



## **FEDERAL COURT OF AUSTRALIA**

**WF (Deceased) on behalf of the Wiluna People v State of Western Australia**

**[2013] FCA 755**

Citation: WF (Deceased) on behalf of the Wiluna People v State of Western Australia [2013] FCA 755

Parties: **WF (DECEASED), BARRY ABBOTT, ALAN ASHWIN, JUDY ASHWIN, KF (DECEASED), MJ (DECEASED), FJ (DECEASED), JM (DECEASED), BP (DECEASED), KITTY RICHARDS, DUSTY STEVENS, NORMAN THOMPSON, JOYCE TULLOCK, LT (DECEASED) and MW (DECEASED) ON BEHALF OF THE WILUNA PEOPLE v THE STATE OF WESTERN AUSTRALIA, BHP BILLITON NICKEL WEST PTY LTD, NEWMONT YANDAL OPERATIONS PTY LTD, JAW FORD (PAROO STATION), KIMLEY PTY LTD (CARNEGIE STATION), WAYNE WILLIAM LINKE, WILLIAM ROY LINKE, DAWN MARIE MARTIN, NIMINGA PTY LTD (NIMINGA STATION), JP & SA QUADRIO (GRANITE PEAK STATION), KENNETH ARTHUR SHAW, LR WARD (GLEN AYLE STATION), RW WARD (MILLROSE STATION), WILUNA STATIONS PTY LTD, WONGAWOL PTY LTD (WONGAWOL STATION), TELSTRA CORPORATION LIMITED and THE COMMONWEALTH OF AUSTRALIA**

**LT (DECEASED), CB (DECEASED), FJ (DECEASED) and ELIZABETH WONGYABONG v THE STATE OF WESTERN AUSTRALIA, CENTRAL DESERT NATIVE TITLE SERVICES LTD, BHP BILLITON NICKEL WEST PTY LTD and MPI NICKEL PTY LTD**

**VICTOR ASHWIN and KELMAN JAMES PATCH v THE STATE OF WESTERN AUSTRALIA**

File numbers: WAD 6164 of 1998  
WAD 248 of 2007  
WAD 181 of 2012

Judge: **MCKERRACHER J**

Date of judgment: 29 July 2013



Catchwords: **NATIVE TITLE** – consent determinations pursuant to s 87 and s 87A of the *Native Title Act 1993* (Cth) – whether statutory prerequisites met – whether appropriate – where several persons authorised have died

Legislation: *Native Title Act 1993* (Cth) ss 87, 87A

Cases cited: *Brown (on behalf of the Ngarla People) v State of Western Australia* [2007] FCA 1025  
*Brown (on behalf of the Ngarla People) v State of Western Australia* (2012) 203 FCR 505  
*Cox on behalf of the Yungngora People v State of Western Australia* [2007] FCA 588  
*De Rose v South Australia (No 2)* (2005) 145 FCR 290  
*Hughes (on behalf of the Eastern Guruma People) v State of Western Australia* [2007] FCA 365  
*Lennon v State of South Australia* [2010] FCA 743  
*Munn (for and on behalf of the Gunggari People) v Queensland* (2001) 115 FCR 109

Date of hearing: 29 July 2013

Place: Puwanu, Western Australia

Division: GENERAL DIVISION

Category: Catchwords

Number of paragraphs: 40

Counsel for the Applicant: Mr M O'Dell with Mr MDF Allbrook

Solicitor for the Applicant: Central Desert Native Title Services Limited

Counsel for the Respondent: Mr AD Rorrison with Ms AB Preston-Samson

Solicitor for the Respondent: State Solicitor's Office



**IN THE FEDERAL COURT OF AUSTRALIA  
WESTERN AUSTRALIA DISTRICT REGISTRY  
GENERAL DIVISION**

**WAD 6164 of 1998**

**BETWEEN:                   WF (DECEASED), BARRY ABBOTT, ALAN ASHWIN, JUDY ASHWIN, KF (DECEASED), MJ (DECEASED), FJ (DECEASED), JM (DECEASED), BP (DECEASED), KITTY RICHARDS, DUSTY STEVENS, NORMAN THOMPSON, JOYCE TULLOCK, LT (DECEASED) and MW (DECEASED)  
ON BEHALF OF THE WILUNA PEOPLE  
Applicant**

**AND:                       THE STATE OF WESTERN AUSTRALIA, BHP BILLITON NICKEL WEST PTY LTD, NEWMONT YANDAL OPERATIONS PTY LTD, JAW FORD (PAROO STATION), KIMLEY PTY LTD (CARNEGIE STATION), WAYNE WILLIAM LINKE, WILLIAM ROY LINKE, DAWN MARIE MARTIN, NIMINGA PTY LTD (NIMINGA STATION), JP & SA QUADRIO (GRANITE PEAK STATION), KENNETH ARTHUR SHAW, LR WARD (GLEN AYLE STATION), RW WARD (MILLROSE STATION), WILUNA STATIONS PTY LTD, WONGAWOL PTY LTD (WONGAWOL STATION), TELSTRA CORPORATION LIMITED and THE COMMONWEALTH OF AUSTRALIA  
Respondents**

**JUDGE:                    MCKERRACHER J**

**DATE OF ORDER:       29 JULY 2013**

**WHERE MADE:          PUWANU, WESTERN AUSTRALIA**

1. Any part of the application for a determination of native title in WAD 6164 of 1998 that overlaps the native title application in WAD 50 of 2010 be discontinued and no determination is made in respect of that part.
2. Any part of the application for a determination of native title in WAD 6164 of 1998 that overlaps the native title application in WAD 181 of 2012 be discontinued.
3. In relation to the Determination Area, there be a determination of native title in part of the area covered by WAD 6164 of 1998 and a determination of native title in the whole of the area covered by WAD 248 of 2007 and WAD 181 of 2012 in terms of the Determination at Attachment "A" to these orders. The determination is to take



effect immediately upon the making of a determination under section 56(1) or 57(2) of the *Native Title Act* 1993 (Cth) as the case may be.

4. Within 12 months of the date upon which these orders are made, a representative of the common law holders of the native title rights and interests shall indicate whether they intend to have the native title rights and interests held in trust and, if so, by whom. They are invited to do so by:
  - (a) nominating in writing to the Federal Court a prescribed body corporate to be trustee of the native title rights and interests; and
  - (b) including within the nomination the written consent of the body corporate.
5. If a prescribed body corporate is nominated in accordance with order 4, it will hold the native title rights and interests described in order 3 in trust for the common law holders of the native title rights and interests.
6. In the event that there is no nomination within the time specified in order 4, or such later time as the Court may order, the matter is to be listed for further directions.
7. There be no order as to costs.

Note: Entry of orders is dealt with in Rule 39.32 of the *Federal Court Rules 2011*.



**IN THE FEDERAL COURT OF AUSTRALIA  
WESTERN AUSTRALIA DISTRICT REGISTRY  
GENERAL DIVISION**

**WAD 248 of 2007**

**BETWEEN: LT (DECEASED), CB (DECEASED), FJ (DECEASED) and  
ELIZABETH WONGYABONG  
Applicants**

**AND: THE STATE OF WESTERN AUSTRALIA, CENTRAL  
DESERT NATIVE TITLE SERVICES LTD, BHP BILLITON  
NICKEL WEST PTY LTD and MPI NICKEL PTY LTD  
Respondents**

**JUDGE: MCKERRACHER J**

**DATE OF ORDER: 29 JULY 2013**

**WHERE MADE: PUWANU, WESTERN AUSTRALIA**

1. Any part of the application for a determination of native title in WAD 6164 of 1998 that overlaps the native title application in WAD 50 of 2010 be discontinued and no determination is made in respect of that part.
2. Any part of the application for a determination of native title in WAD 6164 of 1998 that overlaps the native title application in WAD 181 of 2012 be discontinued.
3. In relation to the Determination Area, there be a determination of native title in part of the area covered by WAD 6164 of 1998 and a determination of native title in the whole of the area covered by WAD 248 of 2007 and WAD 181 of 2012 in terms of the Determination at Attachment "A" to these orders. The determination is to take effect immediately upon the making of a determination under section 56(1) or 57(2) of the *Native Title Act* 1993 (Cth) as the case may be.
4. Within 12 months of the date upon which these orders are made, a representative of the common law holders of the native title rights and interests shall indicate whether they intend to have the native title rights and interests held in trust and, if so, by whom. They are invited to do so by:
  - (a) nominating in writing to the Federal Court a prescribed body corporate to be trustee of the native title rights and interests; and
  - (b) including within the nomination the written consent of the body corporate.



5. If a prescribed body corporate is nominated in accordance with order 4, it will hold the native title rights and interests described in order 3 in trust for the common law holders of the native title rights and interests.
6. In the event that there is no nomination within the time specified in order 4, or such later time as the Court may order, the matter is to be listed for further directions.
7. There be no order as to costs.

Note: Entry of orders is dealt with in Rule 39.32 of the *Federal Court Rules 2011*.



**IN THE FEDERAL COURT OF AUSTRALIA  
WESTERN AUSTRALIA DISTRICT REGISTRY  
GENERAL DIVISION**

**WAD 181 of 2012**

**VICTOR ASHWIN and KELMAN JAMES PATCH**  
**Applicants**

**AND: THE STATE OF WESTERN AUSTRALIA**  
**Respondent**

**JUDGE: MCKERRACHER J**

**DATE OF ORDER: 29 JULY 2013**

**WHERE MADE: PUWANU, WESTERN AUSTRALIA**

1. Any part of the application for a determination of native title in WAD 6164 of 1998 that overlaps the native title application in WAD 50 of 2010 be discontinued and no determination is made in respect of that part.
2. Any part of the application for a determination of native title in WAD 6164 of 1998 that overlaps the native title application in WAD 181 of 2012 be discontinued.
3. In relation to the Determination Area, there be a determination of native title in part of the area covered by WAD 6164 of 1998 and a determination of native title in the whole of the area covered by WAD 248 of 2007 and WAD 181 of 2012 in terms of the Determination at Attachment "A" to these orders. The determination is to take effect immediately upon the making of a determination under section 56(1) or 57(2) of the *Native Title Act* 1993 (Cth) as the case may be.
4. Within 12 months of the date upon which these orders are made, a representative of the common law holders of the native title rights and interests shall indicate whether they intend to have the native title rights and interests held in trust and, if so, by whom. They are invited to do so by:
  - (a) nominating in writing to the Federal Court a prescribed body corporate to be trustee of the native title rights and interests; and
  - (b) including within the nomination the written consent of the body corporate.



5. If a prescribed body corporate is nominated in accordance with order 4, it will hold the native title rights and interests described in order 3 in trust for the common law holders of the native title rights and interests.
6. In the event that there is no nomination within the time specified in order 4, or such later time as the Court may order, the matter is to be listed for further directions.
7. There be no order as to costs.

Note: Entry of orders is dealt with in Rule 39.32 of the *Federal Court Rules 2011*.





**IN THE FEDERAL COURT OF AUSTRALIA  
WESTERN AUSTRALIA DISTRICT REGISTRY  
GENERAL DIVISION**

**WAD 6164 of 1998**

**BETWEEN:           WF (DECEASED), BARRY ABBOTT, ALAN ASHWIN, JUDY ASHWIN, KF (DECEASED), MJ (DECEASED), FJ (DECEASED), JM (DECEASED), BP (DECEASED), KITTY RICHARDS, DUSTY STEVENS, NORMAN THOMPSON, JOYCE TULLOCK, LT (DECEASED) and MW (DECEASED)  
ON BEHALF OF THE WILUNA PEOPLE  
Applicant**

**AND:               THE STATE OF WESTERN AUSTRALIA, BHP BILLITON NICKEL WEST PTY LTD, NEWMONT YANDAL OPERATIONS PTY LTD, JAW FORD (PAROO STATION), KIMLEY PTY LTD (CARNEGIE STATION), WAYNE WILLIAM LINKE, WILLIAM ROY LINKE, DAWN MARIE MARTIN, NIMINGA PTY LTD (NIMINGA STATION), JP & SA QUADRIO (GRANITE PEAK STATION), KENNETH ARTHUR SHAW, LR WARD (GLEN AYLE STATION), RW WARD (MILLROSE STATION), WILUNA STATIONS PTY LTD, WONGAWOL PTY LTD (WONGAWOL STATION), TELSTRA CORPORATION LIMITED and THE COMMONWEALTH OF AUSTRALIA  
Respondents**

**IN THE FEDERAL COURT OF AUSTRALIA  
WESTERN AUSTRALIA DISTRICT REGISTRY  
GENERAL DIVISION**

**WAD 248 of 2007**

**BETWEEN:           LT (DECEASED), CB (DECEASED), FJ (DECEASED) and ELIZABETH WONGYABONG  
Applicants**

**AND:               THE STATE OF WESTERN AUSTRALIA, CENTRAL DESERT NATIVE TITLE SERVICES LTD, BHP BILLITON NICKEL WEST PTY LTD and MPI NICKEL PTY LTD  
Respondents**



**IN THE FEDERAL COURT OF AUSTRALIA  
WESTERN AUSTRALIA DISTRICT REGISTRY  
GENERAL DIVISION**

**WAD 181 of 2012**

**VICTOR ASHWIN and KELMAN JAMES PATCH**  
**Applicants**

**AND: THE STATE OF WESTERN AUSTRALIA**  
**Respondent**

**JUDGE: MCKERRACHER J**

**DATE: 29 JULY 2013**

**WHERE MADE: PUWANU, WESTERN AUSTRALIA**

**REASONS FOR JUDGMENT**  
**(Revised from ex tempore reasons)**

**INTRODUCTION**

1           There are three applications before the Court today for determination pursuant to s 225 of the *Native Title Act 1993* (Cth) (*Native Title Act*). **WAD 6164 of 1998** known as **Wiluna**, and **WAD 181 of 2012** known as **Wiluna #3**, are made on behalf of the Wiluna claim group. **WAD 248 of 2007** known as **Tarlpa**, is made on behalf of the Tarlpa claim group, which although differing in composition to the Wiluna claim group has a significant degree of overlap. Together the Wiluna and Tarlpa claim groups comprise the proposed native title holders for the area covered by all three applications.

**THE APPLICATIONS**

2           The Wiluna application covers approximately 47595.9 square kilometres of land and waters in the northwest goldfields region of Western Australia. The area claimed covers a number of pastoral leases and includes part of the Canning Stock Route from Wells 1 to 5 and areas of unallocated crown land including around Lake Carnegie in the east of the claim area. The application is a combined application of two previously separate applications, WAD 6164 of 1998 and WAD 6227 of 1997. WAD 6164 of 1998 was lodged with the National Native Title Tribunal (**the Tribunal**) on 28 April 1997 on behalf of the Tullock family over an area of land that covered the township of Wiluna and land and waters that extended to the south of Wiluna. WAD 6227 of 1997 was lodged with the Tribunal on 25



February 1998 on behalf of the Wiluna people in relation to an area of land and waters that overlapped part of the Tullock application. On 15 September 1999 the two applications were combined pursuant to s 64(2) of the *Native Title Act*, with WAD 6114 of 1998 as the lead application.

3           The Tarlpa application was filed on 14 December 2007 over an area of approximately 2265.26 square kilometres to the south of the township of Wiluna.

4           The Wiluna #3 application was filed on 3 August 2012 over an area of approximately 3596.52 square kilometres for the purpose of securing the application of s 47 of the *Native Title Act* over the area of land and waters covered by the pastoral lease K601976 (formally 3114/1065) being an area known a Windidda station. Of significance on the date of filing the application, pastoral lease K601976 was held by Windidda Aboriginal Corporation, a registered company whose shareholders are members of the native title claim group for the Wiluna #3 application.

#### **Parties' agreement to resolve the applications**

5           The parties to the applications have reached an agreement through mediation as to the terms of the determination of native title pursuant to ss 87, 87A and 94A of the *Native Title Act*. In particular the agreement to a determination that native title exists relates to the land and waters covered by the Tarlpa and Wiluna #3 applications pursuant to s 87 of the *Native Title Act*, and part of the area of land and waters covered by the Wiluna application pursuant to s 87A of the *Native Title Act*. As to the remainder of the Wiluna application, the parties have agreed to the applicant discontinuing the application with respect to those areas of land and waters which are also covered by Wiluna #3 and WAD 50 of 2010 known as Birriliburu #3. The parties to the Wiluna application have also agreed that the remaining part of the Wiluna application which is covered by WAD 241 of 2004 known as Wiluna #2, will remain on foot to be finalised as part of the resolution of Wiluna #2.

6           In support of the agreement reached the applicant in each application has filed the following documents:

- (a) A Minute of Proposed Consent Determination of Native Title (**the Minute**) signed by the applicant and each respondent party to the applications;
- (b) Joint submissions of the applicant and State of Western Australia (**the State**) in support of the Minute;



- (c) Further submissions of the applicant in relation to the Minute relating to the applicant's legal position on two outstanding legal issues;
- (d) An edited report entitled 'Wiluna Native Title Claim Connection Report' by Dr Lee Sackett; and
- (e) An affidavit of Mr Malcolm O'Dell affirmed on 5 July 2013 deposing to the continuing authorisation of the applicant after the death of individual members of the applicant group.

7 In addition the State has filed an affidavit of Mr John Alan Catlin affirmed 3 July 2013 deposing to the basis on which the State agreed to enter into the agreement the subject of the Minute.

8 Of note, the Minute includes an agreement by the parties that the common law holders or the registered native title body corporate may seek a variation of the determination of native title in this matter, as it relates to pastoral improvements, in accordance with ss 13(1) and 13(5) of the *Native Title Act* in the event that the ruling of this Court in *De Rose v South Australia (No 2)* (2005) 145 FCR 290 with respect to pastoral improvements is overturned, set aside or otherwise found to be an incorrect legal ruling by the High Court of Australia (**High Court**) in the context of an appeal to the High Court from the decision of this Court in *Brown (on behalf of the Ngarla People) v State of Western Australia* (2012) 203 FCR 505. The parties have agreed that in the event of a variation application being made within 12 months of delivery of the High Court decision, each of the parties to that variation application will consent to the variation application being argued on its merits. Upon such variation application being made the agreement does not prevent any party from opposing a variation to the determination on the basis of the merits of such variation application.

9 In relation to determination of a prescribed body corporate pursuant to ss 55, 56 and 57 of the *Native Title Act*, the Minute includes agreement that within 12 months of the date the determination is made, the common law holders of the native title rights and interests will nominate a prescribed body corporate pursuant to s 56 or s 57 of the *Native Title Act*. Until the nomination is made the determination of native title will not take effect and in the event that no nomination is made within 12 months of the date the determination is made, or such time as the Court may order, the matter is to be listed for further directions.



### Assessment of connection

10 Mr Catlin's affidavit deposes to the basis on which the State has reached an agreement with the applicants and the other respondents to the terms of a determination of native title rights and interests as reflected in the Minute. In particular Mr Catlin deposes that in 2009 Central Desert Native Title Services Limited on behalf of the applicants provided connection material to the State for assessment against the requirements of its *Guidelines for the Provision of Information in Support of Applications for a Determination of Native Title (October 2004)* (**the State's Guidelines**). Mr Catlin further notes that the applicants and the State agreed to depart from the usual process for connection assessment by adopting a two stage process of an experts' conference which took place in Perth in May 2009 and an on-country meeting in September 2009. The applicants' expert anthropologist, Dr Sackett, supplemented the oral discussion from those exchanges with written material.

11 The State's assessment of the connection material included:

- (a) attendance at the experts' conference and on-country meeting and consideration of the written material by officers from the Land Approvals and Native Title Unit in the Department of the Premier and Cabinet which has the responsibility for conducting native title negotiations on behalf of the State;
- (b) engaging an expert consultant anthropologist, Dr Scott Cane, to attend both the experts' conference and on-country meeting and provide written advice; and
- (c) instructing the State Solicitor's Office to attend both the experts' conference and on-country meeting and provide written advice.

12 Following completion of the assessment of connection material in May 2010, the State being satisfied that the connection material met the State's Guidelines, agreed to enter into negotiations towards a determination of native title. The process of reaching agreement as outlined in Mr Catlin's affidavit was through active mediation convened by the Court during the period of December 2010 to June 2013.

13 The State has relied on the Wiluna connection material and the process of assessment and advice on the material as the basis for entering into the agreement reflected by the Minute.



### **Connection to Country**

14           The joint submissions in support of the Minute and Dr Sackett's filed report provide the following information regarding the applicants' connection to country:

- (a)     the Wiluna and Wiluna #3 applications take their name from the township of Wiluna and the Tarlpa application takes its name from a significant rockhole known as Tarlpa, in the south of the proposed determination area;
- (b)     the applicants are members of the broader Western Desert cultural bloc, the relevant 'society' for native title purposes;
- (c)     being members of the broader Western Desert cultural bloc, the applicants share a body of law and custom with other Western Desert native title holding groups including shared beliefs, rituals and gathering for ceremonial purposes;
- (d)     the applicants' fundamental belief in the Jukurrpa ('the Dreaming' or 'simply the Law') is the source of Western Desert law and custom to which the applicants adhere, and governs their religious practices, social rules, systems of land tenure and other aspects of their lives;
- (e)     the applicants are an identifiable subset of the wider Western Desert cultural bloc who have rights and responsibilities to the land in the proposed determination area in accordance with Western Desert law and custom that recognises that certain individuals and family groups are associated with particular areas of country within the proposed determination area (with a degree of overlap or 'shared country');
- (f)     many of the applicants live at Kutkububba, Bondini, Windidda or in the township of Wiluna which are all within the proposed determination area and describe themselves, along with people from other parts of the Western Desert, as Martu;
- (g)     the applicants are also able to trace connection to countries north, northeast and east of the proposed determination area and some antecedents and/or senior claimants came to the proposed determination area from more remote traditional Western Desert homelands;
- (h)     traditionally the mechanisms for association with areas of land in the Western Desert included being conceived, born, grown up or initiated on country, or by having acquired knowledge of the country through long traditional association, or being descended from a person who had those connections. As a result, landholding groups were not patrilineally-patrilocally structured but rather members of these groups were



landholders through their shared associations with and to land, and the groups were open and inclusive so that people had potential access to a number of areas through a variety of means;

- (i) in the eastern part of the proposed determination area, the applicants have an ancestral connection to those who occupied the area at or around the acquisition of British sovereignty;
- (j) in the western part of the proposed determination area, which it is agreed is within the areas traditionally associated with the Western Desert, there is limited ancestral link between the applicants and those who occupied the area at sovereignty. Rather, during the period of about 1925 to 1975 the applicants and their antecedents migrated into the area, mostly from areas to the north east, and over time rights were acquired in that area consistent with Western Desert traditional law and custom; and
- (k) the Western Desert system of law and custom remains vital for the applicants who have an intimate knowledge of the law and custom including an extensive knowledge of Western Desert dreaming tracks and associated sites, stories and songs, and their importance in the context of the broader Western Desert (with associated restrictions on women, young men and children). This includes acceptance by the applicants of responsibility which attaches to acquisition of knowledge both in relation to land and generally and the need to transmit that knowledge to younger generations. This is grounded in a system of kinship under which roles and responsibility are known and acknowledged (including in relation to ritual, marriage, death/burial etc). Appropriate behaviour is expected, and sanctions for breach exist under law and custom. Language is generally spoken by the applicants and traditional names for people and places are widespread and generally known.

