



Extract from the National Native Title Register

Determination Information:

Determination Reference: Federal Court Number(s): WAD6284/1998
NNTT Number: WCD2008/002

Determination Name: [Billy Patch and Others on behalf of the Birriliburu People v The State of Western Australia and Others](#)

Date(s) of Effect: 20/06/2008

Determination Outcome: Native title exists in the entire determination area

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

Determination Date: 20/06/2008

Determining Body: Federal Court of Australia

ADDITIONAL INFORMATION:

Not Applicable

REGISTERED NATIVE TITLE BODY CORPORATE:

Mungarlu Ngurrarankatja Rirraunkaja (Aboriginal Corporation)
RNTBC
Trustee Body Corporate
C/- Central Desert Native Title Services
76 Wittenoom Street,
EAST PERTH WA 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

COMMON LAW HOLDER(S) OF NATIVE TITLE:

The Native Title Holders are the descendants of:

Milpuntu/Jack Abbott

Kiliya/Amy Anderson

Tjirili

Lunmu, Yingi

Wakukutjara, Piparntjukurr, Tartu, Tjirilltjukul

Matja/Maudie Hill, Lefthand/Willy Hill, Maize Hill/Beaman, Snowy Hill, Johnny Hill, Roly Hill

Wogabu Jimmy Walker (Wakapu), Maraputa/Jenny Jones

Kunamalaya/Jackie Jackman

Yungkutjuru/Kitty Hill, Tulkiwa/Gennie Elliott

Puuka

Lenny Morrison, Wally Morrison

Minnie Wongawol, Hitler Richards, Mitika, Yarlrat/Joe Finch, Longfella, Katapurna/George Finch

Billy & Tilbie

Yungka

Ivy Ward, Yatjuwunga/Peter Edjurrong

Bob Ward, Yinyipapa/Ruby Jackson/Barker, Wungkatju/George Wongajoe

Wuli/Jimmy Wongawol

Mickey Wonyabong, Nyabung/Minnie Ashley, Tommy Ingebong;

AND persons generally acknowledged by them as having rights in part or all of the Determination Area through kinship, marriage, conception, birth, high ritual knowledge or responsibility for sites, including, at the time of this determination:

Mad-Dog/Jimmy Morgan

Matuwa/Norman Thompson

Mr P/Billy Patch

Ngarankut/Louie Thompson

Nyari-Nyari Morgan

Tilly Stevens

Mirta Mirta/Andy Campbell

Norman Stewart

MATTERS DETERMINED:

Being satisfied that a determination in terms sought by the parties would be within the power of the Court, and it appearing to the Court appropriate to do so and by consent of the parties:

THE COURT ORDERS, DECLARES AND DETERMINES THAT:

EXISTENCE OF NATIVE TITLE (s 225)

1. Native Title exists in relation to the Determination Area.

THE NATIVE TITLE HOLDERS (s 225(a))

2. The native title is held by the Native Title Holders.

THE NATURE AND EXTENT OF NATIVE TITLE RIGHTS AND INTERESTS (s 225(b) and s 225(e))

3. Subject to paragraphs 4, 5, 6 and 7 the nature and extent of the native title rights and interests is:

(a) except in relation to flowing and subterranean water - the right of possession, occupation, use and enjoyment to

the exclusion of all others; and

(b) the right to take flowing and subterranean water for personal, domestic, or non-commercial communal purposes.

4. The native title rights and interests described in subparagraph 3(a) confer possession, occupation, use and enjoyment of the Native Title Holders to the exclusion of all others.

5. The native title rights and interests in subparagraph 3(b) do not confer possession, occupation, use and enjoyment on the Native Title Holders to the exclusion of all others.

6. The native title rights and interests are:

(a) exercisable in accordance with the traditional laws and customs of the Native Title Holders; and

(b) subject to the laws of the State and the Commonwealth including the common law.

7. Notwithstanding anything in this determination the native title rights and interests include the right to take and use ochre to the extent that ochre is not a mineral pursuant to the Mining Act 1904 (WA), but do not include the right to take other minerals and petroleum as defined in the Mining Act 1904 (WA), the Mining Act 1978 (WA) as in force at the date of this determination, the Petroleum Act 1936 (WA) and the Petroleum and Geothermal Energy Resources Act 1967 (WA) as in force at the date of this determination.

