



Extract from the National Native Title Register

Determination Information:

Determination Reference: Federal Court Number(s): WAD6027/1998
NNTT Number: WCD2013/005

Determination Name: [Cheinmora v State of Western Australia \(No 2\)](#)

Date(s) of Effect: 7/08/2013

Determination Outcome: Native title exists in parts of the determination area

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

Determination Date: 07/08/2013

Determining Body: Federal Court of Australia

ADDITIONAL INFORMATION:

Not Applicable

REGISTERED NATIVE TITLE BODY CORPORATE:

Balanggarra Aboriginal Corporation RNTBC
Trustee Body Corporate
c/o Kimberley Land Council
P.O. Box 2145
Broome Western Australia 6725

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:

The native title is held by the descendants of:

Wundangana Waina, Wuju, Amburu, Djirlarmuru, Mitilber/Njorda, Jiani, Akingungka/Nakmara, Rugben, Moolpan/Kandarworl, Boongottor, Matilda Moorajayi, Joonpan/Moorajayi, Maraltadj, Miuron, Moongkama, Purwan, Waapa, Makumuku, Torto/Yilimbiri, Nandjimara, Jalalarimiri/Kolorumari, Puraru, Nandjimara, Yarluwutj, Koolberi, Angela, Moongkama, Yoolyool, Mutumutu, Murungga, Bundamiri, Vernon Dah, Mayaltor, Malangnari, Dz[^]ngal, Naringa, Wolarmbar, Murlu, Zamin[^]elli, Mandomiri, G[^]nambul, Nganawongka, Ng[^]Inari, W[^]garmiri, Waibela, [^]Nuwija, Jidei-ida/Wugad[^]r, N[^]lamiri, Malnuben, Gootimurri, Junbabara, Linound[^]ri, Wungur[^]ru, Judu, Linound[^]ri, Jumbabera, Bo, Do[^]lu, Lau-uri, Wiju/Baluga, Wanguben, Mundjanggal, D[^]Inga, Mud[^]ta, Rebern, D[^]Inga, Med[^]rda, Aruwund[^]rdzera, Mal[^]Ngunawal, Mal[^]ngu, Galamiri, Angular, Benmiri, Ziranim/Ganggu, M[^]labu, [^]m]ra, Wulangan, Jura/Juradide, Njama, Dagi, Zunggalima, Weni, Njama, Charlie Plateman, Dickie Kooyoo, Baija, Jeduri, Zunggalima, Mandurga, W[^]Ngadju, W[^]Nu, Nitil, Lura/Gurul, Birim,

Ngari, Dumalbon/Tumelben, Merliman, Wangooloo, Wamblma, W[^]rga, Bangudenanga, Birra-rar-aa, Wanjuwila, Wungaruru, Wurarwungedzi, Zuandi, Z[^]lubern, G[^]mura, W[^]mbu/Njurnji, Waneigera, J[^]wan, Z[^]Inga, Guri, Banmon, Warin.

For the avoidance of doubt, recognition of the native title rights and interests by this Determination includes recognition of the Native Title Holders' ability to transmit those rights and interests to successive generations of Balangarra people in accordance with traditional laws and customs.

MATTERS DETERMINED:

BY CONSENT OF THE PARTIES THE COURT ORDERS THAT:

1. There be a determination of native title in WAD 6027 of 1998 in terms of the Determination as provided for in Attachment 'A' hereof.
2. The Balangarra Aboriginal Corporation ICN 2923 shall hold the determined native title in trust for the native title holders pursuant to s 56(2)(b) of the *Native Title Act 1993* (Cth).

