

Extract from the National Native Title Register

Determination Information:

Determination Reference: Federal Court Number(s): SAD6016/1998
NNTT Number: SCD2014/005

Determination Name: Wangkangurru/Yarluyandi Native Title Claim and The State of South Australia & ors (Wangkangurru/Yarluyandi)

Date(s) of Effect: 3/10/2014

Determination Outcome: Native title exists in parts of the determination area

Register Extract (pursuant to s. 193 of the *Native Title Act 1993*)

Determination Date: 03/10/2014

Determining Body: Federal Court of Australia

ADDITIONAL INFORMATION:

Not Applicable

REGISTERED NATIVE TITLE BODY CORPORATE:

Wangkangurru Yarluyandi Aboriginal Corporation RNTBC
Trustee Body Corporate
1st Floor, 345 King William Street
Adelaide South Australia 5000

COMMON LAW HOLDER(S) OF NATIVE TITLE:

6 The native title rights and interests are held by the Native Title Holders.

7 Under the relevant traditional laws and customs of the Wangkangurru/Yarluyandi People, the Native Title Holders comprise those living Aboriginal people who both self- identify as Wangkangurru or Yarluyandi and who are recognised as being Wangkangurru and/or Yarluyandi by other Wangkangurru and/or Yarluyandi people based on:

- a) descent, including adoption in accordance with Wangkangurru/Yarluyandi law and custom, from a Wangkangurru, Yarluyandi, Ngamani or Karanguru Ancestor; and
- b) possession of knowledge of the country and its spiritual and mythical propensities and qualities.

MATTERS DETERMINED:

THE COURT ORDERS, DECLARES AND DETERMINES BY CONSENT THAT:

1 There be a determination of native title in the terms set out below.

Determination Area

3 The Determination Area is the land and waters described in Area A and Area B as set out in Schedule 1 and depicted in the maps contained in Schedule 2.

4 Native title exists in the Native Title Land, being that part of the Determination Area described in Schedule 3, subject to the qualifications set out in that Schedule.

5 Native title has been extinguished in relation to that part of the Determination Area described in Schedule 4.

Native Title Holders

6 The native title rights and interests are held by the Native Title Holders.

7 Under the relevant traditional laws and customs of the Wangkangurru/Yarluyandi People, the Native Title Holders comprise those living Aboriginal people who both self- identify as Wangkangurru or Yarluyandi and who are recognised as being Wangkangurru and/or Yarluyandi by other Wangkangurru and/or Yarluyandi people based on:

- a) descent, including adoption in accordance with Wangkangurru/Yarluyandi law and custom, from a Wangkangurru, Yarluyandi, Ngamani or Karanguru Ancestor; and
- b) possession of knowledge of the country and its spiritual and mythical propensities and qualities.

Rights And Interests

8 Subject to Orders 10, 11, 12, 13, 14 and 15 the nature and extent of the native title rights and interests in the Native Title Land described in Part A and Part B of Schedule 3 are the non-exclusive rights to use and enjoy those lands and waters in accordance with the Native Title Holders' traditional laws and customs, being:

- a) the right to access and move about the Native Title Land;
- b) the right to live and camp on the Native Title Land for the purpose of exercising their native title rights and interests, and for those purposes erect temporary shelters and other structures on the Native Title Land;
- c) the right to hunt and fish on the land and waters of the Native Title Land;
- d) the right to gather and use the Natural Resources of the Native Title Land;
- e) the right to share and exchange the Natural Resources and Natural Water Resources of the Native Title Land;
- f) the right to take and use the Natural Water Resources of the Native Title Land;
- g) the right to cook on the Native Title Land and to light fires for domestic purposes but not for the purposes of hunting or clearing vegetation;
- h) the right to engage and participate in cultural activities on the Native Title Land including those relating to births and deaths;
- i) the right to conduct ceremonies and hold meetings on the Native Title Land;
- j) the right to teach on the Native Title Land the physical and spiritual attributes of locations;
- k) the right to visit, maintain and protect sites and places of cultural and religious significance to Native Title Holders, under their traditional laws and customs, on the Native Title Land; and
- l) the right to be accompanied on to the Native Title Land by those people who, though not Native Title Holders, are:
 - i) spouses of Native Title Holders; or
 - ii) people required by traditional law and custom for the performance of ceremonies or cultural activities on the Native Title Land; or

iii) people who have rights in relation to the Native Title Land according to the traditional laws and customs acknowledged by the Native Title Holders.

