



Extract from the National Native Title Register

Determination Information:

Determination Reference: Federal Court Number(s): WAD6110/1998
NNTT Number: WCD2002/002

Determination Name: [Jeffrey James & Others on behalf of the Martu People v The State of Western Australia and Others](#)

Date(s) of Effect: 27/09/2002

Determination Outcome: Native title exists in the entire determination area

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

Determination Date: 27/09/2002

Determining Body: Federal Court of Australia

ADDITIONAL INFORMATION:

Not Applicable

REGISTERED NATIVE TITLE BODY CORPORATE:

Jamukurnu-Yapalikurnu Aboriginal Corporation (Western Desert Lands) RNTBC
Trustee Body Corporate
PO Box 331
WEST PERTH Western Australia 6872

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:

1. In respect of the determination area, the common law holders are those people known as the Martu people. The Martu people are those Aboriginal people who hold in common the body of traditional law and culture governing the determination area and who identify as Martu and who, in accordance with their traditional laws and customs, identify themselves as being members of one, some or all of the following language groups:

- (a) Manyilyjarra;
- (b) Kartujarra;
- (c) Kiyajarra;

- (d) Putijarra;
- (e) Nyiyaparli;
- (f) Warnman;
- (g) Ngulipartu;
- (h) Pitjikala;
- (i) Kurajarra;
- (j) Jiwality;
- (k) Mangala; and
- (l) Nangajarra.

2. In respect of that part of the determination area within the following boundary ("the Shared Area"):

commencing at a point of Latitude 21.498617 South, Longitude 123.926319 East and extending easterly, northeasterly, generally southeasterly, westerly, southerly, northwesterly and southwesterly passing through the following co-ordinate positions:

LATITUDE(SOUTH) LONGITUDE(EAST)

21.498617	124.001319
21.081941	124.667979
21.498604	125.501314
21.653886	125.656597
21.653791	125.476965
21.759674	125.476966
21.498608	124.759649
21.665284	124.067986

thence northwesterly back to the commencement point, the common law holders are:

- (a) the Martu people as defined in (1) above; and
- (b) the Ngurrara people as defined in (3) below.

3. The Ngurrara people are those Aboriginal people who, in accordance with their traditional laws and customs:

- (a) identify themselves and their forebears as:
 - (i) Jiwality;
 - (ii) Mangala;
 - (iii) Manyjilyjarra;
 - (iv) Walmajarri;
 - (v) Wangkajungka; or
 - (vi) any combination of (i), (ii), (iii), (iv) and (v) above; and
- (b) acknowledge the beliefs, practices, and protocols associated with the jila-kalpurtu rainmaking ritual complex.

MATTERS DETERMINED:

The Court orders, declares and determines, pursuant to Order 29 of the Federal Court Rules, with the consent of the parties, that:

1. In this determination, unless the contrary intention appears:

"the land" means the land within the determination area;

"the waters" means the waters within the determination area excluding flowing and subterranean waters;

"flowing and subterranean waters" means those waters within the determination area which are:

- (a) waters which flow, whether permanently, intermittently or occasionally, within any river, creek, stream or brook;
- (b) any natural collection of water into, through, or out of which a river, creek, stream or brook flows; and
- (c) waters from and including an underground water source, including water that percolates from the ground;

"the land and waters" means "the land" and "the waters" as defined collectively;

"the Shared Area" means that part of the determination area described as the Shared Area in the Third Schedule and shaded green on the plan attached to the First Schedule;

"mining operations" has the meaning given to that expression by the Mining Act 1978 (WA) and includes the construction of roads, tracks or other crossings.

2. The determination area is the land, the waters and the flowing and subterranean waters, the external boundary of which is described and depicted in the First Schedule, and the area of which is hatched in orange on the plan attached to the First Schedule.

For the avoidance of doubt, the determination area does not include the areas set out under the heading "Exclusions from the determination area" in the First Schedule and the areas set out under the heading "Areas where no determination of native title is made" in the First Schedule.

3. Native title exists in relation to the determination area in the manner set out in paragraph 5 of this determination.

4. The native title rights and interests are held by the persons described in the Third Schedule as the common law holders of the native title rights and interests ("the common law holders").

