

Attachment 8 - FOURTH SCHEDULE

The nature and extent of other rights and interests in relation to Determination Area A are:

1. Reserves

The interests of persons who have the care, control and management of the following reserves, and the interests of persons entitled to access and use these reserves for the respective purposes for which they are reserved, subject to any statutory limitations upon those rights:

- (a) Reserve 376 for public purposes;
- (b) Reserves 377, 768, 4979, 3091 and 12786 for the purposes of water;
- (c) Reserve 541 for the purpose of water and stopping place for travellers and stock;
- (d) Reserves 1502, 1503, 1535, 1536, 1537, 1542 for the purposes of watering places;
- (e) Reserves 2301, 9697, 9700 and 9701 for the purposes of stock routes;
- (f) Reserves 2422 to 2427 and 2559 for the purposes of public utility;
- (g) Reserve 12567 for the purpose of camping;
- (h) Reserves 13636, 13637, 13639, 13641, 13642 and 13643 for the purposes of timber;
- (i) Reserve 30559 for the purpose of government requirements of Ridley River division; and
- (j) Reserve 39134 for the purpose of geodetic station;

2. Pastoral Leases

The rights and interests of the holders from time to time of the following pastoral leases:

- (a) Pastoral Leases 3114/446 (De Grey Location 86 and Pardu Location 43) and 398/0718 (De Grey Location 98 and Pardu Location 48), being Pardoo Station;
- (b) Pastoral Lease 3114/860 being Pippingarra Station (Forrest Location 202); and
- (c) Pastoral Lease 3114/1142 being De Grey Station (De Grey Location 104 and Forrest Locations 200, 204 and 205);

3. Other Leases

The rights and interests of the holders of the following leases:

- (a) Lease H/879753 between the Minister for Lands (Lessor) and the Pananykarra Aboriginal Corporation (Lessee) granted for the purpose of advancing the interests of any Aboriginal person pursuant to section 83 of the *Land Administration Act* 1997 (WA) on 1 September 2001;
- (b) Lease of Reserve 41863 between the Aboriginal Lands Trust (Lessor) and the Ngarla-Coastal Njamal (Aboriginal Corporation) (Lessee) on 20 July 1992;
- (c) Sub-lease of pastoral lease 3114/860 (Pippingarra) between the Aboriginal Lands Trust (Lessor) and the Mugarinya Community Association Inc. (Lessee) on 1 September 1988;
- (d) Lease 39/3 (GE I/154275) between the Minister for Lands (Lessor) and the Jinparinya Aboriginal Corporation (Lessee) granted pursuant to section 9 of the *Land Act* 1933 (WA) for the purpose of residential and economic development associated with Aboriginal heritage and cultural use on 9 August 1996; and
- (e) Lease 39/4 (GE I/150265) between the Minister for Lands (Lessor) and the Jinparinya Aboriginal Corporation (Lessee) granted pursuant to section 9 of the *Land Act* 1933 (WA) for the purpose of residential and economic development associated with Aboriginal heritage and cultural use on 9 August 1996.

4. Mining Tenements

- (a) The interests of the holders of the following mining tenements granted under the *Mining Act* 1978 (WA):

(i) Mining Leases

Tenement ID	Holder	Date Granted
M4500097	BHP Billiton Minerals Pty Ltd Itochu Minerals & Energy of Australia Pty Ltd Mitsui Iron Ore Corporation Pty Ltd	21/01/1986
M4500099	BHP Billiton Minerals Pty Ltd Itochu Minerals & Energy of Australia Pty Ltd Mitsui Iron Ore Corporation Pty Ltd	21/01/1986
M4500100	BHP Billiton Minerals Pty Ltd Itochu Minerals & Energy of Australia Pty Ltd Mitsui Iron Ore Corporation Pty Ltd	21/01/1986
M4500101	BHP Billiton Minerals Pty Ltd Itochu Minerals & Energy of Australia Pty Ltd Mitsui Iron Ore Corporation Pty Ltd	21/01/1986

(ii) Exploration Licences

Tenement ID	Holder	Date Granted
E4501866	Westralian Nickel Ltd	09/02/2004
E4502146	Westralian Nickel Ltd	05/10/2004
E4502278	Westover Holdings Pty Ltd	18/06/2002
E4502285	Western Australian Resources Ltd	08/05/2002
E4502286	Western Australian Resources Ltd	08/05/2002
E4502330	Atlas Iron Ltd	01/06/2005
E4502358	Leviathan Resources Ltd	25/10/2005
E4502380	Independence Group NL	24/10/2003
E4502381	Independence Group NL	24/10/2003
E4502537	Independence Group NL	24/11/2005
E4502538	Independence Group NL	24/11/2005
E4502539	Independence Group NL	24/11/2005
E4502540	Independence Group NL	24/11/2005
E4502557	Faustus Nominees Pty Ltd	14/10/2005
E4502558	Faustus Nominees Pty Ltd	14/10/2005
E4502569	Atlas Iron Ltd	27/07/2005
E4502576	Faustus Nominees Pty Ltd	14/10/2005
E4502603	Aquila Steel Pty Ltd	02/10/2005
E4502667	Atlas Iron Ltd	01/11/2005
E4502723	Ochre Resources Ltd	30/06/2006
E4502736	Ochre Resources Ltd	30/06/2006
E4502747	Baracus Ptd Ltd	27/10/2006
E4502813	Eclipse Minerals Pty Ltd	14/12/2006
E4502814	Eclipse Minerals Pty Ltd	14/12/2006