9 Subject to Orders 10, 11, 12 and 14, the nature and extent of the native title rights and interests in relation to that part of the Native Title Land described in Part C of Schedule 3 are the non-exclusive rights to access, be present on and traverse those lands and waters.

General Limitations

10 The native title rights and interests described in Orders 8 and 9 are for personal, domestic and communal use but do not include commercial use of the Native Title Land or the Natural Resources and Natural Water Resources from it.

11 The native title rights and interests described in Orders 8 and 9 do not confer possession, occupation, use and enjoyment of those lands and waters on the Native Title Holders to the exclusion of others.

12 The native title rights and interests described in Orders 8 and 9 are subject to and exercisable in accordance with:

- a) the traditional laws and customs of the Native Title Holders;
- b) the laws of the State of South Australia, the State of Queensland and the Commonwealth, including the common law.

13 In relation to Area A of the Determination Area there are no native title rights or interests in or in relation to:

- a) minerals as defined in section 6 of the *Mining Act 1971* (SA);
- b) Petroleum, as defined in section 4 of the *Petroleum and Geothermal Energy Act 2000* (SA);
- c) a naturally occurring underground accumulation of a regulated substance as defined in section 4 of the *Petroleum and Geothermal Energy Act 2000* (SA), below a depth of 100 metres from the surface of the earth;
- d) a natural reservoir, as defined in section 4 of the *Petroleum and Geothermal Energy Act 2000* (SA), below a depth of 100 metres from the surface of the earth; or
- e) geothermal energy, as defined in section 4 of the *Petroleum and Geothermal Energy Act 2000* (SA) the source of which is below a depth of 100 metres from the surface of the earth.

For the purposes of this Order 13 and the avoidance of doubt:

- f) a geological structure (in whole or in part) on or at the earth's surface or a natural cavity which can be accessed or entered by a person through a natural opening in the earth's surface, is not a natural reservoir;
- g) thermal energy contained in a hot or natural spring is not geothermal energy as defined in section 4 of the *Petroleum and Geothermal Energy Act 2000* (SA);
- h) the absence from this Order of any reference to a natural reservoir or a naturally occurring accumulation of a regulated substance, as those terms are defined in section 4 of the *Petroleum and Geothermal Energy Act 2000* (SA), above a depth of 100 metres below the surface of the earth or geothermal energy the source of which is above a depth of 100 metres below the surface of the earth is not, of itself, to be taken as an indication of the existence or otherwise of native title rights or interests in such natural reservoir, naturally occurring accumulation of a regulated substance or geothermal energy.

14 In relation to Area B of the Determination Area there is no native title in or in relation to:

- a) minerals as defined in the *Mineral Resources Act 1989* (Qld);
- b) petroleum as defined in the *Petroleum Act 1923* (Qld) and the *Petroleum and Gas (Production and Safety) Act 2004* (Qld); and
- c) geothermal energy and geothermal resources as defined in the *Geothermal Energy Act 2010* (Qld).

15 For the avoidance of doubt, the native title interest expressed in order 8 (f) (the right to use the Natural Water Resources of the Native Title Land) is subject to the *Natural Resources Management Act 2004* (SA) and

Other Interests & Relationship with Native Title

16 The nature and extent of other rights and interests in relation to the Native Title Land are set out at Schedule 5 (the Other Interests).

17 The relationship between the native title rights and interests in the Native Title Land that are described in Orders 8 and 9 and the Other Interests set out at Schedule 5 is that:

- a) the Other Interests continue to have effect, and the rights conferred by or held under the Other Interests may be exercised notwithstanding the existence of the native title rights and interests;
- b) to the extent that any of the Other Interests are inconsistent with 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) the Other Interests and any activity that is required or permitted to be done by or under the Other Interests, prevail over the native title rights and interests and any exercise of the native title rights and interests but, subject to any application of section 241B or section 24JA of the *Native Title Act*, will not extinguish them.