ATTACHMENT "A"

DETERMINATION

THE COURT ORDERS, DECLARES AND DETERMINES THAT:

Existence of native title (s 225 Native Title Act)

- 1 Subject to paragraph 3A, the Determination Area is the land and waters described in Schedule One and depicted on the maps at Attachment One to Schedule One.
- 2 Subject to paragraph 3, native title exists in the Determination Area in the manner set out in paragraphs 5 to 12.
- 3 By reason of extinguishment, native title does not exist in relation to those parts of the Determination Area comprising land and waters the subject of the interests identified in Schedule Three and shaded green on the maps at Attachment One to Schedule One.
- 3A In relation to that part of Adolphus Island which is within the Excluded Area as that term is defined in Schedule One of this Determination, no determination be made and the matter is to continue in case management.

Native title holders (s 225(a) Native Title Act)

- 4 The native title in relation to the Determination Area is held in common by members of the Balangarra community being the people referred to in Schedule Six of this Determination.

The nature and extent of native title rights and interests (s225(b) Native Title Act) and exclusiveness of native title (s 225(e) Native Title Act)

Exclusive rights in relation to certain land

- 5 Subject to paragraphs 9, 10 and 11, the nature and extent of the native title rights and interests in relation to the areas of land generally shown as shaded pink and brown on the map at Attachment One to Schedule One, being all of the land in the Determination Area which:

has not been the subject of prior extinguishment of native title as described in Schedule Two and Schedule Three; or

- (a) has been the subject of prior extinguishment of native title, which extinguishment must be disregarded by operation of s 47, 47A or 47B of the *Native Title Act* as described in Schedule Five,
- (b) is the right to possession, occupation, use and enjoyment to the exclusion of all others.

Non-exclusive rights in relation to certain land and waters

6 Subject to paragraph 7, 9, 10 and 11 the nature and extent of the native title rights and interests in relation to the area of land and waters described in Schedule Two and generally shown as shaded orange or marked with purple dots to the extent those areas are not otherwise within the Intertidal Area on the map at Attachment One to Schedule One, being areas which are not within the Intertidal Area and areas where the native title right to possession, occupation, use and enjoyment to the exclusion of all others is not available at law including by reason of partial extinguishment of native title, is:

- (a) the right to enter, travel over and remain on the land;
- (b) the right to live and camp on the land including erecting shelters and other structures for those purposes;
- (c) the right to hunt, fish, gather and use including by way of sharing or exchange the resources of the land and waters for personal, domestic and communal needs including, but not limited to, cultural or spiritual needs but not for commercial purposes as in accordance with paragraph 10(a)(ii);
- (d) the right to light fires for domestic purposes;
- (e) the right to engage in cultural activities on the land including:
 - (i) visiting places of cultural or spiritual importance and protecting those places by carrying out lawful activities to preserve their physical or spiritual integrity;
 - (ii) conducting and participating in ceremony and ritual including in relation to death;
 - (iii) holding meetings; and
 - (iv) passing on knowledge about the physical and spiritual attributes of the determination area and areas of importance on or in the determination area.

7 By reason of the creation of Reserve 32853 and application of by-laws 13 and 15 made in 1963 pursuant to s 8 of the *Parks and Reserves Act 1895*, native title rights to hunt, fish and take flora have been extinguished in relation to the land and waters comprising Drysdale River National Park being Doongan Locations 6 and 24, Marndoc Location 5. The other native title rights and interests described in paragraph 6 continue to exist in relation to that area.

Non-exclusive rights in relation to Intertidal Area

8 Subject to paragraphs 9, 10 and 11, the nature and extent of the native title rights and interests in relation to the Intertidal Area being an area where the native title right to possession, occupation, use and enjoyment to the exclusion of all others is not available at law are:

- (a) the right to enter, travel over and remain on the area;
- (b) the right to camp on the area including erecting shelters and other structures for that purpose;
- (c) the right to hunt, fish, gather and use (including by way of sharing or exchange the resources of the area for personal, domestic and communal needs including, but not limited to, cultural or spiritual needs but not for commercial purposes as in accordance with paragraph 9(a)(ii));
- (d) the right to light fires for domestic purposes;
- (e) the right to take and use water from the area;
- (f) the right to engage in cultural activities on the area including:
 - (i) visiting places of cultural or spiritual importance and protecting those places by carrying out lawful activities to preserve their physical or spiritual integrity;

- (ii) conducting and participating in ritual; and
- (iii) passing on knowledge about the physical and spiritual attributes of the determination area and areas of importance on or in the determination area.

