



Extract from the National Native Title Register

Determination Information:

Determination Reference: Federal Court Number(s): WAD6061/1998
NNTT Number: WCD2011/002

Determination Name: [VB \(Deceased\) v State of Western Australia](#)

Date(s) of Effect: 26/05/2011

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: 26/05/2011

Determining Body: Federal Court of Australia

ADDITIONAL INFORMATION:

Please note that the native title determination made on 26 May 2011 was amended by Court order on 6 September 2012 by replacing reference to "Reserve 1101" in paragraph 2(a) of Schedule 4 of the determination with "Reserve 1011". Schedule 4 has been amended as ordered.

REGISTERED NATIVE TITLE BODY CORPORATE:

Wanjina-Wunggurr (Native Title) Aboriginal Corporation RNTBC
Trustee Body Corporate
11 Gregory Street
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 members of the Wanjina Wunggurr Community for their respective communal, group and individual rights and interests in the Determination Area. The members of the Wanjina-Wunggurr Community are the persons referred to in Schedule Six.

MATTERS DETERMINED:

THE COURT ORDERS, DECLARES AND DETERMINES THAT:
EXISTENCE OF NATIVE TITLE (s 225 NATIVE TITLE ACT)

1. 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, 7, 8 and 9 of this Determination.

3. Native title does not exist in those parts of the Determination Area the subject of the interests identified in Schedule Three which are shown as shaded green on the maps at Attachment One to Schedule One.

NATIVE TITLE HOLDERS (s 225(a) NATIVE TITLE ACT)

4. The native title is held by the members of the Wanjina Wunggurr Community for their respective communal, group and individual rights and interests in the Determination Area. The members of the Wanjina-Wunggurr Community are the persons referred to in Schedule Six.

THE NATURE AND EXTENT OF NATIVE TITLE RIGHTS AND INTERESTS (s 225(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 paragraph 11, the Native Title Holders have the rights to possession, occupation, use and enjoyment of land within the Determination Area which:

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

(b) has been the subject of prior extinguishment of native title but which extinguishment must be disregarded by operation of sections 47A or 47B of the Native Title Act (as described in Schedule Four),

to the exclusion of all others (and which land is shown as shaded orange on the maps at Attachment One to Schedule One).

6. For the avoidance of doubt, the native title rights referred to in paragraph 5 include the right to make decisions about the manner of exercise of those rights and interests in relation to the land (and activities pursuant to them) by the Native Title Holders.

NON-EXCLUSIVE RIGHTS IN RELATION TO OTHER LAND

7. Subject to paragraphs 11 and 12, the Native Title Holders have the following rights in relation to land within the Determination Area which has been the subject of partial extinguishment of native title (as described in Schedule Two and which land is shown as shaded purple on the maps at Attachment One to Schedule One):

(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 the resources of the land including:

(i) sharing and exchanging those resources; and

(ii) manufacturing traditional items from those resources

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 11(a)(ii));

(d) the right to light fires for domestic purposes but not for the clearance of vegetation;

(e) the right to take and use water from the land; and

(f) 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 ceremony and ritual;

(iii) holding meetings;

(iv) participating in cultural practices relating to birth and death, including burial rights;

(v) passing on knowledge about the physical and spiritual attributes of the Determination Area and areas of importance on or in the Determination Area; and

(vi) maintaining, and protecting from physical harm, places and areas of importance including, for the avoidance of doubt, freshening or repainting images at painting sites.