18 The native title is subject to extinguishment in accordance with the *Native Title Act*.

AND THE COURT MAKES THE FOLLOWING FURTHER ORDERS:

19 The native title is to be held in trust.

20 The Wangkangurru/Yarluyandi Aboriginal Corporation incorporated under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (Cth), is to:

- a) be the prescribed body corporate for the purposes of s 57(2) of the *Native Title Act*; and
- b) perform the functions mentioned in s 57(3) of the *Native Title Act* after becoming a registered native title body corporate.

21 In relation to Area A of the Determination Area, the Applicant (through the Prescribed Body Corporate) the State of South Australia, or any other respondent Party have liberty to apply on 14 days' notice to a single judge of the Court for the following purposes:

- a) to establish the precise location and boundaries of any public works and adjacent land and waters referred to in items 1 or 2(a) of Schedule 4; or
- b) to establish the effect on native title rights and interests of any public works referred to in item 2(a) of Schedule 4.

Interpretation & Declaration

22 In this determination, including its schedules:

- a) unless the contrary intention appears, the words and expressions used have the same meaning as they are given in Part 15 of the *Native Title Act*;
- b) 'Local Government Act' has the meaning in the *Local Government Act 2009* (Qld);
- c) 'NPWA Reserve' means a reserve as defined in the *National Parks and Wildlife Act 1972* (SA);
- d) 'Natural Resources' means:
 - i) any animal, plant, fish and bird life found on or in the land and waters of the Native Title Land, including but not limited to medicinal plants, wild tobacco, feathers and resin; and
 - ii) any clays, soil, sand, gravel, rock or ochre found on or below the surface of the Native Title Land;

that have traditionally been taken and used by the Native Title Holders, but does not include:

- i) animals that are the private personal property of another;
- ii) crops that are the private personal property of another; and
- iii) minerals as defined in the *Mineral Resources Act 1989* (Qld) or the *Mining Act 1971* (SA), petroleum as defined in the *Petroleum Act 1923* (Qld), the *Petroleum and Gas (Production and Safety) Act 2004* (Qld) and the *Petroleum and Geothermal Energy Act 2000* (SA);
- e) Natural Water Resources means:
 - i) water which flows, whether permanently or intermittently, within a river, creek, or stream;
 - ii) any natural collection of water, whether permanent or intermittent; and iii) water from an underground water source;
- f) 'laws of the State of South Australia, the State of Queensland and the Commonwealth' means the common law and laws of State of South Australia, the State of Queensland and the Commonwealth of Australia, and includes legislation, regulations, statutory instruments and local laws;
- g) 'Reserves' means reserves that are dedicated or taken to be reserves under the *Land Act 1994* (Qld);
- h) in the event of an inconsistency between a description of an area in a schedule and the depiction of that area on the map in Schedule 2, the written description shall prevail.

SCHEDULE 1 - DETERMINATION AREA

[See NNTR attachment 1: "Schedule 1 - Determination Area"]

SCHEDULE 2 - MAPS OF THE DETERMINATION AREA

[See NNTR attachment 2: "Schedule 2 - Maps of the Determination Area"]

SCHEDULE 3 - LAND AND WATERS WHERE NATIVE TITLE EXISTS (NATIVE TITLE LAND)

PART A - SOUTH AUSTRALIA

Subject to Order 13 and items 1, 2 and 3 of Schedule 4, native title exists in the lands and waters described below where they lie within the external boundary of the Determination Area:

DCDBID	HUNDRED NAME	TITLE REFERENCE	DESCRIPTION
H830600B568 GAZ 22/12/1988	OH(POOLLOWANNA)	CR5755/976	SIMPSON DESERT REGIONAL RESERVE
H830600B573 GAZ 22/12/1988	OH(POOLLOWANNA)	CR5755/976	SIMPSON DESERT REGIONAL RESERVE
H831400B578 GAZ 22/12/1988	OH(NOOLYEANA)	CR5755/976	SIMPSON DESERT REGIONAL RESERVE
H831400B577 GAZ 22/12/1988	OH(NOOLYEANA)	CR5755/976	SIMPSON DESERT REGIONAL RESERVE
H830600B576 GAZ 22/12/1988	OH(POOLLOWANNA)	CR5755/976	SIMPSON DESERT REGIONAL RESERVE
H830700B581 22/12/1988	OH(PANDIE PANDIE)	CR5755/976	SIMPSON DESERT REGIONAL RESERVE GAZ
H830700B591 22/12/1988	OH(PANDIE PANDIE)	CR5775/576	SIMPSON DESERT REGIONAL RESERVE GAZ
H830700B591A	OH(PANDIE PANDIE)	CL1327/10	Alton Downs Pastoral Lease
H830800B1193	OH(CORDILLO)	CL1350/18	Pandie Pandie Pastoral Lease
H831400B425	OH(NOOLYEANA)	CL1628/21	Kallakoopah West Pastoral Lease