### **Authorisation of the applicants**

15 As outlined in the joint submissions, it is necessary to consider the continuing authorisation of the applicants after the sad death of individual members of the applicant groups in the Wiluna and Tarlpa applications. Specifically since the initial authorisation of the applicant in the Wiluna application in 1998, sadly, eight of the 15 persons named as the applicant have died. Similarly regarding the Tarlpa application, since the initial authorisation in 2007 three of the four persons named as the applicant have died. As a consequence the question arises as to whether the remaining named applicants continue to be authorised to





deal with all matters arising in relation to the Wiluna and Tarlpa applications pursuant to the *Native Title Act*, including consenting to the proposed determination.

16 In considering this issue the Court notes the evidence provided in Mr O'Dell's affidavit and the joint submissions supporting the on-going authorisation in this way:

- (a) the authorisation process, being a decision-making process made in accordance with traditional law and custom, also limits the authority of the representative applicants by requiring that all important decisions are directed by the claim group including the decision to agree to the determination;
- (b) the respective claim groups have continued to direct the representative applicants and the representative applicants have made all decisions in accordance with these directions including following the death of individual applicants; and
- (c) by continuing this process following the death of individual applicants, the members of the respective native claim groups have at every opportunity on the death of a member of the applicant group either formally or informally expressed their authorisation of the surviving members of the applicant group.

17 In *Lennon v State of South Australia* [2010] FCA 743 Mansfield J in considering an application seeking orders for the removal of the names of two deceased persons from a list of persons named as applicant and held that, where one or more of a number of persons authorised to be the applicant in a claim for the determination of native title has died, generally the remaining persons so authorised may continue to deal with all matters arising under the *Native Title Act* in relation to the application. The remaining persons so authorised will continue to be 'the applicant' for that purpose: *Lennon* (at [1]). In the absence of evidence to the contrary, authorisation is to be understood in the context of the native title claim group recognising the circumstances of one or other of the authorised persons may change, and that one change may involve the death of one or more of the persons named as applicant : *Lennon* (at [34]).

18 The same reasoning is relevant to these applications and on that basis and in consideration of the evidence, the Court accepts that the applicant group in the Wiluna and Tarlpa remain authorised and have consented to the proposed determination.





### **Nomination of Prescribed Body Corporate**

19 As noted, the Minute includes agreement that a prescribed body corporate pursuant to ss 55, 56 and 57 of the *Native Title Act* will be nominated by the common law holders within 12 months of the date the determination is made. Order 4 in the Minute contemplates that until a determination of the prescribed body corporate is made, the determination of native title will not take effect. In the event that no nomination is made within 12 months of the date the determination is made, or such time as the Court may order, the matter is to be listed for further directions.

20 The delay in giving effect to the determination of native title because of the delay in determining the prescribed body corporate is not an ideal situation. However based on the circumstances as reflected in the Minute and the joint submissions in support of the Minute, the Court will make the orders accordingly.

### **Requirements pursuant to ss 87 and 87A *Native Title Act***

21 The applicants and the State submit that a determination of native title should be made pursuant to s 87 of the *Native Title Act* for the Tarlpa and Wiluna #3 applications and pursuant to s 87A of the *Native Title Act* for part of the area of the Wiluna application.

22 Section 87 of the *Native Title Act* provides, in effect, that the Court may make a determination of native title by consent over an area covered by a native title application without holding a hearing where:

- (a) the period specified in the notice given under s 66 of the *Native Title Act* has ended and an agreement has been reached regarding the proceeding or part of the proceeding (s 87(1)(a));
- (b) the terms of an agreement, in writing signed by or on behalf of the parties, are filed with the Court (s 87(1)(b));
- (c) the Court is satisfied that an order in, or consistent with, those terms would be within the power of the Court (s 87(1)(c)); and
- (d) it appears appropriate to the Court to make the orders sought (ss 87(1A) and 87(2)).

23 Section 87A of the *Native Title Act* provides, in effect, that the Court may make a determination of native title by consent over part of an application area without holding a hearing where:



- (a) the period specified in the notice given under s 66 of the *Native Title Act* has ended (s 87A(1)(b));
- (b) there is an agreement for a proposed determination of native title in relation to part of an area covered by the native title application (s 87A(1)(b));
- (c) the terms of the proposed determination are in writing, signed by or on behalf of all of the parties required to be parties to the agreement pursuant to s 87A(1)(c) and are filed with the Court (ss 87A(1)(c), 87A(1)(d) and 87A(2));
- (d) the Registrar of the Federal Court has given notice to the other parties to the proceeding who have not become, or are not required to be, parties to the agreement that the proposed determination of native title has been filed with the Court (s 87A(3));
- (e) the Court has taken into account any objection made by the other parties to the proceeding (s 87A(8));
- (f) the Court is satisfied that an order in, or consistent with, those terms would be within the power of the Court (s 87A(4)(a)); and
- (g) it appears appropriate to the Court to make the orders sought (s 87A(4)(b)).

24           Regarding these requirements, pursuant to ss 87(1)(a) and 87A(1)(b) of the *Native Title Act* the notification period ended for the Tarlpa application on 29 October 2008, for the Wiluna #3 application on 9 July 2013 and for the Wiluna application on 17 August 2000.

25           The Minute reflects the agreement reached for a proposed determination of native title, is filed with the Court, is in writing and is signed by or on behalf of the parties to the applications: ss 87(1)(b), 87A(1)(b)), 87A(1)(c), 87A(1)(d), 87A(2) of the *Native Title Act*.

26           The agreement for a proposed determination of native title is in relation to the land and waters claimed in the Tarlpa and Wiluna #3 applications and part of the land and waters claimed in respect to Wiluna: ss 87(1)(a) and 87A(1)(b).

27           On 17 July 2013 in compliance with s 87A(3) of the *Native Title Act* the Registrar gave notice to the other parties to the Wiluna application that the proposed determination of native title for part of the Wiluna application was filed with the Court on 5 July 2013: s 87A(3). No objections were received and therefore it is not necessary for the Court to take into account any objections: s 87A(8).



28           The orders sought in the Minute are consistent with the terms of the agreement pursuant to ss 87(1)(c) and 87A(4)(a) of the *Native Title Act* for the following reasons:

- (a)     the proposed determination complies with ss 94A and 225 of the *Native Title Act*;
- (b)     the applications pursuant to s 251B of the *Native Title Act* are validly made having been authorised by the applicant group in each application according to decision-making process that, under the traditional laws and customs of each applicant group, authorised the named applicant in each matter to make the applications.
- (c)     as required by s 61A(1) of the *Native Title Act* each application is for a determination of native title in relation to areas for which there is no approved determination of native title; and
- (d)     the parties agree that:
  - (i)     the pre-conditions for the application of s 47 of the *Native Title Act* have been met in relation to pastoral lease K601976;
  - (ii)    the pre-conditions for the application of s 47A of the *Native Title Act* have been met in relation to Reserves 23985, 25670, 32146, 34096, 41801 and 42002 and fee simple interests the subject of CT1356/564, CT1356/565, CT1356/566, CT2052/626, CT2070/454 and CT2095/021; and
  - (iii)   the pre-conditions for the application of s 47B of the *Native Title Act* have been met in relation to unallocated Crown land 2, 6, 9, 10, 12, 13, 22, 35, 36 and 37,

with the result that any extinguishment of native title in relation to those areas must be disregarded in accordance with those provisions.

29           Finally in considering whether the orders sought are appropriate to make, the exercise of the Court's discretion under s 87A of the *Native Title Act* imports the same principles as those which apply under s 87. As Bennett J noted in *Brown (on behalf of the Ngarla People) v State of Western Australia* [2007] FCA 1025 (at [22]) the discretion conferred by s 87A and by s 87 must be exercised judicially and within the broad boundaries ascertained by reference to the subject matter, scope and purpose of the *Native Title Act*.

30           The focus of the Court in considering whether the orders sought are appropriate is on the making of the agreement by the parties. This is because the *Native Title Act* is designed to encourage parties to take responsibility for resolving proceedings without the need for



litigation. When the Court is examining the appropriateness of an agreement, it is not required to examine whether the agreement is grounded on a factual basis which would satisfy the Court at a hearing of the application. Rather the primary consideration of the Court is to determine whether there is an agreement and whether it was freely entered into on an informed basis: *Hughes (on behalf of the Eastern Guruma People) v State of Western Australia* [2007] FCA 365 (at [9]) per Bennett J.

31 Therefore it is not necessary for the Court to embark on its own full inquiry of the merits of the claim made in the application to be satisfied that the orders sought are supportable and in accordance with the law: *Cox on behalf of the Yungngora People v State of Western Australia* [2007] FCA 588 (at [3]) per French J, as his Honour then was. However the Court may consider evidence for the limited purpose of being satisfied that the State is acting in good faith and rationally: *Munn (for and on behalf of the Gunggari People) v Queensland* (2001) 115 FCR 109 (at [29]-[30]) per Emmett J.

32 In relation to the applications, all parties have been legally represented throughout the mediation process. In particular the State has played an active role in the negotiation of the consent determination and the State, acting on behalf of the community generally, having regard to the requirements of the *Native Title Act* and through a rigorous and detailed assessment process of the connection material, has satisfied itself that the determination is justified in all the circumstances. In addition following the assessment process, mediation was convened by Registrars of the Court during the period of December 2010 to June 2013 which effectively assisted the parties reaching agreement.

33 In addition the State has conducted searches of land tenure, mining and petroleum registries to determine the extent of 'other interests' within the proposed determination area, and those interests are included in the proposed determination, as outlined in Schedule 5 to the Minute.

34 There are no other applications before the Court relating to native title determination applications that cover any part of the proposed determination area which would otherwise require orders to be made under s 67(1) of the *Native Title Act*.

35 In light of the above, the Court is satisfied, pursuant to s 87 of the *Native Title Act* in relation to the Tarlpa and Wiluna #3 applications and s 87A of the *Native Title Act* in relation



to part of the Wiluna application, that it is appropriate to make the orders sought by the parties in the Minute.

36           The Court is satisfied that the agreement reached by the parties as reflected in the Minute has been freely entered into on an informed basis. In particular the State has played an active role in the negotiation of the proposed consent determination in mediation and has acted in good faith and rationally.

## CONCLUSION

37           By signing the Minute all other parties to the proceeding have indicated their agreement and their involvement is not to be forgotten. In the circumstances the Court considers it appropriate to make the determination of native title in the terms proposed.

38           The *Native Title Act* encourages the resolution by agreement of applications for determinations of native title. In these applications the agreement reached has been assisted by the Tribunal and by the mediation convened by Registrars of the Court. The applicants, the State, the non-State respondent parties, legal representatives and all those involved in assisting resolve these proceedings by agreement are to be congratulated.

39           In making a determination of native title in the terms set out in the Minute, the Court is recognising what has always existed. Additionally, the nature of the determination recognises not just the applicants' rights but how they operate in relation to other interests, including those of the respondents with whom agreement has been reached.

40           For those reasons the following orders are made in recognition that native title exists in accordance with the traditional laws and customs of the applicants:

1.       Any part of the application for a determination of native title in WAD 6164 of 1998 that overlaps the native title application in WAD 50 of 2010 be discontinued and no determination is made in respect of that part.
2.       Any part of the application for a determination of native title in WAD 6164 of 1998 that overlaps the native title application in WAD 181 of 2012 be discontinued.
3.       In relation to the Determination Area, there be a determination of native title in part of the area covered by WAD 6164 of 1998 and a determination of native title in the



whole of the area covered by WAD 248 of 2007 and WAD 181 of 2012 in terms of the Determination at Attachment “A” to these orders. The determination is to take effect immediately upon the making of a determination under section 56(1) or 57(2) of the *Native Title Act* 1993 (Cth) as the case may be.

4. Within 12 months of the date upon which these orders are made, a representative of the common law holders of the native title rights and interests shall indicate whether they intend to have the native title rights and interests held in trust and, if so, by whom. They are invited to do so by:
  - (a) nominating in writing to the Federal Court a prescribed body corporate to be trustee of the native title rights and interests; and
  - (b) including within the nomination the written consent of the body corporate.
5. If a prescribed body corporate is nominated in accordance with order 4, it will hold the native title rights and interests described in order 3 in trust for the common law holders of the native title rights and interests.
6. In the event that there is no nomination within the time specified in order 4, or such later time as the Court may order, the matter is to be listed for further directions.
7. There be no order as to costs.

I certify that the preceding forty (40) numbered paragraph is a true copy of the Reasons for Judgment herein of the Honourable Justice McKerracher.

Associate:

Dated: 31 July 2013





## **ATTACHMENT “A”**

### **DETERMINATION**

#### **THE COURT ORDERS AND DETERMINES THAT:**

##### **Existence of native title (s 225)**

1. Native title exists in relation to the whole of the Determination Area identified in Part 1 of Schedule 1, subject to the exclusions in Part 3 of Schedule 1 (**Determination Area**).
2. Native title does not exist in the areas described in Part 2 of Schedule 1.

##### **Native title holders (s 225(a))**

3. The native title is held by the persons described in Schedule 2 (**native title holders**).

##### **The nature and extent of native title rights and interests (s 225(b); s 225(e))**

4. Subject to Orders 7 to 9, the nature and extent of the native title rights and interests in relation to each part of the Determination Area referred to in Schedule 3 [being areas where there has been no extinguishment of native title or areas where any extinguishment must be disregarded] is the right of possession, occupation, use and enjoyment of that part as against the whole world.
5. Subject to Orders 6 to 9, the nature and extent of the native title rights and interests in relation to each part of the Determination Area referred to in Schedule 4 [being areas where the native title right of possession, occupation, use and enjoyment is not available at law including by reason of partial extinguishment] are the following rights or interests:
  - (a) the right to access, to remain in and to use that part;
  - (b) the right to take and use resources in that part; and
  - (c) the right to have access to, maintain and protect places, and areas and objects of importance on or in that part.

##### **Qualifications on native title rights and interests (s 225(b); s 225(e))**

6. The native title rights and interests referred to in Order 5 do not confer:
  - (a) possession, occupation, use and enjoyment of those parts of the Determination Area on the native title holders to the exclusion of all others; nor
  - (b) a right to control access to, or use of, those parts of the Determination Area.





7. The native title rights and interests are exercisable in accordance with and subject to the:
  - (a) traditional laws and customs of the native title holders; and
  - (b) laws of the State and the Commonwealth, including the common law.
8. For the avoidance of doubt:
  - (a) the nature and extent of native title rights and interests in relation to water in any watercourse, wetland or underground water source as is defined in the *Rights in Water and Irrigation Act 1914* (WA) as at the date of this determination is the non-exclusive right to take, use and enjoy that water; and
  - (b) the native title right to take resources in relation to the Determination Area recognised by this determination is a right in native title holders to take resources for the purpose of satisfying their personal, domestic or non-commercial communal needs (including social, cultural, religious, spiritual and ceremonial needs and including by way of sharing and exchange).
9. Notwithstanding anything in this Determination, there are no native title rights and interests in the Determination Area in or in relation to:
  - (a) minerals as defined in the *Mining Act 1904* (WA) (repealed) and the *Mining Act 1978* (WA); or
  - (b) petroleum as defined in the *Petroleum Act 1936* (WA) (repealed) and in the *Petroleum and Geothermal Resources Energy Act 1967* (WA); or
  - (c) geothermal energy resources and geothermal energy as defined in the *Petroleum and Geothermal Energy Resources Act 1967* (WA).

**The nature and extent of any other interests (s 225(c))**

10. The nature and extent of other rights and interests in relation to the Determination Area are those set out in Schedule 5 (**other interests**).

**Relationship between native title rights and other interests (s 225(d))**

11. Except as otherwise provided for by law, the relationship between the native title rights and interests and the other interests is as follows:
  - (a) the Determination does not affect the validity of those other interests;
  - (b) to the extent of any inconsistency between the other interests and the continued existence, enjoyment or exercise of the native title rights and



interests, the native title rights and interests continue to exist in their entirety but the native title rights and interests have no effect in relation to the other interests to the extent of the inconsistency during the currency of the other interests; and

- (c) otherwise the other interests co-exist with the native title rights and interests and, for the avoidance of doubt, the doing of an activity required or permitted under those interests prevails over the native title rights and interests and their exercise, but does not extinguish them.

12. Without affecting the operation of paragraph 11 above, the native title holders and the holders of the pastoral leases 3114/654 (Granite Peak), 3114/960 (Millrose), 3114/1049 (Cunyu), 3114/1066 (Prenti Downs), 3114/1067 (Yelma), 3114/1068 (Wongawol), 3114/1069 (Niminga), 3114/1070 (Carnegie) and 3114/1131 (Paroo) (being the current holders of an other interest for the purposes of the Determination) have:

- (a) agreed in writing to the principles which will apply to the exercise of their co-existing rights, subject to any variation as may be agreed from time to time;
- (b) reproduced those principles such as they are agreed as at the date of the Determination in Schedule 6; and
- (c) agreed that any rights conferred by those principles do not form part of this determination made for the purposes of sections 94A and 225 of the *Native Title Act*.

**Liberty to apply**

13. The parties have liberty to apply for the following purposes:

- (a) to establish the precise location of the boundaries of land on which the improvements referred to in Schedule 1, Part 2 of this Determination have been constructed and any adjacent land or waters the exclusive use of which is necessary for the enjoyment of the improvements;
- (b) to establish whether any of the improvements referred to at Schedule 1, Part 2 of this Determination have been constructed unlawfully in breach of the terms of the relevant pastoral lease; and



- (c) to establish the precise location of the public works and adjacent **land** and waters identified in relation to any part or parts of the Determination Area referred to in Schedule 1, Part 3 of this Determination.

**Areas to which ss 47, 47A and 47B of the *Native Title Act* apply**

14. For the avoidance of doubt, sections 47, 47A and 47B of the *Native Title Act* respectively apply to the areas described in Schedule 8.

**Interpretation**

15. In the event of an inconsistency between the written description of areas in the Schedules and the areas depicted on the Maps in Schedule 7, the written descriptions shall prevail.

16. In this Determination, unless the contrary intention appears:

**land** and **waters** respectively have the same meanings as in the *Native Title Act*;

**resources** means flora, fauna, water and other natural resources; and

**State** means the State of Western Australia.



## **SCHEDULE 1 – DETERMINATION AREA**

**[See Order 1]**

### **Part 1 – External Boundaries and areas of land and waters where native title exists**

Subject to the exclusions in Part 3, the Determination Area comprises all of the area of land and waters within the external boundaries described in Part 1 marked on the maps in Schedule 7 with a blue line (WAD 6164/1998), an orange line (WAD 248/2007) and a yellow line (WAD 181/2012):

#### **[WAD 6164/1998 – Wiluna]**

1. In relation to WAD 6164/1998, all those land and waters commencing:

#### **[Portion 1]**

- (a) All those lands and waters commencing at the northwestern corner of the western severance of Pastoral Lease 3114/654 (Granite Peak) being a point on the present boundary of Native Title Determination WAD6284/1998 Birriliburu People (Part A) (WC1998/068) and extending easterly and southerly along boundaries of that native title determination to the northernmost northwestern corner of the eastern severance of Pastoral Lease 3114/654 (Granite Peak); Then southerly, generally easterly, again southerly and easterly along boundaries of that pastoral lease to the intersection with the northernmost northwestern corner of Unallocated Crown Land being Lot 4 as shown on Deposited Plan 220354; Then southerly, westerly, again southerly, easterly, again southerly and again easterly along boundaries of that lot to the southwestern corner of Unallocated Crown Land being Lot 3 as shown on Deposited Plan 220354; Then easterly, northerly, again easterly and again northerly along boundaries of that lot to its easternmost northeastern corner being a point on the present boundary of Native Title Determination WAD6284/1998 Birriliburu People (Part A) (WC1998/068); Then extending northerly, westerly, again northerly and northwesterly along boundaries of that native title determination to the intersection with a southern boundary of Native Title Application WAD50/2010 Birriliburu #3 (WC2010/002); Then easterly and northerly along boundaries of that native title application to the westernmost southwestern corner of the eastern severance of Pastoral Lease 3114/1070 (Carnegie); Then northerly, easterly, southerly, generally easterly



and generally southerly along boundaries of that severance to the northernmost northeastern corner of Pastoral Lease 3114/1066 (Prenti Downs); Then southerly, westerly and again southerly along boundaries of that pastoral lease to Latitude 26.527203 South; Then southwesterly to Latitude 26.654609 South, Longitude 122.927246 East; Then westerly to easternmost southeastern corner of Pastoral Lease PL K601976 (Windidda); Then northerly, generally westerly, southerly and westerly along boundaries of that pastoral lease to the easternmost northeastern corner of Pastoral Lease 3114/1067 (Yelma); Then southerly and generally westerly along boundaries of that pastoral lease to intersection with a eastern boundary of Pastoral Lease 3114/472 (Lake Violet); Then southerly and westerly along boundaries of that pastoral lease to Longitude 121.017081 East; Then generally northwesterly through the following coordinate positions.

LATITUDE (SOUTH)	LONGITUDE (EAST)
26.834142	121.016025
26.828110	121.014255
26.818018	121.011107
26.812565	121.008939
26.806880	121.006771

Then northwesterly to the intersection of a western boundary of Pastoral Lease 3114/472 (Lake Violet) at Latitude 26.798382 South; Then northerly and generally westerly along boundaries of that pastoral lease to the southernmost southeastern corner of the eastern severance of Pastoral Lease 3114/1260 (Millbillillie); Then westerly along the southern boundary of that severance to the intersection with a eastern boundary of Reserve 9699; Then southeasterly along the boundary of that reserve to Latitude 26.758218 South; Then west to a western boundary of Reserve 9699; Then southeasterly along that boundary to the prolongation northerly of the easternmost eastern boundary of Reserve 19456; Then southerly to and southerly, westerly, northerly and easterly along



boundaries of that reserve to Longitude 120.193480 East; Then generally northerly and westerly through the following coordinate positions.

LATITUDE (SOUTH)	LONGITUDE (EAST)
26.703535	120.194485
26.695743	120.194458
26.695836	120.178475

Then westerly to the southeastern corner of the western severance of Pastoral Lease Pastoral Lease 3114/1260 (Millbillillie); Then westerly and northerly along boundaries of that pastoral lease to the intersection with a southern boundary of Pastoral Lease 3114/1131 (Paroo); Then westerly, northerly, again westerly, generally northeasterly and again northerly along boundaries of that pastoral lease to the intersection with the southern boundary of Road No. 7583 (Goldfields Highway); Then generally westerly along the southern boundary of that road to a eastern boundary of Road No. 4274; Then generally northeasterly and generally northerly along boundaries of that road to the westernmost northwestern corner of Pastoral Lease 3114/1049 (Cunyu); Then generally easterly along boundaries of that pastoral lease to the intersection with a western boundary of Pastoral Lease 3114/654 (Granite Peak); Then northerly along that pastoral lease back to the commencement point.

