



# Extract from the National Native Title Register

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## Determination Information:

**Determination Reference:** Federal Court Number(s): WAD174/2021  
NNTT Number: WCD2022/001

**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:** Native title exists in the entire determination area

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## 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:

Warnpurru (Aboriginal Corporation) RNTBC  
Trustee Body Corporate  
C/- 76 Wittenoom Street  
EAST PERTH Western Australia 6004

*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](http://www.oric.gov.au)*

### ORIGINAL REGISTERED NATIVE TITLE BODY CORPORATE(S):

Warnpurru (Aboriginal Corporation)

*Note: details of the Corporation name change can be found on the Office of the Registrar of Indigenous Corporations website [www.oric.gov.au](http://www.oric.gov.au)*

### COMMON LAW HOLDER(S) OF NATIVE TITLE:

*Native title holders (s 225(a))*

2. The native title in relation to the Determination Area is held by the Pila Nature Reserve Traditional Owners (**native title holders**).

### 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 native title in the terms set out in Attachment A.

2. Warnpurru (Aboriginal Corporation) (ICN: 8979) shall hold the determined native title in trust for the native title

holders pursuant to section 56(2)(a) of the NTA.

## ATTACHMENT A

### DETERMINATION

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

##### Determination of native title: s 13(2), s 94A NTA

###### *Existence of native title (s 225)*

1. Native title exists in relation to the whole of the Determination Area.

###### *Native title holders (s 225(a))*

2. The native title in relation to the Determination Area is held by the Pila Nature Reserve Traditional Owners (**native title holders**).

###### *The nature and extent of native title rights and interests (s 225(b) and (e))*

3. Subject to orders 4 and 5, the nature and extent of the native title rights and interests in relation to the Determination Area is the right to possession, occupation, use and enjoyment of the whole of the Determination Area to the exclusion of all others.

###### *Qualifications on native title rights and interests (s 225(b) and (e))*

4. The native title rights and interests are subject to and exercisable in accordance with:

- (a) the traditional laws and customs of the native title holders; and
- (b) the laws of the State and the Commonwealth, including the common law.

5. Notwithstanding anything in this Determination:

(a) there are no native title rights and interests in relation to the Determination Area in or in relation to:

- (i) minerals as defined in the *Mining Act 1904* (WA) (repealed) and the *Mining Act 1978* (WA); or
- (ii) petroleum as defined in the *Petroleum Act 1936* (WA) (repealed) and in the *Petroleum and Geothermal Energy Resources Act 1967* (WA); or
- (iii) geothermal energy resources and geothermal energy as defined in the *Petroleum and Geothermal Energy Resources Act 1967* (WA); 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 defined in the *Rights in Water and Irrigation Act 1914* (WA) at the date of this Determination is the non-exclusive right to take, use and enjoy that water.

###### *The nature and extent of any other interests (s 225(c))*

6. The nature and extent of other rights and interests in relation to the Determination Area are those set out in Schedule 4 (**other interests**).

###### *Relationship between native title rights and other interests (s 225(d))*

7. Except as otherwise provided for by law, the relationship between the native title rights and interests described in order 3 and the other interests is as follows:

- (a) the Determination does not affect the validity of those other interests;
- (b) to the extent of any inconsistency between the other interests described in Schedule 4 and the continued existence, enjoyment or exercise of the native title rights and interests:
  - (i) 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

(ii) otherwise the other interests co-exist with the native title rights and interests, and for the avoidance of doubt, the doing of an activity required or permitted under those interests prevails over the native title rights and interests and their exercise, but does not extinguish them.

*Area to which s 47C of the NTA applies*

8. Section 47C of the NTA applies to the whole of the Determination Area.

### **Interpretation**

9. 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 written description of an area in this determination and the depiction of that area on the map in Schedule 1, the written description prevails;
- (c) **Determination Area** means the whole of the area described in Schedule 1, and as depicted on the map attached at Schedule 2;
- (d) **Pila Nature Reserve Traditional Owners** means the group of persons described in Schedule 3;
- (e) **NTA** means the *Native Title Act 1993* (Cth); and
- (f) **State** means the State of Western Australia.

### **REGISTER ATTACHMENTS:**

1. WCD2022/001 Schedule 1 - Determination Area Description, 15 pages - A4, 15/06/2022
2. WCD2022/001 Schedule 2 - Map Showing Determination Area, 1 page - A4, 15/06/2022
3. WCD2022/001 Schedule 4 - Other Interests, 2 pages - 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.*