H830700B580 GAZ 22/12/1988	OH(PANDIE PANDIE)	CR5755/976	SIMPSON DESERT REGIONAL RESERVE
H830500B564 22/12/1988	OH(DALHOUSIE)	CR5755/976	SIMPSON DESERT REGIONAL RESERVE GAZ
H830600B567 GAZ 22/12/1988	OH(POOLOWANNA)	CR5755/976	SIMPSON DESERT REGIONAL RESERVE
D38061A2036	OH(GASON)	CL1323/22	Kalamurina Pastoral Lease
H831500B582A	OH(GASON)	CL1311/41	Cowarie Pastoral Lease
H830600B572 GAZ 22/12/1988	OH(POOLOWANNA)	CR5755/976	SIMPSON DESERT REGIONAL RESERVE
H830700B589 GAZ 22/12/1988	OH(PANDIE PANDIE)	CR5755/976	SIMPSON DESERT REGIONAL RESERVE
H830700B1178	OH(PANDIE PANDIE)	CL1597/90	Clifton Hills Pastoral Lease
H831400B570 GAZ 22/12/1988	OH(NOOLYEANA)	CR5755/976	SIMPSON DESERT REGIONAL RESERVE
H830600B575 GAZ 22/12/1988	OH(POOLOWANNA)	CR5755/976	SIMPSON DESERT REGIONAL RESERVE
D35811A101	OH(GASON)	CL1342/26	Koodnanie Pastoral Lease
H830700B1169	OH(PANDIE PANDIE)	CL1323/33	Andrewilla Pastoral Lease
H830800B1238	OH(CORDILLO)	CL1597/91	Beckwith Pastoral Lease
H831300B1254	OH(OODNADATTA)	CL1607/55	Macumba Pastoral Lease
H831400B569 22/12/1988	OH(NOOLYEANA)	CR5755/976	SIMPSON DESERT REGIONAL RESERVE GAZ
H831500B582 22/12/1988	OH(GASON)	CR5755/976	SIMPSON DESERT REGIONAL RESERVE GAZ
D35808A100	OH(GASON)	CL1323/47	Goyder Lagoon Pastoral Lease
H830600B566 22/12/1988	OH(POOLOWANNA)	CR5755/976	SIMPSON DESERT REGIONAL RESERVE GAZ
D35579A2023	OH(GASON)	CL1323/48	Kanowana Pastoral Lease
H830500B563 22/12/1988	OH(DALHOUSIE)	CR5755/976	SIMPSON DESERT REGIONAL RESERVE GAZ
H830500B565 22/12/1988	OH(DALHOUSIE)	CR5755/976	SIMPSON DESERT REGIONAL RESERVE GAZ
H830700B1194	OH(PANDIE PANDIE)	CL1327/10	Alton Downs Pastoral Lease
D38061A2037	OH(GASON)	CL1311/41	Cowarie Pastoral Lease

PART B - QUEENSLAND

Subject to Orders 10, 11, 12, 14, 15, 16 and 17 non-exclusive native title exists, as described in Order 8, in respect of all of the land and waters described in the following table:

Area Description

Lot 14 on SP226890 formerly part of Lot 14 balance on RB19

Lot 15 on RB20

Lot 16 on RB20

Lot 17 on RB20

Lot 1 on CP848262

That part of Lot 1 on NPW423 which falls within the Queensland External Boundary

Lot 3 on SP197784 formerly part of Lot 20 on CP848263

That part of Lot 20 on SP255335 which falls within the Queensland External Boundary, and formerly described as:

- a) That part of Lot 20 on CP848263 which falls within the Queensland External Boundary;
- b) that part of Lot 3 on RB7 delineated by stations Q-4-A-Q on SP120216; and
- c) that part of Lot 4 balance on G25073 exclusive of Lot 1 on SP120216 and Lot 70 on OL004.