NON-EXCLUSIVE RIGHTS IN RELATION TO INTERTIDAL AREAS

8. Subject to paragraphs 11 and 12, the Native Title Holders have the following rights in relation to Intertidal Areas within the Determination Area:

(a) the right to enter, travel over and remain on the Intertidal Area;

(b) the right to live and camp on the Intertidal Area (including erecting shelters and other structures for those purposes);

(c) the right to hunt, fish, gather and use the resources of the Intertidal Area including:

(i) sharing and exchanging those resources; and

(ii) manufacturing traditional items from those resources,

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 11(a)(ii));

(d) the right to light fires for domestic purposes;

(e) the right to take and use water from the Intertidal Area; and

(f) the right to engage in cultural activities on the Intertidal 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 ceremony and ritual;

(iii) holding meetings;

(iv) participating in cultural practices relating to birth and death, including burial rights;

(v) passing on knowledge about the physical and spiritual attributes of the Determination Area and areas of importance on or in the Determination Area; and

(vi) maintaining, and protecting from physical harm, places and areas of importance including, for the avoidance of doubt, freshening or repainting images at painting sites.

NON-EXCLUSIVE RIGHTS IN RELATION TO WATERS

9. Subject to paragraphs 11 and 12, the Native Title Holders have the following rights in relation to waters within the Determination Area (which waters are shown as dotted light blue on the maps at Attachment One to Schedule One):

(a) the right to enter, travel over and remain on the waters;

(b) the right to hunt, fish, gather and use the resources of the 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 11(a)(ii)); and

(c) the right to take and use water.

OTHER

10. For the avoidance of doubt, and subject to paragraphs 11 and 15, in exercising the native title rights and interests referred to in paragraphs 7 and 8 any question of:

(a) whether a place or area in the Determination Area is a place or area of cultural or spiritual importance to the Native Title Holders;

- (b) whether an activity or practice is a cultural activity or practice of the Native Title Holders;
 - (c) the location, timing and content of any cultural activity, practice, ceremony or ritual of the Native Title Holders; and
 - (d) the use, exchange, sharing, or manufacture of traditional items by the Native Title Holders
- is to be determined in accordance with the Native Title Holders' traditional laws and customs.

QUALIFICATIONS ON NATIVE TITLE RIGHTS AND INTERESTS

11. The native title rights and interests described in paragraphs 5, 7, 8 and 9:

(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, but not limited to, cultural or spiritual needs) but not for commercial purposes; and

(b) do not confer any rights 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 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 pursuant to those Other Interests.

12. The native title rights and interests described in paragraphs 7, 8 and 9 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.

AREAS TO WHICH s 47A OR s 47B OF THE NATIVE TITLE ACT APPLY

13. Sections 47A or 47B of the Native Title Act apply to disregard any prior extinguishment in relation to the areas described in Schedule 4.

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 Five.

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, 7, 8 and 9 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 s 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;

'Excluded Area' means the land and waters described as the 'Excluded Area' in Schedule One;

'Intertidal Area' means:

(a) the shore, or subsoil under or airspace over the shore between the mean low water mark and the mean high water mark; and

(b) any intertidal or navigable waters between the mean low water mark and mean high water mark;

'land' includes the airspace over, or subsoil under, land, but does not include 'waters' or 'Intertidal Areas' 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);

'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 Five and referred to in paragraph 14;

'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' means:

(a) sea, a river, a lake, a tidal inlet, a bay, an estuary, a harbour or subterranean waters;

(b) a creek, a stream or brook;

(c) any natural collection of water into, through, or out of which a river, creek, stream or brook flows;

(d) waters which percolate from the ground; or

(e) the bed or subsoil under, or airspace over, any waters (including waters mentioned in paragraphs (a), (b), (c) and (d)).

17. In the event of any inconsistency between the written description of an area in Schedules 1 to 5 and the area as depicted on the map at Attachment One to Schedule One, the written description prevails.

SCHEDULE ONE - DETERMINATION AREA

(see NNTR Attachment 1: 'Schedule One ' Determination Area")

SCHEDULE ONE ATTACHMENT ONE ' MAPS OF THE DETERMINATION AREA

(see NNTR Attachment 2: 'Schedule One Attachment One ' Maps of the determination area")

SCHEDULE TWO - NON EXCLUSIVE NATIVE TITLE IN RELATION TO CERTAIN LAND

Areas where native title comprises the rights set out in paragraph 7 of the Determination.

