

**SCHEDULE FOUR**  
**OTHER INTERESTS (Paragraph 9)**

The nature and extent of the Other Interests in relation to the Determination Area are as follows:

Land tenure interests registered with the Western Australian Land Information Authority are current as at 4 December 2018. Mining tenements and petroleum interests registered with the Department of Mines, Industry Regulation and Safety are current as at 31 January 2019. All other interests are current as at the date of the Determination.

*Part A – Other Interests which validly affect the native title rights and interests (paragraph 10)*

**1. Reserves**

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(a) The following reserves:

<b>Reserve No.</b>	<b>Current Purpose</b>
01926	Resting place for travellers and stock
01927	Resting place for travellers and stock
03328	Resting place for travellers and stock
04176	Water
09700	De Grey to Peak Hill stock route
12061	Water
12775	Water
12778	Water
12779	Water
12780	Water
12782	Water
13631	Timber
13632	Timber
13633	Timber
13634	Timber

13635	Timber
13686	Timber
13687	Timber
15159	Warrawagine to Battle Hill stock route
21802	Pastoral research station
22627	Preservation of Aboriginal cultural materials and historic buildings and grazing (Woodstock)
23046	Pastoral research station and preservation of Aboriginal cultural material
24122	Mining
31428	Use and benefit of Aborigines (Yandeyarra)

- (b) The rights and interests of persons who have the care, control and management of the reserves identified in subclause (a) above;
- (c) The rights and interests of persons entitled to access and use the reserves identified in subclause (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 leases over areas of the reserves identified in subclause (a) above.

## 2. Pastoral Leases

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- (a) The following pastoral leases and the rights and interests of the holders from time to time of those pastoral leases:

Pastoral Lease	Station Name
N049420	Mt Divide
N049553	Balfour Downs
N049796	Mulga Downs
N050058	Noreena Downs
N050370	Mulga Downs
N050430	Bonney Downs
N050452	Hillside
N050453	Panorama

- (b) Any rights and obligations of the pastoralists pursuant to the pastoral leases referred to in subclause (a) above to adopt and exercise best practice management of the pasture and vegetation resources, livestock and soils within the boundaries of the pastoral leases in order to manage stock and for the management, conservation and regeneration of pasture for permitted uses.

### 3. Compulsory Acquisitions

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The land and waters the subject of the following Taking Orders and the rights and interests arising under those Taking Orders:

Instrument No.	Description	Proposed disposition/grant
YA K000020 registered on 27/11/2006	Lots 350, 351 and 352 on Deposited Plan 54045	Special railway licence pursuant to the <i>Railway and Port (The Pilbara Infrastructure Pty Ltd) Agreement Act 2004</i> (WA)

### 4. Roads

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The following roads and the rights and interests of the persons having the care, control and management of those roads from time to time:

MapInfo ID	Description	Shown in
ROAD 27	Lot 316 on DP 219316	Deposited Plan 219316 dated 09/08/2004

### 5. Mining Tenements

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

(i) **Mining Leases**

Tenement ID	Tenement ID	Tenement ID
M 4501082	M 4501126	M 4600356
M 4501083	M 4501127	M 4600357
M 4501084	M 4501128	M 4600432
M 4501085	M 4501138	M 4600449
M 4501102	M 4501139	M 4600450
M 4501103	M 4501140	M 4600451
M 4501104	M 4501141	M 4600452
M 4501105	M 4501142	M 4600515
M 4501106	M 4501177	M 4600522
M 4501107	M 4600122	M 4600523
M 4501124	M 4600186	
M 4501125	M 4600267	

(ii) **Exploration Licences**

Tenement ID	Tenement ID	Tenement ID	Tenement ID
E 4501073	E 4504711	E 4600706	E 4601114
E 4502497	E 4504725	E 4600711	E 4601115
E 4502498	E 4504747	E 4600771	E 4601119
E 4502499	E 4504776	E 4600794	E 4601120
E 4502651	E 4504848	E 4600797	E 4601122
E 4502652	E 4504903	E 4600846	E 4601125
E 4502717	E 4504953	E 4600847	E 4601128
E 4503698	E 4600517	E 4600859	E 4601146
E 4504265	E 4600522	E 4600861	E 4601152
E 4504266	E 4600523	E 4600928	E 4601155
E 4504389	E 4600530	E 4600965	E 4601156
E 4504593	E 4600535	E 4600986	E 4601166
E 4504596	E 4600571	E 4601000	E 4601167
E 4504597	E 4600590	E 4601069	E 4601189