5. Subject to paragraphs 6, 7, 8, and 9:

(1) The nature and extent of the native title rights and interests held by the common law holders in the determination area are:

(a) the right to possess, occupy, use and enjoy the land and waters of the determination area to the exclusion of all others, including:

(i) the right to live on the determination area;

(ii) the right to make decisions about the use and enjoyment of the determination area;

(iii) the right to hunt and gather, and to take the waters for the purpose of satisfying their personal, domestic, social, cultural, religious, spiritual, ceremonial, and communal needs;

(iv) the right to control access to, and activities conducted by others on, the land and waters of the determination area;

(v) the right to maintain and protect sites and areas which are of significance to the common law holders under their traditional laws and customs; and

(vi) the right as against any other Aboriginal group or individual to be acknowledged as the traditional Aboriginal owners of the determination area;

(b) the right to use the following traditionally accessed resources:

(i) ochre;

(ii) soils;

(iii) rocks and stones; and

(iv) flora and fauna

for the purpose of satisfying their personal, domestic, social, cultural, religious, spiritual, ceremonial and communal needs; and

(c) the right to take, use and enjoy the flowing and subterranean waters in accordance with their traditional laws and customs for personal, domestic, social, cultural, religious, spiritual, ceremonial and communal needs, including the right to hunt on and gather and fish from the flowing and subterranean waters.

(2) The native title rights and interests are exercisable in accordance with the traditional laws and customs of the common law holders.

6. Notwithstanding anything in this determination the native title rights and interests include ochre but do not include other minerals and petroleum as defined in the Mining Act 1904 (WA), Mining Act 1978 (WA), the Petroleum Act 1936 (WA) and the Petroleum Act 1967 (WA).

7. The nature and extent of other rights and interests in relation to the determination area are those set out in the Second Schedule.

8. The native title rights and interests are subject to and exercisable in accordance with the laws of the State and the Commonwealth including the common law.

9. The relationship between the native title rights and interests in the land and waters described in paragraph 5 and the other rights and interests referred to in paragraph 7 ("the other rights and interests") is that:

(a) the other rights and interests and the doing of any activity in exercise of the rights conferred by or held under the other rights and interests co-exist with the native title rights and interests except to the extent that the other rights and interests are inconsistent with the continued existence, enjoyment or exercise of the native title rights and interests in which case the native title continues to exist in its entirety, but the native title rights and interests have no effect in relation to the other rights and interests to the extent of the inconsistency; and

(b) for the avoidance of doubt, the existence and exercise of the native title rights and interests does not prevent the doing of any activity required or permitted to be done by or under the other rights and interests and the other rights and interests, and the doing of any activity required or permitted to be done by or under the other rights and interests, prevail over the native title rights and interests and any exercise of the native title rights and interests, but do not extinguish them.

FIRST SCHEDULE

All those Lands and Waters commencing at a point of Latitude 20.748626 South, Longitude 121.001321 East and extending easterly and generally southeasterly passing through the following co-ordinate positions:

LATITUDE (SOUTH) LONGITUDE (EAST)

20.748621 122.751315

21.165289 123.167985

21.498624 123.167988

21.498617 124.001319

21.081941 124.667979

21.498604 125.501314

21.998602 126.001316

Thence southerly to the westernmost northwestern corner of Special Lease 3116/10897; Thence southerly along the western boundary of that special lease to Latitude 23.498607 South; Thence southwesterly, westerly, northerly, again westerly, southerly, and again westerly passing through the following co-ordinate positions:

LATITUDE (SOUTH) LONGITUDE (EAST)

23.998615 125.001343

23.998626	124.003581
23.790293	124.003578
23.790302	123.001347
23.998637	123.001349
23.998656	120.508828

Thence northeasterly to a southern boundary of Pastoral Lease 3114/1255 (Weelarrana) at Longitude 120.568181; Thence easterly and northerly along boundaries of that pastoral lease to Latitude 23.751355 South; Thence northeasterly to a southern boundary of Reserve 41265 at Longitude 120.696113 East; Thence easterly, northerly and westerly along boundaries of that reserve to the southeastern corner of Pastoral Lease 3114/659 (Robinson Range); Thence northerly along the eastern boundary of that pastoral lease to Latitude 23.497899 South; Thence northeasterly to Latitude 23.405146 South, Longitude 120.971036 East; Thence northeasterly to a southern boundary of Pastoral Lease 3114/977 (Balfour Downs) at Longitude 121.145159 East; Thence easterly, northerly and westerly along boundaries of that pastoral lease to Longitude 121.221018 East; Thence northeasterly to Latitude 22.843118 South, Longitude 121.229854 East; Thence northeasterly to a southern boundary of Pastoral Lease 3114/977 (Balfour Downs) at Longitude 121.255422 East; Thence easterly and northerly again along boundaries of that pastoral lease to Latitude 22.690004 South; Thence northeasterly to a western boundary of Reserve 12297 at Latitude 22.349350 South; Thence generally northeasterly and northerly along boundaries of that reserve to Latitude 22.267179 South; Thence northeasterly to Latitude 22.185703 South, Longitude 121.407723 East; Thence northwesterly to a western boundary of Reserve 12297 at Latitude 22.176991 South; Thence generally northerly again along boundaries of that reserve to Latitude 20.998625 South; Thence westerly to Latitude 20.998627 South, Longitude 121.001324 East; Thence northerly back to the commencement point.