Qualifications on native title rights and interests

9 The native title rights and interests described in paragraphs 5 to 8:

- (a) are exercisable in accordance with:
 - (i) the laws of the State and the Commonwealth, including the common law; and
 - (ii) the traditional laws and customs of the native title holders for their personal, domestic and communal needs including cultural or spiritual needs but not for commercial purposes.

10 Notwithstanding anything in this Determination:

- (a) there are no native title rights and interest in the Determination Area in relation to:
 - (i) minerals as defined in the *Mining Act 1904* (WA) (repealed) and the *Mining Act 1978* (WA);
 - (ii) petroleum as defined in the *Petroleum and Geothermal Energy Act 1936* (WA) (repealed) and in the *Petroleum and Geothermal Energy Resources Act 1967* (WA);
 - (iii) geothermal energy resources and geothermal energy as defined in the *Petroleum and Geothermal Energy Resources Act 1967* (WA); or
 - (iv) water captured by the holders of the other interests in accordance with those interests; and
- (b) the nature and extent of native title rights and interests in relation to water in any watercourse, wetland or underground water source as is defined in the *Rights in Water and Irrigation Act 1914* (WA) as at the date of this Determination is the non-exclusive right to take, use and enjoy that water for personal, domestic and communal needs including cultural or spiritual needs but not for commercial purposes.

11. The native title rights and interests described in paragraphs 6 to 8 do not confer:

- (a) possession, occupation, use and enjoyment of the land or waters of the Determination Area on the native title holders to the exclusion of all others; nor
- (b) a right to control the access to, or use of, the land and waters of the Determination Area or their resources.

12. For the avoidance of doubt, subject to the qualifications described in paragraphs 9, 10 and 11, the manner of exercise of native title rights and interests recognised by this Determination is a matter for the native title holders to determine having regard to, and in accordance with, their traditional laws and customs.

Areas to which sections 47, 47A and 47B of the Native Title Act apply

13. Sections 47, 47A and 47B of the *Native Title Act* apply to disregard any prior extinguishment in relation to the areas identified in Schedule Five.

The nature and extent of any other interests (s 225(c) Native Title Act)

14. The nature and extent of the other interests in relation to the Determination Area are described in Schedule Four.

Relationship between native title rights and other interests (s 225(d) Native Title Act)

15. The relationship between the native title rights and interests described in paragraphs 5 to 8 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, subject to the operation of section 24JB(2) of the Native Title Act, do not extinguish them.

Definitions and Interpretation

16. In this Determination, unless the contrary intention appears:

“**Determination Area**” means the land and waters described in Schedule One and depicted on the maps at Attachment One to Schedule One not including the Excluded Area;

“**Excluded Area**” means the land and waters described as the “Excluded Area” in Schedule One;

“**Intertidal Area**” means the area of land and waters between lowest astronomical tide and the mean high water mark; and

“**land**” has the same meaning as in the *Native Title Act*,

“**Native Title Act**” means the *Native Title Act 1993* (Cth);

“**Native Title Holders**” means the persons described in paragraph 4;

“**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 0;

“**resources**” means flora, fauna and other natural resources such as ochre (except ochres for use in the manufacture of porcelain, fine pottery or pigments), charcoal, stone, soil, wood and resin;

“**waters**” has the same meaning as in the *Native Title Act*,

17. In the event of any inconsistency between the written description of an area in Schedules One, Two, Three, Four or Five and the area as depicted on the maps at Attachment One to Schedule One, the written description prevails.