AREAS TO WHICH SS 47A AND 47B APPLY

8. Sections 47A and 47B of the Native Title Act apply to disregard any prior extinguishment in relation to the areas described in Schedule 4.

NATURE AND EXTENT OF OTHER RIGHTS AND INTERESTS IN RELATION TO THE DETERMINATION AREA (s 225(c))

9. The nature and extent of the other interests in the Determination Area is described in Schedule 5.

RELATIONSHIP BETWEEN THE NATIVE TITLE RIGHTS AND INTERESTS AND OTHER INTERESTS (s225(d))

10. The relationship between the native title rights and interests described in paragraph 3 and the other interests referred to in paragraph 9 is that:

(a) to the extent that any of the other interests are inconsistent with the continued existence, enjoyment or exercise of the native title rights and interests, 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 otherwise,

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

DEFINITIONS AND INTERPRETATION

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

"Determination Area" is the land and waters described in Schedule 1 and shown on the map at Attachment 1 to Schedule 1; (see Attachment 1)

"flowing and subterranean water" means the following water within the Determination Area:

(a) water which flows, 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) water from and including an underground water source, including water that percolates from the ground;

"land" and "waters" respectively have the same meanings as in the Native Title Act;

"Native Title Act" means the Native Title Act 1993 (Cth); and

"Native Title Holders" are the persons described in Schedule 3.

12. In the event of any inconsistency between the written description of the area in Schedule 1 and the area as shown

the map at Attachment 1 to Schedule1, the written description prevails.

SCHEDULE 1

DETERMINATION AREA

(Schedule referred to in paragraphs 11 and 12)

The Determination Area, generally shown as bordered in blue on the map at Attachment 1 to this Schedule, comprises all of the land and waters bounded by the following description except land and waters of the areas described in Schedule 2:

All those lands and waters commencing at Longitude 120:501359 East, Latitude 23.998656 South and extending easterly through the following coordinate positions:

Longitude (East) Latitude (South)

120.508828 23.998656

123.001349 23.998637

124.003581 23.998626

125.001343 23.998615

Thence south to the northern boundary of Reserve 34606, thence westerly and southerly along boundaries of that reserve to its southwestern corner and onwards to Longitude 124.668029 East, Latitude 25.889711 South; thence generally northwesterly passing through the following coordinate positions:

Longitude (East) Latitude (South)

124.666235 25.885943

124.664922 25.883344

124.659017 25.871353

124.653749 25.861548

124.650089 25.856520

124.645801 25.848911

124.642198 25.841320

124.638561 25.835306

124.634004 25.824337

124.630401 25.816747

124.628394 25.814523

124.621144 25.801313

124.620164 25.799117

124.614176 25.790871

124.611211 25.785467

124.607551 25.780438

124.606216 25.778825

124.603263 25.772829

124.601950 25.770230

124.592961 25.758156

124.589965	25.754132
124.588664	25.750941
124.583999	25.744900
124.583336	25.743896
124.581403	25.738322
124.580409	25.736717
124.580444	25.735141
124.579192	25.729782
124.577869	25.727577
124.574957	25.719807
124.573375	25.713848
124.572039	25.712234
124.567822	25.701471
124.566205	25.697088
124.563231	25.692078
124.559607	25.685472
124.558944	25.684468
124.558970	25.683286
124.553772	25.670327
124.550134	25.664313
124.548188	25.659331
124.545222	25.653926
124.539919	25.645698
124.534933	25.638662
124.532609	25.635247
124.528993	25.628248
124.523669	25.621005
124.519333	25.615564
124.512660	25.607299
124.509009	25.601877
124.508075	25.600807
124.500697	25.590215
124.495052	25.581978
124.491401	25.576556
124.490434	25.573769