Note: Cadastral boundaries sourced from the Department of Land Administration's SCDB as at August 2001.

Datum: Geocentric Datum of Australia 1994 (GDA94).

Prepared by: Land Claims Mapping Unit
Department of Land Administration.

Exclusions from the determination area:

1. The following areas, having been excluded from the native title determination application, are excluded from the determination area in accordance with section 61A of the Native Title Act 1993 (Cth) (and section 23C of the Native Title Act 1993 (Cth), and sections 12I and 12J of the Titles (Validation) and Native Title (Effect of Past Acts) Act 1995 (WA)) because they are areas where previous exclusive possession acts have occurred and native title has been completely extinguished in relation to the whole of these areas:

Reserves

(a) Reserve 42099 (Wanman Location 12) for the purpose of "Communications Site" vested pursuant to section 33 of the Land Act 1933 (WA) in the Australian Telecommunications Commission on 26 May 1992;

(b) Reserve 42440 (Wanman Location 15) for the purpose of "Repeater Station Site" vested pursuant to section 33 of the Land Act 1933 (WA) in the Australian and Overseas Telecommunications Corporations Limited on 22 December 1992;

(c) Reserve 42456 (Wanman Location 14) for the purpose of "Repeater Station Site" vested pursuant to section 33 of the Land Act 1933 (WA) in the Australian and Overseas Telecommunications Corporations Limited on 2 February 1993;

(d) Reserve 41372 for the purpose of "Geological Monument Management" vested pursuant to section 33 of the Land Act 1933 (WA) in the Minister for Mines on 05 February 1993;

Public Works

(e) Rudall River DRCS Repeater Site, being a square shaped area of 7.84 hectares (280 metres by 280 metres), the corner points of which are located 197.99 metres from a central station mark located at Longitude 122degrees 39' 10.08 Latitude 22degrees 17' 40.39, on which a building was validly constructed with the authority of the Crown on or before 23 December 1996;

(f) Panaka DRCS Repeater Site, being a square shaped area of 1.96 hectares (140 metres by 140 metres), the corner points of which are located 98.99 metres from a central station mark located at Longitude 123degrees 06' 03.48 Latitude 22degrees 05' 05.09, on which a building was validly constructed with the authority of the Crown on or before 23 December 1996;

(g) Connaughton Hills DRCS Repeater Site, being a square shaped area of 1 hectare (100 metres by 100 metres), the corner points of which are located 70.71 metres from a central station mark located at Longitude 122degrees 32' 05.82 Latitude 22degrees 44' 13.25, on which a building was validly constructed with the authority of the Crown on or before 23 December 1996;

(h) Big Tree DRCS Repeater Site, being a square shaped area of 4 hectares (200 metres by 200 metres), the corner points of which are located 141.42 metres from a central station mark located at Longitude 122degrees 23' 07.56 Latitude 21degrees 51' 46.72, on which a building was validly constructed with the authority of the Crown on or before 23 December 1996;

(i) Triwhite DRCS Repeater Site, being a square shaped area of 1.44 hectares (120 metres by 120 metres), the corner points of which are located 84.85 metres from a central station mark located at Longitude 123degrees 27' 51.91 Latitude 22degrees 07' 39.81, on which a building was validly constructed with the authority of the Crown on or before 23 December 1996;

(j) Lake Auld DRCS Repeater Site, being a square shaped area of 1.44 hectares (120 metres by 120 metres), the corner points of which are located 84.85 metres from a central station mark located at Longitude 123degrees 58' 15.64 Latitude 22degrees 12' 22.13, on which a building was validly constructed with the authority of the Crown on or before 23 December 1996; and

(k) Pikey DRCS Repeater Site, being a square shaped area of 3.24 hectares (180 metres by 180 metres), the corner points of which are located 127.28 metres from a central station mark located at Longitude 124degrees 23' 19.27 Latitude 22degrees 17' 19.36, on which a building was validly constructed with the authority of the Crown on or before 23 December 1996.

