

## NOTICE OF FILING

### Details of Filing

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Court of Filing: FEDERAL COURT OF AUSTRALIA (FCA)  
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File Title: BANJIMA NATIVE TITLE ABORIGINAL CORPORATION RNTBC v  
STATE OF WESTERN AUSTRALIA  
Registry: VICTORIA REGISTRY - FEDERAL COURT OF AUSTRALIA



*Sia Lagos*

Registrar

### Important Information

This Notice has been inserted as the first page of the document which has been accepted for electronic filing. It is now taken to be part of that document for the purposes of the proceeding in the Court and contains important information for all parties to that proceeding. It must be included in the document served on each of those parties.

The date of the filing of the document is determined pursuant to the Court's Rules.



## Applicant's genuine steps statement

No. \_\_\_\_\_ of 20

Federal Court of Australia  
District Registry: Victoria  
Division: General

### **Banjima Native Title Aboriginal Corporation RNTBC**

Applicant

### **State of Western Australia**

Respondent

This genuine steps statement is required by section 6 of the *Civil Dispute Resolution Act 2011*.

### **Steps taken to try to resolve the issues in dispute**

The following steps have been taken to try to resolve the issues in dispute between the applicant and the respondent in the proceeding:

- 1 Prior to September 2025, the Banjima Native Title Aboriginal Corporation (BNTAC) engaged in a series of communications with the respondent highlighting the dangers to Banjima people of the nuisance contamination of their lands which is the subject of this proceeding.
- 2 On 9 September 2025, Gordon Legal and several of its staff, the CEO of BNTAC and two members of the BNTAC Board met with the Honourable Roger Cook, the Premier of the State of Western Australia, the Honourable Don Punch, Minister for Aboriginal Affairs, and other senior members and staff of the Western Australian government to discuss the subject matter of this dispute.
- 3 In preparation for the meeting on 9 September BNTAC and Gordon Legal engaged engineering, industrial hygiene, and logistics experts at Acciona to provide high level expert advice on a safe and pragmatic program for remediation of the nuisance contamination of the Affected Area which is the subject of this proceeding. A senior representative of Acciona attended the meeting referred to in paragraph 2 of 9 September.

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Filed on behalf of (name & role of party)	The Applicant		
Prepared by (name of person/lawyer)	Peter Gordon, Partner		
Law firm (if applicable)	Gordon Legal		
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Both at the meeting of 9 September and in subsequent correspondence Gordon Legal offered to make available to the government ongoing access to the Acciona experts for consultation.

- 4 Gordon Legal also retained, for the purposes of assistance with a non-litigious resolution of this dispute, former Victorian Treasurer, the Honourable Tim Pallas to advise and assist the parties including as to financing options for the capital works required for safe remediation. Mr Pallas attended the meeting with the Premier and other parties on 9 September.
- 5 BNTAC also offered at the 9 September meeting to provide ongoing access to Banjima traditional owners to advise on cultural aspects of the dispute.
- 6 Gordon Legal additionally offered at the 9 September meeting access to Professor Bruce Robinson, former Head of Respiratory Medicine at Sir Charles Gardiner Hospital in Perth, to liaise on health and medical issues.
- 7 On 12 September 2025, Gordon Legal sent a letter to the Premier proposing a series of steps to advance the objectives which had been discussed in the meeting of 9 September.
- 8 On 30 October 2025, Gordon Legal sent a further letter on behalf of the Applicant to the Premier regarding the subject matter of the dispute and its potential resolution.
- 9 On 14 November 2025, the Chief of Staff for the Premier, responded to Gordon Legal's 30 October 2025 letter.
- 10 On the 25 November 2025 the Western Australian Premier publicly acknowledged that the asbestos contamination in the Affected Area is not contained and is still spreading, that the spread represents a health risk, and that the State will be required to address the contamination and the health risk.
- 11 On 4 December 2025, Gordon Legal met with the Director of Environmental Policy of the Premier's Office, to discuss the subject matter of the dispute and its potential resolution.
- 12 On 7 December 2025, Gordon Legal provided the Director of Environmental Policy of the Premier's Office with a proposed Memorandum of Understanding, proposing a non-litigious and collegiate resolution to the dispute.
- 13 On 11 December 2025, the Director of Environmental Policy of the Premier's Office emailed Gordon Legal to state that the respondent was unable at that time to respond to the Memorandum of Understanding, was unable to provide a timetable in which it would respond, and was unable to meet any of the timelines proposed on behalf of BNTAC in the Memorandum of Understanding.

Date: 24 February 2026

A handwritten signature in black ink, appearing to read 'Peter Gordon', written in a cursive style.

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Signed by Peter Gordon  
Lawyer for the Applicant