

SCHEDULE THREE – OTHER INTERESTS

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

Reserves

1. The interests of persons:
 - (a) who have the care, control and management of; and
 - (b) entitled to access and use, for the purposes for which it is reserved, subject to any statutory limitations upon those rights,

Reserve 5279, reserved for the purpose of “Use and Benefit of Aboriginal Inhabitants” (originally reserved on or about 14 August 1908 pursuant to section 39 of the *Land Act 1898* (WA) for the purpose of “Camping”, and having its purpose amended on 19 May 2008 to the “Use and Benefit of Aboriginal Inhabitants”).

Mining tenements

2. The rights and interests of the holders from time to time of the following mining leases granted under the *Mining Act* (**Mining Leases**):

Tenement ID	Holder	Date Granted
M45/0492	Rension Bell Ltd Straits Exploration (Aust) Pty Ltd	09/12/1991
M45/0399	Newcrest Mining Ltd	26/12/1988
M45/0400	Newcrest Mining Ltd	26/12/1988
M45/0532	Newcrest Mining Ltd	04/06/1992
M45/0533	Newcrest Mining Ltd	04/06/1992
M45/0576	Newcrest Mining Ltd	28/05/1993
M45/0580	Newcrest Mining Ltd	10/08/1993
M45/0581	Newcrest Mining Ltd	10/08/1993
M45/0364	Newcrest Mining Ltd Newcrest Operations Ltd	15/05/1988
M45/0247	Newcrest Mining Ltd Newcrest Operations Ltd	08/05/1987

M45/0248	Newcrest Mining Ltd Newcrest Operations Ltd	08/05/1987
M45/0006	Newcrest Operations Ltd Newmont Pty Ltd	18/12/1982
M45/0007	Newcrest Operations Ltd Newmont Pty Ltd	18/12/1982
M45/0008	Newcrest Operations Ltd Newmont Pty Ltd	18/12/1982
M45/0009	Newcrest Operations Ltd Newmont Pty Ltd	18/12/1982
M45/0010	Newcrest Operations Ltd Newmont Pty Ltd	18/12/1982
M45/0011	Newcrest Operations Ltd Newmont Pty Ltd	18/12/1982
M45/0033	Newcrest Operations Ltd Newmont Pty Ltd	15/08/1984
M45/0203	Newcrest Operations Ltd Newmont Pty Ltd	03/02/1986
M45/0204	Newcrest Operations Ltd Newmont Pty Ltd	03/02/1986
M45/0205	Newcrest Operations Ltd Newmont Pty Ltd	03/02/1986
M45/0206	Newcrest Operations Ltd Newmont Pty Ltd	03/02/1986
M45/0207	Newcrest Operations Ltd Newmont Pty Ltd	03/02/1986
M45/0208	Newcrest Operations Ltd Newmont Pty Ltd	03/02/1986
M45/0209	Newcrest Operations Ltd Newmont Pty Ltd	03/02/1986
M45/0210	Newcrest Operations Ltd Newmont Pty Ltd	03/02/1986
M45/0211	Newcrest Operations Ltd Newmont Pty Ltd	03/02/1986

M45/0249	Newcrest Operations Ltd Newmont Pty Ltd	08/06/1987
M45/0314	Renison Bell Ltd Straits Exploration (Aust) Pty Ltd	02/03/1988
M45/0315	Renison Bell Ltd Straits Exploration (Aust) Pty Ltd	02/03/1988
M45/0317	Renison Bell Ltd Straits Exploration (Aust) Pty Ltd	02/03/1988
M45/0318	Renison Bell Ltd Straits Exploration (Aust) Pty Ltd	02/03/1988
M45/0264	MDP Uranium Pty Ltd Cameco Australia Pty Ltd	31/08/1988
M45/0266	MDP Uranium Pty Ltd Cameco Australia Pty Ltd	08/11/1988
M45/0267	MDP Uranium Pty Ltd Cameco Australia Pty Ltd	31/08/1988
M45/1217	Cameco Australia Pty Ltd MDP Uranium Pty Ltd	23/03/2013
M45/0420	MDP Uranium Pty Ltd Cameco Australia Pty Ltd	06/12/1988
M70/271 S.A.	Birla Nifty Pty Ltd	29/11/1992

- (a) For the avoidance of doubt, in respect of the relationship between the native title rights and interests described in paragraph 3 of this Determination and the rights of the holders from time to time of the Mining Leases set out above, the rights conferred by the Mining Leases are exclusive rights to conduct mining operations on the areas the subject of the mining leases.
- (b) The rights conferred by the Mining Leases prevail over the native title rights and interests and their exercise is wholly inconsistent with the continued exercise by the common law holders of their native title rights and interests on those areas of the Mining Leases where mining operations are conducted, while the Mining Leases or any renewal of them are in force.
- (c) Subject to the *Aboriginal Heritage Act 1972* (WA) the holders from time to time of the Mining Leases set out above may conduct on the areas the subject

of the Mining Leases lawful mining operations without any interference, disruption or disturbance of whatever nature by the common law holders.