- xxi -

E 4504601
E 4504658
E 4504664
E 4504702
E 4504710

E 4600651
E 4600652
E 4600655
E 4600666
E 4600691

E 4601071
E 4601079
E 4601084
E 4601103
E 4601106

E 4601210
E 4601215
E 4601216

(iii) **General Purpose Leases**

Tenement ID
G 4500275
G 4500285
G 4600009

(iv) **Miscellaneous Licences**

Tenement ID
L 4500147
L 4500152
L 4500167
L 4500334
L 4500335
L 4500336
L 4500346

Tenement ID
L 4500347
L 4500349
L 4600033
L 4600036
L 4600045
L 4600046
L 4600047

Tenement ID
L 4600051
L 4600052
L 4600062
L 4600067
L 4600074
L 4600082
L 4600083

Tenement ID
L 4600084
L 4600093
L 4600095
L 4600099
L 4600114
L 4600118
L 4600119

(v) **Prospecting Licences**

Tenement ID
P 4502862
P 4502864
P 4502868
P 4502869
P 4502870

Tenement ID
P 4503036
P 4601577
P 4601643
P 4601743
P 4601808

Tenement ID
P 4601810
P 4601836
P 4601837
P 4601865
P 4601893

Tenement ID
P 4601928
P 4601929
P 4601930

- xxii -

P 4502871

P 4601809

P 4601927

- (b) The agreement as amended and ratified by the *Railway and Port (The Pilbara Infrastructure Pty Ltd) Agreement Act 2004* (WA) and rights and interests comprised in, conferred under or in accordance with, or pursuant to, that agreement, including the following mining tenements:

Tenement ID	Tenement Type
AL 7000001	Miscellaneous Licence

- (c) The agreement as amended and ratified by the *Railway (Roy Hill Infrastructure Pty Ltd) Agreement Act 2010* (WA) and rights and interests comprised in, conferred under or in accordance with, or pursuant to, that agreement, including the following mining tenements:

Tenement ID	Tenement Type
AL 7000004	Miscellaneous Licence

## **6. Access to Mining Areas**

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- (a) Without limiting the operation of any other clause in Schedule Four, but subject to clause 6(b) below, any rights of the holders from time to time of a mining tenement, including those referred to in clause 5 of Schedule Four, 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 clause 6(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 clause 6(a).

- (c) Nothing in Schedule Four will limit the rights of the holders from time to time of mining tenements, including those referred to in clause 5 of Schedule Four, 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. Indigenous Land Use Agreements**

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The *FMG – Palyku Land Access ILUA (Area Agreement)*, registered on the Register of Indigenous Land Use Agreements on 3 November 2017 (Tribunal No. WI2017/004), and the rights and interests comprised in, conferred under, or in accordance with, or pursuant to, that ILUA.

## **8. Woodstock and Abydos Protected Area**

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The rights and interests comprised in, conferred under or in accordance with, or pursuant to the Woodstock and Abydos protected area declared pursuant to s 19 of the *Aboriginal Heritage Act 1972 (WA)* by Order in Council published in the Government Gazette on 25 May 1979 (as amended by notice published in the Government Gazette on 18 July 2006).

## **9. Other**

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The following rights and interests:

- (a) The rights and interests of Telstra Corporation Limited (ACN 051 775 556):
- (i) as the owner or operator of telecommunications facilities within the Determination Area;
  - (ii) 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, occupy and operate telecommunications facilities; and

- xxiv -

- (C) to alter, remove, replace, maintain, repair and ensure the proper functioning of its telecommunications facilities;
- (iii) 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
- (iv) under any lease, licence, permit, access agreement or easement relating to its telecommunications facilities in the Determination Area;
- (b) 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 and any regulations made pursuant to such legislation;
- (c) 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);
- (d) 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; and
  - (iii) the right of any person to use and enjoy any roads 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 the common law;
- (e) 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; and
  - (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, including for the purpose of pest and weed control and fire hazard management on areas of unallocated Crown land and unmanaged Crown reserves;
- (f) so far as confirmed pursuant to s 212(2) of the *Native Title Act* and 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, the following places in the Determination Area:



- XXV -

- (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;
- (g) any other:
  - (i) legal or equitable estate or interest in the land or waters; or
  - (ii) 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.

***Part B – Other Interests which are invalid to the extent they affect the native title rights and interests (paragraph 11)***

The following current mining leases under the *Mining Act 1978* (WA) are invalid to the extent of the inconsistency with the native title rights and interests during the currency of the Other Interests, pursuant to s 24OA of the *Native Title Act*:

Tenement ID
M 4600237
M 4600238