**[Portion 2]**

- (b) All those lands and waters commencing from the intersection of a northern boundary of Unallocated Crown Land being Lot 3 as shown on Deposited Plan 220354 with Longitude 122.000000 East; Then due south to Latitude 25.600000 South; Then due east to Longitude 122.100000 East; Then due north to a northern boundary of Unallocated Crown Land being Lot 3 as shown on Deposited Plan 220354; Then westerly along the northern boundary of that lot back to the commencement point.



**[Portion 3]**

- (c) All that land comprising Reserve 43016.

**[Exclusions]**

- (d) All those lands and waters commencing from the westernmost northwestern corner of Unallocated Crown Land being Lot 27 as shown on Deposited Plan 220011 and extending easterly, northerly and generally easterly along boundaries of that lot to the westernmost corner of Unallocated Crown Land being Lot 8 as shown on Deposited Plan 220011; Then easterly and southerly along boundaries of that lot to a northeastern corner of Unallocated Crown Land being Lot 27 as shown on Deposited Plan 220011; then southerly, easterly and again southerly along boundaries of that lot to Latitude 26.198661 South; Then westerly to Longitude 121.584723 East, Latitude 26.198662 South; Then due south to Latitude 26.248662 South; Then due east to a eastern boundary of Unallocated Crown Land being Lot 27 as shown on Deposited Plan 220011; Then southerly generally westerly, northerly, westerly, northwesterly and northerly along boundaries of that lot back to the commencement point.

Note: Geographic Coordinates provided in Decimal Degrees

All referenced Deposited Plans and Diagrams are held by the Western Australian Land Information Authority, trading as Landgate.

Cadastral boundaries sourced from Landgate's Spatial Cadastral Database dated 1st May 2013.

For the avoidance of doubt the application excludes any land and waters already claimed by:

Native Title Determination WAD6284/1998 Birriliburu People (Part A) (WC1998/068) as Determined in the Federal Court on the 20th June 2008.

Native Title Application WAD50/2010 Birriliburu #3 (WC2010/002) as Filed in the Federal Court on the 15th March 2010.

Datum: Geocentric Datum of Australia 1994 (GDA94)

Prepared by: Native Title Spatial Services (Landgate) 3rd July 2013



**[WAD 248/2007 – Tarlpa]**

2. In relation to WAD 248/2007 all those lands and waters commencing at the northernmost northwestern corner of the northwestern severance of Pastoral Lease 3114/1164 (Lake Way) being a point on the present boundary of Native Title Application WAD6164/1998 Wiluna (WC1999/024); Then extending easterly, generally southeasterly, generally northerly and generally easterly along boundaries of that native title application to the easternmost northeastern corner of the eastern severance of Pastoral Lease 3114/1164 (Lake Way). Then southerly and westerly along boundaries of that severance to a eastern boundary of Lot 304 as shown on Deposited Plan 45189; Then westerly and generally northwesterly along the boundaries of that lot to the intersection with a eastern boundary of reserve 9699; Then southerly along the boundary of that reserve to the intersection with the prolongation easterly of a southern boundary of the southwestern severance of Pastoral Lease 3114/1164 (Lake Way); Then westerly to and generally westerly, northerly and northeasterly along boundaries of that pastoral lease to the intersection with the southern boundary of Reserve 12827; Then westerly, northerly and easterly along boundaries of that reserve to the intersection with Pastoral Lease 3114/1164 (Lake Way); Then generally northwesterly, northerly, generally westerly and again northerly along boundaries of that pastoral lease back to the commencement point.

Note: Geographic Coordinates provided in Decimal Degrees

All referenced Deposited Plans and Diagrams are held by the Western Australian Land Information Authority, trading as Landgate.

Cadastral boundaries sourced from Landgate's Spatial Cadastral Database dated 1<sup>st</sup> May 2013

For the avoidance of doubt the application excludes any land and waters already claimed by:

Native Title Application WAD6164/1998 Wiluna (WC1999/024) as accepted for registration on the 24th September 1999.

Datum: Geocentric Datum of Australia 1994 (GDA94)

Prepared by: Native Title Spatial Services (Landgate) 3<sup>rd</sup> July 2013





**[WAD 181/2012 – Wiluna #3]**

3. In relation to WAD 181/2012 all those lands and waters commencing at the westernmost northwestern corner of Pastoral Lease PL K601976 (Windidda) and extending easterly, northerly, generally easterly, southerly, generally westerly and again northerly along boundaries of that pastoral lease back to the commencement point.
4. For the avoidance of doubt, WAD 181/2012 does not include all those lands and waters comprising Reserve 43016.

Note: Geographic Coordinates provided in Decimal Degrees

Cadastral boundaries sourced from Landgate's Spatial Cadastral Database dated 1<sup>st</sup> May 2013

Datum: Geocentric Datum of Australia 1994 (GDA94)

Prepared by: Native Title Spatial Services (Landgate) 3<sup>rd</sup> July 2013

**Use of Coordinates:**

Where coordinates are used within the description to represent cadastral or topographical boundaries or the intersection with such, they are intended as a guide only. As an outcome to the custodians of cadastral and topographic data continuously recalculating the geographic position of their data based on improved survey and data maintenance procedures, it is not possible to accurately define such a position other than by detailed ground survey.

**Part 2 – Areas of land and waters where native title does not exist**

[The areas in paragraphs 1 – 3 below are areas of land and waters within the Determination Area where native title does not exist as a result of pastoral improvements.]

1. Any areas of land or waters where any of the following improvements constructed on pastoral leases within the Determination Area:
  - (a) sheds, buildings and electrical generation facilities;
  - (b) constructed airstrips;
  - (c) bores, turkey nests, squatters' tanks, constructed dams or other constructed stock watering points;
  - (d) stockyards;
  - (e) trapyards; and
  - (f) constructed roads.



The areas described by (a)-(f) comprise land on which the improvements have been constructed prior to the date of this Determination, and any adjacent land or waters the exclusive use of which is necessary for the enjoyment of the improvements.

2. The following locations and adjacent land or waters within a 2km radius of each location, being areas of land and waters on pastoral leases within the Determination Area on which pastoral improvements being a homestead or house has been constructed prior to the date of this Determination.

<b>Homestead</b>	<b>Latitude (South)</b>	<b>Longitude (East)</b>
Carnegie Station (pastoral lease 3114/1070)	25.7962	122.9752
Cunyu Station (pastoral lease 3114/1049)	25.707360	120.347020
Granite Peak Station (pastoral lease 3114/654)	25.636750	121.354320
Lake Violet Station (pastoral lease 3114/472)	26.5376	120.6636
Lake Way Station (pastoral lease 3114/1164)	26.9409	120.4661
Millbillillie Station (pastoral lease 3114/1260)	26.6192	120.3317
Millrose Station (pastoral lease 3114/960)	26.398440	120.954130
Niminga Station (pastoral lease 3114/1069)	25.47243	122.41170
Prenti Downs Station (pastoral lease 3114/1066)	26.515820	122.806730
Wongawol Station (pastoral lease 3114/1068)	26.121530	121.941840
Yelma Station (pastoral lease 3114/1067)	26.535050	121.689330

3. The land and waters within a 2 km radius of the coordinates 26.351159 latitude (South) and 120.641225 longitude (East), being areas of land and waters on the Jundee Station pastoral lease (3114/1253) within the Determination Area on which pastoral improvements of a homestead or house have been constructed prior to the date of this Determination, with the exception of the area bounded by the following coordinate positions which are within the Determination Area and which represent an area where native title exists:

<b>Latitude (South)</b>	<b>Longitude (East)</b>
26.360314	120.644215
26.360257	120.652832



26.335759	120.652535
26.338368	120.642687
26.350452	120.642652
26.352011	120.643602

The areas described in paragraphs 2 and 3 above are shown generally on the maps in Schedule 7 as shaded brown.

### Part 3 – Excluded areas

[The areas in paragraphs 1 and 2 below are not included in the Determination Area because they are not included in the originating native title determination applications WAD 6164/1998, WAD 248/2007 and WAD 181/2012.]

1. The areas the subject of the following interests are areas of land and waters where native title has been completely extinguished (either by reason of a previous exclusive possession act (sections 61A and 23B of the *Native Title Act* and sections 12I and 12J of the *Titles (Validation) and Native Title (Effect of Past Acts) Act 1995 (WA)*) or at common law) and are excluded from the Determination Area on that basis.

#### A. LAND INTERESTS

Reserve			
RES 05558	RES 21025	RES 21984	RES 39673
RES 06217	RES 21078	RES 23013	RES 39719
RES 07361	RES 21097	RES 23797	RES 41125
RES 07835	RES 21132	RES 29960	RES 41878
RES 08384	RES 21137	RES 30708	RES 42372
RES 08724	RES 21142	RES 30771	RES 42376
RES 09909	RES 21257	RES 30982	RES 42468
RES 11621	RES 21280	RES 32988	RES 42638
RES 12188	RES 21281	RES 33839	RES 42639
RES 13334	RES 21282	RES 34508	RES 42666
RES 15900	RES 21306	RES 34554	RES 42725
RES 19006	RES 21580	RES 35768	RES 42832
RES 19222	RES 21651	RES 36186	RES 43016



RES 20185	RES 21652	RES 38746	RES 50295
RES 20576	RES 21689	RES 39432	
RES 20992	RES 21880	RES 39502	

Fee simple			
CT127/177	CT1039/623	GT17/665	CT915/114
CT167/34	CT1039/624	GT17/696	LG454/117
CT167/35	CT1039/625	GT17/738	LG456/77
CT167/36	CT1039/626	GT17/739	LG456/97
CT167/98	CT1039/627	GT17/753	LG457/127
CT173/123	CT1039/628	GT18/29	LG458/168
CT173/124	CT1039/637	GT18/30	LG471/160
CT173/125	CT1039/638	GT18/31	LG491/17
CT173/126	CT1039/639	GT18/32	LG510/146
CT173/128	CT1039/660	GT18/33	LG510/171
CT173/129	CT1039/661	GT18/34	LG522/61
CT173/131	CT1039/918	GT18/222	LG528/174
CT173/167	CT1039/976	GT18/244	CT27/332A
CT173/196	CT1044/136	GT18/245	CT34/216A
CT173/197	CT1044/709	GT18/246	CT173/167
CT176/1	CT1044/744	GT18/297	CT517/178A
CT179/51	CT1044/745	GT18/325	CT551/165A
CT179/55	CT1044/784	GT18/369	CT1011/231
CT179/56	CT1047/85	GT18/370	CT1012/050
CT179/57	CT1047/114	GT18/387	CT1033/607
CT179/58	CT1047/115	GT18/388	CT1034/272
CT179/87	CT1047/346	GT18/389	CT1034/663
CT179/103	CT1047/347	GT18/390	CT1035/542
CT179/132	CT1047/409	GT18/391	CT1040/548
CT179/133	CT1047/517	GT18/392	CT1041/826
CT179/134	CT1047/560	GT18/393	CT1044/701
CT179/135	CT1047/561	GT18/394	CT1044/743



Fee simple			
CT192/3	CT1047/674	GT18/395	CT1046/502
CT192/4	CT1047/793	GT18/396	CT1048/249
CT198/192	CT1052/212	GT18/397	CT1048/748
CT456/45	CT1052/213	GT18/398	CT1054/570
CT1013/584	CT1052/214	GT18/399	CT1058/542
CT1029/548	CT1052/368	GT18/400	CT1058/898
CT1029/635	CT1052/278	GT18/401	CT1061/067
CT1032/333	CT1052/380	GT18/602	CT1155/312
CT1032/740	CT1052/387	GT18/603	CT1191/277
CT1032/766	CT1052/416	GT18/629	CT1281/999
CT1032/771	CT1052/490	GT18/737	CT1293/319
CT1032/966	CT1052/648	GT18/738	CT1353/443
CT1032/967	CT1052/649	GT18/766	CT1356/567
CT1035/111	CT1052/831	GT19/56	CT1360/162
CT1035/188	CT1057/975	GT19/185	CT1373/396
CT1035/198	CT1064/625	GT19/186	CT1373/397
CT1035/251	CT1208/5	GT19/187	CT1379/272
CT1035/308	CT1267/103	GT19/353	CT1420/752
CT1035/383	CT1316/950	GT19/354	CT1420/753
CT1035/384	CT1349/693	GT19/355	CT1546/115
CT1035/429	CT1405/343	GT19/535	CT1602/843
CT1035/460	CT1405/344	GT19/580	CT1602/844
CT1035/465	CT1602/850	GT19/581	CT1602/845
CT1035/503	CT1604/351	GT19/723	CT1602/846
CT1035/525	CT2006/559	GT20/30	CT1602/848
CT1035/553	CT2006/560	GT20/89	CT1602/850
CT1035/582	CT2194/798	GT20/105	CT1604/302
CT1035/632	CT2194/799	GT20/529	CT1604/351
CT1035/761	GT16/37	GT20/530	CT1639/204
CT1035/840	GT16/167	GT20/675	CT1733/499
CT1035/841	GT16/286	GT20/724	CT1765/515



Fee simple			
CT1035/842	GT16/287	GT20/725	CT1765/516
CT1035/843	GT16/448	GT20/787	CT1766/398
CT1035/844	GT16/513	GT20/788	CT1810/185
CT1035/845	GT16/514	GT21/36	CT1810/187
CT1035/846	GT16/580	GT21/37	CT2188/500
CT1035/847	GT16/581	GT21/49	CT2194/701
CT1035/848	GT16/601	GT21/50	CT2194/798
CT1035/857	GT16/615	GT21/51	CT2194/799
CT1035/981	GT16/731	GT21/81	CT2223/667
CT1039/53	GT16/793	GT21/119	
CT1039/132	GT17/85	GT21/332	
CT1039/224	GT17/86	GT21/374	
CT1039/312	GT17/230	GT21/431	
CT1039/331	GT17/490	GT22/20	
CT1039/529	GT17/491	GT22/21	
CT1039/622	GT17/492	GT22/467	

Leasehold			
CL0193200714	CL0193301325	CL0193401072	CL0193600748
CL0193200843	CL0193301326	CL0193401075	CL0193600751
CL0193200859	CL0193301338	CL0193401078	CL0193600752
CL0193201042	CL0193301339	CL0193401126	CL0193600762
CL0193201153	CL0193301340	CL0193401127	CL0193600769
CL0193201158	CL0193301341	CL0193401140	CL0193600834
CL0193201159	CL0193301348	CL0193401150	CL0193600835
CL0193201178	CL0193301352	CL0193401181	CL0193600836
CL0193201179	CL0193301354	CL0193401202	CL0193600837
CL0193201182	CL0193301355	CL0193401212	CL0193600845
CL0193201212	CL0193301363	CL0193401213	CL0193600846
CL0193201228	CL0193301372	CL0193401214	CL0193600887
CL0193201238	CL0193301395	CL0193401253	CL0193600912



Leasehold			
CL0193201473	CL0193301396	CL0193401296	CL0193600913
CL0193300048	CL0193301397	CL0193500075	CL0193600915
CL0193300049	CL0193301398	CL0193500079	CL0193600916
CL0193300133	CL0193301399	CL0193500080	CL0193600969
CL0193300260	CL0193301400	CL0193500081	CL0193600992
CL0193300261	CL0193301401	CL0193500082	CL0193601036
CL0193300297	CL0193301429	CL0193500091	CL0193601037
CL0193300308	CL0193301438	CL0193500092	CL0193601125
CL0193300359	CL0193301439	CL0193500267	CL0193601127
CL0193300360	CL0193301440	CL0193500268	CL0193601128
CL0193300362	CL0193301461	CL0193500269	CL0193601159
CL0193300370	CL0193301483	CL0193500270	CL0193601241
CL0193300396	CL0193301485	CL0193500476	CL0193601261
CL0193300423	CL0193301489	CL0193500487	CL0193601411
CL0193300429	CL0193301493	CL0193500571	CL0193601421
CL0193300453	CL0193301512	CL0193500691	CL0193601433
CL0193300468	CL0193301513	CL0193500692	CL0193601434
CL0193300541	CL0193301561	CL0193501193	CL0193601435
CL0193300553	CL0193301563	CL0193501199	CL0193601436
CL0193300561	CL0193400041	CL0193501200	CL0193601476
CL0193300563	CL0193400058	CL0193501201	CL0193601505
CL0193300569	CL0193400076	CL0193600001	CL0193601506
CL0193300576	CL0193400164	CL0193600066	CL0193601543
CL0193300608	CL0193400165	CL0193600120	CL0193601595
CL0193300643	CL0193400179	CL0193600121	CL0193601599
CL0193300655	CL0193400194	CL0193600124	CL0193601630
CL0193300853	CL0193400204	CL0193600138	CL0193601631
CL0193300906	CL0193400235	CL0193600141	CL0193601677
CL0193300908	CL0193400248	CL0193600192	CL0193601695
CL0193300909	CL0193400249	CL0193600213	CL0193601737
CL0193300911	CL0193400288	CL0193600217	CL0193601808



Leasehold			
CL0193300916	CL0193400307	CL0193600220	CL0193601816
CL0193300918	CL0193400316	CL0193600229	CL0193601817
CL0193300940	CL0193400317	CL0193600239	CL0193601819
CL0193300958	CL0193400318	CL0193600246	CL0193601820
CL0193300960	CL0193400319	CL0193600280	CL0193601878
CL0193300961	CL0193400327	CL0193600288	CL0193700077
CL0193300965	CL0193400330	CL0193600290	CL0193700107
CL0193300977	CL0193400334	CL0193600296	CL0193700108
CL0193300983	CL0193400335	CL0193600303	CL0193700109
CL0193301008	CL0193400336	CL0193600304	CL0193700110
CL0193301009	CL0193400340	CL0193600309	CL0193700132
CL0193301022	CL0193400341	CL0193600311	CL0193700176
CL0193301025	CL0193400346	CL0193600313	CL0193700177
CL0193301038	CL0193400351	CL0193600314	CL0193700242
CL0193301041	CL0193400429	CL0193600394	CL0193700244
CL0193301048	CL0193400430	CL0193600395	CL0193700253
CL0193301056	CL0193400437	CL0193600416	CL0193700254
CL0193301060	CL0193400438	CL0193600425	CL0193700255
CL0193301061	CL0193400476	CL0193600426	CL0193700256
CL0193301070	CL0193400542	CL0193600427	CL0193700304
CL0193301071	CL0193400545	CL0193600430	CL0193700305
CL0193301074	CL0193400547	CL0193600431	CL0193700343
CL0193301082	CL0193400677	CL0193600432	CL0193700344
CL0193301116	CL0193400682	CL0193600442	CL0193700345
CL0193301122	CL0193400687	CL0193600446	CL0193700346
CL0193301124	CL0193400693	CL0193600449	CL0193700428
CL0193301167	CL0193400697	CL0193600464	CL0193700429
CL0193301175	CL0193400698	CL0193600468	CL0193700446
CL0193301180	CL0193400702	CL0193600480	CL0193700663
CL0193301186	CL0193400704	CL0193600495	CL0193700888
CL0193301188	CL0193400706	CL0193600501	CL0193701016





<b>Leasehold</b>			
CL0193301191	CL0193400712	CL0193600527	CL0193701354
CL0193301192	CL0193400745	CL0193600528	CL0193701461
CL0193301210	CL0193400746	CL0193600530	CL0193800187
CL0193301215	CL0193400750	CL0193600535	CL0193800298
CL0193301216	CL0193400807	CL0193600536	CL0193800914
CL0193301218	CL0193400845	CL0193600551	CL0193801559
CL0193301219	CL0193400849	CL0193600559	CL0194000185
CL0193301220	CL0193400852	CL0193600562	CL01947021558
CL0193301246	CL0193400913	CL0193600582	CL0196200422
CL0193301283	CL0193400914	CL0193600599	CL1332/1933
CL0193301310	CL0193400915	CL0193600600	CL135/1933
CL0193301313	CL0193400916	CL0193600610	CL996/1933
CL0193301317	CL0193400957	CL0193600626	I122018
CL0193301323	CL0193400976	CL0193600652	R717/41A
CL0193301324	CL0193400977	CL0193600653	

<b>Special lease</b>			
R3116_0473	CL1858/1989	CL1037/1989	I126866
CL40/1970	CL108/1987	CL1049/1989	I150545
CL1860/1989	CL132/1989	CL431/1991	CL1996/464

<b>Easement</b>	
F 924685	G 205196

## **B. MINING INTERESTS**

<b>Residence lease</b>		
RL 5300001	RL 5300004	RL 5300007
RL 5300002	RL 5300005	RL 5300008
RL 5300003	RL 5300006	RL 5300009

<b>Mining lease</b>
M 5300006



### C. ROADS

Dedicated roads		
Road 1 (Sandstone - Wiluna Road)	Road 15	Road 29
Road 2 (Road No. 04344)	Road 16	Road 30 (Goldfields Highway)
Road 3 (Road No. 04829)	Road 17	Road 31 (Goldfields Highway)
Road 4 (Road No. 05684)	Road 18	Road 32 (Goldfields Highway)
Road 5 (Road No. 07583)	Road 19	Road 33
Road 6 (Road No. 09146)	Road 20	Road 34
Road 7 (Pt Road No. 9493)	Road 21	Road 35
Road 8 (Road No. 9587)	Road 22	Road 36
Road 9 (Road No. 10439)	Road 23	Road 37 (Road No. 3895)
Road 10 (Road No. 10473)	Road 24	Road 38 (Road No. 4344)
Road 11 (Road No. 15609)	Road 25	Road 39 (Road No. 7583)
Road 12	Road 26	Road 40 (Road No. 10439)
Road 13	Road 27	Road 41 (Goldfields Highway)
Road 14	Road 28	

- Any other areas of land or waters where a public work as defined in the *Native Title Act* and the *Titles (Validation) and Native Title (Effect of Past Acts) Act 1995 (WA)* (including the land and waters on which a public work is constructed, established or situated as described in section 251D of the *Native Title Act*) and to which section 12J of the *Titles (Validation) and Native Title (Effect of Past Acts) Act 1995 (WA)* or section 23C(2) of the *Native Title Act* applies.