(iii) Miscellaneous Licences

Tenement ID	Holder	Date Granted
L4500110	Newcrest Mining Ltd	23/10/2003
L4500154	Atlas Iron Ltd	24/11/2006

(iv) Prospecting Licences

Tenement ID	Holder	Date Granted
P4502572	Westralian Nickel Pty Ltd	04/11/2005
P4502573	Westralian Nickel Pty Ltd	04/11/2005

(v) Pipeline Licences

Tenement ID	Holder	Date Granted
PL60	Gas Transmission Services (WA) Operations Pty Ltd.	17/10/2003

- (b) The agreement as amended and ratified by the *Iron Ore (Mt Goldsworthy) Agreement Act 1964 (WA)* and rights and interests comprised in, conferred under or in accordance with or pursuant to that agreement.
- (c) The agreement as amended and ratified by the *Leslie Solar Salt Industry Agreement Act 1966 (WA)* and rights and interests comprised in, conferred under or in accordance with or pursuant to that agreement.

5. Statutory fishing and pearling interests

The interests of the holders of statutory fishing and pearling interests granted under the *Fish Resources Management Act 1994 (WA)*, the *Pearling Act 1990 (WA)*, and the *Fisheries Management Act 1991 (Cth)* and any regulations made pursuant to such legislation.

6. Licences

The holders of licences issued under the:

- (a) *Land Act 1933 (WA)* and the *Land Administration Act 1997 (WA)*;
- (b) *Mining Act 1978 (WA)*;
- (c) *Jetties Act 1926 (WA)*;
- (d) *Wildlife Conservation Act 1950 (WA)*;
- (e) *Conservation and Land Management Act 1984 (WA)*;
- (f) *Rights in Water and Irrigation Act 1914 (WA)*;
- (g) *Transport Co-ordination Act 1966 (WA)*; and
- (h) *Water Services Coordination Act 1995 (WA)*.

7. Permits

The holders of permits issued under the:

- (a) *Land Act 1933 (WA)*; and
- (b) *Land Administration Act 1997 (WA)*

8. Other rights and interests:

Other rights and interests:

- (a) Valid or validated rights and interests granted by the Crown pursuant to statute or otherwise in the exercise of its executive power.
- (b) Rights and interests held by reason of the force and operation of the laws of the State or of the Commonwealth.
- (c) Rights and interests of members of the public arising under the common law, including:
 - (i) the public right to fish in tidal waters; and
 - (ii) the public right to navigate in tidal waters.
- (d) Access to areas of previously unallocated Crown land by any:
 - (i) employee or agent of the State Government;
 - (ii) employee or agent of the Commonwealth Government;
 - (iii) employee or agent 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) Existing rights of the public to access and enjoy:
 - (i) waterways; or
 - (ii) beds and banks or foreshores of waterways; or
 - (iii) coastal waters; or
 - (iv) beaches; or
 - (v) stock routes.
- (f) The rights and interests of Telstra Corporation Limited:

- (i) as the owner or operator of telecommunications facilities within Determination Area A, including customer radio terminals and cabling;
 - (ii) as the holder of a carrier licence under the *Telecommunications Act 1997* (Cth);
 - (iii) 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); and
 - (iv) for its employees, agents or contractors to enter Determination Area A to access its facilities in and in the vicinity of Determination Area A.
- (g) Rights of any person to access and enjoy (subject to the laws of the State) any existing roads within Determination Area A where members of the public have access to such roads according to the common law.
- (h) Without limiting the operation of any other paragraph in the Fourth Schedule, but subject to paragraph (h)(ii):
- (i) rights of the holders from time to time of mining tenements under the *Mining Act 1978* (WA) to use (including by servants, agents and contractors) the existing roads and tracks in the Determination Area.
 - (ii) Nothing in paragraph (h)(i) above allows any upgrade, extension, widening or other improvement to the 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.
- (i) Nothing in paragraphs (g) and (h) 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 Commonwealth, including without limitation any right to exclude members of the public from entering onto the land and waters the subject of any mining tenements, petroleum interests or other interests.