Lot 18 on SP226890 formerly described as:

- a) that part of Lot 3 on RB7 delineated by stations B-C-H-3-4-B on SP120216; and
- b) that part of Lot 4 balance on G25073.

Lot 70 on SP123581 formerly described as Lot 70 on OL004

That part of Lot 5220 on PH1780 which falls within the Queensland External Boundary

That part of Lot 1 on CP910370 formerly Lot 5308 on PH1673 which falls within the Queensland External Boundary

That part of Lot 5331 on SP255336 formerly Lot 5331 on PH1781 which falls within the Queensland External Boundary

That part of the Diamantina River located between lot 70 on SP123581 and lot 20 on SP255335.

PART C - QUEENSLAND (Town Areas)

Subject to Orders 10, 11, 12, 14, 15, 16 and 17 non-exclusive native title exists, as described in Order 9, in respect of all of the land and waters described in the following table:

Area Description

Lot 1 on RB21

That part of Lot 4 on CP847849 exclusive of former Florence Street and Lots 603-610 Sec VI on plan RB17

SCHEDULE 4 - AREAS WHERE NATIVE TITLE HAS BEEN EXTINGUISHED

1 Native title rights have been extinguished in the areas on which any Public Work, as defined in section 253 of the *Native Title Act* (including the land defined in section 251D of the *Native Title Act*) which is or was constructed, established or situated prior to 23 December 1996, or commenced to be constructed or established on or before that date.

2 In respect of Area A of the Determination Area:

- a) Public Works constructed, established or situated after 23 December 1996 have had such effect as has resulted from Part 2, Division 3 of the Native Title Act or as agreed pursuant to the Wangkangurru Yarluuyandi Claim Settlement ILUA (SA);
- b) native title rights have been extinguished over all roads which have been delineated in a public map pursuant to section 5(d)(II) of the *Crown Lands Act 1929* (SA) or section 70(3) or (4) of the *Crown Land*

Management Act 2009 (SA) or which have otherwise been validly established pursuant to South Australian Statute or common law as shown in brown on the maps in Schedule 2; and

c) native title has been extinguished over the following parcels:

DCDBID	HUNDRED	TITLE REFERENCE	RESERVE NAME
H830600S48 14/12/1967	OH(POOLWANNA)	CR5435/455	SIMPSON DESERT CONSERVATION PARK GAZ
D35808A218	OH(GASON)	CR5236/280	Digital Radio Conc Res GAZ 26/9/1996 ('Sugar Bunny')
D35811A217	OH(GASON)	CR5392/538	Digital Radio Conc Res GAZ 26/9/1996 ('Booloo Maree')

5 In respect of Area B of the Determination Area native title does not exist in respect of all of the land and waters described in the following table:

Area Description

- Lot 15 on SP226890 formerly part of Lot 14 balance on RB19
- Lot 16 on SP226890 formerly part of Lot 14 balance on RB19
- Lot 3 on SP148077 formerly part of Lot 14 balance on RB19
- Lot 17 on SP226890 formerly part of Lot 4 balance on G25073
- Lot 1 on CP 865515
- Lot 1 on SP148077
- Lot 8 on RB1
- Lot 30 on SP112844
- Lot 3 on CP847849
- Lot 2 on SP152751
- Lot 2 on SP107134 formerly part of Lot 14 balance on RB19
- Lot 7 on SP107134 formerly part of Lot 14 balance on RB19
- Lot 8 on SP107134 formerly part of Lot 14 balance on RB19
- Lot 9 on SP107134 formerly part of Lot 14 balance on RB19
- Lot 10 on SP107134 formerly part of Lot 14 balance on RB19
- Lot 11 on SP107134 formerly part of Lot 14 balance on RB19
- Lot 12 on SP107134 formerly part of Lot 14 balance on RB19
- Lot 13 on SP107134 formerly part of Lot 14 balance on RB19
- Lot 14 on SP107134 formerly part of Lot 14 balance on RB19
- Lot 15 on SP107134 formerly part of Lot 14 balance on RB19
- Lot 16 on SP107134 formerly part of Lot 14 balance on RB19
- Lot 17 on SP107134 formerly part of Lot 14 balance on RB19
- Lot 18 on SP107134 formerly part of Lot 14 balance on RB19