2. Any public works as that expression is defined in the Native Title Act 1993 (Cth) and the Titles (Validation) and Native Title (Effect of Past Acts) Act 1995 (WA) within the external boundary of the determination area including the land and waters defined in section 251D of the Native Title Act 1993 (Cth), are excluded from the determination area.

Areas where no determination of native title is made:

3. The areas of the following mining leases and general purpose leases granted prior to 1 January 1994, which are hatched purple on the plan attached to this Schedule are excluded from the determination area and no determination is made in relation to them:

Tenement ID	Holder	Date Granted
M45/0527	Mount Burgess Mining NL	04/03/1992
M45/0528	Mount Burgess Mining NL	04/03/1992
M45/0550	Mount Burgess Mining NL	24/02/1993
M45/0542	Mount Burgess Mining NL	
	Newmont Gold Exploration Pty Ltd	15/01/1993
M45/0543	Mount Burgess Mining NL	
	Newmont Gold Exploration Pty Ltd	15/01/1993
M45/0544	Mount Burgess Mining NL	
	Newmont Gold Exploration Pty Ltd	15/01/1993
M45/0548	Mount Burgess Mining NL	
	Newmont Gold Exploration Pty Ltd	24/02/1993
M45/0549	Mount Burgess Mining NL	
	Newmont Gold Exploration Pty Ltd	24/02/1993
M45/0551	Mount Burgess Mining NL	

	Newmont Gold Exploration Pty Ltd	24/02/1993
M45/0492	Mount Isa Mines Ltd	
	Omega Mines Ltd	09/12/1991
M45/0253	Newcrest Mining Ltd	15/06/1987
M45/0394	Newcrest Mining Ltd	10/07/1988
M45/0399	Newcrest Mining Ltd	26/12/1988
M45/0400	Newcrest Mining Ltd	26/12/1988
M45/0401	Newcrest Mining Ltd	26/12/1988
M45/0532	Newcrest Mining Ltd	04/06/1992
M45/0533	Newcrest Mining Ltd	04/06/1992
M45/0576	Newcrest Mining Ltd	28/05/1993
M45/0580	Newcrest Mining Ltd	10/08/1993
M45/0581	Newcrest Mining Ltd	10/08/1993
M45/0598	Newcrest Mining Ltd	05/10/1993
M45/0364	Newcrest Mining Ltd	
	Newcrest Operations Ltd	15/05/1988
M45/0247	Newcrest Mining Ltd	
	Newcrest Operations Ltd	08/05/1987
M45/0248	Newcrest Mining Ltd	
	Newcrest Operations Ltd	08/05/1987
M45/0006	Newcrest Operations Ltd	
	Newmont Pty Ltd	18/12/1982
M45/0007	Newcrest Operations Ltd	
	Newmont Pty Ltd	18/12/1982
M45/0008	Newcrest Operations Ltd	
	Newmont Pty Ltd	18/12/1982
M45/0009	Newcrest Operations Ltd	
	Newmont Pty Ltd	18/12/1982
M45/0010	Newcrest Operations Ltd	
	Newmont Pty Ltd	18/12/1982
M45/0011	Newcrest Operations Ltd	
	Newmont Pty Ltd	18/12/1982
M45/0033	Newcrest Operations Ltd	
	Newmont Pty Ltd	15/08/1984