- (d) Any rights and interests of the holders from time to time of:
- (i) the Mining Leases; and
 - (ii) those mining tenements granted under the *Mining Act* that are wholly or partly within the area of the Martu Native Title Claimant Determination (WAD 6110/1998),

include any right to use (including by servants, agents and contractors) such portions of roads and tracks in the Determination Area existing as at the date of this Determination, including but not limited to the roads and tracks at the approximate locations marked on the plan annexed to this Schedule, in order to have access to such mining tenements, subject to compliance with the laws of the State.

3. The rights and interests of the holders of the following general purpose leases granted under the *Mining Act* (General Purpose Leases):

Tenement ID	Holder	Date Granted
G45/0001	Newcrest Operations Ltd Newmont Pty Ltd	18/12/1982
G45/0002	Newcrest Operations Ltd Newmont Pty Ltd	18/12/1982
G45/0003	Newcrest Operations Ltd Newmont Pty Ltd	18/12/1982
G45/0004	Newcrest Operations Ltd Newmont Pty Ltd	18/12/1982

- (a) Any rights and interests of the holders from time to time of:
- (i) the General Purpose Leases; and
 - (ii) those mining tenements granted under the *Mining Act* that are wholly or partly within the area of the Martu Native Title Claimant Determination (WAD 6110/1998),

include any right to use (including by servants, agents and contractors) such portions of roads and tracks in the Determination Area existing as at the date of this Determination, including but not limited to the roads and tracks at the approximate locations marked on the plan annexed to this Schedule, in order to have access to such mining tenements, subject to compliance with the laws of the State.

4. The rights and interests of the holders of the following miscellaneous licences granted under the *Mining Act* (Miscellaneous Licences):

Tenement ID	Holder	Date Granted
L45/3	Newcrest Operations Ltd Newmont Pty Ltd	12/01/1983
L45/66	MDP Uranium Pty Ltd Cameco Australia Pty Ltd	21/06/1991
L45/68	Newcrest Mining Ltd	20/12/1991
L45/69	Newcrest Operations Ltd Newmont Pty Ltd	20/12/1991
L45/73	Newcrest Mining Ltd	18/12/1982
L45/74	Birla Nifty Pty Ltd	20/11/1992
L45/91	Birla Nifty Pty Ltd	15/05/1997
L45/101	Newcrest Mining Ltd	20/07/2001
L45/102	Birla Nifty Pty Ltd	24/11/2000
L45/106	Newcrest Mining Ltd	15/06/2001
L45/110	Newcrest Mining Ltd	23/10/2003
L45/128	Birla Nifty Pty Ltd	19/08/2005
L45/143	Birla Nifty Pty Ltd	24/08/2005
M45/148	Birla Nifty Pty Ltd	02/06/2006
L45/165	Newcrest Operations Ltd	20/03/2008

- (a) Any rights and interests of the holders from time to time of:
- (i) the Miscellaneous Licences; and
 - (ii) those mining tenements granted under the *Mining Act* that are wholly or partly within the area of the Martu Native Title Claimant Determination (WAD 6110/1998),

include any right to use (including by servants, agents and contractors) such portions of roads and tracks in the Determination Area existing as at the date of this Determination, including but not limited to the roads and tracks at the approximate locations marked on the plan annexed to this Schedule, in order to have access to such mining tenements, subject to compliance with the laws of the State.

5. The rights and interests of the holders of the following exploration licences granted under the *Mining Act* (Exploration Licences):

Tenement ID	Holder	Date Granted
E45/1018	Birla Maroochydore Pty Ltd	19/08/1990
E45/1773	Cameco Australia Pty Ltd	17/03/2011
E45/1774	Cameco Australia Pty Ltd	17/03/2011
E45/1839	Birla Maroochydore Pty Ltd	20/12/2000
E45/2152	Birla Nifty Pty Ltd	06/09/2002
E45/2280	Birla Nifty Pty Ltd	24/08/2001
E45/2392	Birla Nifty Pty Ltd	26/08/2005
E45/2415	Birla Nifty Pty Ltd	26/08/2005
E45/2690	Boxcut Mining Pty Ltd	18/06/2007
E45/2691	Boxcut Mining Pty Ltd	18/06/2007
E45/2932	Newcrest Mining Ltd	04/07/2008
E45/2962	Newcrest Operations Ltd	06/01/2009
E45/3254	Newcrest Operations Ltd	09/06/2009
E45/3384	Newcrest Operations Ltd	08/02/2011