Lot 19 on SP107134 formerly part of Lot 14 balance on RB19
Lot 20 on SP107134 formerly part of Lot 14 balance on RB19
Lot 21 on SP107134 formerly part of Lot 14 balance on RB19
Lot 22 on SP107134 formerly part of Lot 14 balance on RB19
Lot 23 on SP107134 formerly part of Lot 14 balance on RB19
Lot 24 on SP107134 formerly part of Lot 14 balance on RB19
Lot 25 on SP107134 formerly part of Lot 14 balance on RB19
Lot 26 on SP107134 formerly part of Lot 14 balance on RB19
Lot 27 on SP107134 formerly part of Lot 14 balance on RB19
Lot 1 on SP197783 formerly part of Lot 14 balance on RB19
Lot 3 on SP197783 formerly part of Lot 14 balance on RB19
Lot 4 on SP197783 formerly part of Lot 14 balance on RB19
Lot 5 on SP197783 formerly part of Lot 14 balance on RB19
Lot 6 on SP197783 formerly part of Lot 14 balance on RB19
Lot 7 on SP197783 formerly part of Lot 14 balance on RB19
Lot 1 on SP110060 formerly part of Lot 14 balance on RB19
Lot 2 on SP110060 formerly part of Lot 14 balance on RB19
Lot 3 on SP110060 formerly part of Lot 14 balance on RB19
Lot 4 on SP110060 formerly part of Lot 14 balance on RB19
Lot 5 on SP110060 formerly part of Lot 14 balance on RB19
Lot 6 on SP110060 formerly part of Lot 14 balance on RB19
Lot 7 on SP110060 formerly part of Lot 14 balance on RB19
Lot 8 on SP110060 formerly part of Lot 14 balance on RB19
Lot 9 on SP110060 formerly part of Lot 14 balance on RB19
Lot 10 on SP110060 formerly part of Lot 14 balance on RB19
Lot 11 on SP110060 formerly part of Lot 14 balance on RB19
Lot 13 on SP110060 formerly part of Lot 14 balance on RB19
Lot 14 on SP110060 formerly part of Lot 14 balance on RB19
Lot 20 on SP110060 formerly part of Lot 9 on RB14
Lot 21 on SP110060 formerly part of Lot 9 on RB14
Lot 22 on SP110060 formerly part of Lot 14 balance on RB19
Lot 23 on SP110060 formerly part of Lot 14 balance on RB19
Lot 24 on SP110060 formerly part of Lot 14 balance on RB19
Lot 27 on SP110060 formerly part of Lot 14 balance on RB19

Lot 28 on SP110060 formerly part of Lot 14 balance on RB19
Lot 29 on SP110060 formerly part of Lot 14 balance on RB19
Lot 30 on SP110060 formerly part of Lot 14 balance on RB19
Lot 31 on SP110060 formerly part of Lot 14 balance on RB19
Lot 32 on SP110060 formerly part of Lot 14 balance on RB19
Lot 33 on SP110060 formerly part of Lot 14 balance on RB19
Lot 34 on SP110060 formerly part of Lot 14 balance on RB19
Lot 35 on SP110060 formerly part of Lot 14 balance on RB19
Lot 36 on SP110060 formerly part of Lot 14 balance on RB19
Lot 37 on SP110060 formerly part of Lot 14 balance on RB19
Lot 38 on SP110060 formerly part of Lot 14 balance on RB19
Lot 39 on SP110060 formerly part of Lot 14 balance on RB19
Lot 40 on SP110060 formerly part of Lot 14 balance on RB19
Lot 41 on SP110060 formerly part of Lot 14 balance on RB19
Lot 42 on SP110060 formerly part of Lot 14 balance on RB19
Lot 43 on SP110060 formerly part of Lot 14 balance on RB19
Lot 44 on SP110060 formerly part of Lot 14 balance on RB19
Lot 45 on SP110060 formerly part of Lot 14 balance on RB19
Lot 46 on SP110060 formerly part of Lot 14 balance on RB19
Lot 47 on SP110060 formerly part of Lot 14 balance on RB19
Lot 48 on SP110060 formerly part of Lot 14 balance on RB19
Lot 49 on SP110060 formerly part of Lot 14 balance on RB19
Lot 50 on SP110060 formerly part of Lot 14 balance on RB19
Lot 51 on SP110060 formerly part of Lot 14 balance on RB19
Lot 52 on SP110060 formerly part of Lot 14 balance on RB19
Lot 53 on SP110060 formerly part of Lot 14 balance on RB19
Lot 54 on SP110060 formerly part of Lot 14 balance on RB19
Lot 12 on SP152770 formerly part of Lot 14 balance on RB19
Lot 15 on SP152770 formerly part of Lot 14 balance on RB19
Lot 16 on SP152770 formerly part of Lot 14 balance on RB19
Lot 17 on SP152770 formerly part of Lot 9 on RB14
Lot 18 on SP152770 formerly part of Lot 9 on RB14
Lot 19 on SP152770 formerly part of Lot 14 balance on RB19
Lot 55 on SP152770 formerly part of Lot 14 balance on RB19