124.485435	25.567324
124.484789	25.565531
124.481125	25.560700
124.479508	25.556318
124.475172	25.550877
124.473828	25.549658
124.467888	25.539243
124.464237	25.533821
124.457291	25.522393
124.446286	25.508490
124.439601	25.500817
124.433942	25.493171
124.432928	25.492552
124.423618	25.479484
124.418329	25.470664
124.415354	25.465654
124.407346	25.455776
124.401358	25.447530
124.399728	25.443739
124.389404	25.430052
124.388060	25.428833

Thence northwesterly to a southern boundary of General Lease I126373 at Longitude 124.375651 East; thence westerly along that boundary to the eastern boundary of Reserve 34604; thence northerly, westerly and southerly along boundaries of that reserve to again a southern boundary of General Lease I126373; thence westerly along that boundary to a southwestern corner of General Lease I126373 at Longitude 124.003527 East; thence generally westerly and generally southwesterly passing through the following coordinate positions:

Longitude (East)	Latitude (South)
123.992285	25.411111
123.987581	25.412121
123.981344	25.413637
123.975320	25.414601
123.973251	25.415138
123.971759	25.415205
123.967761	25.415384
123.964665	25.415893
123.954032	25.416199
123.949565	25.416671

123.944075	25.416918
123.938238	25.417353
123.936512	25.417899
123.933429	25.417816
123.927934	25.418260
123.920740	25.418067
123.915250	25.418314
123.908386	25.418722
123.903919	25.419194
123.896703	25.419986
123.895320	25.420540
123.888446	25.421342
123.886048	25.421278
123.880883	25.422322
123.878485	25.422258
123.877787	25.422831
123.875723	25.423170
123.874695	25.423143
123.873312	25.423697
123.871599	25.423651
123.870901	25.424224
123.865749	25.424677
123.862657	25.424989
123.855094	25.425969
123.843398	25.427824
123.837210	25.428644
123.830324	25.430038
123.827570	25.430555
123.824487	25.430472
123.818285	25.431884
123.809001	25.433212
123.799348	25.435714
123.793155	25.436731
123.790063	25.437043
123.785597	25.437515

123.784898	25.438088
123.774564	25.440374
123.768007	25.442367
123.755600	25.445387
123.746636	25.447710
123.739403	25.449291
123.734243	25.450139
123.732873	25.450102
123.727369	25.450940
123.725999	25.450904
123.719108	25.452493
123.713605	25.453332
123.709824	25.453822
123.707404	25.454743
123.698457	25.456278
123.694324	25.457153
123.686090	25.457524
123.682998	25.457835
123.681614	25.458390
123.676120	25.458834
123.666506	25.459562
123.654845	25.459841
123.645938	25.459602
123.635318	25.459317
123.629152	25.459151
123.616819	25.458820
123.607226	25.458563
123.600375	25.458379
123.593523	25.458195
123.591125	25.458131
123.587370	25.457439
123.581191	25.457864
123.572956	25.458235
123.566091	25.458642
123.559916	25.458871

123.540705	25.459539
123.523225	25.459464
123.513619	25.459798
123.506412	25.460196
123.501937	25.461062
123.496798	25.460924
123.488220	25.461286
123.485480	25.461212
123.478615	25.461619
123.471764	25.461436
123.460779	25.462127
123.454257	25.462544
123.439513	25.462739
123.433668	25.463569
123.423733	25.463302
123.416183	25.463691
123.415155	25.463664
123.412059	25.464172
123.403143	25.464328
123.401430	25.464282
123.399361	25.464818
123.390099	25.465161
123.386309	25.466045
123.381855	25.465926
123.377718	25.466998
123.368104	25.467726
123.361218	25.469119
123.357423	25.470200
123.356396	25.470173
123.355697	25.470746
123.352592	25.471648
123.351222	25.471611
123.343637	25.473577
123.340528	25.474677
123.338815	25.474631