SCHEDULE ONE - DETERMINATION AREA

[See NNTR attachment 1: “Schedule One - Determination Area”]

SCHEDULE ONE - MAPS OF THE DETERMINATION AREA

[See NNTR attachment 2: “Schedule One - Maps of the Determination Area”]

SCHEDULE TWO

LAND AND WATERS THE SUBJECT OF NON-EXCLUSIVE NATIVE TITLE

Areas where native title comprises the rights set out in paragraph 6

Areas the subject of the native title rights and interests described in paragraph 6 of the Determination are:

Part of the Wyndham Port Area

- (a) that part of the Wyndham Port area as declared pursuant to s 10 of the *Shipping and Pilotage Act 1967* (WA) generally shown with hatched blue lines on the maps at Attachment One to Schedule One and which is not covered by:
- (i) the Wyndham Port Area as described in Schedule Three; or
 - (ii) an area described in Schedule Five as an area where section 47 or 47A of the *Native Title Act 1993* (Cth) applies.

Reserves

The areas listed below which are generally shown as shaded orange on the maps at Attachment One to Schedule One:

- (a) Reserve 8222, reserved for the purpose of Travellers & Stock;
- (b) Reserve 8223, reserved for the purpose of Experimental Cultivation; and
- (c) Reserve 32853, reserved for the purpose of 'national park' on 27 September 1974 under section 31(2) of the *Land Act 1933* (WA) (Drysdale River National Park).

Waters

- (a) Waters which are not within an area described in Schedule Three including, without limitation;
 - (i) that portion of UCL which generally forms the bed of the King Edward River;
 - (ii) that portion of UCL which generally forms the bed of the Drysdale River; and
 - (iii) that portion of UCL which is generally located within the King Edward River and abuts Reserve 46596.

Note: The maps at Attachment One of Schedule One generally indicate the location of some major waterways, including the Drysdale and King Edward rivers. The maps do not depict all of the waters within the determination area.

SCHEDULE THREE

AREAS WHERE NATIVE TITLE DOES NOT EXIST (Paragraph 3)

Areas of land and waters where, by reason of extinguishment, native title rights and interests do not exist, as described in paragraph 3 of the Determination are the areas listed below which are, with the exception of public works, generally shown as shaded green on the maps at Attachment One to Schedule One:

Reserves

Reserve 31967 (King Locations 755 and 671) for the purpose of conservation of flora and fauna vested under section 33 of the *Land Act 1933* (WA) in the Western Australian Wild Life Authority on 4 May 1973.

Public Works

Any public works as defined in the *Native Title Act* and the *Titles (Validation) and Native Title (Effect of Past Acts) Act 1995* (WA) (including the land and waters on which the 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) and Native Title (Effect of Past Acts) Act 1995* (WA) or section 23C(2) of the *Native Title Act* applies.

Wyndham Port Area

Wyndham Port Area vested pursuant to section 9 of the *Marine and Harbours Act 1981* (WA) and published in the Government Gazette on 5 February 1982.

SCHEDULE FOUR

OTHER INTERESTS (Paragraph 14)

The nature and extent of the other interests in relation to the Determination Area as at the date of the Determination are:

1. *Freehold*

- (a) The rights of the registered proprietor from time to time of freehold land the subject of the following titles:
- (i) certificate of title volume 1019 folio 700 in relation to Marndoc Location 3; and
 - (ii) certificate of title volume 1019 folio 701 in relation to Marndoc Location 2.

2. *Reserves*

- (a) The rights of persons who have the care, control and management of the following reserves; and
- (b) the rights of persons entitled to access and use the following reserves for the respective purposes for which they are reserved, subject to any statutory limitations upon those rights:
- (i) Reserve 8222 for the purposes of travellers and stock;
 - (ii) Reserve 8223 for the purposes of experimental cultivation;
 - (iii) Reserve 32853 (Drysdale River National Park) (Doongan Locations 6 and 24, Marndoc Location 5) for the purposes of national park;
 - (iv) Reserve 3960 (Marndoc Location 1) for the purpose of Aboriginal mission station vested under section 33 of the *Land Act 1933* (WA) in the Aboriginal Lands Trust on 8 August 1975 (Forrest River Reserve);
 - (v) Reserve 13873 (Marndoc Location 11) for the purpose of use of Aborigines vested under section 33 of the *Land Act 1933* (WA) in the Aboriginal Lands Trust on 3 August 1973 (Oombulgurri Reserve);
 - (vi) Reserve 21675 (Doongan Locations 21, 41 and 42) for the purpose of use and benefit of Aboriginal inhabitants vested under section 27 of the *Aboriginal Affairs Planning Authority Act 1972* (WA) in the Aboriginal Affairs Planning Authority on 15 June 1973 (Kalumburu Reserve).