- (a) Any rights and interests of the holders from time to time of:
- (i) the Exploration Licences; and
 - (ii) those mining tenements granted under the *Mining Act* that are wholly or partly within the area of the Martu Native Title Claimant Determination (WAD 6110/1998),

include any right to use (including by servants, agents and contractors) such portions of roads and tracks in the Determination Area existing as at the date of this Determination, including but not limited to the roads and tracks at the approximate locations marked on the plan annexed to this Schedule, in order to have access to such mining tenements, subject to compliance with the laws of the State.

6. The rights and interests of the following prospecting licences granted under the *Mining Act* (Prospecting Licences):

Tenement ID	Holder	Date Granted
P45/2681	Newcrest Operations Ltd	30/01/2009
P45/2797	Birla Nifty Pty Ltd	06/07/2012

- (a) Any rights and interests of the holders from time to time of:
- (i) the Prospecting Licences; and
 - (ii) those mining tenements granted under the *Mining Act* that are wholly or partly within the area of the Martu Native Title Claimant Determination (WAD 6110/1998),

include any right to use (including by servants, agents and contractors) such portions of roads and tracks in the Determination Area existing as at the date of this Determination, including but not limited to the roads and tracks at the approximate locations marked on the plan annexed to this Schedule, in order to have access to such mining tenements, subject to compliance with the laws of the State.

Petroleum interests

7. The rights and interests of the holders of the following petroleum interests granted under the *Petroleum Pipelines Act 1969* (WA):

Tenement ID	Holder	Date Granted
PL/60	Gas Transmission Services Ltd	17/10/2003
PL/68	Gas Transmission Services Ltd	28/02/2004

Telstra

8. The rights and interests of Telstra Corporation Limited:
- (a) as the owner or operator of telecommunications facilities within the Determination Area;
 - (b) created pursuant to the *Post and Telegraph Act 1901* (Cth), the *Telecommunications Act 1975* (Cth), the *Australian Telecommunications*

Corporation Act 1989 (Cth), the *Telecommunications Act 1991 (Cth)* and the *Telecommunications Act 1997 (Cth)*, including rights:

- (i) to inspect land;
 - (ii) to install and operate telecommunications facilities; and
 - (iii) to alter, remove, replace, maintain, repair and ensure the proper functioning of its telecommunications facilities;
- (c) for its employees, agents or contractors to access its telecommunication facilities in and in the vicinity of the Determination Area in performance of their duties;
- (d) to occupy the Telstra site at Latitude 21.694740 South, Longitude 122.224657 East; and
- (e) under any lease, licence, access agreement or easement relating to its telecommunications facilities in the Determination Area including:
- (i) a sub-lease in respect of the Telfer Exchange, located within part of G45/002, between Newmont Proprietary Limited, Newcrest Mining (WA) Limited and Telstra Corporation Limited dated 28 October 1993; and
 - (ii) a deed of extension of the sub-lease in respect of the Telfer Exchange, located within part of G45/002, between Newmont Proprietary Limited, Newcrest Mining (WA) Limited and Telstra Corporation Limited dated 16 September 2008.

Other

9. The following rights and interests:

- (a) rights and interests held under grants from the Crown in right of the State or the Commonwealth pursuant to statute or otherwise 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);
- (c) rights and interests of any member of the public to use (subject to the laws of the State) the current alignment, or any minor realignment, of existing roads over which the public has a right of way according to the common law as at the date of this determination;
- (d) rights and interests of any member of the public to use (subject to the laws of the State) the Canning Stock Route, including, for the avoidance of doubt, that portion which traverses Reserve 5279;
- (e) the right to access the Determination Area by an employee or agent or instrumentality of:
 - (i) the State;
 - (ii) the Commonwealth;
 - (iii) 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;
- (f) 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; or
 - (iii) areas that were public places as at 31 December 1993; and
- (g) rights and interests held pursuant to the Memorandum of Understanding between the Martu People and Newcrest Mining Ltd, undated but stamped 26 August 2003 (MOU), and noting, for the avoidance of doubt, that the terms of

the MOU do not form part of the Determination for the purposes of sections 94A and 225 of the *Native Title Act*.

Annexure to Schedule Three – Map referred to in items 2(d), 3(a), 4(a), 5(a) and 6(a)