123.335710	25.475534
123.335012	25.476107
123.326048	25.478430
123.322952	25.478939
123.316039	25.481514
123.310510	25.483535
123.306022	25.484993
123.300471	25.487999
123.297704	25.489108
123.296676	25.489080
123.295297	25.489438
123.287664	25.493572
123.280739	25.496738
123.276229	25.499181
123.270664	25.502779
123.266124	25.506601
123.260551	25.510593
123.256024	25.513824
123.255317	25.514791
123.253578	25.515928
123.252871	25.516895
123.251487	25.517449
123.247979	25.521103
123.240974	25.527817
123.236425	25.532034
123.235714	25.533198
123.232574	25.535677
123.231863	25.536841
123.230128	25.537781
123.226619	25.541434
123.224182	25.543143
123.217885	25.548890
123.213349	25.552516
123.208457	25.556723
123.203908	25.560940

123.198677	25.564941
123.196240	25.566651
123.192380	25.570688
123.186070	25.577027
123.182206	25.581262
123.180458	25.582793
123.179747	25.583957
123.177669	25.584887
123.174477	25.589732
123.169551	25.595516
123.167447	25.597629
123.163548	25.603441
123.161033	25.608698
123.156435	25.615083
123.150802	25.621834
123.144491	25.628173
123.140640	25.631816
123.138550	25.633338
123.134343	25.637564
123.132946	25.638709

Thence southwesterly to an eastern boundary of the eastern severance of Pastoral Lease 3114/1070 (Carnegie) at Latitude 25.645049 South; thence northerly and generally westerly along boundaries of that severance to an eastern boundary of the eastern severance of Pastoral Lease 3114/1062 (Glenayle); thence northerly, easterly, again northerly and generally westerly along boundaries of that eastern severance to its westernmost northwestern corner; thence west to an eastern boundary of the western severance of Pastoral Lease 3114/1062 (Glenayle); thence northwesterly along boundaries of that severance, to an eastern boundary of Reserve 36469, thence northerly and westerly along boundaries of that reserve to Longitude 121.583250 East; thence north to an eastern boundary of the northwestern severance of Pastoral Lease 3114/1062 (Glenayle); thence generally northerly, westerly, southerly, again westerly and again southerly to the southernmost southwestern corner of that severance; thence south to the westernmost northwestern corner of the western severance of Pastoral Lease 3114/1062 (Glenayle); thence southerly and generally easterly along the boundaries of that severance to its easternmost southeastern corner, being a point on the south western boundary of a parcel of UCL (Stock Route); thence southeasterly along that boundary to the northern corner of the southeastern severance of Pastoral Lease 3114/1062 (Glenayle), thence southerly and easterly along boundaries of that severance to its southeastern corner; thence southeasterly again along the southwestern boundary of a parcel of UCL (Stock Route) to the northwestern corner of the western severance of Pastoral Lease 3114/1070 (Carnegie), thence southerly and easterly along boundaries of that severance to its southeastern corner, thence east to a southwestern corner of the eastern severance of Pastoral Lease 3114/1070 (Carnegie); thence easterly and southerly along boundaries of that severance to the easternmost northeastern corner of Unallocated Crown Land parcel, being Lot 3 on Deposited Plan 220354; thence westerly, northerly, westerly, southerly, and generally westerly, to the northeastern corner of Unallocated Crown Land parcel; being Lot 4 on Deposited Plan 220354. Thence westerly along the northern boundary of that lot to the easternmost northeastern corner of the eastern severance of Pastoral Lease 3114/654 (Granite Peak); thence westerly, northerly, again westerly and again northerly along boundaries of that severance to an intersection with a southern boundary of Exploration Mining Licence E69/1134 (as at 29/9/1998); thence easterly, northerly, westerly, again northerly, again westerly, again northerly, again westerly, southerly, again westerly, again southerly, again westerly and again southerly along boundaries of that mining licence to an intersection with a northern boundary of the eastern severance of Pastoral Lease 3114/654 (Granite Peak); thence westerly, northerly, again westerly, and again northerly along boundaries of that severance to the northernmost northwestern corner; thence north to Longitude 121.034533 East, Latitude 25.376667 South; thence westerly to the easternmost northeastern corner of the western severance of

Pastoral Lease 3114/654 (Granite Peak); thence westerly along the northern boundary of that severance to its northwestern corner; thence westerly, north westerly and northerly through the following coordinate positions:

Longitude (East) Latitude (South)

120.645401 25.376673

120.501379 25.248666

120.501360 24.012185

Thence northerly back to the commencement point.