Lot 1 on SP232658 formerly part of Lot 14 balance on RB19

Lot 1 on SP120230

SCHEDULE 5 - OTHER INTERESTS

The nature and extent of the Other Interests in relation to the Native Title Land are the following as they exist as at the date of determination:

PART A - GENERAL

- 1 The rights and interests of all parties to the Indigenous Land Use Agreements listed in Schedule 6 and Schedule 7 arising by reason of those agreements.
- 2 The rights and interests of Telstra Corporation Limited (or its corporate successor):
 - a) as the owner or operator of telecommunications facilities on the Native Title Lands;
 - 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 existing and new telecommunications facilities;
 - iii) to alter, remove, replace, maintain, repair and ensure the proper functioning of its existing and any new telecommunications facilities;
 - iv) for its employees, agents or contractors to access its telecommunications facilities in and in the vicinity of the Native Title Land in performance of their duties; and
 - c) under any lease, licence, access agreement or easement relating to its telecommunications facilities in the Native Title Land.

PART B - SOUTH AUSTRALIA

- 3 The interests created by the following pastoral leases:

Lease Name	Pastoral Lease Number	Crown Lease Number
Macumba	2528	Volume 1607 Folio 55
Kallakoopah West	2534	Volume 1628 Folio 21
Kalamurina	2412	Volume 1323 Folio 22
Cowarie	2389	Volume 1311 Folio 41
Koodnanie	2414	Volume 1342 Folio 26
Kanowana	2386	Volume 1323 Folio 48
Goyder Lagoon	2385	Volume 1323 Folio 47
Clifton Hills	2387	Volume 1597 Folio 90
Andrewilla	2413	Volume 1323 Folio 33
Alton Downs	2390	Volume 1327 Folio 10
Pandie Pandie	2406	Volume 1350 Folio 18
Beckwith	2387A	Volume 1597 Folio 91

- 4 The interests of the Crown in right of the State of South Australia;

5 In relation to the NPWA Reserve set out in Part A of Schedule 3:

- a) the rights and interests of the Crown in right of the State of South Australia pursuant to the *National Parks and Wildlife Act 1972* (SA);
- b) the rights and interests of the public to use and enjoy the NPWA Reserve consistent with the *National Parks and Wildlife Act 1972* (SA); and
- c) the interests of persons to whom valid or validated rights have been granted under the *National Parks and Wildlife Act 1972* (SA).

6 The interests of persons to whom valid or validated rights and interests have been granted or recognised by the Crown in right of the State of South Australia, or by the Commonwealth of Australia pursuant to statute or otherwise in the exercise of executive power including, but not limited to, rights and interests granted or recognised pursuant to the *Crown Land Management Act 2009* (SA), *Crown Lands Act 1929* (SA), *Mining Act 1971* (SA), *Petroleum and Geothermal Energy Act 2000* (SA) and *Opal Mining Act 1995* (SA), all as amended from time to time.

7 Rights or interests held by reason of the force and operation of the laws of the State of South Australia or of the Commonwealth.