M45/0203	Newcrest Operations Ltd		
	Newmont Pty Ltd	03/02/1986	
M45/0204	Newcrest Operations Ltd		
	Newmont Pty Ltd	03/02/1986	
M45/0205	Newcrest Operations Ltd		
	Newmont Pty Ltd	03/02/1986	
M45/0206	Newcrest Operations Ltd		
	Newmont Pty Ltd	03/02/1986	
M45/0207	Newcrest Operations Ltd		
	Newmont Pty Ltd	03/02/1986	
M45/0208	Newcrest Operations Ltd		
	Newmont Pty Ltd	03/02/1986	
M45/0209	Newcrest Operations Ltd		
	Newmont Pty Ltd	03/02/1986	
M45/0210	Newcrest Operations Ltd		
	Newmont Pty Ltd	03/02/1986	
M45/0211	Newcrest Operations Ltd		
	Newmont Pty Ltd	03/02/1986	
M45/0249	Newcrest Operations Ltd		
	Newmont Pty Ltd	08/05/1987	
M45/0314	Omega Mines Ltd		
	Straits Exploration (Aust) Pty Ltd	02/03/1988	
M45/0315	Omega Mines Ltd		
	Straits Exploration (Aust) Pty Ltd	02/03/1988	
M45/0317	Omega Mines Ltd		
	Straits Exploration (Aust) Pty Ltd	02/03/1988	
M45/0318	Omega Mines Ltd		
	Straits Exploration (Aust) Pty Ltd	02/03/1988	
M45/0264	Rio Tinto Exploration Pty Ltd	31/08/1988	
M45/0266	Rio Tinto Exploration Pty Ltd	08/11/1988	
M45/0267	Rio Tinto Exploration Pty Ltd	31/08/1988	
M45/0420	Rio Tinto Exploration Pty Ltd	06/12/1988	
M271 S.A.	Straits (Nifty) Pty Ltd	29/11/1992	
Tenement ID	Holder	Purpose	Date Granted
G45/0001	Newcrest Operations Ltd		

	Newmont Pty Ltd	Mining	18/12/1982
G45/0002	Newcrest Operations Ltd		
	Newmont Pty Ltd	Mining	18/12/1982
G45/0003	Newcrest Operations Ltd		
	Newmont Pty Ltd	Mining	18/12/1982
G45/0004	Newcrest Operations Ltd		
	Newmont Pty Ltd	Mining	18/12/1982

4. The areas of the following current unvested reserves which are hatched purple on the plan attached to this Schedule are excluded from the determination area and no determination is made in relation to them:

- (a) Reserve 11474 for the purpose of "Water (Rabbit Department)";
- (b) Reserve 11541 for the purpose of "Water (Water Act 57 Vic No 20)";
- (c) Reserve 12297 for the purpose of "Protection of Rabbit Proof Fence No. 1";
- (d) Reserve 13638 for the purpose of "Timber"; and
- (e) Reserve 5279 for the purpose of "Camping".

5. The area of Reserve 34607 for the purpose of a "National Park" known as the Rudall River National Park vested pursuant to section 33 of the Land Act 1933 (WA) in the National Parks and Nature Conservation Authority on 22 April 1977, including the area of unallocated Crown land which was excised from Reserve 34607 by notice published in the Government Gazette on 15 July 1994, the above area being hatched purple on the plan attached to this Schedule, is excluded from the determination area and no determination is made in relation to it.

6. The area of the Telfer Telephone Exchange, Longitude 122.224657 Latitude 21.694740 is excluded from the determination area and no determination is made in relation to it.

SECOND SCHEDULE

The nature and extent of other interests in relation to the determination area are:

1. Existing mining tenements under the Mining Act 1978 (WA)

(a) Mining Leases

Tenement ID	Holder	Date Granted
M45/0659	Mount Burgess Mining NL	10/10/2001
M45/0661	Mount Burgess Mining NL	10/10/2001
M45/0662	Mount Burgess Mining NL	10/10/2001
M45/0612	Newcrest Mining Ltd	21/07/1994
M45/0613	Newcrest Mining Ltd	21/07/1994
M45/0614	Newcrest Mining Ltd	21/07/1994
M45/0620	Newcrest Mining Ltd	28/10/1994
M45/0621	Newcrest Mining Ltd	28/10/1994
M45/0622	Newcrest Mining Ltd	28/10/1994
M45/0623	Newcrest Mining Ltd	28/10/1994
M45/0624	Newcrest Mining Ltd	28/10/1994
M45/0627	Newcrest Mining Ltd	16/08/1994

M45/0631	Newcrest Mining Ltd	27/10/1994
M45/0632	Newcrest Mining Ltd	27/10/1994
M45/0633	Newcrest Mining Ltd	27/10/1994

For the avoidance of doubt, in respect of the relationship between the native title rights and interests described in paragraph 5 and the rights of the holders of the mining leases set out above, the rights conferred by the mining leases are exclusive rights to conduct mining operations on the areas the subject of the mining leases.