Native title comprises the rights and interests set out in paragraph 7 of the determination in relation to land the subject of the following interests, shown as shaded purple on the maps at Attachment One to Schedule One:

1. RESERVES

(a) Former Reserve 17204 (district of Meda) set apart as a public reserve for the purpose of stockroute (which area currently comprises unallocated Crown land); and

(b) Reserve 22050 (Meda Location 4) set apart as a public reserve for the purpose of water.

2. PASTORAL LEASES

Pastoral Lease 3114/0682 (Fitzroy Location 249 and Meda Location 22) being Napier Downs Station.

3. MINING TENEMENTS

(a) The following Mineral Leases granted pursuant to the Mining Act 1904 (WA) (repealed) or the Mining Act 1978 (WA):

Tenement	Grant Date	Tenement	Grant Date
ML 0400005	22/01/1919	ML 0400006	22/01/1919
ML 0400007	22/01/1919	ML 7000129	18/12/1907
ML 0400010	01/01/1919	ML 7000130	18/12/1907
ML 0400011	01/01/1919	ML 7000131	18/12/1907
ML 0400012	01/01/1920	ML 7000132	18/12/1907
ML 0400043	01/01/1948	ML 7000164	18/05/1910
ML 7000128	18/12/1907	ML 7000165	18/05/1910

(b) The following Mineral Leases granted pursuant to the Mining Act 1904 (WA) (repealed) or the Mining Act 1978 (WA) and the Broken Hill Proprietary Steel Industry Agreement Act 1952 (WA):

Tenement	Grant Date	Tenement	Grant Date
ML 0400050	23/01/1953	ML 0400062	23/01/1953
ML 0400051	23/01/1953	ML 0400063	23/01/1953
ML 0400052	23/01/1953	ML 0400064	23/01/1953
ML 0400053	23/01/1953	ML 0400065	23/01/1953
ML 0400054	23/01/1953	ML 0400066	23/01/1953
ML 0400055	23/01/1953	ML 0400071	21/11/1980
ML 0400056	23/01/1953	ML 0400072	21/11/1980
ML 0400057	23/01/1953	ML 0400073	21/11/1980
ML 0400058	23/01/1953	ML 0400074	21/11/1980
ML 0400059	23/01/1953	ML 0400075	21/11/1980
ML 0400060	23/01/1953	ML 0400076	21/11/1980
ML 0400061	23/01/1953	ML 0400077	21/11/1980

Tenement	Grant Date
ML 0400078	21/11/1980
ML 0400079	21/11/1980
ML 0400080	21/11/1980
ML 0400081	21/11/1980
ML 0400082	21/11/1980

(c) The following Mining Leases granted pursuant to the Mining Act 1978 (WA):

Tenement	Grant Date
M 0400137	14/06/1990
M 0400235	03/10/1991

(d) The following Machinery Leases granted pursuant to the Mining Act 1904 (WA) (repealed) or the Mining Act 1978

(WA) and the Broken Hill Proprietary Steel Industry Agreement Act 1952 (WA):

Tenement	Grant Date
MYL 0400001	24/10/1963
MYL 0400002	24/10/1963
MYL 0400003	24/10/1963
MYL 0400004	24/10/1963
MYL 0400005	24/10/1963

SCHEDULE THREE - AREAS WHERE NATIVE TITLE DOES NOT EXIST

Native title does not exist in relation to areas the subject of the following interests within the Determination Area which, with the exception of public works (paragraph 5 of this Schedule), are shown as shaded in green on the maps at Attachment One to Schedule One:

1. FREEHOLD:

(a) Certificate of Title volume 1545 folio 970 (Meda Location 15) being the Yampi Defence Training Facility; and

(a) Former Certificate of Title volume 1252 folio 137 (former Easton Location 12 and 28) (which area currently comprises Easton Location 27 on Deposited Plan 189265 being Reserve 45499 for the purpose of navigation, communication, meteorology and survey, Reserve Lease H612319 and unallocated Crown land).