## **SCHEDULE 2 – NATIVE TITLE HOLDERS**

### **[The persons referred to in Order 3]**

1. The native title holders are persons who:
  - (a) have rights in part or all of the Determination Area through descent (whether from a parent or grandparent from the area or who died and is buried in the area), conception and/or birth within the area, long-term residence within the area, high ritual knowledge within the area or responsibility for sites within the area; and
  - (b) who are recognised under the traditional laws and customs by the other native title holders as having rights in the Determination Area.
2. At the date of this Determination, this includes the following persons who are recognised under the relevant traditional laws and customs by the other native title holders as having rights in the Determination Area:
  - (a) the descendants of the union of the following people:
    - (i) Milpuntu/Jack Abbott and Puku/Amy Abbott;
    - (ii) Warilki Anderson and Tjungtawa/Skinny Fannie/Bunnie Stevens;
    - (iii) Maitungkata/Paddy Anderson and Kiliya/Amy Anderson;
    - (iv) Yingkali Manara/Mickey Ingle and Kurutjuli/Miriam;
    - (v) Kunamalaya/Jacky Jackman and Wilunya/Wilana Brown/Jackman;
    - (vi) Peter Gogo and Lady Gogo;
    - (vii) Ngalama/Old Paul Morgan and Wangu;
    - (viii) Lenny Morrison and Fannie Jones/Stevens;
    - (ix) Anthony Jones and May Jones;
    - (x) Charlie Riley and Biddy Riley;
    - (xi) Muddy Patch and Marlala Nanji;
    - (xii) Kurril/Scotty/Ted/Packhorse Rennie Tullock and Daisy Garland;
    - (xiii) Piparntjukurr and Kiri/Keri Muru;



- (xiv) Wuli/Jimmy Wongawol and Lily Munda;
  - (xv) Nyarraur/Cutline/Ben Brown and Amy Jackman/Brown;
  - (xvi) Nanyi-Nanyi/Mr P/Billy Patch and Rosalie Anderson/Patterson; and
  - (xvii) Wakukutjara and Yayangarta.
- (b) the descendants of the following people:
- (i) Cyril Bingham;
  - (ii) Munga/Margaret Long;
  - (iii) Tauwi/Miriam Stewart;
  - (iv) Mimpu/Willy Williams;
  - (v) Ningara Martin;
  - (vi) Mirta-Mirta/Andy Campbell;
  - (vii) Kutulan/Hitler Richards;
  - (viii) Lorna Redman/Stewart;
  - (ix) Nyunyi/Maudie Jackman;
  - (x) Ngalyakarnpal/Barbara Anderson;
  - (xi) Rosy Grant;
  - (xii) Alfie Ashwin;
  - (xiii) Gladys Bingham;
  - (xiv) Adam Bingham;
  - (xv) Christine Bingham;
  - (xvi) James Harris;
  - (xvii) Winya/Minnie;
  - (xviii) Yungkutjuru/Kitty Hill;
  - (xix) Tulkiwa/Jeanie Elliott;
  - (xx) Molly Long;



- (xxi) Mitjipung/Sandy/Santa Clause;
  - (xxii) Kanturangu/Frank Narrier;
  - (xxiii) Yarlrat/Joe Finch;
  - (xxiv) Pangka Wongawol/Riley;
  - (xxv) Saxon/Jackson Stevens;
  - (xxvi) Yupun;
  - (xxvii) Tjiriltjukul;
  - (xxviii) Yutunga/Udunga Kianga;
  - (xxix) Yinyiyapa/Ruby Jackson/Parker;
  - (xxx) Wungkajtu/George Wongajoe;
  - (xxxi) Molly Anderson;
  - (xxxii) Eddieman/Edmund/Eddie Redman; and
  - (xxxiii) Minnie Wongawol.
- (c) the following people and the descendants of their unions with the listed deceased partner:
- (i) Jimmy Patch (deceased) and Maxine Warren;
  - (ii) Yalyalyi/Jack Stevens (deceased) and Tilly Gogo/Stevens;
  - (iii) Tjupi-Tjupi/Peter Stewart (deceased) and Tjilpi/Greta Long; and
  - (iv) Yatjuwunga/Peter (deceased) and Katjipil/Daisy Kaddabil.
- (d) the following people and their descendants:
- (i) Firestick/Barry Abbott;
  - (ii) Nyapala Morgan;
  - (iii) Wendy Redman/Abbott;
  - (iv) Nyulkul-Nyulkul/Dusty Stevens;
  - (v) Creamy Allison;



- (vi) Monty Allison;
  - (vii) Elizabeth Wongyabong; and
  - (viii) Shirley Wongyabong.
- (e) the following people:
- (i) Matuwa/Norman Thompson.



### **SCHEDULE 3 – WHERE NATIVE TITLE IS EXCLUSIVE POSSESSION**

#### **[See Order 4]**

The parts of the Determination Area where native title comprises the rights and interests set out in Order 4 are shown generally on the maps in Schedule 7 as shaded pink.



## **SCHEDULE 4 – WHERE NATIVE TITLE IS NOT EXCLUSIVE POSSESSION**

### **[See Order 5]**

The parts of the Determination Area where native title comprises the rights and interests set out in Order 5 are shown generally on the maps in Schedule 7 as shaded beige and comprise:

1. The following stock routes:
  - (a) the Canning Stock Route; and
  - (b) Stock Route 1.
2. Areas the subject of the following interests:

### **A. LAND INTERESTS**

<b>Reserve</b>			
RES 04945	RES 07662	RES 19281	RES 21442
RES 04946	RES 07850	RES 19456	RES 21467
RES 04947	RES 08620	RES 20335	RES 21508
RES 04948	RES 09699	RES 20413	RES 21776
RES 05277	RES 09815	RES 20598	RES 22037
RES 05555	RES 10087	RES 20662	RES 22175
RES 05557	RES 11447	RES 20794	RES 31830
RES 05559	RES 11448	RES 20800	RES 31947
RES 05561	RES 11449	RES 20914	RES 42676
RES 05562	RES 12307	RES 20997	
RES 05565	RES 13096	RES 21043	
RES 06918	RES 13097	RES 21083	
RES 07447	RES 13441	RES 21109	

<b>Pastoral lease</b>			
0247/102	0408/97	3472/97	395/0762
0248/102	0409/97	3473/97	395/0764
0863/102	0410/97	3475/97	395/0780
0864/102	0411/97	3477/97	395/0838
0907/102	0412/97	3481/97	395/0848
0987/102	0435/97	3485/97	395/0849





Pastoral lease			
0988/102	0450/97	3491/97	395/0850
1015/102	0484/97	3492/97	395/0863
1026/102	0501/97	3495/97	395/0875
1027/102	0540/97	3503/97	395/0906
1041/102	0541/97	3519/97	395/0910
1065/102	0551/97	3524/97	395/0917
1066/102	0552/97	3528/97	395/0920
1132/102	0553/97	3530/97	395/0921
1160/102	0562/97	3531/97	395/0923
1184/102	0567/97	3534/97	395/0929
1216/102	0574/97	3537/97	395/0950
1217/102	0577/97	3538/97	395/0951
1227/102	0578/97	3539/97	395/0961
1235/102	0586/97	3540/97	395/0965
1331/102	0625/97	3541/97	395/0970
1387/102	0627/97	3552/97	395/0971
1434/102	0628/97	3567/97	395/0974
1447/102	0629/97	3579/97	395/0975
1502/102	0630/97	3592/97	395/0976
1570/102	0631/97	3594/97	395/0979
1624/102	0633/97	3597/97	395/1053
1723/102	0634/97	3602/97	395/1055
1797/102	0635/97	3608/97	395/1062
1971/102	0636/97	3623/97	395/1065
2003/102	0638/97	3624/97	395/1099
2157/102	0639/97	3637/97	398/0422
2158/102	0640/97	3657/97	398/0485
2240/102	0641/97	3664/97	398/0539
2241/102	0642/97	3672/97	398/0540
2242/102	0643/97	3682/97	398/0541
2248/102	0645/97	3699/97	398/0542



Pastoral lease			
2277/102	0646/97	3703/97	398/0543
2494/102	0795/97	3708/97	398/0544
2503/102	0797/97	3709/97	398/0545
2506/102	0805/97	3711/97	398/0546
2601/102	0806/97	3714/97	398/0547
2610/102	0810/97	3723/97	398/0548
2611/102	0818/97	3732/97	398/0549
2612/102	0823/97	3740/97	398/0550
2633/102	0840/97	3755/97	398/0551
2634/102	0841/97	3765/97	398/0552
2678/102	0842/97	3768/97	398/0558
2687/102	0845/97	3114/0412	398/0572
2688/102	0849/97	3114/0445	398/0576
2694/102	0851/97	3114/0472	398/0579
2872/102	0854/97	3114/0503	398/0641
2873/102	0972/97	3114/0542	4/0605
2916/102	0974/97	3114/0627	4/0606
2918/102	0976/97	3114/0654	4/0607
2923/102	0989/97	3114/0737	4/0608
2924/102	2642/97	3114/0955	4/0734
2925/102	2643/97	3114/0960	4/0735
2926/102	2650/97	3114/0988	4/0736
3151/102	2651/97	3114/1049	4/0740
3162/102	2652/97	3114/1059	4/0859
3200/102	2653/97	3114/1062	70/0138
3201/102	2654/97	3114/1065	70/0340
3202/102	2771/97	3114/1066	70/0343
3245/102	2851/97	3114/1067	70/0351
3393/102	2887/97	3114/1068	70/0352
3453/102	2971/97	3114/1069	70/0353
3454/102	3000/97	3114/1070	70/0355



Pastoral lease			
0831/94	3034/97	3114/1131	70/0357
0834/94	3039/97	3114/1164	70/0359
0847/94	3040/97	3114/1253	70/0425
0848/94	3048/97	3114/1260	70/0426
0865/94	3081/97	395/0405	70/0427
0918/94	3082/97	395/0406	70/0428
1009/94	3089/97	395/0407	70/0429
1045/94	3101/97	395/0415	70/0434
1072/94	3128/97	395/0424	70/0436
1083/94	3134/97	395/0425	70/0437
1093/94	3135/97	395/0426	70/0438
1097/94	3136/97	395/0430	70/0439
1195/94	3137/97	395/0431	70/0440
1242/94	3143/97	395/0435	70/0441
1250/94	3149/97	395/0450	70/0442
1322/94	3168/97	395/0451	70/0443
1356/94	3174/97	395/0452	70/0444
1363/94	3175/97	395/0460	70/0445
1366/94	3196/97	395/0463	70/0446
1378/94	3198/97	395/0511	70/0447
1382/94	3205/97	395/0512	70/0448
1383/94	3206/97	395/0513	70/0449
1393/94	3214/97	395/0514	70/0456
1394/94	3229/97	395/0515	70/0457
1408/94	3230/97	395/0516	70/0479
1409/94	3231/97	395/0517	70/0480
1572/96	3240/97	395/0561	70/0490
0230/97	3260/97	395/0562	70/0537
0231/97	3269/97	395/0564	70/0540
0233/97	3270/97	395/0572	70/0541
0241/97	3271/97	395/0574	70/0542



Pastoral lease			
0256/97	3277/97	395/0587	70/0543
0258/97	3278/97	395/0588	70/0544
0261/97	3279/97	395/0589	70/0545
0262/97	3280/97	395/0590	70/0546
0275/97	3281/97	395/0591	70/0552
0276/97	3288/97	395/0592	70/0554
0283/97	3297/97	395/0593	70/0556
0288/97	3300/97	395/0619	70/0557
0289/97	3307/97	395/0620	70/0558
0307/97	3311/97	395/0634	70/0729
0308/97	3321/97	395/0671	70/0731
0310/97	3323/97	395/0672	70/0732
0319/97	3332/97	395/0673	70/0735
0322/97	3333/97	395/0674	70/0736
0323/97	3338/97	395/0676	70/0836
0332/97	3346/97	395/0677	70/0842
0333/97	3350/97	395/0678	70/0843
0341/97	3365/97	395/0679	70/0844
0356/97	3375/97	395/0680	70/0846
0357/97	3404/97	395/0681	70/0898
0358/97	3417/97	395/0682	70/0911
0359/97	3430/97	395/0683	0214/97
0360/97	3431/97	395/0690	0218/97
0362/97	3432/97	395/0691	97/0212
0363/97	3445/97	395/0705	97/0233
0384/97	3451/97	395/0752	N2696
0397/97	3452/97	395/0753	
0406/97	3453/97	395/0754	
0407/97	3456/97	395/0755	

### State forest



Wiluna Townsite SF
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Timber reserve	
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TR 087/25	TR 091/25
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## B. MINING INTERESTS

Gold mining lease			
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GML3600137	GML3600875	GML5300228	GML5300488
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GML3600138	GML3600885	GML5300229	GML5300489
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GML3600139	GML3600893	GML5300230	GML5300491
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GML3600140	GML3600906	GML5300231	GML5300492
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GML3600141	GML3600917	GML5300233	GML5300493
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GML3600143	GML3600928	GML5300234	GML5300494
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GML3600144	GML3600930	GML5300235	GML5300495
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GML3600149	GML3600931	GML5300236	GML5300496
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GML3600153	GML3600932	GML5300237	GML5300497
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GML3600159	GML3600933	GML5300238	GML5300498
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GML3600161	GML3600937	GML5300239	GML5300499
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GML3600162	GML3600938	GML5300242	GML5300500
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GML3600163	GML3600940	GML5300246	GML5300501
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GML3600164	GML3600942	GML5300248	GML5300502
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GML3600165	GML3600943	GML5300249	GML5300503
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GML3600166	GML3600944	GML5300251	GML5300504
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GML3600167	GML3600945	GML5300256	GML5300505
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GML3600169	GML3600946	GML5300257	GML5300508
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GML3600170	GML3600950	GML5300258	GML5300509
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GML3600176	GML3600951	GML5300259	GML5300510
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GML3600179	GML3600952	GML5300260	GML5300511
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GML3600181	GML3600953	GML5300262	GML5300512
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GML3600184	GML3600954	GML5300263	GML5300513
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GML3600191	GML3600955	GML5300264	GML5300514
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GML3600196	GML3600956	GML5300266	GML5300515
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GML3600197	GML3600958	GML5300267	GML5300516
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Gold mining lease			
GML3600221	GML3600959	GML5300268	GML5300517
GML3600222	GML3600960	GML5300269	GML5300518
GML3600223	GML3600961	GML5300270	GML5300519
GML3600224	GML3600962	GML5300271	GML5300520
GML3600225	GML3600963	GML5300272	GML5300521
GML3600226	GML3600964	GML5300273	GML5300522
GML3600227	GML3600966	GML5300275	GML5300523
GML3600228	GML3600967	GML5300276	GML5300524
GML3600232	GML3600969	GML5300277	GML5300525
GML3600233	GML3600972	GML5300278	GML5300526
GML3600235	GML3600973	GML5300279	GML5300527
GML3600237	GML3600974	GML5300280	GML5300528
GML3600241	GML3600975	GML5300281	GML5300529
GML3600242	GML3600977	GML5300282	GML5300530
GML3600243	GML3600978	GML5300283	GML5300531
GML3600252	GML3600980	GML5300284	GML5300532
GML3600253	GML3600983	GML5300285	GML5300533
GML3600254	GML3600987	GML5300286	GML5300534
GML3600255	GML3600989	GML5300287	GML5300535
GML3600260	GML3600990	GML5300288	GML5300536
GML3600263	GML3600993	GML5300290	GML5300537
GML3600265	GML3600997	GML5300291	GML5300538
GML3600269	GML3601000	GML5300293	GML5300539
GML3600283	GML3601001	GML5300294	GML5300540
GML3600296	GML3601002	GML5300295	GML5300541
GML3600311	GML3601005	GML5300296	GML5300542
GML3600312	GML3601006	GML5300333	GML5300543
GML3600314	GML3601008	GML5300334	GML5300544
GML3600316	GML3601016	GML5300336	GML5300546
GML3600318	GML3601018	GML5300346	GML5300547
GML3600326	GML3601019	GML5300347	GML5300548



Gold mining lease			
GML3600332	GML3601023	GML5300348	GML5300549
GML3600333	GML3601024	GML5300351	GML5300550
GML3600335	GML3601025	GML5300352	GML5300551
GML3600340	GML3601026	GML5300365	GML5300552
GML3600342	GML3601027	GML5300366	GML5300553
GML3600346	GML3601028	GML5300369	GML5300554
GML3600358	GML3601033	GML5300370	GML5300555
GML3600361	GML3601039	GML5300371	GML5300556
GML3600365	GML3601046	GML5300373	GML5300564
GML3600366	GML3601047	GML5300375	GML5300566
GML3600378	GML3601048	GML5300376	GML5300567
GML3600379	GML3601049	GML5300377	GML5300582
GML3600380	GML3601050	GML5300378	GML5300586
GML3600387	GML3601051	GML5300379	GML5300590
GML3600400	GML3601059	GML5300380	GML5300603
GML3600403	GML3601060	GML5300381	GML5300606
GML3600409	GML3601061	GML5300382	GML5300607
GML3600411	GML3601063	GML5300383	GML5300608
GML3600413	GML3601064	GML5300384	GML5300609
GML3600417	GML3601065	GML5300386	GML5300610
GML3600418	GML3601066	GML5300388	GML5300611
GML3600421	GML3601067	GML5300389	GML5300612
GML3600422	GML3601068	GML5300390	GML5300613
GML3600423	GML3601075	GML5300391	GML5300614
GML3600425	GML3601082	GML5300392	GML5300615
GML3600429	GML3601086	GML5300393	GML5300616
GML3600430	GML3601087	GML5300394	GML5300617
GML3600431	GML3601089	GML5300395	GML5300618
GML3600432	GML3601090	GML5300396	GML5300619
GML3600433	GML3601093	GML5300397	GML5300620
GML3600436	GML3601095	GML5300398	GML5300621



Gold mining lease			
GML3600441	GML5300080	GML5300399	GML5300622
GML3600442	GML5300083	GML5300400	GML5300623
GML3600444	GML5300086	GML5300401	GML5300624
GML3600445	GML5300087	GML5300402	GML5300625
GML3600469	GML5300089	GML5300403	GML5300626
GML3600472	GML5300091	GML5300406	GML5300628
GML3600473	GML5300094	GML5300407	GML5300630
GML3600477	GML5300095	GML5300408	GML5300631
GML3600481	GML5300096	GML5300409	GML5300632
GML3600494	GML5300097	GML5300410	GML5300633
GML3600495	GML5300099	GML5300411	GML5300634
GML3600496	GML5300100	GML5300412	GML5300637
GML3600497	GML5300101	GML5300414	GML5300639
GML3600498	GML5300102	GML5300415	GML5300640
GML3600499	GML5300103	GML5300416	GML5300641
GML3600501	GML5300105	GML5300417	GML5300642
GML3600502	GML5300106	GML5300418	GML5300643
GML3600503	GML5300107	GML5300419	GML5300644
GML3600506	GML5300109	GML5300421	GML5300645
GML3600507	GML5300111	GML5300422	GML5300646
GML3600513	GML5300112	GML5300423	GML5300647
GML3600514	GML5300113	GML5300424	GML5300648
GML3600516	GML5300114	GML5300425	GML5300649
GML3600517	GML5300119	GML5300426	GML5300650
GML3600523	GML5300120	GML5300427	GML5300651
GML3600524	GML5300122	GML5300428	GML5300652
GML3600526	GML5300123	GML5300431	GML5300653
GML3600531	GML5300124	GML5300432	GML5300654
GML3600535	GML5300130	GML5300436	GML5300655
GML3600536	GML5300132	GML5300437	GML5300656
GML3600540	GML5300136	GML5300438	GML5300657





Gold mining lease			
GML3600541	GML5300137	GML5300439	GML5300658
GML3600542	GML5300138	GML5300440	GML5300660
GML3600545	GML5300139	GML5300441	GML5300662
GML3600546	GML5300145	GML5300442	GML5300663
GML3600547	GML5300147	GML5300443	GML5300664
GML3600548	GML5300150	GML5300444	GML5300665
GML3600549	GML5300153	GML5300446	GML5300666
GML3600550	GML5300154	GML5300447	GML5300667
GML3600551	GML5300155	GML5300448	GML5300668
GML3600556	GML5300157	GML5300449	GML5300673
GML3600557	GML5300161	GML5300450	GML5300674
GML3600561	GML5300163	GML5300451	GML5300675
GML3600565	GML5300164	GML5300452	GML5300676
GML3600569	GML5300165	GML5300453	GML5300677
GML3600570	GML5300169	GML5300454	GML5300678
GML3600571	GML5300170	GML5300455	GML5300679
GML3600576	GML5300174	GML5300456	GML5300681
GML3600577	GML5300175	GML5300457	GML5300682
GML3600581	GML5300178	GML5300458	GML5300684
GML3600589	GML5300182	GML5300459	GML5300685
GML3600630	GML5300187	GML5300460	GML5300689
GML3600631	GML5300188	GML5300461	GML5300753
GML3600644	GML5300190	GML5300465	GML5300754
GML3600660	GML5300191	GML5300468	GML5300897
GML3600674	GML5300192	GML5300469	GML5300898
GML3600677	GML5300193	GML5300470	GML5300899
GML3600693	GML5300194	GML5300471	GML5300900
GML3600702	GML5300197	GML5300472	GML5300901
GML3600704	GML5300198	GML5300474	GML5300902
GML3600708	GML5300199	GML5300475	GML5300903
GML3600715	GML5300202	GML5300476	GML5300904



Gold mining lease			
GML3600717	GML5300203	GML5300477	GML5300905
GML3600730	GML5300204	GML5300478	GML5300906
GML3600735	GML5300209	GML5300479	GML5300907
GML3600738	GML5300210	GML5300480	GML5300908
GML3600740	GML5300212	GML5300481	GML5300909
GML3600751	GML5300213	GML5300482	GML5300910
GML3600798	GML5300215	GML5300483	GML5300911
GML3600860	GML5300218	GML5300484	
GML3600863	GML5300219	GML5300485	
GML3600870	GML5300223	GML5300486	
GML3600871	GML5300225	GML5300487	

Licence to treat tailings	
LTT7001557	LTT7003965

Machinery lease	
MYL5300001	MYL5300003

Mineral claim			
MC 5300007	MC 5301058	MC 5302084	MC 5303555
MC 5300008	MC 5301059	MC 5302085	MC 5303556
MC 5300010	MC 5301060	MC 5302086	MC 5303786
MC 5300063	MC 5301061	MC 5302087	MC 5303787
MC 5300073	MC 5301062	MC 5302088	MC 5303788
MC 5300074	MC 5301063	MC 5302089	MC 5303830
MC 5300075	MC 5301064	MC 5302122	MC 5303831
MC 5300076	MC 5301065	MC 5302123	MC 5303832
MC 5300077	MC 5301066	MC 5302124	MC 5303833
MC 5300078	MC 5301067	MC 5302125	MC 5303848
MC 5300079	MC 5301131	MC 5302126	MC 5303849
MC 5300080	MC 5301132	MC 5302127	MC 5303850