The latter rights prevail over the native title rights and interests and their exercise is wholly inconsistent with the continued exercise by the common law holders of their native title rights and interests on those areas of the mining leases where mining operations are conducted, while the mining leases or any renewal of them are in force.

Subject to the Aboriginal Heritage Act 1972 (WA) the holders of the mining leases set out above may conduct on the areas the subject of the mining leases lawful mining operations without any interference, disruption, or disturbance of whatever nature by the common law holders.

(b) Miscellaneous Licences

Tenement ID	Holder	Purpose	Date
		Granted	
L45/0068	Newcrest Mining Ltd	Mining (Water, Pipeline)	20/12/1991
L45/0073	Newcrest Mining Ltd	Mining (Water, Pipeline, Powerline, Road)	24/07/1992
L45/0079	Newcrest Mining Ltd	Mining (Water, Pipeline, Powerline, Road)	19/08/1994
L45/0080	Newcrest Mining Ltd	Mining (Water, Pipeline, Powerline, Road)	19/08/1994
L45/0099	Newcrest Mining Ltd	Mining (Road)	23/08/2000
L45/0100	Newcrest Mining Ltd	Mining (Bore, Borefield, Water Management Facility, Pipeline, Road, Powerline)	28/07/2000
L45/0101	Newcrest Mining Ltd	Mining (Bore, Borefield, Water Management Facility, Pipeline, Road, Powerline)	20/07/2001
L45/0104	Newcrest Mining Ltd	Mining (Bore, Borefield, Water Management Facility, Pipeline, Road, Powerline)	19/02/2001
L45/0106	Newcrest Mining Ltd	Mining (Bore, Borefield, Water Management Facility, Pipeline, Road, Powerline)	15/06/2001
L45/107	Newcrest Mining Ltd	Mining (Bore, Borefield, Water Management Facility,	

	Pipeline, Road, Powerline)	15/06/2001
L45/0003	Newcrest Operations Ltd	
	Newmont Pty Ltd Mining (Water)	12/01/1983
L45/0069	Newcrest Operations Ltd	
	Newmont Pty Ltd Mining (Water, Pipeline, Powerline, Road)	20/12/1991
L45/0066	Rio Tinto Exploration Pty Ltd	
	Mining (Water, Pipeline)	21/06/1991
L45/0074	Straits (Nifty) Pty Ltd Mining (Road)	20/11/1992
L45/0091	Straits (Nifty) Pty Ltd Mining (Water, Pipeline)	15/05/1997
L45/0102	Straits (Nifty) Pty Ltd Mining (Access Road, Pipeline, Bores, Pumping Station)	24/11/2000

(c) Exploration Licences

Tenement ID	Holder	Date Granted
E46/0520	Australian Mineral Investments Pty Ltd	22/07/2002
E69/1773	Ausquest Ltd	30/05/2002
E69/1774	Ausquest Ltd	30/05/2002
E69/1775	Ausquest Ltd	30/05/2002
E69/1776	Ausquest Ltd	30/05/2002
E69/1777	Ausquest Ltd	30/05/2002
E69/1780	Ausquest Ltd	30/05/2002
E69/1781	Ausquest Ltd	30/05/2002
E69/1782	Ausquest Ltd	30/05/2002
E69/1785	Ausquest Ltd	30/05/2002
E45/2269	Caldera Resources Pty Ltd	01/02/2002
E45/2270	Caldera Resources Pty Ltd	13/08/2002
E45/2114	Caldera Resources Pty Ltd	
	Dioro Exploration NL	06/08/2001
E45/2236	Caldera Resources Pty Ltd	
	Dioro Exploration NL	30/08/2001
E69/1458	Caldera Resources Pty Ltd	
	Dioro Exploration NL	30/06/2000
E69/1788	Caldera Resources Pty Ltd	
	Ellendale Resources NL	02/07/2002

