

SCHEDULE FIVE

OTHER INTERESTS (Paragraph 14)

The nature and extent of the Other Interests in relation to the Determination Area as at the date of this determination are:

1. Reserves:

- (a) The following Reserves:
 - (i) Reserves 23079, 24705, 30643, 42512, 42513 and 42514 for the purpose of the use and benefit of Aborigines;
- (b) The rights and interests of persons who have the care, control and management of the reserves identified in subparagraph (a) above or in whom the reserves identified in subparagraph (a) above are vested (as the case may be);
- (c) The rights and interests of persons entitled to access and use the reserves identified in subparagraph (a) above for the respective purposes for which they are reserved, subject to any statutory limitations upon those rights; and
- (d) The rights and interests of persons holding valid leases over areas of the reserves identified in subparagraph (a) above, including, but limited to:
 - (i) Crown Lease J/604108 being a lease over Reserve 24705 pursuant to section 20(3)(c) of the *Aboriginal Affairs Planning Authority Act 1972* (WA) between the Aboriginal Lands Trust (Lessor) and the Wunambal Gaambera Aboriginal Corporation (Lessee) made on 1 March 2003 (and registered on 30 March 2006).

2. Mining Tenements

- (a) The rights and interests of the holders of the following mining tenements under the *Mining Act 1904* (WA) and the *Mining Act 1978* (WA):

(i) Exploration Licences

Tenement	Holder	Date Granted
E 8003859	Kimberley Bauxite Pty Ltd	16/12/2010

(ii) Mining Leases

Tenement	Holder	Date Granted
M 8000047	Alcoa of Australia Ltd Mitchell Plateau Bauxite Co. Pty Ltd	06/08/1985
M 8000048	Alcoa of Australia Ltd Mitchell Plateau Bauxite Co. Pty Ltd	06/08/1985
M 8000049	Alcoa of Australia Ltd Mitchell Plateau Bauxite Co. Pty Ltd	06/08/1985
M 8000050	Alcoa of Australia Ltd Mitchell Plateau Bauxite Co. Pty Ltd	06/08/1985
M 8000051	Alcoa of Australia Ltd Mitchell Plateau Bauxite Co. Pty Ltd	06/08/1985
M 8000052	Alcoa of Australia Ltd Mitchell Plateau Bauxite Co. Pty Ltd	06/08/1985
M 8000053	Alcoa of Australia Ltd Mitchell Plateau Bauxite Co. Pty Ltd	06/08/1985
M 8000054	Alcoa of Australia Ltd Mitchell Plateau Bauxite Co. Pty Ltd	06/08/1985
M 8000055	Alcoa of Australia Ltd Mitchell Plateau Bauxite Co. Pty Ltd	06/08/1985
M 8000056	Alcoa of Australia Ltd Mitchell Plateau Bauxite Co. Pty Ltd	06/08/1985

M 8000057	Alcoa of Australia Ltd Mitchell Plateau Bauxite Co. Pty Ltd	06/08/1985
M 8000058	Alcoa of Australia Ltd Mitchell Plateau Bauxite Co. Pty Ltd	06/08/1985
M 8000059	Alcoa of Australia Ltd Mitchell Plateau Bauxite Co. Pty Ltd	06/08/1985
M 8000060	Alcoa of Australia Ltd Mitchell Plateau Bauxite Co. Pty Ltd	06/08/1985

- (b) The agreement as amended and ratified by the *Alumina Refinery (Mitchell Plateau) Agreement Act 1971 (WA)* and the rights and interests (including, for the avoidance of doubt, any rights of access and occupancy) comprised in, conferred under, in accordance with or pursuant to that agreement, including the following:

Tenement	Holder	Date Granted
TR 7005610	Alcoa of Australia Ltd Anglogold Australia Metals Pty Ltd Mitchell Plateau Bauxite Co. Pty Ltd	30/08/1972

3. Access to Mining Areas

- (a) Without limiting the operation of any other paragraph in Schedule Five, but subject to paragraph 3(b) below, the rights of the holders from time to time of a mining tenement referred to in paragraph 2 of Schedule Five to use (including by servants, agents and contractors) such portions of existing roads and tracks in the Determination Area as necessary to have access to the area the subject of the mining tenement for the purposes of exercising the rights granted by that tenement.
- (b) Nothing in paragraph 3(a) above allows any upgrade, extension, widening or other improvement to the road or track other than work done to maintain it in

reasonable repair and in order to leave it in substantially the same condition as it was prior to its use pursuant to paragraph 3(a).

4. Other

The following rights and interests:

- (a) 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 including, but not limited to, the rights and interests of the holders of licences granted under the *Jetties Act 1926* (WA) and the rights and 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 but not limited to, 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 common law including but not limited to:
 - (i) the public right to fish;
 - (ii) the public right to navigate; and
 - (iii) the right of any person to use any road in the determination area (subject to the laws of the State) over which, as at the date of this determination, members of the public have a right of access under common law;
- (d) The right to access the Determination Area by:
 - (i) an employee, agent or instrumentality of the State;
 - (ii) an employee, agent or instrumentality of the Commonwealth; or
 - (iii) an employee, agent or instrumentality of 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;

- (e) So far as confirmed pursuant to section 212(2) of the *Native Title Act* and 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, the following places in the Determination Area:
- (i) waterways;
 - (ii) beds and banks or foreshores of waterways;
 - (iii) coastal waters;
 - (iv) beaches;
 - (v) stock routes; and
 - (vi) areas that were public places at the end of 31 December 1993; and
- (f) Any other valid:
- (i) legal or equitable estate or interest in the land or waters; or
 - (ii) 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.