

SCHEDULE EIGHT

OTHER INTERESTS

1. Pastoral Leases

Fairfield - Pastoral Lease 3114/748 held by the Bunuba Aboriginal Corporation.

Leopold Downs - Pastoral Lease K571500 held by the Bunuba Aboriginal Corporation.

Portion of Pastoral Lease 3114/692, Kimberley Downs falling within the Determination Area.

Portion of Pastoral Lease 3114/930, Jubilee Downs falling within the Determination Area.

Portion of Pastoral Lease 3114/1269, Quanbun Downs falling within the Determination Area.

Portion of Pastoral Lease 3114/1271, Blina falling within the Determination Area.

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 1576 - Watering Place.

Reserve 12474 - Portion of Lennard River Stock Route falling within the Determination Area.

Reserve 12475 - Stock Route.

Reserve 43099 - Conservation Park.

Reserve 43100 - Conservation Park.

Reserve 43101 - Conservation Park.

3. **The interests of persons holding leases over areas of the reserves identified in para 2 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 453	Budside Pty Ltd and Pobeloto Pty Ltd	18 January 2007 – 6 years to 17 January 2013

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

Tenement type and number	Grantee	Date of grant
General Purpose Lease G0400038 "Stockpile for sand and aggregate"	Holcim (Australia) Pty Ltd	9 September 1998
Mining Lease M0400372 ²⁰	Kimberley Diamond Co NL	23 November 1999
Exploration Licence 0400726	Blina Minerals NL	21 January 1993
Exploration Licence 0401599	Michael Haabjoern	13 August 2008
Exploration Licence 0401936	Sarah Elizabeth Dowling	3 December 2012
Exploration	Kevin Peter Sibraa	18 November 2010

²⁰ Formerly Mining Lease 275SA granted under and in accordance with the *Diamond (Argyle Diamond Joint Venture) Agreement Act 1981 (WA)*, the agreement ratified by that Act and the *Mining Act 1978 (WA)* and at the time of this Determination continuing as Mining Lease M0400372 under the *Mining Act 1978 (WA)*.

Licence 0401951		
Exploration Licence 0402013	Tetra Resources Pty Ltd	9 October 2012
Exploration Licence 0402169	HD Mining & Investment Pty Ltd	6 September 2012
Prospecting Licence 0400187	Marten Hendrick Ynema	7 February 2012

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 and under 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:
 - (i) the public right to fish;
 - (ii) the public right to navigate;
 - (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 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;

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) Stock Routes.

- (f) (i) Without limiting the operation of any other para in the Eighth Schedule, but subject to para (f)(ii), the rights of holders from time to time of existing petroleum interests under the *Petroleum and Geothermal Energy Resources Act 1967* (WA), petroleum pipelines under the *Petroleum Pipelines Act 1969* (WA) and existing mining tenements under the *Mining Act 1978* (WA) including those mentioned at paras 4 and 5 above to use (including by servants, agents and contractors) roads and tracks as are existing at the time of this Determination in the Determination Area to the extent reasonably necessary to have access to the area subject of the petroleum, pipeline and mineral interests for the purposes of exercising the rights granted by those interests;
- (ii) Nothing in para (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 s 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;
 - (ii) the beds and banks or foreshores of waterways;
 - (iii) stock routes; or
 - (iv) 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) 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:
 - (i) to inspect land;
 - (ii) to install and operate telecommunications facilities; and
 - (iii) to alter, remove, replace, maintain, repair and ensure the proper functioning of its telecommunications facilities;
 - (c) for its employees, agents or contractors to, access its telecommunications facilities in and in the vicinity of the Determination Area in performance of their duties; and
 - (d) under any lease, licence or easement relating to its telecommunications facilities in the Determination Area.