Mineral claim			
MC 5300081	MC 5301142	MC 5302128	MC 5303851
MC 5300082	MC 5301208	MC 5302129	MC 5303852
MC 5300083	MC 5301209	MC 5302130	MC 5303853
MC 5300084	MC 5301210	MC 5302131	MC 5303854
MC 5300085	MC 5301211	MC 5302132	MC 5303855
MC 5300086	MC 5301212	MC 5302133	MC 5303856
MC 5300087	MC 5301213	MC 5302134	MC 5303859
MC 5300090	MC 5301214	MC 5302135	MC 5303860
MC 5300091	MC 5301215	MC 5302136	MC 5303862
MC 5300094	MC 5301216	MC 5302137	MC 5303863
MC 5300095	MC 5301217	MC 5302138	MC 5303864
MC 5300096	MC 5301218	MC 5302139	MC 5303865
MC 5300122	MC 5301219	MC 5302140	MC 5303866
MC 5300123	MC 5301220	MC 5302141	MC 5303867
MC 5300124	MC 5301221	MC 5302142	MC 5303868
MC 5300125	MC 5301222	MC 5302143	MC 5303869
MC 5300137	MC 5301223	MC 5302144	MC 5303870
MC 5300163	MC 5301224	MC 5302145	MC 5303879
MC 5300194	MC 5301225	MC 5302146	MC 5303880
MC 5300195	MC 5301226	MC 5302147	MC 5303881
MC 5300196	MC 5301227	MC 5302148	MC 5303882
MC 5300197	MC 5301228	MC 5302149	MC 5303883
MC 5300199	MC 5301229	MC 5302150	MC 5303884
MC 5300200	MC 5301230	MC 5302151	MC 5303885
MC 5300201	MC 5301231	MC 5302152	MC 5303886
MC 5300202	MC 5301232	MC 5302153	MC 5303887
MC 5300203	MC 5301233	MC 5302154	MC 5303888
MC 5300205	MC 5301234	MC 5302155	MC 5303889
MC 5300206	MC 5301235	MC 5302156	MC 5303890
MC 5300207	MC 5301236	MC 5302157	MC 5303891
MC 5300208	MC 5301237	MC 5302296	MC 5303892



Mineral claim			
MC 5300209	MC 5301238	MC 5302297	MC 5303893
MC 5300210	MC 5301239	MC 5302298	MC 5303894
MC 5300211	MC 5301240	MC 5302299	MC 5303895
MC 5300212	MC 5301241	MC 5302301	MC 5303896
MC 5300213	MC 5301270	MC 5302302	MC 5303897
MC 5300214	MC 5301293	MC 5302305	MC 5303898
MC 5300215	MC 5301294	MC 5302306	MC 5303899
MC 5300216	MC 5301295	MC 5302311	MC 5303900
MC 5300217	MC 5301296	MC 5302312	MC 5303901
MC 5300218	MC 5301297	MC 5302313	MC 5303902
MC 5300219	MC 5301298	MC 5302314	MC 5303903
MC 5300220	MC 5301299	MC 5302319	MC 5304018
MC 5300221	MC 5301300	MC 5302321	MC 5304019
MC 5300222	MC 5301301	MC 5302322	MC 5304021
MC 5300223	MC 5301302	MC 5302325	MC 5304028
MC 5300224	MC 5301303	MC 5302326	MC 5304030
MC 5300225	MC 5301304	MC 5302327	MC 5304114
MC 5300226	MC 5301305	MC 5302328	MC 5304304
MC 5300227	MC 5301306	MC 5302331	MC 5304305
MC 5300228	MC 5301307	MC 5302332	MC 5304308
MC 5300229	MC 5301308	MC 5302333	MC 5304309
MC 5300230	MC 5301309	MC 5302334	MC 5304371
MC 5300231	MC 5301310	MC 5302338	MC 5304443
MC 5300232	MC 5301311	MC 5302339	MC 5304444
MC 5300233	MC 5301312	MC 5302356	MC 5304445
MC 5300234	MC 5301317	MC 5302357	MC 5304475
MC 5300235	MC 5301330	MC 5302358	MC 5304476
MC 5300236	MC 5301331	MC 5302359	MC 5304480
MC 5300249	MC 5301332	MC 5302360	MC 5304481
MC 5300250	MC 5301333	MC 5302361	MC 5304483
MC 5300251	MC 5301364	MC 5302362	MC 5304484



Mineral claim			
MC 5300252	MC 5301365	MC 5302363	MC 5304485
MC 5300257	MC 5301367	MC 5302364	MC 5304486
MC 5300262	MC 5301368	MC 5302365	MC 5304489
MC 5300263	MC 5301369	MC 5302366	MC 5304490
MC 5300264	MC 5301370	MC 5302367	MC 5304491
MC 5300265	MC 5301371	MC 5302368	MC 5304498
MC 5300301	MC 5301372	MC 5302373	MC 5304499
MC 5300306	MC 5301373	MC 5302374	MC 5304500
MC 5300307	MC 5301374	MC 5302377	MC 5304501
MC 5300308	MC 5301375	MC 5302378	MC 5304502
MC 5300309	MC 5301376	MC 5302379	MC 5304523
MC 5300310	MC 5301377	MC 5302380	MC 5304563
MC 5300311	MC 5301378	MC 5302381	MC 5304574
MC 5300342	MC 5301379	MC 5302382	MC 5304576
MC 5300363	MC 5301380	MC 5302383	MC 5304579
MC 5300364	MC 5301381	MC 5302384	MC 5304580
MC 5300365	MC 5301382	MC 5302385	MC 5304588
MC 5300366	MC 5301383	MC 5302386	MC 5304589
MC 5300367	MC 5301384	MC 5302387	MC 5304590
MC 5300368	MC 5301385	MC 5302388	MC 5304591
MC 5300369	MC 5301386	MC 5302389	MC 5304649
MC 5300370	MC 5301387	MC 5302402	MC 5304650
MC 5300371	MC 5301388	MC 5302403	MC 5304651
MC 5300394	MC 5301398	MC 5302404	MC 5304652
MC 5300395	MC 5301399	MC 5302405	MC 5304653
MC 5300396	MC 5301400	MC 5302610	MC 5304654
MC 5300397	MC 5301401	MC 5302611	MC 5304655
MC 5300398	MC 5301402	MC 5302614	MC 5304656
MC 5300399	MC 5301403	MC 5302615	MC 5304660
MC 5300400	MC 5301404	MC 5302616	MC 5304661
MC 5300401	MC 5301405	MC 5302617	MC 5304662



Mineral claim			
MC 5300402	MC 5301406	MC 5302618	MC 5304663
MC 5300403	MC 5301407	MC 5302619	MC 5304664
MC 5300404	MC 5301410	MC 5302620	MC 5304665
MC 5300405	MC 5301411	MC 5302621	MC 5304666
MC 5300406	MC 5301412	MC 5302622	MC 5304667
MC 5300407	MC 5301413	MC 5302623	MC 5304668
MC 5300408	MC 5301414	MC 5302624	MC 5304669
MC 5300409	MC 5301415	MC 5302625	MC 5304670
MC 5300410	MC 5301416	MC 5302626	MC 5304672
MC 5300411	MC 5301417	MC 5302627	MC 5304673
MC 5300412	MC 5301418	MC 5302722	MC 5304674
MC 5300413	MC 5301419	MC 5302723	MC 5304675
MC 5300453	MC 5301420	MC 5302724	MC 5304676
MC 5300454	MC 5301437	MC 5302725	MC 5304677
MC 5300455	MC 5301439	MC 5302726	MC 5304678
MC 5300456	MC 5301474	MC 5302727	MC 5304679
MC 5300457	MC 5301477	MC 5302728	MC 5304680
MC 5300458	MC 5301478	MC 5302729	MC 5304681
MC 5300459	MC 5301502	MC 5302730	MC 5304682
MC 5300460	MC 5301503	MC 5302731	MC 5304683
MC 5300461	MC 5301504	MC 5302732	MC 5304684
MC 5300462	MC 5301505	MC 5302733	MC 5304685
MC 5300463	MC 5301506	MC 5302734	MC 5304686
MC 5300464	MC 5301507	MC 5302735	MC 5304687
MC 5300465	MC 5301508	MC 5302736	MC 5304688
MC 5300466	MC 5301509	MC 5302737	MC 5304689
MC 5300467	MC 5301510	MC 5302738	MC 5304697
MC 5300468	MC 5301511	MC 5302739	MC 5304698
MC 5300469	MC 5301512	MC 5302740	MC 5304699
MC 5300470	MC 5301513	MC 5302741	MC 5304700
MC 5300471	MC 5301514	MC 5302742	MC 5304701



Mineral claim			
MC 5300472	MC 5301515	MC 5302743	MC 5304702
MC 5300569	MC 5301516	MC 5302744	MC 5304703
MC 5300570	MC 5301517	MC 5302745	MC 5304704
MC 5300619	MC 5301518	MC 5302746	MC 5304705
MC 5300620	MC 5301519	MC 5302747	MC 5304706
MC 5300621	MC 5301520	MC 5302748	MC 5304707
MC 5300622	MC 5301521	MC 5302878	MC 5304708
MC 5300623	MC 5301522	MC 5302879	MC 5304709
MC 5300651	MC 5301523	MC 5302964	MC 5304710
MC 5300653	MC 5301544	MC 5302970	MC 5304711
MC 5300655	MC 5301545	MC 5302971	MC 5304712
MC 5300697	MC 5301547	MC 5302976	MC 5304713
MC 5300698	MC 5301548	MC 5302977	MC 5304714
MC 5300699	MC 5301549	MC 5302978	MC 5304715
MC 5300700	MC 5301550	MC 5302979	MC 5304716
MC 5300701	MC 5301551	MC 5302994	MC 5304717
MC 5300702	MC 5301552	MC 5302998	MC 5304718
MC 5300703	MC 5301553	MC 5302999	MC 5304719
MC 5300704	MC 5301554	MC 5303000	MC 5304720
MC 5300706	MC 5301555	MC 5303001	MC 5304721
MC 5300707	MC 5301556	MC 5303002	MC 5304722
MC 5300708	MC 5301557	MC 5303003	MC 5304723
MC 5300709	MC 5301558	MC 5303006	MC 5304724
MC 5300710	MC 5301559	MC 5303007	MC 5304725
MC 5300711	MC 5301560	MC 5303008	MC 5304726
MC 5300712	MC 5301561	MC 5303009	MC 5304727
MC 5300713	MC 5301562	MC 5303010	MC 5304728
MC 5300716	MC 5301563	MC 5303011	MC 5304729
MC 5300717	MC 5301564	MC 5303012	MC 5304730
MC 5300718	MC 5301565	MC 5303022	MC 5304731
MC 5300719	MC 5301566	MC 5303023	MC 5304732





Mineral claim			
MC 5300720	MC 5301567	MC 5303024	MC 5304733
MC 5300721	MC 5301568	MC 5303025	MC 5304734
MC 5300722	MC 5301569	MC 5303026	MC 5304735
MC 5300723	MC 5301570	MC 5303027	MC 5304736
MC 5300724	MC 5301571	MC 5303028	MC 5304737
MC 5300725	MC 5301572	MC 5303029	MC 5304738
MC 5300726	MC 5301573	MC 5303030	MC 5304739
MC 5300727	MC 5301574	MC 5303031	MC 5304743
MC 5300728	MC 5301575	MC 5303032	MC 5304744
MC 5300729	MC 5301576	MC 5303033	MC 5304745
MC 5300730	MC 5301584	MC 5303034	MC 5304746
MC 5300731	MC 5301585	MC 5303035	MC 5304747
MC 5300732	MC 5301591	MC 5303036	MC 5304748
MC 5300733	MC 5301592	MC 5303037	MC 5304757
MC 5300734	MC 5301593	MC 5303040	MC 5304758
MC 5300735	MC 5301594	MC 5303041	MC 5304759
MC 5300736	MC 5301629	MC 5303043	MC 5304760
MC 5300737	MC 5301630	MC 5303044	MC 5304761
MC 5300738	MC 5301631	MC 5303045	MC 5304762
MC 5300739	MC 5301635	MC 5303047	MC 5304763
MC 5300740	MC 5301636	MC 5303048	MC 5304764
MC 5300805	MC 5301651	MC 5303049	MC 5304765
MC 5300806	MC 5301675	MC 5303051	MC 5304766
MC 5300807	MC 5301676	MC 5303052	MC 5304767
MC 5300869	MC 5301677	MC 5303053	MC 5304768
MC 5300870	MC 5301706	MC 5303054	MC 5304769
MC 5300871	MC 5301707	MC 5303056	MC 5304770
MC 5300872	MC 5301708	MC 5303057	MC 5304771
MC 5300873	MC 5301709	MC 5303058	MC 5304772
MC 5300874	MC 5301710	MC 5303059	MC 5304773
MC 5300928	MC 5301711	MC 5303061	MC 5304774





Mineral claim			
MC 5300929	MC 5301712	MC 5303062	MC 5304776
MC 5300930	MC 5301713	MC 5303063	MC 5304777
MC 5300931	MC 5301714	MC 5303064	MC 5304780
MC 5300932	MC 5301715	MC 5303066	MC 5304781
MC 5300933	MC 5301716	MC 5303067	MC 5304783
MC 5300934	MC 5301717	MC 5303068	MC 5304784
MC 5300935	MC 5301718	MC 5303069	MC 5304785
MC 5300936	MC 5301719	MC 5303070	MC 5304786
MC 5300937	MC 5301747	MC 5303071	MC 5304787
MC 5300938	MC 5301748	MC 5303072	MC 5304789
MC 5300939	MC 5301749	MC 5303074	MC 5304790
MC 5300940	MC 5301750	MC 5303075	MC 5304791
MC 5300941	MC 5301751	MC 5303076	MC 5304792
MC 5300942	MC 5301752	MC 5303077	MC 5304793
MC 5300943	MC 5301753	MC 5303078	MC 5304794
MC 5300944	MC 5301754	MC 5303079	MC 5304795
MC 5300945	MC 5301755	MC 5303080	MC 5304796
MC 5300946	MC 5301756	MC 5303082	MC 5304797
MC 5300947	MC 5301757	MC 5303083	MC 5304798
MC 5300948	MC 5301758	MC 5303084	MC 5304799
MC 5300949	MC 5301759	MC 5303085	MC 5304800
MC 5300950	MC 5301760	MC 5303086	MC 5304801
MC 5300951	MC 5301761	MC 5303090	MC 5304802
MC 5300952	MC 5301762	MC 5303091	MC 5304806
MC 5300953	MC 5301763	MC 5303092	MC 5304807
MC 5300954	MC 5301764	MC 5303093	MC 5304808
MC 5300955	MC 5301765	MC 5303094	MC 5304809
MC 5300956	MC 5301766	MC 5303095	MC 5304810
MC 5300957	MC 5301767	MC 5303098	MC 5304811
MC 5300958	MC 5301768	MC 5303099	MC 5304812
MC 5300959	MC 5301769	MC 5303100	MC 5304813



Mineral claim			
MC 5300960	MC 5301914	MC 5303101	MC 5304814
MC 5300961	MC 5301915	MC 5303102	MC 5304815
MC 5300962	MC 5301918	MC 5303103	MC 5304816
MC 5300963	MC 5301919	MC 5303106	MC 5304817
MC 5300964	MC 5301920	MC 5303107	MC 5304818
MC 5300965	MC 5301921	MC 5303108	MC 5304819
MC 5300966	MC 5301922	MC 5303109	MC 5304820
MC 5300967	MC 5301923	MC 5303110	MC 5304821
MC 5300976	MC 5301924	MC 5303111	MC 5304822
MC 5300977	MC 5301925	MC 5303112	MC 5304823
MC 5300978	MC 5301926	MC 5303113	MC 5304824
MC 5300979	MC 5301927	MC 5303114	MC 5304825
MC 5300980	MC 5301928	MC 5303115	MC 5304826
MC 5300981	MC 5301929	MC 5303116	MC 5304827
MC 5300982	MC 5301930	MC 5303120	MC 5304828
MC 5300983	MC 5301931	MC 5303202	MC 6900004
MC 5300984	MC 5301932	MC 5303222	MC 6900256
MC 5300985	MC 5301933	MC 5303223	MC 6900877
MC 5300986	MC 5301934	MC 5303224	MC 6900878
MC 5300987	MC 5301935	MC 5303230	MC 6900879
MC 5300988	MC 5301936	MC 5303231	MC 6900880
MC 5300989	MC 5301937	MC 5303232	MC 6900881
MC 5300990	MC 5301938	MC 5303233	MC 6900882
MC 5300991	MC 5301939	MC 5303234	MC 6900883
MC 5300992	MC 5301940	MC 5303235	MC 6900884
MC 5300993	MC 5301941	MC 5303236	MC 6900885
MC 5300994	MC 5301942	MC 5303237	MC 6900886
MC 5300995	MC 5301943	MC 5303238	MC 6900887
MC 5300996	MC 5301944	MC 5303239	MC 6900888
MC 5300997	MC 5301945	MC 5303240	MC 6900889
MC 5300998	MC 5301985	MC 5303252	MC 6900890



Mineral claim			
MC 5300999	MC 5301986	MC 5303253	MC 6900891
MC 5301000	MC 5301987	MC 5303254	MC 6900892
MC 5301001	MC 5301988	MC 5303255	MC 6900893
MC 5301002	MC 5301989	MC 5303256	MC 6900894
MC 5301003	MC 5301990	MC 5303257	MC 6900895
MC 5301004	MC 5301991	MC 5303259	MC 6900896
MC 5301005	MC 5301992	MC 5303269	MC 6900897
MC 5301006	MC 5301993	MC 5303271	MC 6900898
MC 5301007	MC 5301994	MC 5303357	MC 6900899
MC 5301008	MC 5301995	MC 5303358	MC 6900900
MC 5301009	MC 5301996	MC 5303360	MC 6900901
MC 5301010	MC 5301997	MC 5303361	MC 6900902
MC 5301011	MC 5301998	MC 5303362	MC 6900903
MC 5301012	MC 5301999	MC 5303363	MC 6900904
MC 5301013	MC 5302000	MC 5303364	MC 6900905
MC 5301014	MC 5302001	MC 5303365	MC 6900906
MC 5301015	MC 5302002	MC 5303366	MC 6900907
MC 5301016	MC 5302003	MC 5303367	MC 6900908
MC 5301017	MC 5302004	MC 5303374	MC 6900909
MC 5301018	MC 5302005	MC 5303377	MC 6900910
MC 5301019	MC 5302006	MC 5303380	MC 6900911
MC 5301020	MC 5302007	MC 5303383	MC 6900912
MC 5301021	MC 5302008	MC 5303450	MC 6900913
MC 5301022	MC 5302015	MC 5303452	MC 6900914
MC 5301023	MC 5302016	MC 5303454	MC 6900915
MC 5301024	MC 5302017	MC 5303456	MC 6900916
MC 5301025	MC 5302018	MC 5303458	MC 6900917
MC 5301026	MC 5302019	MC 5303461	MC 6900918
MC 5301027	MC 5302023	MC 5303462	MC 6900919
MC 5301028	MC 5302024	MC 5303463	MC 6900920
MC 5301029	MC 5302025	MC 5303464	MC 6900935



Mineral claim			
MC 5301030	MC 5302026	MC 5303473	MC 6900936
MC 5301032	MC 5302027	MC 5303474	MC 6900937
MC 5301033	MC 5302028	MC 5303475	MC 6900938
MC 5301034	MC 5302029	MC 5303476	MC 6900939
MC 5301035	MC 5302030	MC 5303477	MC 6900940
MC 5301036	MC 5302031	MC 5303478	MC 6900941
MC 5301037	MC 5302032	MC 5303479	MC 6900942
MC 5301038	MC 5302034	MC 5303480	MC 6900945
MC 5301039	MC 5302035	MC 5303481	MC 6900946
MC 5301041	MC 5302036	MC 5303482	MC 6900947
MC 5301042	MC 5302037	MC 5303483	MC 6900948
MC 5301043	MC 5302038	MC 5303484	MC 6900949
MC 5301044	MC 5302039	MC 5303485	MC 6900950
MC 5301045	MC 5302040	MC 5303541	MC 6900951
MC 5301046	MC 5302041	MC 5303542	MC 6900952
MC 5301047	MC 5302042	MC 5303543	MC 6900953
MC 5301048	MC 5302043	MC 5303544	MC 6900954
MC 5301049	MC 5302044	MC 5303545	MC 6900955
MC 5301050	MC 5302045	MC 5303546	MC 6900956
MC 5301051	MC 5302046	MC 5303547	MC 6900957
MC 5301052	MC 5302047	MC 5303548	MC 6900958
MC 5301053	MC 5302048	MC 5303550	MC 6900959
MC 5301054	MC 5302049	MC 5303551	MC 6900961
MC 5301055	MC 5302050	MC 5303552	MC 6900962
MC 5301056	MC 5302051	MC 5303553	MC 6900963
MC 5301057	MC 5302052	MC 5303554	

Mineral lease			
ML 5300005	ML 5300008	ML 5300010	ML 5300061
ML 5300007	ML 5300009	ML 5300011	



Miners homestead lease			
MHL3600001	MHL5300025	MHL5300049	MHL5300069
MHL3600012	MHL5300026	MHL5300050	MHL5300070
MHL3600014	MHL5300027	MHL5300051	MHL5300072
MHL5300001	MHL5300028	MHL5300052	MHL5300073
MHL5300003	MHL5300029	MHL5300053	MHL5300074
MHL5300005	MHL5300030	MHL5300054	MHL5300075
MHL5300006	MHL5300031	MHL5300055	MHL5300076
MHL5300010	MHL5300032	MHL5300056	MHL5300077
MHL5300011	MHL5300033	MHL5300057	MHL5300079
MHL5300012	MHL5300034	MHL5300058	MHL5300081
MHL5300013	MHL5300035	MHL5300059	MHL5300084
MHL5300015	MHL5300038	MHL5300060	MHL5300085
MHL5300016	MHL5300039	MHL5300061	MHL5300086
MHL5300017	MHL5300040	MHL5300062	MHL5300087
MHL5300019	MHL5300041	MHL5300063	MHL5300088
MHL5300021	MHL5300042	MHL5300065	MHL5300089
MHL5300022	MHL5300043	MHL5300066	MHL5300090
MHL5300023	MHL5300044	MHL5300067	MHL5300091
MHL5300024	MHL5300048	MHL5300068	MHL5300094

Machinery lease	
QA 5300002	

Tailings lease	
TL 5300001	TL 5300003
TL 5300002	TL 5300004

Temporary reserve		
TR 7000798	TR 7003702	TR 7005357
TR 7001643	TR 7004543	TR 7005358
TR 7001926	TR 7004583	TR 7005966



## SCHEDULE 5 – OTHER INTERESTS

### [Other interests referred to in Order 10]

The nature and extent of other interests in relation to the Determination Area are the following as they exist as at the date of this Determination:

#### Reserves

1. 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:

Number	Purpose	Held by
RES 04948	Cemetery	
RES 06918	Police	
RES 07850	Excepted from sale and occupation	
RES 08620	Church Site Salvation Army	
RES 09699	Peak Hill Stock Route	Minster for Mines
RES 09815	Water Act 57 Vic No 20	
RES 10087	Government Requirements	
RES 12827	Water	
RES 12828	Water	
RES 12829	Water	
RES 13096	Stock Route Addition to Peak Hill Leonora	
RES 19281	Watering Place for Travellers & Stock	
RES 19456	Common	
RES 20335	Stock Route	
RES 20662	Church Site Roman Catholic	
RES 20800	Church of England Church Site	
RES 21043	Excepted from Sale	
RES 21083	Public Utility	