2. RESERVES:

(a) Reserve 21971 (Wurwai Cave) (Easton Location 18) vested pursuant to section 27 of the Aboriginal Affairs Planning Authority Act 1972 (W A) in the Aboriginal Affairs Planning Authority on 15 June 1973 for the purpose of the use and benefit of Aborigines;

(b) Reserve 21972 (Nymandum Cave) (Easton Location 15) vested pursuant to section 27 of the Aboriginal Affairs Planning Authority Act 1972 (WA) in the Aboriginal Affairs Planning Authority on 15 June 1973 for the purpose of the use and benefit of Aborigines;

(c) Reserve 21973 (Purulba Cave) (Easton Location 16) vested pursuant to section 27 of the Aboriginal Affairs Planning Authority Act 1972 (WA) in the Aboriginal Affairs Planning Authority on 15 June 1973 for the purpose of the use and benefit of Aborigines;

(d) Reserve 21974 (Jackson Island) (Easton Location 19) vested pursuant to section 27 of the Aboriginal Affairs Planning Authority Act 1972 (W A) in the Aboriginal Affairs Planning Authority on 15 June 1973 for the purpose of the use and benefit of Aborigines;

(e) Reserve 22051 set apart as a public reserve for the purpose of water (which area was previously subject to former Reserve Lease 332/446);

(f) Reserve 22052 set apart as a public reserve for the purpose of water (which area was previously subject to former Reserve Lease 332/446);

(g) Reserve 22053 set apart as a public reserve for the purpose of water (which area was previously subject to former Reserve Lease 332/446);

(h) Reserve 22054 set apart as a public reserve for the purpose of water (which area was previously subject to former Reserve Lease 332/446 and which area currently comprises Reserve 22054 and Crown Lease L/251563);

(i) Reserve 22493 (Meda, Cockatoo Island) vested pursuant to section 33 of the Land Act 1933 (WA) in the Minister for Mines on 21 December 1945 for the purpose of explosives;

(j) Former Reserve 26208 (Koolan Lot 3) set apart as a public reserve pursuant to section 29 of the Land Act 1933 (WA) for the purpose of schoolsite on 23 February 1962 (which area currently comprises unallocated Crown land);

(k) Reserve 26417 (Meda Location 9) vested pursuant to section 33 of the Land Act 1933 (WA) in the Aboriginal Lands Trust on 3 August 1973 for the purpose of the use and benefit of Aborigines; and

(l) Reserve 27164 (Doongan and Easton: Prince Regent Nature Reserve) vested pursuant to section 33 of the Land

Act 1933 (WA) in the Fauna Protection Advisory Committee of Western Australia on 10 April 1964 for the purposes of conservation of flora & fauna.

3. LEASES:

- a) Former Special Lease 1149/152 granted pursuant to section 152 of the Land Act 1898 (WA) for the special purpose of collecting guano on 21 June 1910 (which area currently comprises unallocated Crown land)
- (b) Former Special Lease 3116/1471 (Meda Location 17) granted pursuant to section 116 of the Land Act 1933 (WA) for the special purpose of sites for buildings, warehouses, wharves, jetties, quays and factories on 1 October 1947 (which area was subsequently the subject of former Special Lease 3116/9636 and currently is the subject of Special Lease 3116/11261 (Crown Lease I/127597));
- (c) Former Special Lease 3116/3089 (Crown Lease I/144493) (Koolan Lot 2) granted pursuant to section 117 of the Land Act 1933 (WA) for the purpose of a townsite and purposes incidental thereto on 1 January 1963 (which area currently comprises unallocated Crown land);
- (d) Former Special Lease 3116/3090 (Koolan Lot 1) granted pursuant to section 116 of the Land Act 1933 (WA) for the special purpose of a site for an aerial landing ground on 1 January 1963 (which area currently comprises unallocated Crown land);
- (e) Former Special Lease 3116/6345 (Easton Location 3) granted pursuant to section 116 of the Land Act 1933 (WA) for the special purpose of accommodation and other buildings in support of the cultured pearl industry on 11 October 1984 (which area was subsequently the subject of former Special Lease 3116/9652 and is currently the subject of Special Lease 3116/11110 (Crown Lease I/150260));
- (f) Former Special Lease 3116/8762 (Crown Lease 256/1984) (Koolan Lot 4) granted pursuant to section 117 of the Land Act 1933 (WA) for the purpose of townsite extension on 30 March 1984 (which area currently comprises unallocated Crown land);
- (g) Special Lease 3116/9543 (Crown Lease I/150295) (Meda Location 16) granted pursuant to section 116 of the Land Act 1933 (WA) for the special purpose of holiday and tourist accommodation on 2 December 1986;
- (h) Former Special Lease 3116/9978 (Koolan Lots 5, 6, 7 and 8) granted pursuant to section 117 of the Land Act 1933 (WA) for the purpose of townsite extension on 24 May 1990 (which area was subsequently the subject of former Crown Lease H/324273 and is currently unallocated Crown land).

