and interests is the same body of laws and customs, the rights and interests arising from that body of law and custom are held distinctly and differently, in relation to a particular area, by a differently composed group of common law holders. That is, in my opinion, the point made at [49] of *Drury*.

56 I accept the Yinhawangka Gobawarra applicant, assisted by YAC, took steps in good faith to procure the consent of YAC to its nomination as the trustee PBC for the native title subject of the present determination. Ultimately the Yinhawangka common law holders did not agree. As the extracts from *Smirke (No 3)* at [24] above indicate, in my opinion it is more likely than not that the explanation for this refusal by the *Jones* common law holders does not stem from the application of traditional law and custom, but from more recent animosities, and more recent views about sticking with boundary outcomes some Yinhawangka people negotiated in 2010.

57 In the unique circumstances of this case, it is appropriate to make orders appointing the GYAC as the PBC pursuant to s 56(2)(b) of the NTA.

### **COSTS**

58 Subject to the PBCs entering into the deed of agreement referred to at [26] above, the parties' proposed orders resolve the question of costs as between most parties. However, the question of what costs might be payable by Yamatji Marlpa Aboriginal Corporation, the native title representative body for the region in which the claim areas are found, is proposed to be reserved, so as to accommodate the hearing of an application by the Yinhawangka Gobawarra applicant about that matter. This proposal is consistent with the orders made by the Court on 24 February 2022 in the Yinhawangka Gobawarra Application, following a case management hearing in which the Court heard that YMAC consents to orders providing for the hearing of an application of costs against it after the determination of native title by consent.

### **CONCLUSION**

59 Native title has been recognised in the area the subject of these three proceedings. The separate question process did not recognise native title in the way either the Yinhawangka Gobawarra or the Jurruru applicants initially sought. Nevertheless, in their sustained efforts after that decision, the claimant groups are to be commended on finding a compromise that they can live with, and more importantly, that will allow them to continue to maintain a connection to their country, to look after it and to pass down knowledge about it to future generations. Having

seen for itself the genuine respect for country, and sense of responsibility for it, held by native title holders on both sides, the Court hopes that the recognition given by its orders today will provide a new starting point for future co-operation.

I certify that the preceding fifty-nine (59) numbered paragraphs are a true copy of the Reasons for Judgment of the Honourable Justice Mortimer.

Associate:

Dated: 26 August 2022

## **SCHEDULE OF PARTIES**

### **WAD 490 of 2016**

Federal Court of Australia

District Registry: Western Australia

Division: General

Applicant	ROY TOMMY, NANCY TOMMY, MARY MILLS AND E.G.
First Respondent	STATE OF WESTERN AUSTRALIA
Second Respondent	YAMATJI MARLPA ABORIGINAL CORPORATION
Third Respondent	CENTRAL DESERT NATIVE TITLE SERVICES LTD
Fourth Respondent	BARKLEY MARSHALL DAY
Fifth Respondent	JOAN ELIZABETH DAY
Sixth Respondent	RICHARD ERNEST DAY
Seventh Respondent	ZANE BRADLEY DAY
Eighth Respondent	ANDREW NICHOLAS GLENN
Ninth Respondent	DONALD RAYMOND HAMMARQUIST
Tenth Respondent	WENDY RUTH HARVEY
Eleventh Respondent	DANIEL JOHN HASTIE
Twelfth Respondent	JASON GARY HASTIE



## **SCHEDULE OF PARTIES**

### **WAD 537 of 2018**

Federal Court of Australia

District Registry: Western Australia

Division: General

Applicant	IVAN SMIRKE, ALEC ALEXANDER AND KELLMAN LIMERICK
First Respondent	STATE OF WESTERN AUSTRALIA
Second Respondent	BAMBI PTY LTD
Third Respondent	CHEELA PALINS PASTORAL CO PTY LTD
Fourth Respondent	ANDREW NICHOLAS GLENN
Fifth Respondent	PETER ROBERT GREY
Sixth Respondent	SUSAN JEAN GREY
Seventh Respondent	DONALD RAYMOND HAMMARQUIST
Eighth Respondent	WENDY RUTH HARVEY
Ninth Respondent	DANIEL JOHN HASTIE
Tenth Respondent	JASON GARY HASTIE
Eleventh Respondent	STAMCO BEEF PTY LTD
Twelfth Respondent	ROY TOMMY
Thirteenth Respondent	NANCY TOMMY
Fourteenth Respondent	MARY MILLS
Fifteenth Respondent	E.G.
Sixteenth Respondent	YAMATJI MARLPA ABORIGINAL CORPORATION

## **SCHEDULE OF PARTIES**

### **WAD 538 of 2018**

Federal Court of Australia

District Registry: Western Australia

Division: General

Applicant	IVAN SMIRKE, ALEC ALEXANDER AND KELLMAN LIMERICK
First Respondent	STATE OF WESTERN AUSTRALIA
Second Respondent	BARKLEY MARSHALL DAY
Third Respondent	JOAN ELIZABETH DAY
Fourth Respondent	RICHARD ERNEST DAY
Fifth Respondent	ZANE BRADLEY DAY
Sixth Respondent	ANDREW NICHOLAS GLENN
Seventh Respondent	WENDY RUTH HARVEY
Eighth Respondent	DANIEL JOHN HASTIE
Ninth Respondent	JASON GARY HASTIE
Tenth Respondent	ROY TOMMY
Eleventh Respondent	NANCY TOMMY
Twelfth Respondent	MARY MILLS
Thirteenth Respondent	E.G.