Exclusion(s): Excludes all land and waters within the external extent of:

Reserve 34604,

Reserve 36469,

Reserve 42068,

Exploration Licence E69/1092 (as at 29/09/1998)

Exploration Licence E69/1134 (as at 29/09/1998) and,

Exploration Licence E69/1135 (as at 29/09/1998).

Note: Geographic Coordinates provided in Decimal Degrees

Cadastral Boundaries sourced from Landgate

Spatial Cadastral Data dated February 2008.

Exploration Mining Licences sourced from DOIR, boundaries as at 29 September 1998.

Datum: Geocentric Datum of Australia (1994)

Prepared by: Native Title Spatial Services (Landgate) 15th April 2008

Use of Coordinates

Where coordinates are used within the description to represent cadastral or topographical boundaries or the intersection with such, they are intended as a guide only. As an outcome to the custodians of cadastral and topographic data continuously recalculating the geographic position of their data based on improved survey and data maintenance procedures, it is not possible to accurately define such a position other than by detailed ground survey.

SCHEDULE 2

EXCLUSIONS

The following areas are land and waters where previous exclusive possession acts have been done and native title has been completely extinguished. These areas are not covered by the Birriliburu Application (sections 61A and 23C of the Native Title Act and sections 12I and 12J of the Titles (Validation) and Native Title (Effect of Past Acts) Act 1995 (WA)) and are excluded from the Determination Area on that basis.

With the exception of public works (paragraph 2 of this Schedule), these areas are shown on the map at Attachment 1 to Schedule 1 as excluded Determination Area:

1. Reserves

(a) Reserve 42068 for the purpose of "Communications Site" vested under section 33(2) of the Land Act 1933 (WA) in the Australian Telecommunications Commission on 3 April 1992;

(b) Reserve 36469 for the purpose of "Protection of Historic Site" vested under section 33 of the Land Act 1933 (WA) in the Western Australian Museum on 15 February 1980; and

(c) Reserve 34604 (Mangkili Claypan Nature Reserve) for the purpose of "Conservation of Flora and Fauna" vested under section 33 of the Land Act 1933 (WA) in the West Australian Wildlife Authority on 22 April 1977.

2. Public works

Public works as defined in the Native Title Act and the Titles (Validation) and Native Title (Effect of Past Acts) Act 1995 (WA) (including the land and waters on which a public work is constructed, established or situated as described in section 251D of the Native Title Act) and to which section 12J of the Titles (Validation) and Native Title (Effect of Past Acts) Act 1995 (WA) or section 23C(2) of the Native Title Act applies.

SCHEDULE 3

NATIVE TITLE HOLDERS

(Schedule referred to in Paragraph 11)

The Native Title Holders are the descendants of:

Milpuntu/Jack Abbott

Kiliya/Amy Anderson

Tjirili

Lunmu, Yingi

Wakukutjara, Piparntjukurr, Tartu, Tjirillttjukul

Matja/Maudie Hill, Lefthand/Willy Hill, Maize Hill/Beaman, Snowy Hill, Johnny Hill, Roly Hill

Wogabu Jimmy Walker (Wakapu), Maraputa/Jenny Jones

Kunamalaya/Jackie Jackman

Yungkutjuru/Kitty Hill, Tulkiwa/Gennie Elliott

Puuka

Lenny Morrison, Wally Morrison

Minnie Wongawol, Hitler Richards, Mitika, Yarlrat/Joe Finch, Longfella, Katapurna/George Finch

Billy & Tilbie

Yungka

Ivy Ward, Yatjuwunga/Peter Edjurrong

Bob Ward, Yinyipapa/Ruby Jackson/Barker, Wungkatju/George Wongajoe

Wuli/Jimmy Wongawol

Mickey Wonyabong, Nyabung/Minnie Ashley, Tommy Ingebong;

AND persons generally acknowledged by them as having rights in part or all of the Determination Area through kinship, marriage, conception, birth, high ritual knowledge or responsibility for sites, including, at the time of this determination:

Mad-Dog/Jimmy Morgan

Matuwa/Norman Thompson

Mr P/Billy Patch

Ngarankut/Louie Thompson

Nyari-Nyari Morgan

Tilly Stevens

Mirta Mirta/Andy Campbell

Norman Stewart

SCHEDULE 4

AREAS TO WHICH SECTIONS 47A AND 47B NATIVE TITLE ACT APPLY

(Schedule referred to in Paragraph 8)

1. Section 47A of the Native Title Act applies to disregard any extinguishment by the creation of prior interests in relation to areas within the Determination Area the subject of the following interests:

(a) Reserve 40859 for the purpose of "Use and Benefit of Aboriginal Inhabitants" the subject of a Management Order under section 46 of the Land Administration Act 1997 (WA) in favour of the Aboriginal Lands Trust on 31 August 2006;

(b) Reserve 40930 for the purpose of "Use and Benefit of Aboriginal Inhabitants" vested under section 33 of the Land Act 1933 (WA) in the Aboriginal Lands Trust on 21 April 1989; and

(c) General Purpose Lease 1126373 (previously Special Lease 3116/10366) between the Minister for Lands (Lessor) and the Aboriginal Lands Trust (Lessee) for the purpose of "Use and Benefits of Aboriginal Inhabitants" granted under section 116 of the Land Act 1933 (WA) on 30 January 1990 for a term of 50 years commencing 1 July 1989.

2. Section 47B of the Native Title Act applies to disregard any extinguishment by the creation of prior interests in relation to those areas within the Determination Area which were not covered by an interest described in section 47(1)(b)(i) or (ii), or subject to a resumption process as described in section 47(1)(c), when the Birriliburu Application was made, including any extinguishment by the creation of the following interests:

(a) Reserve 5277 set apart under the Land Act 1898 (WA) for the purpose of camping by notice dated 5 August 1908 published in the Government Gazette on 14 August 1908;

(b) the following pastoral leases:

288/97 3307/97 395/0929 70/0435

333/97 3338/97 395/0950 70/0436

362/97 3404/97 395/0974 70/0440

363/97 3497/97 395/1061 70/0448

540/97 3519/97 4/0740 70/0449

541/97 3624/97 4/0749 70/0457

562/97 3637/97 4/0750 70/0479

3174/97 395/0851 70/0340 70/0480

3198/97 395/0906 70/0341

3281/97 395/0917 70/0342

(c) exploration permits EP 380 and 380 R1.

SCHEDULE 5

OTHER RIGHTS AND INTERESTS

(Schedule referred to in Paragraph 9)

The nature and extent of the other rights and interests in relation to the Determination Area as they exist at the date of this determination are:

Reserves

1. 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 the reserves for the respective purposes for which they are reserved, subject to any statutory limitations upon those rights:

(a) Reserve 40859 for the purpose of "Use and Benefit of Aboriginal Inhabitants" the subject of a Management Order under section 46 of the Land Administration Act 1997 (WA) in favour of the Aboriginal Lands Trust on 31 August

2006; and

(b) Reserve 40930 for the purpose of "Use and Benefit of Aboriginal Inhabitants" vested under section 33 of the Land Act 1933 (WA) in the Aboriginal Lands Trust on 21 April 1989.

2. The rights and interests of persons holding leases over areas of the reserves identified in subparagraph 1(a) and (b) above.

Leases

3. The rights and interests of the holders from time to time of General Purpose Lease I126373 (previously Special Lease 3116/10366) between the Minister for Lands (Lessor) and the Aboriginal Lands Trust (Lessee) for the purpose of "Use and Benefits of Aboriginal Inhabitants" granted under section 116 of the Land Act 1933 (WA) on 30 January 1990 for a term of 50 years commencing 1 July 1989.