RES 21109	Excepted From Sale	
RES 21442	Water	
RES 21508	Water Supply and Stock Camping	
RES 22037	Government Requirements	
RES 23985	Use & Benefit of Aborigines	Aboriginal Lands Trust
RES 25670	Use & Benefit of Aborigines	Windidda Aboriginal Corporation
RES 31830	Depot Site	
RES 32146	Use & Benefit of Aborigines	Aboriginal Lands Trust
RES 34096	Use & Benefit of Aborigines	Aboriginal Lands Trust
RES 41801	Use & Benefit of Aboriginal Inhabitants	Kukabubba Aboriginal Corporation
RES 42002	Use & Benefit of Aboriginal Inhabitants	Aboriginal Lands Trust
RES 42676	Depot Site	Commissioner of Main Roads
RES 45973	Arboretum	Shire of Wiluna
RES 49135	School Site	Minister for Education

### Leases

2. The rights and interests of the holders of the following leases:

Number	Purpose	Held by
L83335	Aboriginal Medical Facility and Staff Accommodation	Ngangganawili Aboriginal Community Controlled Health and Medical Services Aboriginal Corporation
I222873	Installation, Maintenance and Operation of Telecommunications Network Facility	TVNZ (Australia) Pty Ltd

### Pastoral Leases

3. The rights and interests of the holders of the following pastoral leases:

Number	Station	Held by
3114/472	Lake Violet	Newmont Yandal Operations



		Pty Ltd
3114/654	Granite Peak	James Peter Quadrio
3114/960	Millrose	Rex William Ward
3114/1049	Cunyu	Kenneth Arthur Shaw & Dawn Marie Martin
K601976 (formerly 3114/1065)	Windidda	Windidda Aboriginal Corporation
3114/1066	Prenti Downs	William Roy Linke
3114/1067	Yelma	Wiluna Stations Pty Ltd
3114/1068	Wongawol	Wongawol Pty Ltd
3114/1069	Nimminga	Nimminga Pty Ltd
3114/1070	Carnegie	Charla Downs Pty Ltd
3114/1131	Paroo	James Pengelly Ford & Thomas James Ford
3114/1164	Lake Way	Nova Energy Pty Ltd
3114/1253	Jundee	Newmont Yandal Operations Pty Ltd
3114/1260	Millbillillie	Nova Energy Pty Ltd

### Easements

4. The rights and interests of the holders of the following easements:

Number	Purpose	Held by
I 222875	Access	TVNZ (Australia) Pty Ltd
L 132631	Sewerage	Water Corporation
L 132618	Sewerage	Water Corporation

### Mining tenements

5. The rights and interests of the holders of the following mining leases:

Mining lease		
M 5300024	M 5300196	M 5300487
M 5300025	M 5300197	M 5300492
M 5300026	M 5300198	M 5300501
M 5300027	M 5300199	M 5300502





Mining lease		
M 5300030	M 5300200	M 5300503
M 5300032	M 5300205	M 5300504
M 5300034	M 5300220	M 5300535
M 5300035	M 5300221	M 5300536
M 5300036	M 5300224	M 5300537
M 5300040	M 5300226	M 5300538
M 5300041	M 5300228	M 5300539
M 5300043	M 5300229	M 5300540
M 5300044	M 5300230	M 5300541
M 5300045	M 5300235	M 5300552
M 5300049	M 5300236	M 5300555
M 5300050	M 5300237	M 5300588
M 5300052	M 5300245	M 5300589
M 5300053	M 5300246	M 5300611
M 5300054	M 5300247	M 5300707
M 5300055	M 5300248	M 5300708
M 5300064	M 5300249	M 5300711
M 5300069	M 5300250	M 5300712
M 5300071	M 5300253	M 5300796
M 5300092	M 5300326	M 5300797
M 5300095	M 5300336	M 5300798
M 5300096	M 5300347	M 5300836
M 5300100	M 5300371	M 5300874
M 5300113	M 5300372	M 5300895
M 5300121	M 5300384	M 5300908
M 5300122	M 5300411	M 5300910
M 5300123	M 5300412	M 5300911
M 5300129	M 5300413	M 5300929
M 5300130	M 5300414	M 5300935
M 5300131	M 5300415	M 5300940
M 5300139	M 5300441	M 5300949



Mining lease		
M 5300147	M 5300446	M 5300955
M 5300155	M 5300451	M 5300966
M 5300156	M 5300452	M 5300971
M 5300173	M 5300456	M 5300972
M 5300182	M 5300458	M 5301002
M 5300183	M 5300461	M 5301016
M 5300188	M 5300468	M 5301017
M 5300191	M 5300477	M 5301018
M 5300192	M 5300478	M 5301078
M 5300193	M 5300479	M 5301086
M 5300194	M 5300480	

6. The rights and interests of the holders of the following exploration licences:

Exploration licence			
E 3802166	E 5301254	E 5301528	E 6901907
E 3802167	E 5301287	E 5301546	E 6902062
E 3802168	E 5301288	E 5301547	E 6902063
E 3802212	E 5301290	E 5301548	E 6902064
E 3802213	E 5301296	E 5301549	E 6902126
E 3802238	E 5301297	E 5301552	E 6902256
E 3802239	E 5301299	E 5301555	E 6902257
E 3802240	E 5301300	E 5301560	E 6902266
E 3802764	E 5301304	E 5301561	E 6902358
E 3802765	E 5301305	E 5301580	E 6902375
E 5101234	E 5301317	E 5301581	E 6902376
E 5101238	E 5301318	E 5301586	E 6902377
E 5101357	E 5301319	E 5301589	E 6902492
E 5101499	E 5301341	E 5301593	E 6902502
E 5202183	E 5301374	E 5301600	E 6902503
E 5202444	E 5301391	E 5301601	E 6902533
E 5300644	E 5301392	E 5301602	E 6902607
E 5300695	E 5301402	E 5301603	E 6902733



Exploration licence			
E 5301042	E 5301403	E 5301604	E 6902736
E 5301044	E 5301433	E 5301619	E 6902737
E 5301089	E 5301437	E 5301620	E 6902750
E 5301101	E 5301449	E 5301630	E 6902763
E 5301116	E 5301460	E 5301635	E 6902765
E 5301132	E 5301461	E 5301637	E 6902809
E 5301136	E 5301466	E 5301666	E 6902820
E 5301169	E 5301471	E 5301675	E 6902872
E 5301181	E 5301475	E 5301687	E 6902934
E 5301209	E 5301491	E 5301688	E 6902940
E 5301219	E 5301493	E 5301696	E 6902957
E 5301221	E 5301516	E 6901729	E 6903022
E 5301223	E 5301517	E 6901771	E 6903026
E 5301232	E 5301518	E 6901772	E 6903037
E 5301243	E 5301521	E 6901869	E 6903039
E 5301247	E 5301522	E 6901870	E 6903055
E 5301253	E 5301523	E 6901871	

7. The rights and interests of the holder of the following general purpose lease:

General purpose lease
G 5300020

8. The rights and interests of the holders of the following prospecting licences:

Prospecting lease		
P 5301264	P 5301372	P 5301528
P 5301265	P 5301373	P 5301543
P 5301350	P 5301374	P 5301564
P 5301351	P 5301396	P 5301565
P 5301352	P 5301397	P 5301566
P 5301355	P 5301496	P 5301567
P 5301356	P 5301497	P 5301568
P 5301357	P 5301508	P 5301569
P 5301358	P 5301509	P 5301570

**Prospecting lease**

P 5301359	P 5301510	P 5301571
P 5301360	P 5301524	P 5301572
P 5301366	P 5301525	P 5301575
P 5301369	P 5301526	P 6900045
P 5301370	P 5301527	

9. The rights and interests of the holder of the following retention licence:

**Retention lease**

R 5300001
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10. The rights and interests of the holders of the following miscellaneous licences:

**Miscellaneous licence**

L 5300020	L 5300044	L 5300082	L 5300127
L 5300021	L 5300045	L 5300083	L 5300136
L 5300022	L 5300048	L 5300089	L 5300137
L 5300023	L 5300050	L 5300090	L 5300138
L 5300024	L 5300051	L 5300094	L 5300140
L 5300030	L 5300052	L 5300097	L 5300142
L 5300032	L 5300053	L 5300098	L 5300143
L 5300033	L 5300060	L 5300099	L 5300144
L 5300034	L 5300062	L 5300100	L 5300149
L 5300035	L 5300066	L 5300102	L 5300150
L 5300036	L 5300068	L 5300103	L 5300153
L 5300037	L 5300069	L 5300106	L 5300163
L 5300038	L 5300070	L 5300107	L 5300164
L 5300039	L 5300071	L 5300108	L 5300169
L 5300040	L 5300072	L 5300112	L 5300174
L 5300041	L 5300073	L 5300113	
L 5300042	L 5300075	L 5300117	
L 5300043	L 5300077	L 5300125	

11. Subject to paragraph 12 below, any rights and interests that may exist as at the date of this Determination that are held by the holders from time to time of the mining tenements listed above, that permits the holder of those mining tenements to use or



use and maintain in reasonable repair (including by servants, agents and contractors) such portions of roads and tracks in the Determination Area:

- (a) as may be permitted in accordance with those rights and interests; and
- (b) as are necessary to have access to the area the subject of the mining tenement for the purpose of exercising the rights granted by that mining tenement.

12. Nothing in paragraph 11 above allows any upgrade, extension, widening, re-alignment or other improvement to the road or track.

### **Petroleum interests**

13. The rights and interests of the holders of the following petroleum pipeline licences:

<b>Petroleum pipeline licences</b>	
PL 24	PL 34
PL 33	PL 73

14. Subject to paragraph 15 below, any rights that may exist as at the date of this Determination that are held by the holders from time to time of the petroleum interests listed above, that permits the holder of those petroleum interests to use or use and maintain in reasonable repair (including by servants, agents and contractors) such portions of roads and tracks in the Determination Area:

- (a) as may be permitted in accordance with those rights and interests; and
- (b) as are necessary to have access to the area the subject of the mining tenement for the purpose of exercising the rights granted by that mining tenement.

15. Nothing in paragraph 14 above allows any upgrade, extension, widening, re-alignment or other improvement to the road or track.

### **Telstra**

16. 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 telecommunication facilities;
- (c) to occupy an area of land for the purposes of its Well 2A radio telecommunications facility located at Latitude: 25°59'1.48" South. Longitude: 120°19'21.91" East;
- (d) 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
- (e) under any lease, licence, access agreement or easement relating to its telecommunications facilities in the Determination Area.

**Other**

17. The following rights and interests:

- (a) rights and interests held under grants from the Crown in right of the State or of the Commonwealth pursuant to statute or in the exercise of its executive power or otherwise conferred by statute;
- (b) rights and 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) and the *Aboriginal Communities Act 1979* (WA);
- (c) the right of a member of the public to use (subject to the laws of the State, in particular the *Aboriginal Affairs Planning Authority Act 1972* (WA) and Regulations where applicable):
  - (i) the following roads (being roads which are maintained by the Shire of Wiluna as at the date of this Determination and marked generally on the maps in Schedule 7 with a broken red line):
    - (A) Carnegie-Glen Ayle Road;
    - (B) Carnegie-Prenti Downs Road;
    - (C) Carnegie Road;
    - (D) Wiluna-Granite Peak Road;
    - (E) Prenti Downs Road;



- (F) Prenti Downs-Warren Bore Road;
  - (G) Sandstone-Wiluna Road;
  - (H) Sydney Heads Road;
  - (I) Wiluna North Road; and
  - (J) Yeelirrie Road;
- (ii) the Canning Stock Route; and
- (iii) any road in the determination area over which, as at the date of this Determination, the public has a right of way according to the common law;
- (d) the right to access the Determination Area 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 duty where such access would be permitted to private land; and
- (e) 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) beds and banks or foreshores of waterways;
  - (iii) stock routes; or
  - (iv) areas that were public places at the end of 31 December 1993.



## **SCHEDULE 6 – PASTORAL CO-EXISTENCE PRINCIPLES**

**[Referred to in Order 12]**

### **1. BACKGROUND**

The Determination recognises the native title rights and interests of the Native Title Holders within the Determination Area. Those rights and interests are held on trust by the Wiluna PBC.

The Determination also identifies a number of Pastoral Leases within the Determination Area. Individual Pastoralists hold and exercise rights in accordance with the terms of their respective Pastoral Leases. The Determination recognises that the rights of the Native Title Holders co-exist with the rights of the individual Pastoralists.

This document provides agreed principles by which both the Native Title Holders and Pastoralists will exercise their co-existing rights and interests harmoniously and in accordance with the Determination on those parts of the Pastoral Lease which are part of the Determination Area.

### **2. DISCUSSION AND NOTICE**

The Pastoralist and the Native Title Holders may discuss matters relating to the exercise of their co-existing rights in a cooperative and consultative manner and will use their respective best endeavours to notify each other of certain upcoming matters.

2.1 The Pastoralist and the Wiluna PBC and/or Native Title Holders may discuss from time to time any matter including (but not limited to):

- (a) safety issues;
- (b) the efficient undertaking of Pastoral Activity;
- (c) relevant business of the Pastoralist;
- (d) places to be avoided temporarily due to Pastoral Activities such as mustering or trapping;
- (e) heritage, cultural and law business issues; and
- (f) issues related to compliance with any Law,

including, but not limited to discussions about:





- (i) camping on the Pastoral Lease;
- (ii) use of Pastoral Lease roads and tracks, including closure;
- (iii) the lighting and extinguishment of fires;
- (iv) consumption of alcohol;
- (v) control of animals;
- (vi) the use of fire arms;
- (vii) soil or other environmental conservation matters (including but not limited to feral animal control); and
- (viii) heritage issues including the interference with sites or areas of cultural significance.

2.2 The Pastoralist and Wiluna PBC or Native Title Holders will use best endeavours to:

- (a) in the case of the Wiluna PBC / Native Title Holders, provide 48 hours notice to the Pastoralist of the intention to access the Pastoral Lease for the purpose of exercising native title rights and interests; and
- (b) in the case of the Pastoralist, provide reasonable notice of significant Inconsistent Events that are proposed on the Pastoral Lease.

### 3. WASTE AND RUBBISH

The Native Title Holders acknowledge that the Pastoral Lease should be kept free of waste and rubbish.

3.1 The Wiluna PBC shall use its best endeavours to ensure that the Native Title Holders when accessing the Pastoral Lease:

- (a) bury all human waste in a suitable manner; and
- (b) do not leave any rubbish on the Pastoral Lease, especially rubbish near water sources when accessing the Pastoral Lease.

### 4. STATION FACILITIES

The Native Title Holders acknowledge that the Pastoralist is entitled to conduct Pastoral Activities without interference.

4.1 The Wiluna PBC shall use its best endeavours to ensure that the Native Title Holders when accessing the Pastoral Lease do not:



- (a) use or interfere with Pastoral Lease facilities including buildings, vehicles, fences, plant and equipment, stockyards, dams and watering points and other Pastoral Improvements; or
- (b) interfere with stock.

## **5. VISITS TO HOMESTEAD**

The Native Title Holders acknowledge that the Pastoralist is entitled to retain privacy while at their homestead.

- 5.1 The Wiluna PBC shall use its best endeavours to ensure that the Native Title Holders when accessing the Pastoral Lease only call at the homestead between the hours of 6am and 6pm, except in the case of an emergency or as otherwise agreed.

## **6. CAMPING AND ACCESS**

The Pastoralist acknowledges that the Native Title Holders are entitled to camp on and access the Pastoral Lease. The Native Title Holders acknowledge that the Pastoralist is entitled to conduct Pastoral Activities without interruption.

- 6.1 The Wiluna PBC shall use its best endeavours to ensure that the Native Title Holders, when accessing the Pastoral Lease:

- (a) camp:
  - (i) at least 500 meters away from airstrips;
  - (ii) at least two kilometres away from any man-made watering points (including windmills, bores and dams) except where such camping occurs at an agreed Site of Significance;
  - (iii) at least 5km away from the homestead, any freehold areas, stockyards (when in use) and other buildings located on the Pastoral Lease; and
  - (iv) away from station access roads;
- (b) do not access Pastoralist Improvements except watering points, which shall only be accessed for the purpose of obtaining water subject to:
  - (i) Native Title Holders driving at 5km/h in the vicinity of watering points to not unduly disturb watering stock;
  - (ii) watering points being left as they were found; and



- (iii) no picnicking, loitering or unnecessary noise or activity within 2 kilometres of a watering point, except where it occurs at an agreed Site of Significance;

- (c) take away all waste, litter or rubbish brought with them;
- (d) erect only temporary dwellings or other structures and dismantle them when they leave, unless otherwise agreed between the Pastoralist and a Native Title Holder; and
- (e) do not access man-made watering points that are being used by stock.

## 7. HUNTING

The Pastoralist acknowledges that the Native Title Holders are entitled to hunt on the land. The Native Title Holders acknowledge the need to practice hunting in a way that does not create a safety risk.

- 7.1 The Wiluna PBC shall use its best endeavours to ensure that the Native Title Holders when accessing the Pastoral Lease:

- (a) do not hunt or gather within two kilometres of any improvements;
- (b) do not use any high calibre or high powered firearms;
- (c) use firearms only if a licensed firearm holder and in accordance with the *Firearms Act 1973* (WA); and
- (d) only hunt in a manner that does not present a risk to other persons or their property, including any employees or invitees of the Pastoralist or stock.

## 8. DOGS AND DOG BAITING

The Native Title Holders acknowledge that dogs can be detrimental to Pastoral Activities and that regular baiting happens on the Pastoral Lease, which puts dogs at risk. The Pastoralist acknowledges that dogs are an integral part of Native Title Holders lives.

- 8.1 The Wiluna PBC shall use its best endeavours to ensure that the Native Title Holders when accessing the Pastoral Lease restrain and control any dogs brought onto the Pastoral Lease.

- 8.2 The Pastoralist shall use their best endeavours to advise the Wiluna PBC and/or any Native Title Holders of the locations of any dog baiting programs that the Pastoralist



is undertaking on the Pastoral Lease in an area where the Pastoralist has received prior written notice of a visit.

- 8.3 The Native Title Holders will not bring dogs onto the Pastoral Lease when agreed in accordance with clause 2. Native Title Holders acknowledge that they bring dogs onto the station at their own risk.

## **9. STATION TRACKS AND ROADS**

The Pastoralist acknowledges that the Native Title Holders can access and use the Pastoral Lease roads and tracks unless there are reasons why these roads and tracks may be inaccessible for various reasons.

- 9.1 The Pastoralist shall not unreasonably restrict the use of Pastoral Lease roads and tracks by the Native Title Holders.
- 9.2 The Wiluna PBC shall use its best endeavours to ensure that the Native Title Holders when accessing the Pastoral Lease:
- (a) use vehicles on existing Pastoral Lease roads, tracks and public roads when ever possible;
  - (b) when exercising their native title rights in an area not serviced by existing Pastoral Lease roads, tracks and public roads, use the shortest reasonable route from the station track or road to the relevant location; and
  - (c) do not travel on roads (including public roads) or tracks on the Pastoral Lease which are declared by State authorities to be closed to traffic due to wet or adverse weather conditions or when agreed in accordance with clause 2, except:
    - (i) in the case of an emergency; or
    - (ii) where the Native Title Holders are on the Pastoral Lease prior to the roads or tracks being closed and need to return to their homes before the road closure has been lifted,

in which case the Native Title Holders shall take all appropriate precautions to avoid damage to such roads or tracks and other affected land.

## **10. GATES**



The Pastoralist acknowledges that the Native Title Holders have a right to access the Pastoral Lease through pastoral gates. The Native Title Holders acknowledge that sometimes pastoral gates may need to be closed in which case alternative arrangements shall be made for access.

- 10.1 The Wiluna PBC shall use its best endeavours to ensure that the Native Title Holders when accessing the Pastoral Lease leave gates as they are found, that is, open if they are found open and closed if they are found closed.
- 10.2 The Pastoralist shall leave gates unlocked unless the Pastoralist considers it reasonably necessary to lock particular gates:
- (a) to ensure proper stock management;
  - (b) to control public access; or
  - (c) for other reasons as are reasonable for the carrying on of Pastoral Activity.
- 10.3 If the Pastoralist locks particular gates, then the Pastoralist shall advise the Wiluna PBC which gates have been locked and what arrangements can be put in place to enable the Native Title Holders to continue to have access to those locked areas.

## **11. FIRES**

The Native Title Holders acknowledge that fire can have a detrimental affect on a Pastoral Lease.

- 11.1 The Wiluna PBC shall use its best endeavours to ensure that the Native Title Holders when accessing the Pastoral Lease shall:
- (a) ensure that their use of fire is restricted to campfires, cooking fires and fires for ritual and ceremonial purposes, which shall be controlled at all times;
  - (b) obey any temporary fire bans that are in place;
  - (c) use fire in accordance with the *Bush Fires Act 1954* (WA), associated Regulations and other relevant Laws of Western Australia; and
  - (d) not in any circumstances light wildfires (burn-offs).

## **12. PRIVACY**

- 12.1 Each of the Pastoralist and the Native Title Holders shall at all times respect the privacy of the other.

## **13. COMMON LAW HOLDERS' RITUALS AND CEREMONIES**



The Pastoralist acknowledges that the Native Title Holders are entitled to conduct ceremonial, ritual and law business activities on the Pastoral Lease and shall not interfere with these activities.

13.1 The Pastoralist shall not intentionally interfere with the ceremonial, ritual or law business activities of the Native Title Holders.

13.2 Where the Wiluna PBC, or a Native Title Holder, has informed the Pastoralist, in accordance with clause 2, the undertaking of a ritual or ceremony or otherwise appear to be conducting a ritual or ceremony on the Pastoral Lease, the Pastoralist shall only engage with the Native Title Holders in order to deal with immediate and significant issues such as:

- (a) threats to persons or property;
- (b) actual injury to or death of persons; or
- (c) damage to property,

unless otherwise invited by a Native Title Holder.

#### 14. INTERPRETATION

14.1 In this Document, unless the contrary intention appears, the following words and phrases have following meanings:

**“Determination”** means the determination of native title made by McKerracher J in the Federal Court of Australia on 29 July 2013 in the matter of WAD 6164 of 1998, *W.F. (Deceased) & Ors v the State of Western Australia & Ors*;

**“Determination Area”** means the area of land and waters the subject of the Determination;

**“Inconsistent Event”** is:

- (a) a Pastoral Activity limited in area and duration; or
- (b) a natural event,

which by its nature is inconsistent with Native Title Holders accessing an area of land within the Pastoral Lease to exercise their native title rights and interests where the Pastoral Activity is being undertaken, or the natural event has occurred, and includes (but is not limited to):

- (c) areas where mustering is being carried out;
- (d) areas being used as a temporary stock yard;



- (e) a paddock which has been prepared for sowing or where a crop is growing; or
- (f) areas where weather or other factors make the proposed entry unsafe or potentially hazardous;

**“Native Title Holders”** means the persons described in Schedule 2 of the Determination;

**“Pastoral Activity”** means an activity or activities that the Pastoralist is permitted to undertake within the Pastoral Lease in accordance with the terms of the Pastoral Lease and the *Land Administration Act 1997* (WA), including to:

- (a) use, enjoy and develop the Pastoral Lease for purposes consistent with the terms of the Pastoral Lease;
- (b) use the Pastoral Lease for the domestic and recreational purposes of the Pastoralist; and
- (c) authorise others to enter and use the land and waters of the Pastoral Lease for purposes consistent with (a) above.

