

**FOURTH SCHEDULE
OTHER INTERESTS**

[Schedule referred to in Paragraph 10]

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

1. Reserves

- (1) the following reserves:
 - (a) Reserve 49455 (Lots 3014, 3015 and 3016 on Deposited Plan 51300) for the purpose of "drainage"; and
 - (b) Reserve 49456 (Lot 3012 on Deposited Plan 51300) for the purpose of "pedestrian access";
- (2) the rights and interests of persons who have the care, control and management of the reserves identified in subparagraph (1) above; and
- (3) the rights and interests of persons entitled to access and use the reserves identified in subparagraph (1) above for the respective purposes for which they are reserved, subject to any statutory limitations upon those rights.

2. Leases

Part of general lease GE J184853 and the rights and interests of the holder from time to time of that lease.

3. Roads

The interests of the Crown and the public in:

- (1) Public road (Lot 3017 on Deposited Plan 51300) dedicated pursuant to section 56 of

the *Land Administration Act 1997* (WA); and

- (2) Public road (Lot 3012 on Deposited Plan 44793 and Lot 3002 on Deposited Plan 44794) dedicated pursuant to section 56 of the *Land Administration Act 1997* (WA).

4. Mining Tenements

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

- (1) Exploration Licences

Tenement ID	Holder	Date Granted
E 47/1136	Talisman Mining Ltd	20.02.2003
E 47/1789	Hamersley Iron Pty Ltd	28.07.2007
E 47/2062	FMG Pilbara Pty Ltd	12.01.2011
E 47/2098	Brockman Exploraton Pty Ltd	22.12.2011

- (2) Miscellaneous Licences

Tenement ID	Holder	Date Granted
L 47/100	Hamersley Iron-Yandi Pty Ltd	08.10.2001
L 47/137	Hamersley Iron Pty Ltd	09.06.2005
L 47/206	Hamersley Iron Pty Ltd	15.11.2007
L 47/282	Hamersley Iron Pty Ltd	13.10.2009
L 47/283	Hamersley Iron Pty Ltd	13.10.2009

5. Indigenous Land Use Agreements

The *Hamersley Iron Pty Ltd – Eastern Guruma Indigenous Land Use Agreement* (Area Agreement) dated 27 November 2002, and registered on the Register of Indigenous Land Use Agreements on 5 March 2004 (Tribunal No.WI01/1), and the rights and interests comprised in, conferred under, or in accordance with, or pursuant to, that ILUA.

6. Access to Mining Areas

- (1) Without limiting the operation of any other paragraph in the Fourth Schedule, but subject to subparagraph 6(2) below, the rights of the holders from time to time of mining tenements, including those granted under the *Mining Act 1978* (WA), to use (including by servants, agents and contractors) such portions of existing roads and tracks in Determination Area B 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.
- (2) Nothing in subparagraph 6(1) 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 subparagraph 6(1).
- (3) Nothing in the Fourth Schedule will limit the rights of the holders from time to time of mining tenements, including those granted under the *Mining Act 1978* (WA) including, without limitation, any right to exclude members of the public from entering onto the land and waters the subject of any mining tenement.

7. Telstra Corporation Limited

The rights and interests of Telstra Corporation Limited:

- (1) as the owner or operator of telecommunications facilities within Determination Area B;
- (2) 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 rights:

- (a) to inspect land;
 - (b) to install and operate telecommunications facilities; and
 - (c) to alter, remove, replace, maintain, repair and ensure the proper functioning of its telecommunication facilities;
- (3) for its employees, agents or contractors to access its telecommunications facilities in, and in the vicinity of, Determination Area B in performance of their duties;
- (4) under any lease, licence, access agreement or easement relating to its telecommunications facilities in Determination Area B.

8. Other

The following rights and interests:

- (1) rights and interests, including licences and permits, granted by the Crown in right of the Commonwealth or of the State pursuant to statute or otherwise in the exercise of its executive power;
- (2) rights and 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);
- (3) rights and interests of members of the public arising under the common law, including but not limited to the right of any person to use any road in Determination Area B (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;
- (4) the right to access Determination Area B 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;
- (5) 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 on Past Acts) Act 1995* (WA) as at the date of this Determination, any existing public access to and enjoyment of, the following places in Determination Area B:
- (a) waterways;
 - (b) beds and banks or foreshores of waterways;
 - (c) stock routes; and
 - (d) areas that were public places at the end of 31 December 1993; and
- (6) any other valid:
- (a) legal or equitable estate or interest in the land or waters; or
 - (b) other right (including a right under an option and a right of redemption), charge, power or privilege over, or in connection with:
 - (i) the land or waters; or
 - (ii) an estate or interest in the land or waters; or
 - (c) restriction on the use of the land or waters, whether or not annexed to other land or waters.