E45/1684	Cameco Australia Pty Ltd	25/07/1996
E45/1685	Cameco Australia Pty Ltd	28/06/1996
E45/1686	Cameco Australia Pty Ltd	28/06/1996
E45/1687	Cameco Australia Pty Ltd	28/06/1996
E45/1902	Cameco Australia Pty Ltd	05/09/1997
E45/2003	Cameco Australia Pty Ltd	07/08/1998
E45/2349	Fernzone Pty Ltd	01/08/2002
E45/2351	Fernzone Pty Ltd	01/08/2002
E45/1934	Gindalbie Anketall NL	11/12/1997
E45/1935	Gindalbie Anketall NL	11/12/1997
E45/1936	Gindalbie Anketall NL	11/12/1997
E45/2208	Gindalbie Gold NL	06/04/2001
E46/0465	Giralia Resources NL	18/10/2000
E45/0854	Mount Burgess Mining NL	20/07/1988
E45/1217	Mount Burgess Mining NL	10/03/1992
E45/1218	Mount Burgess Mining NL	09/08/1992
E45/1235	Mount Burgess Mining NL	13/10/1992
E45/1237	Mount Burgess Mining NL	22/07/1992
E45/1393	Mount Burgess Mining NL	08/06/1993
E45/1912	Mount Burgess Mining NL	13/11/1997
E45/2202	Mount Burgess Mining NL	10/10/2001
E45/2243	Mount Burgess Mining NL	24/08/2001
E45/2302	Mount Burgess Mining NL	27/06/2002
E45/0975	Newcrest Mining Ltd	10/05/1990
E45/0985	Newcrest Mining Ltd	10/05/1990
E45/1070	Newcrest Mining Ltd	15/08/1991
E45/1168	Newcrest Mining Ltd	06/05/1992
E45/1308	Newcrest Mining Ltd	
	Newcrest Operations Ltd	27/11/1992
E45/1383	Newcrest Mining Ltd	08/04/1993
E45/1392	Newcrest Mining Ltd	03/06/1993
E45/1553	Newcrest Mining Ltd	07/03/1995
E45/1571	Newcrest Mining Ltd	20/07/1995
E45/1699	Newcrest Mining Ltd	13/08/1996
E45/1701	Newcrest Mining Ltd	13/08/1996

E45/1702	Newcrest Mining Ltd	13/08/1996
E45/1705	Newcrest Mining Ltd	13/08/1996
E45/1957	Newcrest Mining Ltd	
	Newcrest Operations Ltd	24/08/1998
E45/1018	Omega Mines Ltd	
	Mount Isa Mines Ltd	19/08/1990
E45/1751	Reindler, Christopher William	25/07/1997
E45/1769	Remington Resources Pty Ltd	25/02/1997
E45/1770	Remington Resources Pty Ltd	25/02/1997
E45/1771	Remington Resources Pty Ltd	25/02/1997
E45/1905	Remington Resources Pty Ltd	05/09/1997
E45/1907	Remington Resources Pty Ltd	18/09/1997
E45/1908	Remington Resources Pty Ltd	18/09/1997
E45/1909	Remington Resources Pty Ltd	18/09/1997
E45/1965	Remington Resources Pty Ltd	15/05/1998
E45/2024	Remington Resources Pty Ltd	22/09/1998
E45/2025	Remington Resources Pty Ltd	22/09/1998
E45/2133	Remington Resources Pty Ltd	01/03/2000
E45/2323	Remington Resources Pty Ltd	15/05/2002
E45/0059	Rio Tinto Exploration Pty Ltd	11/03/1983
E45/0060	Rio Tinto Exploration Pty Ltd	28/06/1983
E45/0073	Rio Tinto Exploration Pty Ltd	28/06/1983
E45/2345	Rubysands Pty Ltd	02/07/2002
E45/2225	Sipa-Gaia NL	18/10/2001
E45/2263	Sipa-Gaia NL	12/09/2001
E45/2264	Sipa-Gaia NL	02/08/2001
E45/2265	Sipa-Gaia NL	02/08/2001
E45/2303	Sipa-Gaia NL	22/08/2002
E45/2304	Sipa-Gaia NL	28/11/2001
E45/2324	Smit, Ronald	25/07/2002
E45/2280	Straits (Nifty) Pty Ltd	24/08/2001
E45/2150	Straits (Nifty) Pty Ltd	06/09/2002
E45/2151	Straits (Nifty) Pty Ltd	06/09/2002
E45/2152	Straits (Nifty) Pty Ltd	06/09/2002