4. THE AREAS THE SUBJECT OF THE FOLLOWING DEDICATED ROADS AND ROADS SET ASIDE, TAKEN OR RESUMED:

Road No. 230, a main road leaving the Derby townsite and extending in a north easterly direction, gazetted on 11 February 1886.

5. PORT AREAS

- (a) Derby Port Area vested pursuant to section 9 of the Marine and Harbours Act 1981 (WA); and
- (b) Yampi Sound Port Area vested pursuant to section 9 of the Marine and Harbours Act 1981 (WA) (which area comprises Reserve 50387 for the purpose of Yampi Port Area, being Lot 3000 on Deposited Plan 63939).

6. PUBLIC WORKS

Any other public works as that expression is defined in the Native Title Act and the Titles (Validation) and Native Title (Effect of Past Acts) Act 1995 (WA) 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, within the external boundary of the Determination Area including the land and waters defined in section 251D of the Native Title Act.

SCHEDULE FOUR - AREAS TO WHICH SECTION 47A OR SECTION 47B OF THE NATIVE TITLE ACT APPLY (Paragraph 13)

Sections 47A or 47B of the Native Title Act apply to the following areas within Determination Area, which are shown as hatched in orange on the maps at Attachment One to Schedule One:

1. 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) Reserve 15530 (Kunmunya) (Easton Location 24) vested pursuant to section 27 of the Aboriginal Affairs Planning Authority Act 1972 (W A) in the Aboriginal Affairs Planning Authority on 15 June 1973 for the purpose of the use and benefit of Aborigines;

(b) Reserve 21970 (Languid Cave) (Easton Location 20) vested pursuant to section 27 of the Aboriginal Affairs Planning Authority Act 1972 (WA) in the Aboriginal Affairs Planning Authority on 15 June 1973 for the purpose of the use and benefit of Aborigines;

(c) Reserve 23079 (Kunmunya) (Easton Location 14) vested pursuant to section 27 of the Aboriginal Affairs Planning Authority Act 1972 (WA) in the Aboriginal Affairs Planning Authority on 15 June 1973 for the purpose of the use and benefit of Aborigines; and

(d) Reserve 30674 (Wotjalum) (Meda Location 9) vested pursuant to section 27 of the Aboriginal Affairs Planning Authority Act 1972 (WA) in the Aboriginal Affairs Planning Authority on 4 June 1971 for the purpose of the use and benefit of Aborigines.

