

SCHEDULE 9
OTHER INTERESTS

1. Pastoral Leases

Pastoral Lease 3114/485, Mandora

Pastoral Lease 3114/1079, Wallal Downs

Pastoral Lease 3114/1154, Anna Plains

2. 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:

Reserve 21750 - Use and Benefit of Aboriginal Inhabitants

Reserve 1530 - Watering Place

Reserve 1531 - Watering Place

Reserve 1532 - Watering Place

Reserve 1533 - Watering Place

Reserve 1534 - Watering Place

Reserve 9618 - Water

Reserve 9697 - Kimberley De Grey Stock Route

Reserve 11784 - Travellers

Reserve 15540 - Protection of Rabbit Proof Fence

Reserve 17128 - Water

3. **The interests of persons holding leases over areas of the reserves identified in paragraph 1 above.**

4. **Existing petroleum interests under the *Petroleum and Geothermal Energy Resources Act 1967 (WA)***

Nature and number of interest	Grantee	Date of grant and term
Exploration Permit 448	Gulliver Productions Pty Ltd, Indigo Oil Pty Ltd, and United Orogen Limited	16 June 2006 – 6 years
Exploration Permit EP 456	Buru Energy Limited and New Standard Exploration Pty Ltd	16 October 2007 – 6 years

5. **Existing Interests under the *Mining Act 1978 (WA)***

Tenement type and number	Grantee	Date of grant and term
Exploration licence 4502576	Brumby Creek NL	14 October 2005 for a term from 14 October 2005 to 13 October 2010
Exploration licence 4502577	Brumby Creek NL	14 October 2005 for a term from 14 October 2005 to 13

		October 2010
Exploration licence 4502874	Glengarry Resources Ltd	8 January 2007 for a term from 8 January 2007 to 7 January 2012
Exploration licence 4502901	Glengarry Resources Ltd	28 March 2007 for a term from 28 March 2007 to 27 March 2012
Exploration licence 4503021	Oakover Gold Ltd	27 August 2008 for a term from 27 August 2008 to 26 August 2013
Exploration licence 4503085	Pandell Pty Ltd	13 May 2008 for a term from 13 May 2008 to 12 May 2013
Exploration licence 4503086	De Silva, Niraan Punnya Quaalup Investments Pty Ltd	1 August 2008 for a term from 1 August 2008 to 31 July 2013
Exploration licence 4503087	De Silva, Niraan Punnya Quaalup Investments Pty Ltd	1 August 2008 for a term from 1 August 2008 to 31 July 2013

6. Other Rights and Interests

- (a) Rights and interests, including licences and permits, granted by the Crown in right of the Commonwealth or the State pursuant to statute or otherwise in the exercise of its executive power, including but not limited to 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.

- (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, including but not limited to the public right to fish and the public right to navigate;
- (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;
 - (iv) 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 roads within the Determination Area existing as at the date of this determination where members of the public have access to such roads according to the common law;
 - (ii) the Kimberley De Grey Stock Route.
- (f) (i) Without limiting the operation of any other paragraph in the Ninth Schedule, but subject to paragraph (f)(ii), rights of the holders from time to time of petroleum interests under the *Petroleum and Geothermal Energy Resources Act 1967* (WA), petroleum pipelines under the *Petroleum Pipelines Act 1969* (WA) and mining tenements under the *Mining Act 1978* (WA) to use (including by

servants, agents and contractors) the roads and tracks in the Determination Area existing as at the date of this determination, in order to have access to such petroleum, pipeline and mineral 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.

(g) 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:

- (i) waterways; or
- (ii) the beds and banks or foreshores of waterways;
- (iii) coastal waters; or
- (iv) beaches; or
- (v) stock routes; or
- (vi) areas that were public places at the end of 31 December 1993.

(h) Any other:

- (i) legal or equitable estate or interest in the land or waters; or
- (ii) any other right (including a right under an option and a right of redemption), charge, power or privilege over, or in connection with:
 - (A) the land or waters; or
 - (B) an estate or interest in the land or waters; or
- (iii) restriction on the use of the land or waters, whether or not annexed to other land or waters

- (i) The rights and interests of Telstra Corporation Limited:
 - (a) As the owner or operator of telecommunications facilities 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 establish a telecommunications facility on, and remain in occupation of, UCL 13 (Pardu Location 60); and
 - (ii) the right to install cabling, customer terminal facilities and ancillary facilities; and
 - (d) For its employees, agents or contractors to enter the Determination Area to access its facilities in and in the vicinity of the Determination Area.

(J) AN AGREED RIGHT OF ACCESS GRANTED BY THE NATIVE TITLE HOLDERS TO THE LESSEES OF THE ABOVE PASTORAL LEASES TO ACCESS THE 40 METRE STRIP AREAS DESCRIBED IN SCHEDULE 8.