E45/2153	Straits (Nifty) Pty Ltd	06/09/2002
E45/2154	Straits (Nifty) Pty Ltd	06/09/2002
E45/2155	Straits (Nifty) Pty Ltd	06/09/2002
E45/2156	Straits (Nifty) Pty Ltd	06/09/2002
E45/2157	Straits (Nifty) Pty Ltd	06/09/2002
E45/1839	Straits Exploration (Aust) Pty Ltd	20/12/2000
E45/2326	Talisman Mining NL	25/03/2002
E45/1435	Wedgeside Pty Ltd	26/10/1993
E45/1494	Wedgeside Pty Ltd	15/07/1994
E45/1568	Wedgeside Pty Ltd	20/07/1995
E45/1691	Wedgeside Pty Ltd	11/07/1996
E45/1692	Wedgeside Pty Ltd	11/07/1996
E45/1222	WMC Resources Ltd	03/03/1992

(d) Prospecting Licences

Tenement ID	Holder	Date Granted
P45/2458	Mount Burgess Mining NL	12/10/2001
P45/2460	Mount Burgess Mining NL	19/10/2001

2. Existing petroleum interests under the Petroleum Act 1967 (WA)

Tenement No	Holder	Date Granted
EP380	Amadeus Petroleum NL Jagen Nominees Pty Ltd	14/07/1998
EP374	Nerdlihc Company Inc	24/09/1998
EP375	Nerdlihc Company Inc	24/09/1998
EP376	Nerdlihc Company Inc	24/09/1998

3. The interests of Telstra Corporation Limited

(a) Rights and interests as the owner and operator of the telecommunications facilities installed within the determination area, including:

- (i) customer radio terminals; and
- (ii) local distribution cabling.

(b) Rights and interests 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).

(c) Rights of access by employees, agents or contractors of Telstra Corporation Limited to its telecommunications facilities in, and in the vicinity of the determination area, in the performance of their duties.

4. State Agreement Act interests

The rights of Straits (Nifty) Pty Ltd including the rights of any assignee under the Western Mining Corporation (Throssell Range) Agreement Act 1985 (WA).

5. Other rights and interests

- (a) Rights and interests granted by the Crown pursuant to statute or otherwise in the exercise of its executive power.
- (b) Rights or interests held by reason of the force and operation of the laws of the State or of the Commonwealth including the force and operation of the Rights in Water and Irrigation Act 1914 (WA).
- (c) Rights and interests of members of the public arising under the common law.
- (d) The right to access land by:
 - (i) an employee or agent or instrumentality of the State;
 - (ii) an employee or agent or instrumentality of the Commonwealth;
 - (iii) an employee or agent or instrumentality of any local Government authority as required in the performance of his or her statutory or common law duties where such access would be permitted to private land.
- (e) Rights of any person to access and enjoy (subject to the laws of the State):
 - (i) any existing roads within the determination area where members of the public have access to such roads according to the common law, including but not limited to those roads marked in red on the plan attached to this Schedule; and
 - (ii) the Canning Stock route.
- (f)(i) Without limiting the operation of any other paragraph in the Second Schedule, but subject to paragraph (f)(ii), rights of the holders from time to time of mining tenements under the Mining Act 1978 (WA) and petroleum interests under the Petroleum Act 1967 (WA) to use (including by servants, agents and contractors) the existing roads and tracks in the determination area, including but not limited to those roads and tracks marked in green on the plan attached to this Schedule, in order to have access to such mining tenements and petroleum interests.
- (ii) Nothing in paragraph (f)(i) above allows any upgrade, extension, widening or other improvement to the road or track other than work done to maintain such road or track in reasonable repair or where a road or track is rehabilitated, the later reinstatement of the road or track to substantially the same condition as prior to the rehabilitation.
- (g) Nothing in paragraphs (e) and (f) will limit the rights of the holders from time to time of mining tenements, petroleum interests or other interests granted under a law of the State or the Commonwealth, including without limitation any right to exclude members of the public from entering onto the land and waters the subject of any such mining tenements, petroleum interests or other interests.

THIRD SCHEDULE

(Not reproduced)

For Details relating to the Common Law Holders, please refer to the Common Law Holders section of this extract which contains the same information as the Third Schedule of the determination.

REGISTER ATTACHMENTS:

1. Attachment A - Map of First Schedule, , 1 page - A4, 27/09/2002
2. Attachment B - Map of First Schedule - Enlargement 1, 1 page - A4, 27/09/2002
3. Attachment C - Map of Second Schedule - Clauses 5(e) and 5(f), , 1 page - A4, 27/09/2002
4. Attachment D - Map of Second Schedule - Clauses 5(e) and 5(f) - Enlargement 1, 1 page - A4, 27/09/2002

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.