3. *Wyndham Port declared pursuant to the Shipping and Pilotage Act 1966 (WA)*

(a) The rights conferred and arising in the Wyndham Port area as declared pursuant to s 10 of the *Shipping and Pilotage Act 1967* (WA).

4. *Leases*

(a) The rights of the holders from time to time of the following leases:

(ii) Reserve 8222 for the purposes of travellers and stock;

(iii) Pastoral Lease 3114/1056 (Doongan Location 19 and Marndoc Location 9) being Carson River Station;

(iv) General Lease J284270 (Lot 21 on Deposited Plan 241779; Lot 41 on Deposited Plan 193297 and Lot 42 on Deposited Plan 193298, Reserve 21675) to Kalumburu Aboriginal Corporation for a term of 99 years commencing 30 June 1988;

(v) General Lease I724663 (Lot 11 on Deposited Plan 241772, part Reserve 21675) to Jiamiddie Aboriginal Corporation for a term of 50 years commencing 1 January 2003;

(vi) Lease of part of Lot 1 on Deposited Plan 92237 (LR3069/108) to Minister for Works for a term of 3 years and 3 months commencing 1 August 2009;

(vii) Lease of Lot 3 on Deposited Plan 144097 (certificate of title volume 1019 folio 700) to Minister for Works for a term of 3 years and 3 months commencing 1 August 2009;

(viii) Lease of Lot 2 on Deposited Plan 202400 (certificate of title volume 1019 folio 701) to Minister for Works for a term of 3 years and 3 months commencing 1 August 2009.

5. *Mining Tenements*

(a) The rights of the holders from time to time of the following mining tenements including their right 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 for the purpose of exercising the rights granted by that tenement.

(i) Mining Leases

Tenement ID	Holder	Date Granted
M 80/492	Striker Diamonds Pty Ltd	18/11/1999
M 80/526	North Australian Diamonds Ltd	01/08/2003
M 80/532	North Australian Diamonds Ltd	29/10/2003

(ii) Miscellaneous Licences

Tenement ID	Holder	Date Granted
L 80/28	Striker Diamonds Pty Ltd	22/02/1995

(iii) Exploration Licences

Tenement ID	Holder	Date Granted
E 80/04374	Clara Resources Pty Ltd	26/03/2012
E 80/04375	Clara Resources Pty Ltd	26/03/2012
E 80/04620	Janet Meyers	19/11/2012
EOS70/00016	Caigen Wang	01/01/2011

Nothing in paragraph 5(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 as contemplated by that paragraph.

6. *Petroleum interests*

(a) The rights of the holders from time to time of the following petroleum interests including their right 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 petroleum interest for the purpose of exercising the rights granted by that interest.

(i) Exploration Permits

Tenement ID	Holder	Date Granted
TP/22	Eni Australia BV	12/01/2004

Nothing in paragraph 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 as contemplated by that paragraph.

