

Attachment B

TECHNICAL DESCRIPTION of the EXTERNAL BOUNDARY for
WAG6192/98 YUED (WC97/71) NATIVE TITLE CLAIM

Commencing at the intersection of the prolongation westerly of the northern boundary of the Shire of Coorow with the 12 Nautical Mile Limit in the Indian Ocean and extending in a generally easterly direction to and along the boundaries of that shire and northern boundaries of the Shire of Dalwallinu, a northern boundary of the Noongar Land Council, to Longitude 116.480340 east. Then extending in a generally southerly and westerly direction through the following co-ordinate positions.

LATITUDE (SOUTH)	LONGITUDE (EAST)
29.924658	116.482130
29.936063	116.484532
29.941218	116.484599
29.951705	116.485379
29.956846	116.486089
29.962156	116.487768
29.967296	116.488479
29.972423	116.489833
29.977747	116.490868
29.982859	116.492866
29.987978	116.494542
29.993069	116.497506
29.998357	116.500150
30.014295	116.504864
30.025319	116.507261
30.030431	116.509259
30.035521	116.512222
30.040803	116.515189
30.050969	116.521760
30.056222	116.526013
30.061248	116.531874
30.066296	116.536768
30.071541	116.541344
30.076632	116.544307
30.081722	116.547271
30.086359	116.553448
30.091414	116.558021
30.096476	116.562272
30.101743	116.565882
30.106798	116.570455
30.112390	116.576645
30.123065	116.586120
30.128332	116.589730
30.138499	116.596301
30.143766	116.599911
30.160169	116.609460
30.166383	116.613404
30.182199	116.623590

LATITUDE (SOUTH)	LONGITUDE (EAST)
30.187855	116.626883
30.193518	116.629854
30.198800	116.632820
30.203904	116.635140
30.209568	116.638111
30.226021	116.645407
30.237560	116.650386
30.242679	116.652062
30.247769	116.655026
30.258127	116.661600
30.263776	116.665214
30.280201	116.673798
30.287692	116.676869
30.297233	116.680780
30.324696	116.691117
30.343263	116.697797
30.354611	116.702774
30.360274	116.705745
30.371234	116.711038
30.376331	116.713680
30.386674	116.720897
30.392316	116.724834
30.397392	116.728441
30.408676	116.736314
30.419974	116.743544
30.426196	116.747166
30.436611	116.751165
30.452512	116.757488
30.468598	116.764136
30.473731	116.765169
30.485080	116.770145
30.491330	116.772480
30.502134	116.776162
30.507812	116.778489
30.518828	116.781207
30.523947	116.782884
30.546779	116.786721
30.559366	116.787529
30.571182	116.788648
30.582227	116.790079
30.593654	116.791515
30.604522	116.792300
30.615596	116.792444
30.615596	116.792444
30.620751	116.792511
30.625906	116.792577
30.631252	116.792647
30.641605	116.790850

LATITUDE (SOUTH)	LOGITUDE (EAST)
30.652156	116.788733
30.669433	116.784772
30.679779	116.783296
30.690881	116.782153
30.696064	116.780932
30.712343	116.778889
30.722689	116.777414
30.739589	116.774092
30.752022	116.772321
30.763514	116.770861
30.768889	116.769643
30.774072	116.768422
30.779263	116.766880
30.784652	116.765018
30.789843	116.763476
30.800840	116.758467
30.806243	116.755962
30.816668	116.750946
30.827298	116.745288
30.832510	116.742781
30.837715	116.740594
30.848309	116.736546
30.853529	116.733717
30.858975	116.729280
30.864237	116.724519
30.869521	116.718792
30.885962	116.709470
31.472324	116.489601

Then westerly to and along the northern boundary of Native Title Claim number WAG0412_98 (Nyungah Swan Valley 2) WC95_081 passing through co-ordinates

LATITUDE (SOUTH)	LONGITUDE (EAST)
31.472202	116.453937
31.471989	116.391186
31.469132	115.551219

And onwards to the 12 Nautical Mile Limit in the Indian Ocean. Then extending generally northerly along that 12 Nautical Mile limit back to the starting point.

Note: Geographic co-ordinates provided in Decimal Degrees
12 Nautical Mile Limit sourced from the Australian Maritime
Boundary Information System (AMBIS) Data. July 1 1995

Datum: Australian Geodetic Datum (1984)

Internal boundaries:

1. The applicants exclude from the claim any areas covered by valid acts on or before 23 December 1996 comprising such of the following as are included as extinguishing acts within the *Native Title Act 1993*, as amended, or the *Titles Validation Act 1994*, as amended, at the time of the Registrar's consideration:
 - (a) Category A past acts, as defined in *NTA* section 229; and
 - (b) Category A intermediate period acts as defined in *NTA* section 232B.

 2. The applicants exclude from the claim any areas in relation to which a previous exclusive possession act, as defined in section 23B of the *NTA*, was done in relation to an area, and, either the act was an act attributable to the Commonwealth, or the act was attributable to the State of Western Australia, and a law of that State has made provision as mentioned in section 23E in relation to the act as at the time of the Registrar's consideration.

 3. The applicants exclude from the claim any areas in relation to which native title rights and interests have otherwise been extinguished, including areas subject to:
 - (a) an act authorised by legislation which demonstrates the exercise of permanent adverse dominion in relation to native title; or
 - (b) actual use made by the holder of a tenure other than native title which is permanently inconsistent with the continued existence of native title,
- AND, to avoid any uncertainty, the applicants exclude from the claim:
- (c) an unqualified grant of an estate in fee simple; or
 - (d) a lease which is currently in force, in respect of an area not exceeding 5,000 square metres, upon which a dwelling house, residence, building or work is constructed, and which comprises:
 - i) a Lease of a Worker's Dwelling under the *Worker's Homes Act 1911-1928*; or
 - ii) a 999 year Lease under the *Land Act 1898*; or
 - iii) a Lease of a Town Lot or Suburban Lot pursuant to section 117 of the *Land Act 1933 (WA)*; or
 - iv) a Special Lease under section 117 of the *Land Act 1933 (WA)*; or
 - (e) a Conditional Purchase Lease currently in force in the Agricultural Areas of the South West Division under clauses 46 and 47 of the *Land Regulations 1887* which includes a condition that the lessee reside on the area of the lease and upon which a residence has been constructed; or
 - (f) a Conditional Purchase Lease of cultivable land currently in force under Part V, Division (1) of the *Land Act 1933 (WA)* in respect of which habitual residence by the lessee is a statutory condition in accordance with the Division and upon which a residence has been constructed; or
 - (g) a Perpetual Lease currently in force under the *War Service Land Settlement Scheme Act 1954*; or
 - (h) a permanent public work; or
 - (i) an existing public road or street used by the public.

- 4 Paragraphs (1), (2) and (3) above are subject to such of the provisions of sections 47, 47A and 47B of the *NTA* as apply to any part of the area contained within this application, particulars of which will be provided prior to the hearing but which include such areas as may be listed in Schedule L.