



Extract from the National Native Title Register

Determination Information:

Determination Reference: Federal Court Number(s): WAD222/2020
NNTT Number: WPD2022/001

Determination Name: [Ward, on behalf of the Pila Nature Reserve Traditional Owners v State of Western Australia](#)

Date(s) of Effect: 15/06/2022

Determination Outcome: Compensation is payable

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

Determination Date: 15/06/2022

Determining Body: Federal Court of Australia

ADDITIONAL INFORMATION:

Not Applicable

REGISTERED NATIVE TITLE BODY CORPORATE:

No Prescribed Body Corporate has been registered for the area.

Note: current contact details for the Registered Native Title Body Corporate are available from the Office of the Registrar of Indigenous Corporations www.oric.gov.au

COMMON LAW HOLDER(S) OF NATIVE TITLE: SCHEDULE 3

THE PILA NATURE RESERVE TRADITIONAL OWNERS

1. The Pila Nature Reserve Traditional Owners are those persons who:
 - (a) have rights under traditional laws and customs in part or all of the Determination Area through:
 - (i) being conceived in the claim area;
 - (ii) being born in the claim area;
 - (iii) the birth of an ancestor on the claim area;
 - (iv) the acquisition of knowledge through long association with the claim area;
 - (v) an ancestor's acquisition of knowledge through long association with the claim area;

(vi) the burial site of an ancestor in the claim area; and/or

(vii) having religious, sacred, ritual, practical and historical knowledge of the claim area; and

(b) are recognised under traditional laws and customs by other members of the Pila Nature Reserve Traditional Owners as having rights in the Determination Area.

2. As at the date of this determination, this includes the descendants of the following persons:

(a) Malungka;

(b) the siblings Wirun / Wallace Davies, Tjuturumul / Billy Campbell and Marnupa Banks;

(c) Katurapulparr;

(d) the siblings Wunkurpa, Ngawili / Nolene Campbell, Tjintutjitji, Mulyamaru / Barney Ward and Nangkawan / Robert Ward;

(e) Lenny Morrison;

(f) Kaliya / Amy Anderson;

(g) the cousin-siblings Mirta-Mirta / Andy Campbell, Dinny Campbell and Nyipi Ward;

(h) the siblings Kautjuku / Polly Bond, Red Robertson, Walampari Mitchell and Tatitjarra / Arthur Robertson;

(i) Minmarna / Chinaman / John Carnegie;

(j) the siblings Yaluwila / Violet Ward and Neva Butler;

(k) the siblings Tjiltjirrkurnyu and Tjapiyatjara;

(l) the siblings Matjuwa Campbell and Nyingura Martin;

(m) Kuku / Kirintji;

(n) Dr George Ward / George Ward;

(o) the siblings Dolly Smith and Eileen Robinson;

(p) Pulpurru Davies; and

(q) Nyaraurr / Nama Cutline / Ben Brown.

**MATTERS DETERMINED:
THE COURT ORDERS THAT:**

1. There be a determination of compensation in terms of Attachment A to these orders.

AND THE COURT MAKES THE FOLLOWING FURTHER ORDERS PURSUANT TO SECTION 87(4) OF THE NTA:

3. These orders finally dispose of the Compensation Claim.

4. The compensation provided for under the CLPSA and this determination of compensation is in full and final satisfaction of the Pila Nature Reserve Traditional Owners' entitlement to, and the First Respondent's liability for, compensation pursuant to the NTA in relation to the past loss, diminution, impairment or other effect of native title in relation to the Determination Area by the Compensable Act.

ATTACHMENT A

BY CONSENT OF THE PARTIES, THE COURT ORDERS, DECLARES AND DETERMINES THAT:

Compensation for extinguishment of native title: ss 45, 51(1) NTA

1. Compensation is to be provided by the First Respondent in accordance with the terms of the CLPSA for the loss, diminution, impairment or other effect of the Compensable Act on native title in relation to the Determination Area.

2. Satisfaction of the First Respondent's obligations under the CLPSA shall be taken as full discharge of the First Respondent's obligation to comply with these orders.

Persons entitled to compensation: s 94 NTA

3. The persons entitled to the compensation are the Pila Nature Reserve Traditional Owners. The parties to the CLPSA, including the Applicant on behalf of the Pila Nature Reserve Traditional Owners, have agreed in the CLPSA that some of the compensation is to be provided to Warnpurru AC and some of the compensation is to be expended directly by the State in accordance with the CLPSA.

4. The amount or kind of compensation to be given to each person and any dispute regarding the entitlement of a person to an amount of the compensation shall be determined in accordance with the decision-making processes of Warnpurru AC as set out in its constitution registered from time to time with the Office of the Registrar of Indigenous Corporations.

Interpretation

5. In this determination, including its schedules:

(a) unless the contrary intention appears, the words and expressions used have the same meaning as in the NTA;

(b) if there is an inconsistency between a description of an area in this determination and the depiction of that area on the map in Schedule 2, the written description prevails;

(c) **Compensable Act** means the vesting of Reserve 34606 in the Western Australian Wildlife Authority in trust for the reserve purpose under section 33 of the *Land Act 1933* (WA), noting that the following acts, which immediately preceded the Compensable Act on 22 April 1977, are, to the extent they are compensable, essentially the same act for the purposes of section 49 of the NTA:

(i) reservation of the claim area under section 29 of the *Land Act 1933* (WA) as Reserve 34606 for the purpose of Conservation of Flora and Fauna; and

(ii) classification of Reserve 34606 as a Class 'A' reserve in accordance with section 31 of the *Land Act 1933* (WA).

(d) **Determination Area** means the whole of the area described in Schedule 1 and depicted on the map attached at Schedule 2;

(e) **NTA** means the *Native Title Act 1993* (Cth);

(f) **Pila Nature Reserve Traditional Owners** means the group of persons described in Schedule 3;

(g) **CLPSA** means the Gibson Desert Compensation and Lurrtjurrulula Palakitjalu Settlement Agreement entered into by the First Respondent represented by the Minister for Aboriginal Affairs and the Minister for Environment, the Minister for Lands (body corporate), the Chief Executive Officer of the Department of Biodiversity, Conservation and Attractions, the Conservation and Parks Commission, the Applicant, Warnpurru AC and Central Desert Native Title Services Ltd on 29 October 2020; and

(h) **Warnpurru AC** means Warnpurru (Aboriginal Corporation) (ICN 8979).

REGISTER ATTACHMENTS:

1. WPD2022/001 Schedule 1 - Determination Area Description, 15 pages - A4, 15/06/2022

2. WPD2022/001 Schedule 2 - Map Showing Determination Area, 1 page - A4, 15/06/2022

Note: The National Native Title Register may, in accordance with s. 195 of the Native Title Act 1993, contain confidential information that will not appear on the Extract.