**“Pastoral Lease”** means the parts of each of the following pastoral stations that are in the Determination Area:

- (a) Paroo Station, described in Crown Lease 15/1980 in relation to all of the parcels of land that is Thadoona Location 4, Kyarra Location 105 and Nabberu Location 38;
- (b) Granite Peak Station, described in Crown Lease 332/1966 in relation to the parcel of land that is Hann Location 7 and Nabberu Location 26;
- (c) Millrose Station, described in Crown Lease 183/1973 in relation to the parcel of land that is Nabberu Location 30;
- (d) Cunyu Station, described in Crown Lease 180/1972 in relation to the parcel of land that is Hann Location 9 and Nabberu Location 28;
- (e) Wongawol Station, described in Crown Lease 261/1993 in relation to all of the parcels of land that is Hann Location 10, Wells Location 4, Yelina Location 1 and Nabberu Location 29;
- (f) Niminga Station, described in Crown Lease 240/1973 in relation to the parcel of land that is Wells Location 2;
- (g) Carnegie Station, described in Crown Lease 59/1974 in relation to the parcel of land that is Wells Location 7;



- (h) Prenti Downs Station, described in Crown Lease 239/1973 in relation to the parcel of land that is Yelina Location 4 and Wells Location 5;
- (i) Yelma Station, described in Crown Lease 224/1973 in relation to the parcel of land that is Nabberu Location 35 and Yelina Location 3;

**“Pastoralist”** means, in relation to each Pastoral Lease the registered lessee of that Pastoral Lease;

**“Prescribed Body Corporate”** means a corporation whose name and address are registered on the National Native Title Register as a prescribed body corporate under section 193(2)(d)(iii) of the *Native Title Act*;

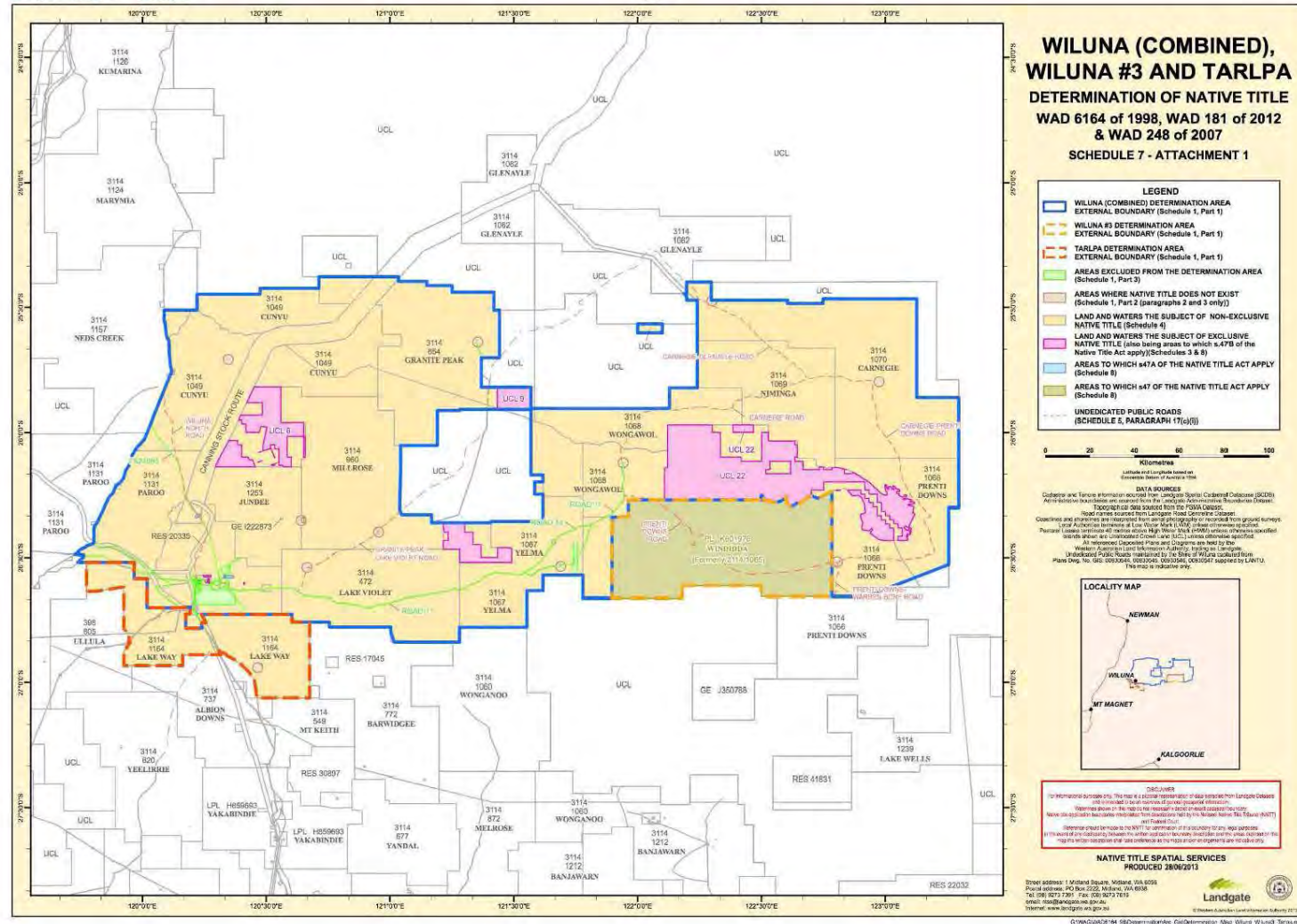
**“Site of Significance”** means a particular place that would be defined as a site under the provisions of the *Aboriginal Heritage Act 1972* (WA) or equivalent Commonwealth legislation, of importance to the Native Title Holders according to Aboriginal custom and tradition; and

**“Wiluna PBC”** means the Prescribed Body Corporate for the Determination.

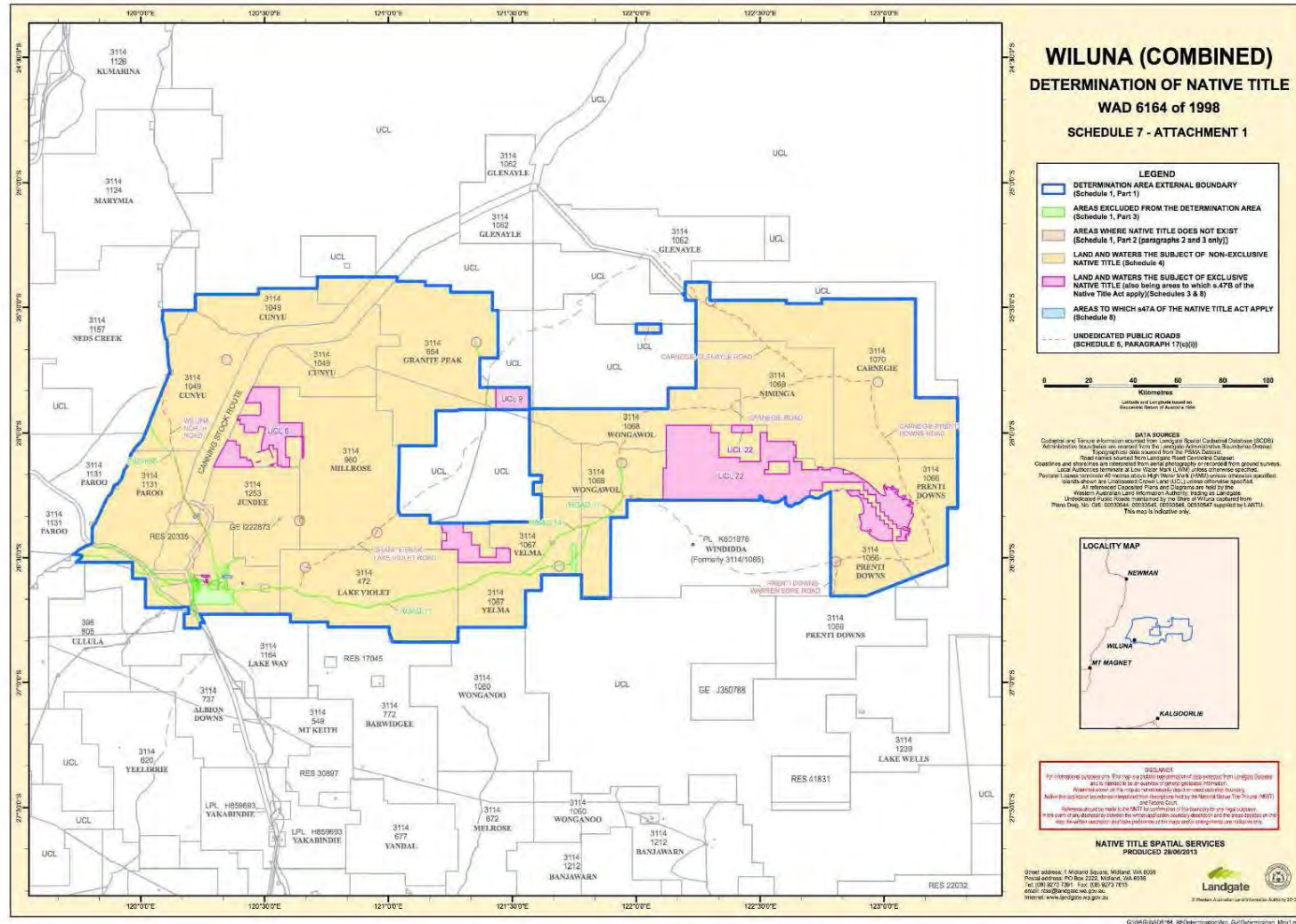


## SCHEDULE 7 – MAPS

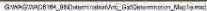
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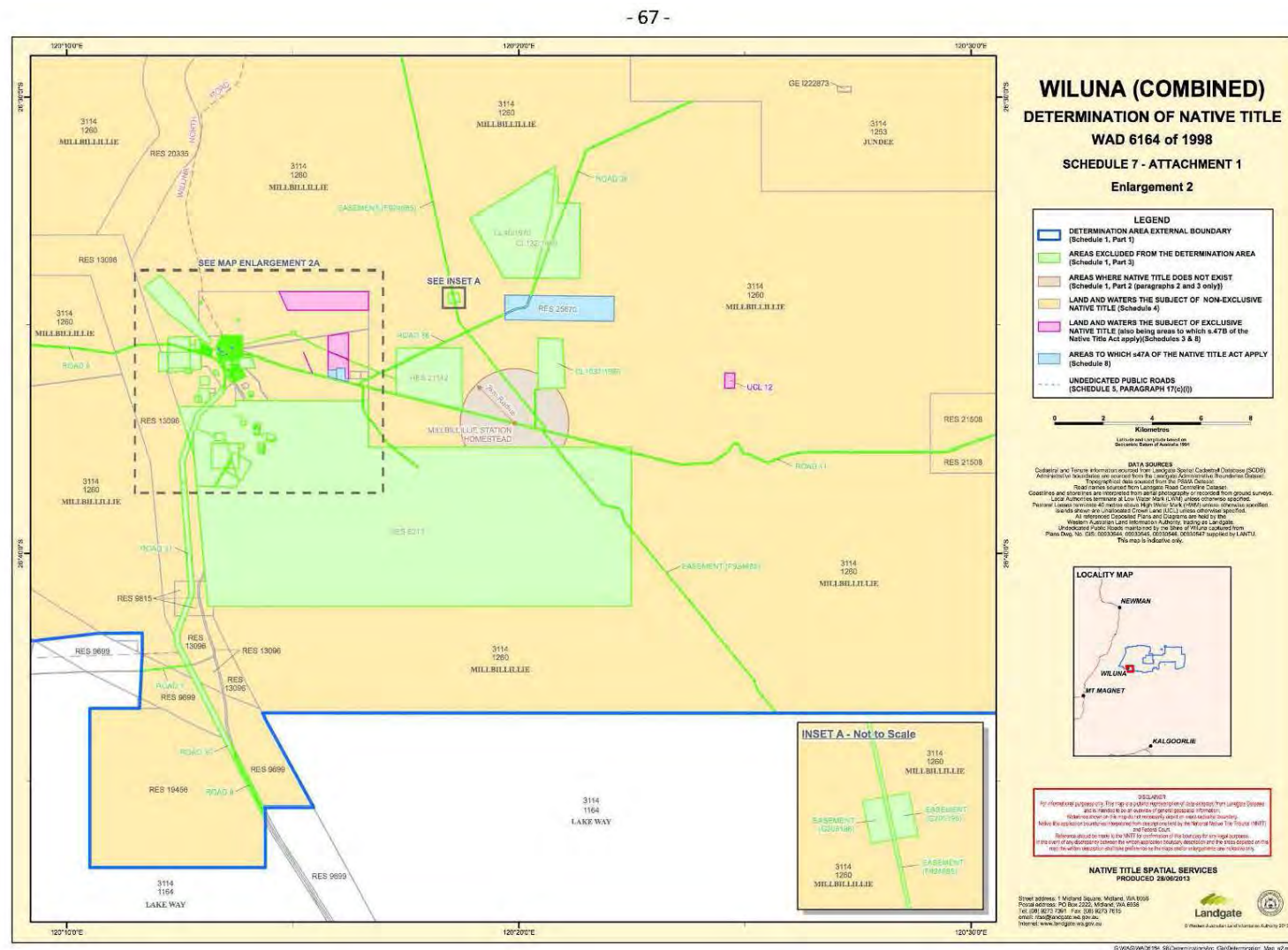