7. *Telstra Corporation*

The rights and interests of Telstra Corporation Limited:

(a) as the owner or operator of telecommunications facilities installed within the determination area;

(b) created pursuant to the *Post and Telegraph Act 1901* (Cth), the *Telecommunications Act 1975* (Cth), the *Australian Telecommunications Corporation Act 1989* (Cth), the *Telecommunications Act 1991* (Cth) and the *Telecommunications Act 1997* (Cth), including:

(i) to inspect land;

(ii) the right to install and operate telecommunications facilities; and

(iii) to alter, remove, replace, maintain, repair and ensure the proper functioning of its telecommunications facilities;

(c) to occupy the following existing telecommunications sites within the Determination Area:

(i) Mission Bay RT site, being a square 100 m x 90 m, located within Reserve 21675, at Latitude -14° 4' 57.469", Longitude 126° 39' 38.606";

(ii) Carson RT site, being a square 80 m x 80 m, located within CL133/19739 (Carson River Station), at Latitude -14° 31' 53.858", Longitude 126° 37' 2.789";

(iii) Oombulgurri Community site, being a square 30 m x 30m, located within Reserve 3690, at Latitude -15° 10' 41.988", Longitude 127° 50' 40.087";

(iv) Viotti Peak DRCS site, being a square 30 m x 30 m, located within Reserve 13873, at Latitude -15° 0' 33.842", Longitude 127° 46' 38.492;

(d) for its employees, agents or contractors to access its telecommunications facilities in and in the vicinity of the Determination Area in performance of their duties; and

(e) under any lease, licence or easement relating to its telecommunications facilities in the Determination Area.

8. *Other*

(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 including but not limited to the rights and interests of the holders of statutory fishing and pearling interests granted under the *Fish Resources Management Act 1994* (WA), the *Pearling Act 1990* (WA), and the *Fisheries Management Act 1991* (Cth) and any regulations made pursuant to that legislation.

(b) Rights and interests held by reason of the force and operation of the laws of the State including the *Rights in Water and Irrigation Act 1914* (WA) and the Commonwealth.

(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, subject to the laws of the State, the Gibb River to Kalumburu Road and any other road in the Determination Area over which, as at the date of this Determination, members of the public have a right of access under 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;

(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 where such access would be permitted to private land.

(e) So far as confirmed pursuant to section 14 of the *Titles (Validation) and Native Title (Effect of Past Acts) Act 1995* (WA) as at the date of this determination, any existing public access to and enjoyment of:

(i) waterways;

(ii) beds and banks or foreshores of waterways;

(iii) beaches; and

(iv) stock routes.

(f) The international right of innocent passage through the territorial sea.

SCHEDULE FIVE

AREAS TO WHICH SECTIONS 47, 47A AND SECTION 47B OF THE *NATIVE TITLE ACT* APPLY

Areas of land within the Determination Area to which sections 47, 47A or 47B of the *Native Title Act 1993* (Cth) apply as described in paragraph 13 of the Determination are the following areas described below which are generally shown as shaded in brown on the maps at Attachment One to Schedule One:

1. *Section 47*

Section 47 of the *Native Title Act* applies to disregard any extinguishment of native title rights and interests in relation to Doongan Location 19 and Marndoc Location 9 (Carson River Station) by:

- (a) the creation of Pastoral Lease 3114/1056 and any prior interests including:
 - (i) Pastoral Lease 3114/739;
 - (ii) Pastoral Lease 396/754;
 - (iii) Pastoral Lease 396/805; and
 - (iv) Pastoral Lease 398/510.
- (b) the doing of any act under Pastoral Lease 3114/1056 and any prior interests or by virtue of holding that interest.

2. Section 47A

Section 47A of the *Native Title Act* applies to disregard any extinguishment by the creation of prior interests in relation to areas within the Determination Area the subject of the following interests:

- (a) Certificate of title volume 1019 folio 700 in relation to Marndoc Location 3;
- (b) Certificate of title volume 1019 folio 701 in relation to Marndoc Location 2;
- (c) Reserve 3960 (Marndoc Location 1) for the purpose of Aboriginal mission station vested under section 33 of the *Land Act 1933* (WA) in the Aboriginal Lands Trust on 8 August 1975 (Forrest River Reserve);
- (d) Reserve 13873 (Marndoc Location 11) for the purpose of use of Aborigines vested under section 33 of the *Land Act 1933* (WA) in the Aboriginal Lands Trust on 3 August 1973 (Oombulgurri Reserve);
- (e) Reserve 21675 (Doongan Locations 21, 41 and 42) for the purpose of use and benefit of Aboriginal inhabitants vested under section 27 of the *Aboriginal Affairs Planning Authority Act 1972* (WA) in the Aboriginal Affairs Planning Authority on 15 June 1973 (Kalumburu Reserve).