2. SECTION 47B

Section 47B of the Native Title Act applies to disregard any extinguishment over the following areas, including any extinguishment by the creation of the following interests, (to the extent that they were not covered by an interest described in sections 47B(l)(b)(i) or (ii) or subject to a resumption process as described in section 47B(l)(iii) of the Native Title Act when the relevant native title determination application was made):

(a) Reserve 1011 (Easton Location 29) set apart as a public reserve for the purpose of townsite and landing place; [varied by Court order on 6 September 2012]

(b) Temporary Reserve 70/1147 (Cockatoo Island) reserved to the Crown under section 276 of the Mining Act 1904 (WA) (repealed) for Iron;

(c) Temporary Reserve 70/1309 (Koolan Island) reserved to the Crown under section 276 of the Mining Act 1904 (WA) (repealed) for Iron;

(d) Unallocated Crown land numbers part 158 and 781 (which areas were previously subject to former Pastoral Leases 291/98, 733/98, 1550/98 and 3114/1046);

(e) Unallocated Crown land numbers part 193, part 197, 208, 209, part 246, 265, 281, 284, 290, 292, 295, 300, 322, 327, 329, 333, 337, 349, 352, 362, 364, 372, 404, 408, 410, 411, 412 and 414 (which areas were previously subject to former Pastoral Lease 396/810 (Crown Lease 297/1958));

(f) Unallocated Crown land number 293 (which area was previously subject to former Special Lease 4979/153 and former Pastoral Lease K843);

(g) Unallocated Crown land numbers part 308, 348, 387, 390 and 405 (which areas were previously subject to former Pastoral Leases 396/810 (Crown Lease 297/1958) and 396/843 (Crown Lease 122/1965));

(h) Unallocated Crown land numbers 311, 312, 314, 315, 316, 317, 318, 319, 320, 325, 326, 330, 331, 334, 338, 345, 351, 354, 356, 357, 370, 371, 373, 374, 376, 377, 379, 381, 383, 384, 385, 386, 393, 394, 395, 396, 397, 399 and 406 (which areas were previously subject to former Pastoral Lease 396/843 (Crown Lease 122/1965));

(i) Part unallocated Crown land number 332 (which area was previously subject to former Pastoral Leases 5/209, 396/843 (Crown Lease 122/1965) and 778/98);

(j) Part unallocated Crown land number 458 (which area was previously subject to former Pastoral Leases 396/843 (Crown Lease 122/1965), 675/98, 1550/98 and 3114/1046 (Crown Lease 137/1974 being Kimbolton Station));

(k) Unallocated Crown land number 553 (which area was previously subject to former Pastoral Leases 337/98, 954/98 (Crown Lease 7879/1911) and K765;

(l) Unallocated Crown land numbers part 613 and 730 (which areas were previously subject to former Pastoral Lease 3114/1046 (Crown Lease 137/1974, being Kimbolton Station));

(m) Part unallocated Crown land numbers 650, 710, 726, 727 and 737 (which areas were previously subject to former Mineral Lease 70/221);

(n) Unallocated Crown land number 689 (which area was previously subject to former Pastoral Lease 1986/98 (Crown Lease 499/1921) and former Reserve 19560);

(o) Unallocated Crown land numbers part 759, 761, 764, 772, 773, 777, 779, 782, 783, 784, 787, 790, 792, 794, 795,

796, 797, 798 and 803 (which areas were previously subject to former Pastoral Leases 675/98 and 1550/98);

(p) Unallocated Crown land number 760 (which area was previously subject to former Pastoral Leases 675/98 and 1550/98, former Reserve 21423 and former Reserve Lease 332/446);

(q) Unallocated Crown land number 775 (which area was previously subject to former Pastoral Leases 291/98, 733/98 and 1550/98);

(r) Unallocated Crown land numbers 1193, 1194, 1195, 1197, part 1203, 1217, 1229, 1237, 1239, 1248, 1262, 1263, 1264, 1265, 1288, part 1291, 1296, 1297, 1303, 1304, 1306, 1309, part 1318, part 1328, 1341, part 1349, 1372 and 1373 (which areas were previously subject to former Pastoral Lease K561);

(s) Unallocated Crown land numbers part 1210, 1343, 1351, 1362, 1364, 1368, 1369, 1375, 1383, 1385 and 1387 (which areas were previously subject to former Pastoral Leases 208/98, 396/584 and 1423/98 (Crown Lease 3123/1929));

(t) Unallocated Crown land number 1339 (which area was previously subject to former Pastoral Leases 140/98, 208/98, 396/584, 398/487 (Crown Lease 118/1970), 1423/98 (Crown Lease 3123/ 1929) and 1550/98 and former Special Lease 3116/2377);

(u) Unallocated Crown land number 1365 (which area was previously subject to former Pastoral Leases 140/98, 208/98, 396/584, 1423/98 (Crown Lease 3123/1929) and 1550/98);

(v) Unallocated Crown land number 1398 (which area was previously subject to former Pastoral Leases 140/98, 396/584 and 1550/98).