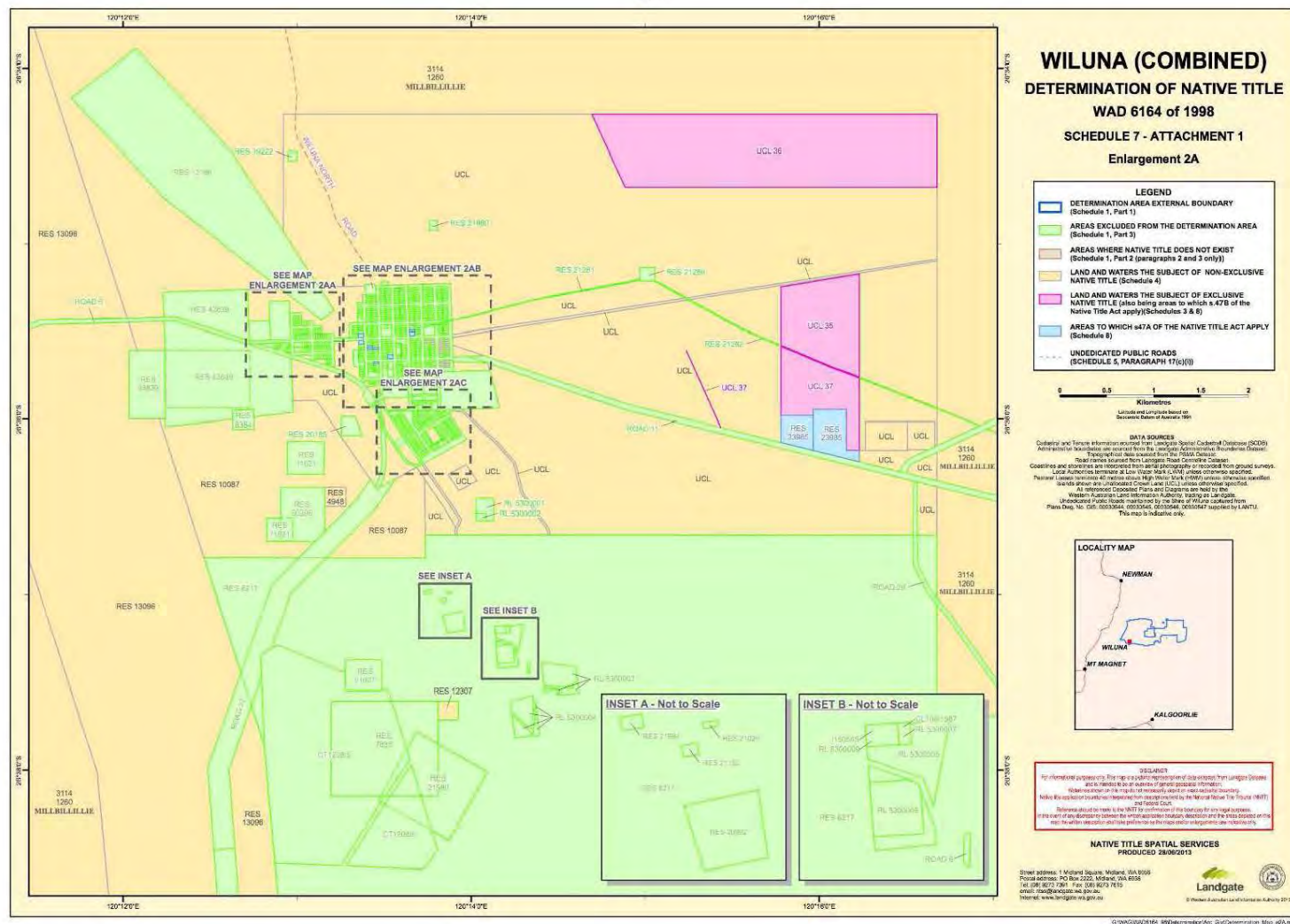








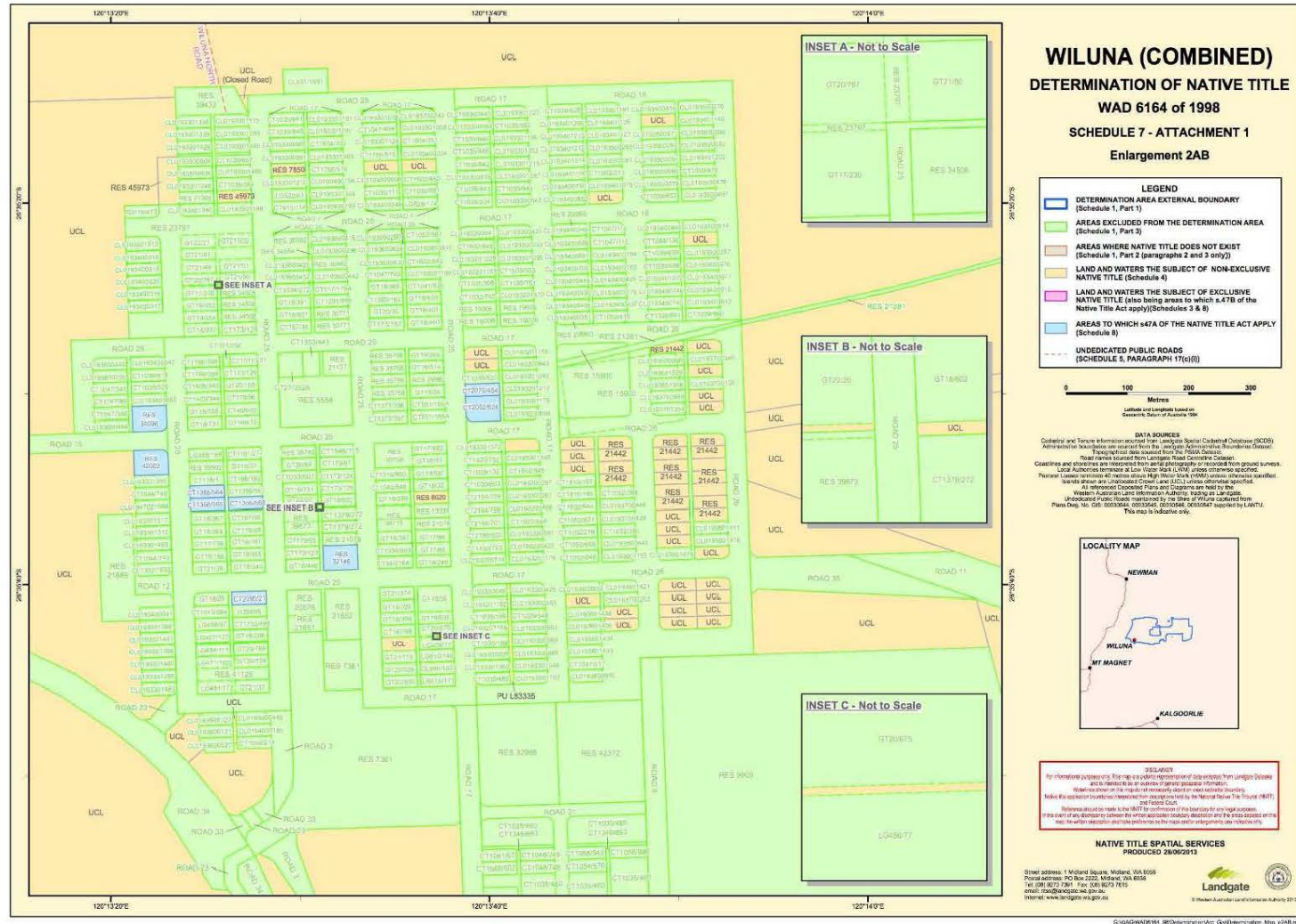






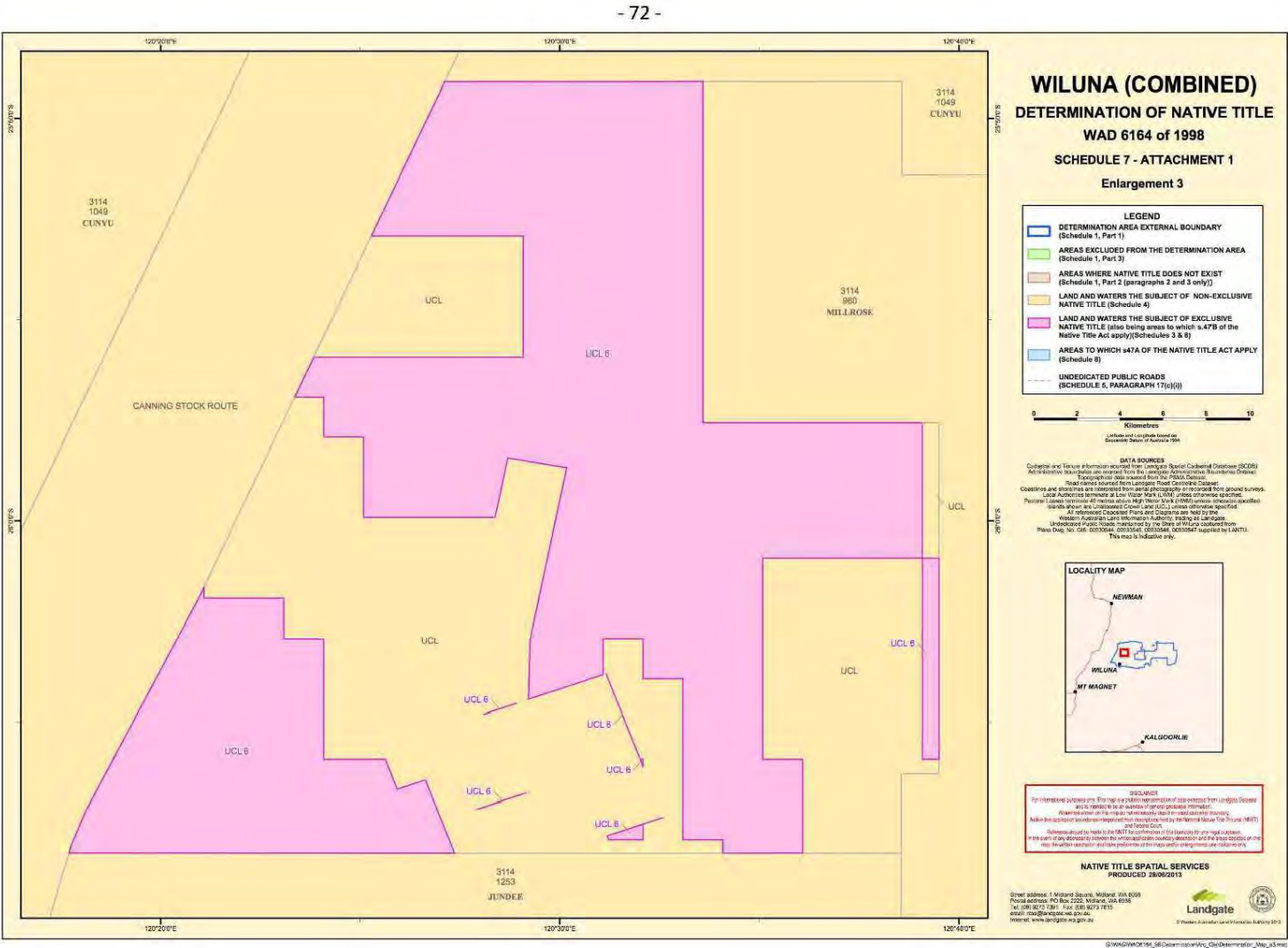


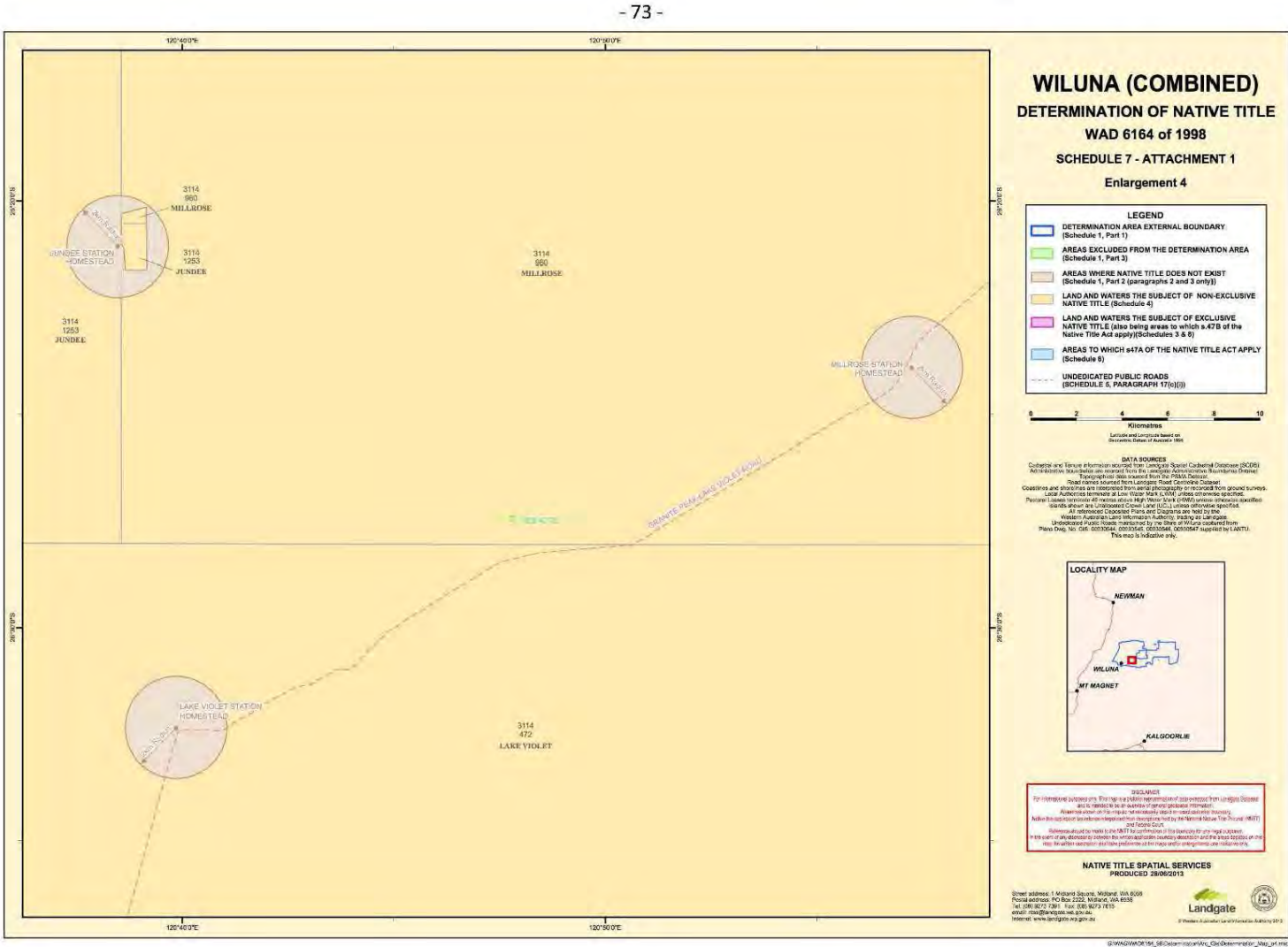
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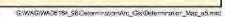


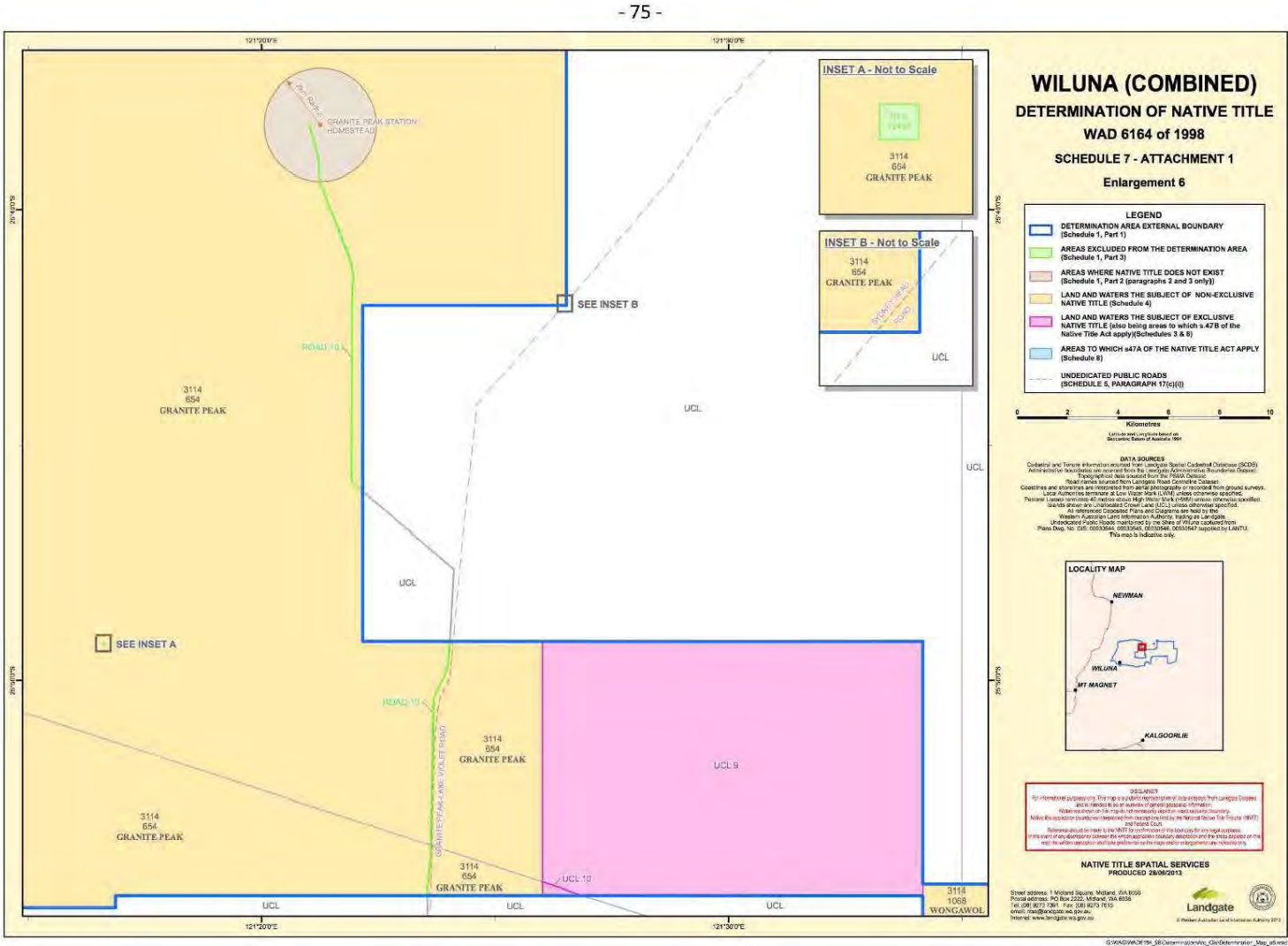
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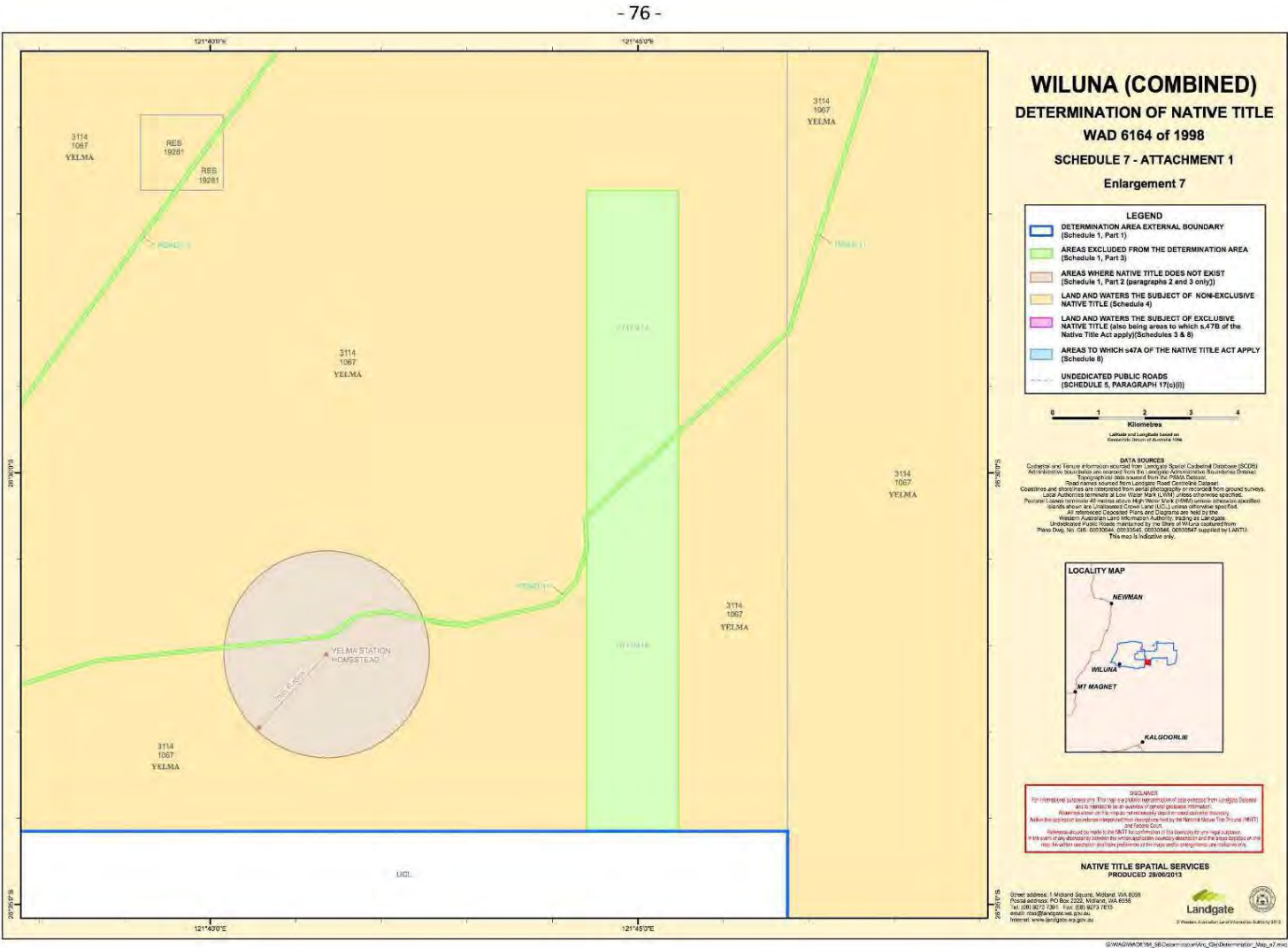


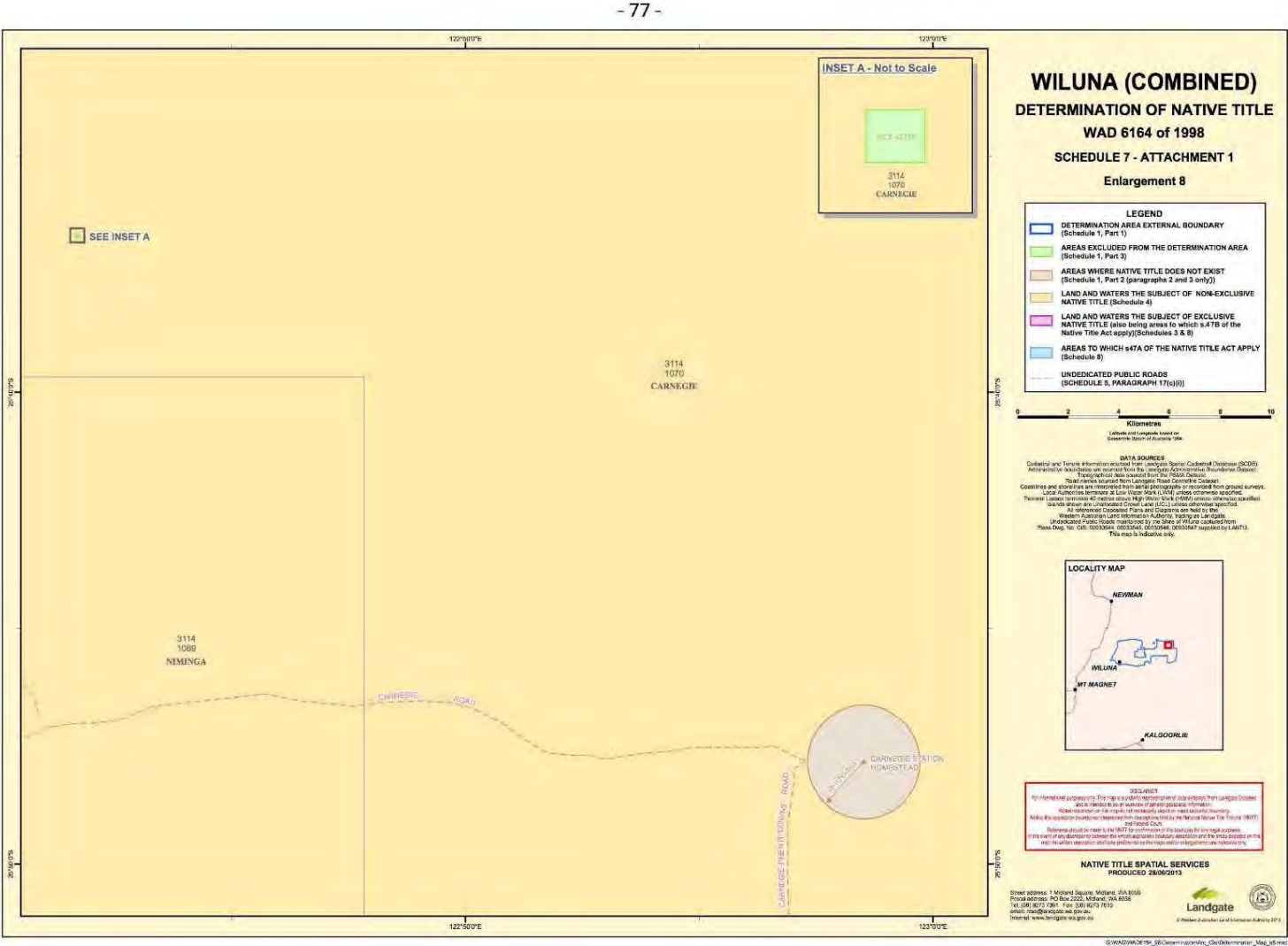




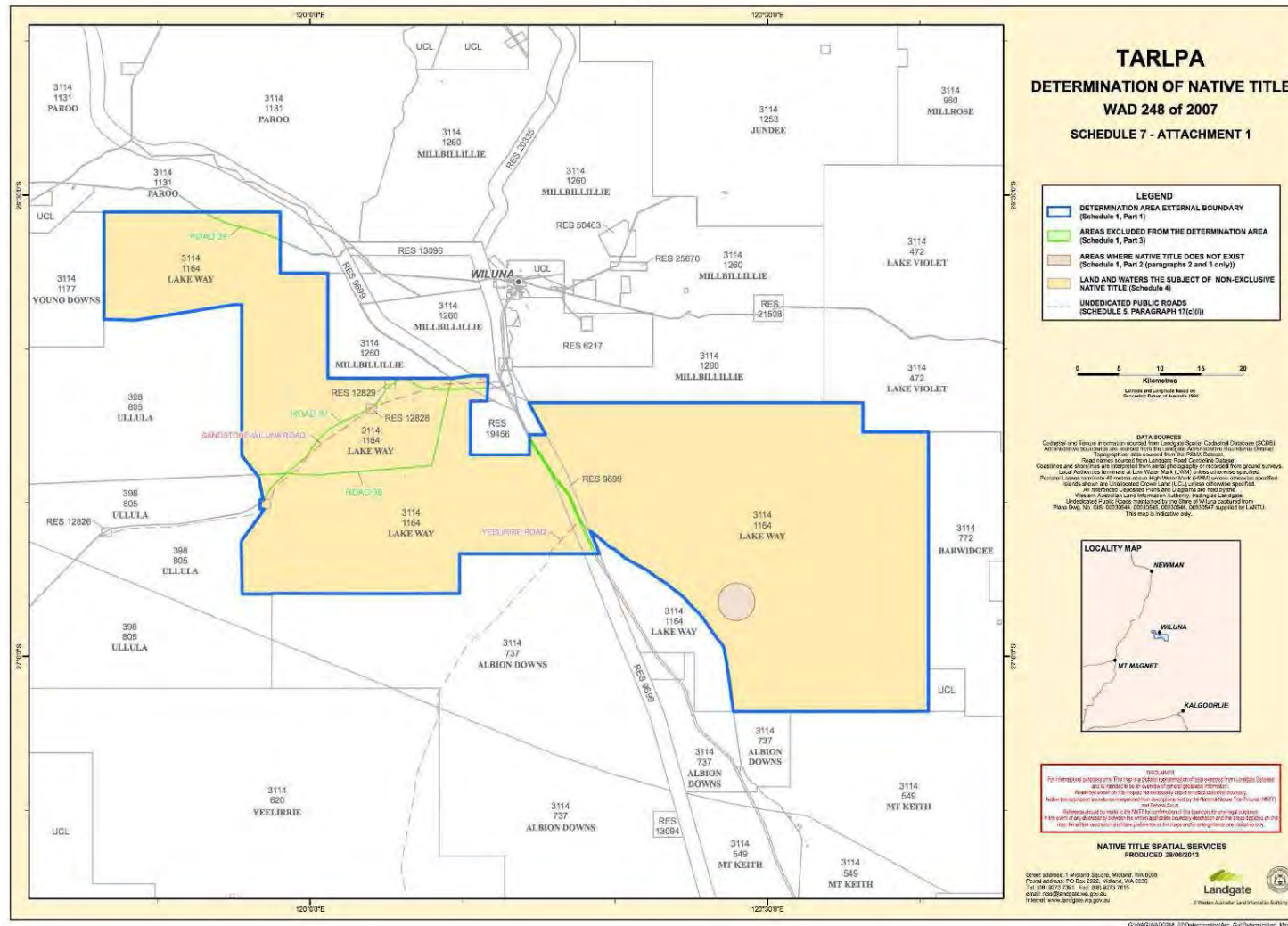




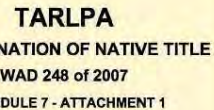


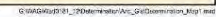














## **SCHEDULE 8 – AREAS TO WHICH SECTION 47, 47A OR SECTION 47B APPLIES**

### **[Areas referred to in Order 14]**

The parts of the Determination Area to which sections 47, 47A or 47B of the *Native Title Act* respectively apply are the following:

1. Section 47 applies to the following pastoral lease (shown generally on the maps in Schedule 7 as shaded olive):

<b>Number</b>	<b>Station</b>	<b>Held by</b>
K601976 (formerly 3114/1065)	Windidda	Windidda Aboriginal Corporation

2. Section 47A applies to (shown generally on the maps in Schedule 7 as shaded blue):

- (a) the following reserves:

<b>Number</b>	<b>Purpose</b>	<b>Held by</b>
RES 23985	Use & Benefit of Aborigines	Aboriginal Lands Trust
RES 25670	Use & Benefit of Aborigines	Windidda Aboriginal Corporation
RES 32146	Use & Benefit of Aborigines	Aboriginal Lands Trust
RES 34096	Use & Benefit of Aborigines	Aboriginal Lands Trust
RES 41801	Use & Benefit of Aboriginal Inhabitants	Kukabubba Aboriginal Corporation
RES 42002	Use & Benefit of Aboriginal Inhabitants	Aboriginal Lands Trust

- (b) the following fees simple:

<b>Certificate of title</b>	<b>Held by (when application was made)</b>
CT1356/564	Marruwayura Aboriginal Corporation
CT1356/565	Marruwayura Aboriginal Corporation
CT1356/566	Marruwayura Aboriginal Corporation
CT2052/626	Marruwayura Aboriginal Corporation
CT2070/454	Ngangganawili Aboriginal Community Controlled Health and



	Medical Services Aboriginal Corporation
CT2095/021	Marruwayura Aboriginal Corporation

3. Section 47B applies to the following areas of unallocated Crown land (shown generally on the maps in Schedule 7 as shaded pink):

Unallocated Crown land	
UCL 2	UCL 13
UCL 6	UCL 22
UCL 9	UCL 35
UCL 10	UCL 36
UCL 12	UCL 37