Mining Tenements

4. The rights and interests of the holders from time to time of the following mining tenements under the Mining Act 1978 (WA):

(a) Exploration Licences

Tenement ID	Holder	Date Granted
E 69/1486	Adrian Martin Lambert Jessup	29/05/2006
E 69/1699	Quadrio Resources Pty Ltd	15/06/2001
E 69/1728	Empire Resources Ltd	29/05/2006
E 69/1729	Empire Resources Pty Ltd	21/11/2006
E 69/1780	Ausquest Ltd	30/05/2002
E 69/1782	Ausquest Ltd	30/05/2002
E 69/1783	Ausquest Ltd	30/05/2002
E 69/1784	Ausquest Ltd	30/05/2002
E 69/1785	Ausquest Ltd	30/05/2002
E 69/1792	Ucabs Pty Ltd	25/09/2007
E 69/1826	Empire Resources Ltd	21/11/2006
E 69/1897	Giralia Resources NL	23/10/2006
E 69/1930	Quadrio Resources Pty Ltd	31/05/2005
E 69/1952	Ausquest Ltd	02/05/2006
E 69/1963	Amerod Holdings Pty Ltd	18/11/2005
E 69/1964	Amerod Holdings Pty Ltd	18/11/2005
E 69/2040	St Barbara Ltd	01/05/2006
E 69/2041	St Barbara Ltd	01/05/2006
E 69/2042	St Barbara Ltd	01/05/2006
E 69/2043	St Barbara Mines Ltd	01/05/2006
E 69/2044	St Barbara Mines Ltd	01/05/2006
E 69/2045	St Barbara Ltd	28/12/2005
E 69/2052	Finching Pty Ltd	12/05/2006

E 69/2055	St Barbara Ltd	23/03/2006
E 69/2056	St Barbara Ltd	23/03/2006
E 69/2057	St Barbara Ltd	01/05/2006
E 69/2058	Geodex Resources Pty Ltd	05/04/2006
E 69/2060	Quadrio Resources Pty Ltd	13/03/2006
E 69/2061	Louise Minerals Pty Ltd	22/06/2007
E 69/2062	Louise Minerals Pty Ltd	22/06/2007
E 69/2064	Louise Minerals Pty Ltd	22/06/2007
E 69/2065	Louise Minerals Pty Ltd	22/06/2007
E 69/2118	Swanrove Enterprises Pty Ltd	03/08/2006

5. The rights and interests of any of the holders of the above exploration licences may have under an access agreement entered into with the Native Title Holders (in their previous capacity as registered native title claimants) to use and maintain any existing roads and tracks which are within the Determination Area but outside the area of the particular exploration licence, in accordance with that access agreement.

Petroleum Titles

6. The rights and interests of the holders from time to time of the following petroleum title under the Petroleum and Geothermal Energy Resources Act 1967 (WA):

(a) Exploration permits

Title ID	Holder	Date Granted
EP 380 R2	Amadeus Energy Limited & Jagen Nominees Pty Ltd	19/07/2004

Other

7. Rights and interests, including licences and permits, granted by the Crown in right of the State or of the Commonwealth pursuant to statute or otherwise in the exercise of its executive power.

8. 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).

9. Rights and interests of members of the public arising under common law.

10. The right to access the Determination Area by an employee, agent or instrumentality of:

- (a) the State;
- (b) the Commonwealth;
- (c) any local government authority,

as required in the performance of his or her statutory or common law duty where such access would be permitted to private land.

11. So far as confirmed pursuant to section 14 of the Titles (Validation) and Native Title (Effect of Past Acts) Act 1995 (WA) as at the date of this determination, any existing public access to and enjoyment of:

- (a) waterways;
- (b) beds and banks or foreshores of waterways; and
- (c) stock routes.

12. The right of any person to use and enjoy (subject to the laws of the State) the Canning Stock Route.

13. The rights and interests of Telstra Corporation Limited:

(a) as the owner or operator of telecommunications facilities installed within the Determination Area;

(b) as the holder of a carrier licence under the Telecommunications Act 1997 (Cth);

(c) 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), including:

(i) the right to install customer radio terminals;

(ii) the right to install cabling; and

(d) for its employees, agents or contractors to enter the Determination Area in the performance of their duties, to access its telecommunications facilities in, and in the vicinity of, the Determination Area.

REGISTER ATTACHMENTS:

1. Attachment 1 - SCHEDULE 1 ATTACHMENT 1 - MAP OF THE DETERMINATION AREA, 1
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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.