3. Section 47B

Section 47B of the *Native Title Act* applies to disregard any extinguishment by the creation of prior interests in relation to those areas of unallocated Crown land within the Determination Area which were not covered by an interest described in s 47(1)(b)(i) or (ii) or subject to a resumption process as described in s 47B(1)(ii) when the relevant native title determination application was made, which areas are generally shaded in brown on the maps at Attachment One to the First Schedule. Those prior interests include, but are not limited to:

- (a) Former Reserve 18303 (Sir Graham Moore Islands) for the purpose of cultivation and grazing;
- (b) Former Special Lease 3116/2676; and
- (c) Parts of former Pastoral Leases 3114/1056, 5/025, 5/038, 5/185, 5/191, 0391/98, 0392/98, 0483/98, 0485/98, 0834/98, 0835/98 and 2088/98, which are not covered by the Wyndham Port Area as described in Schedule Two.

SCHEDULE SIX

NATIVE TITLE HOLDERS

The native title is held by the descendants of:

Wundangana Waina, Wuju, Amburu, Djirlarmuru, Mitilber/Njorda, Jiani, Akingungka/Nakmara, Rugben, Moolpan/Kandarworl, Boongottor, Matilda Moorajayi, Joonpan/Moorajayi, Maraltadj, Miuron, Moongkama, Purwan, Waapa, Makumuku, Torto/Yilimbiri, Nandjimara, Jalalarimiri/Kolorumari, Puraru, Nandjimara,

Yarluwutj, Koolberi, Angela, Moongkama, Yoolyool, Mutumutu, Murungga, Bundamiri, Vernon Dah, Mayaltor, Malangnari, Dz^ngal, Naringa, Wolarmbar, Murlu, Zamin^elli, Mandomiri, G^nambul, Nganawongka, Ng^Inari, W^garmiri, Waibela, ^Nuwija, Jidei-ida/Wugad^r, N^lamiri, Malnuben, Gootimurri, Junbabara, Linound^ri, Wungur^ru, Judu, Linound^ri, Jumbabera, Bo, Do^lu, Lau-uri, Wiju/Baluga, Wanguben, Mundjanggal, D^Inga, Mud^ta, Rebern, D^Inga, Med^rda, Aruwund^rdzera, Mal^Ngunawal, Mal^ngu, Galamiri, Angular, Benmiri, Ziranim/Ganggu, M^labu, ^m]ra, Wulangan, Jura/Juradide, Njama, Dagi, Zunggalima, Weni, Njama, Charlie Plateman, Dickie Kooyoo, Baija, Jeduri, Zunggalima, Mandurga, W^Ngadju, W^Nu, Nitil, Lura/Gurul, Birim, Ngari, Dumalbon/Tumelben, Merliman, Wangooloo, Wamblma, W^rga, Bangudenanga, Birra-rar-raa, Wanjuwila, Wungaruru, Wurawungedzi, Zuandi, Z^lubern, G^mura, W^mbu/Njurnji, Waneigera, J^wan, Z^Inga, Guri, Banmon, Warin.

For the avoidance of doubt, recognition of the native title rights and interests by this Determination includes recognition of the Native Title Holders' ability to transmit those rights and interests to successive generations of Balangarra people in accordance with traditional laws and customs.

REGISTER ATTACHMENTS:

1. Schedule One - Determination Area, 12 pages - A4, 07/08/2013
2. Schedule One - Maps of the Determination Area, 19 pages - A3, 07/08/2013

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.