SCHEDULE 5 ' OTHER INTERESTS (Paragraph 14)

[see NNTR Attachment 3: 'Schedule Five ' Other Interests (Paragraph 14)']

SCHEDULE 6 ' DESCRIPTION OF THE NATIVE TITLE HOLDERS

Members of the Wanjinna-Wunggurr Community (referred to in paragraph 4 of the Determination) are descendants of the following persons:

1. Manumordja, Bulun, Muduu, Banganjaa, Djanghara, Yamara, Baangngayi, Miyaawuyu, Juugaariitor, Djurog-gal, Gilingii, Buunduunguu, Awololaa, Baarrbarrnguu, Angaarambuu, Liinyang, Maanduu-Nuunda, Yuulbal, Freddie Yauubidi, Djalalamarra, Biljimbirii, Didjngul and Jimmy Manguubangguu;

2. Bandilu, Jarara, Garnag, Momolindij, Galadna, Wanbalug, Burrimbalu, Niyalgarl, Janggara, Ngambijmoro, Birramang-nguray, Marala, Gayroog, Buunbuun, Bunnngn-guuluu, Djanban, Ngaul-gnarli, Wuungulaa, Maamaandil, Djalanoo, Djilawalaa, Gunagang-ngarii, Mirnggala,, Wabilu, Babirri, Morndignali, Wulagudan, Balangurr, Nyolgodi, Bagumaya, Banggulmoro, Bundungumen, Bagurrngumen, Jilbidij, Bulyuriyali, Brarnggun, Moundi Nirrri, Molabayng, King O'Malley, Ulinji, Nyaminjenman, Nyalangun, Nalawaru, Bumangul Jarngulay, Bandibej, Munbara, Didburr, Gungala, Wundij, Larburr, Mandi Bandumar, Omboni, Wama, Jalimburr, Bundanali, Umbawinali, Dinamoro, Yalwamurrngari, Milarbiyar, Mudarwin, Larungumen, Gunduran, Warrwarr, Dandangumen, Didburrngomen, Naranyalgan, Jimmy Bird, Monariyali, Ngarburrngu, Yanbongu, Dudungungga, Jimmy Wawawawarri, together with the descendants of Dalbi, who was adopted into the native title claimant group; and

3. Bulun/Mauckie, Luwirr, Binjirnggu/Kadi, Djamai, Marnpiny, Munguwadawoi, Kanaway, Arai Djinbari, Maudie Kaiimbinya, Nyanggawana, Ernie Nyimandum and Ruby, Manumortja, Peter Malanaby, Old Jacob, Miyardu, Jerry Jangoot, Jabadayim, Nalawaru, Junggara and Murunguny together with Kenny Oobagooma, Jacob Sesar and Evelyn Bandora, who were adopted into the native title claimant group, and their descendants.

For the avoidance of doubt, those persons who are Native Title Holders have the right to pass on to, and inherit from, other Native Title Holders, the native title rights and interests set out in paragraphs 5, 7, 8 and 9 of this Determination in accordance with traditional law and custom.

REGISTER ATTACHMENTS:

1. Attachment 1 - Schedule One - Determination Area, 9 pages - A4, 26/05/2011
2. Attachment 2 - Schedule One Attachment One - Maps of the Determination Area, 13 pages - A4, 26/05/2011
3. Attachment 3 - Schedule Five - Other Interests (paragraph 14), 7 pages - A4, 26/05/2011

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.