8 The rights to access land by an employee or agent or instrumentality of the State of South Australia, the Commonwealth or other statutory authority as required in the performance of his or her statutory or common law duties where such access would be permitted to private land.

9 The rights and interests of Permian Oil Pty Ltd (ACN 104 456 386) (Permian):

- a) as one of the holders of Petroleum Exploration Licences PEL 87 and PEL 424 ('Permian Exploration Licences') granted pursuant to the *Petroleum and Geothermal Energy Act 2000* (SA);
- b) as the owner or operator of flowlines and other infrastructure reasonably necessary for and incidental to the Permian Exploration Licences pursuant to the *Petroleum and Geothermal Energy Act 2000* (SA);
- c) created pursuant to the *Petroleum and Geothermal Energy Act 2000* (SA); and
- d) for the employees, agents or contractors of Permian to enter the Native Title Land to access the rights and interests of Permian and to do all things necessary or appropriate to exercise those rights and interests in, or in the vicinity of, the Native Title Land in performance of their duties;
- e) of access and ingress to and egress from the area of a licence held under the *Petroleum and Geothermal Energy Act 2000* (SA) by authorisation of the licence holder.

10 The rights and interests of Stuart Petroleum Pty Ltd (ACN 059 146 226) (Stuart Petroleum):

- a) as the holders of Petroleum Exploration Licences PEL 288, PEL 289, PEL 290 and PEL 331 ('Stuart Petroleum Exploration Licences') granted pursuant to the *Petroleum and Geothermal Energy Act 2000* (SA);
- b) as the owner or operator of other infrastructure reasonably necessary for and incidental to the Stuart Petroleum Exploration Licences pursuant to the *Petroleum and Geothermal Energy Act 2000* (SA);
- c) created pursuant to the *Petroleum and Geothermal Energy Act 2000* (SA);
- d) for the employees, agents or contractors of Stuart Petroleum to enter the Native Title Land to access the rights and interests of Stuart Petroleum and to do all things necessary or appropriate to exercise those rights and interests in, or in the vicinity of, the Native Title Land in performance of their duties; and
- e) of access and ingress to and egress from the area of a licence held under the *Petroleum and Geothermal Energy Act 2000* (SA) by authorisation of the licence holder.

11 The rights and interests of Victoria Oil Exploration (1977) Pty Ltd (ACN 008 898 431) (Victoria Oil):

- a) as one of the holders of Petroleum Exploration Licences PEL 87 and PEL 424 ("Victoria Oil Exploration Licences") granted pursuant to the *Petroleum and Geothermal Energy Act 2000* (SA);
- b) as the owner or operator of other infrastructure reasonably necessary for and incidental to the Victoria Oil Exploration Licences pursuant to the *Petroleum and Geothermal Energy Act 2000* (SA);

- c) created pursuant to the *Petroleum and Geothermal Energy Act 2000* (SA);
- d) for the employees, agents or contractors of Victoria Oil to enter the Native Title Land to access the rights and interests of Victoria Oil and to do all things necessary or appropriate to exercise those rights and interests in, or in the vicinity of, the Native Title Land in performance of their duties; and
- e) of access and ingress to and egress from the area of a licence held under the *Petroleum and Geothermal Energy Act 2000* (SA) by authorisation of the licence holder.

PART C - QUEENSLAND

12 The rights and interests of the holders of the following:

- a) Pastoral Holding Term Lease 236411 comprising Lot 20 on SP 255335 and known as Roseberth;
- b) Pastoral Holding 4/5220 comprising Lot 5220 on PH1780 and known as Kamaran Downs;
- c) Pastoral Development Holding 4/5308 comprising Lot 1 on CP910370 and known as Glengyle; and
- d) Pastoral Development Holding 4/5331 comprising Lot 5331 on SP255336 and known as Adria Downs.

13 The rights and interests of the parties under the Memorandum of Understanding between the Wankangurru/Yarluyandi Native Title Claim Group and the Wangkamahdla/Wangkamanha People dated 20 February 2013.

14 The rights and interests of the State of Queensland and the interests of any permittees, licensees or authorities pursuant to the *Nature Conservation Act 1992* (Qld) and subordinate legislation relating to the management of Lot 1 on NPW423 (Munga Thirri National Park).

15 The rights and interests of the State of Queensland and the Diamantina Shire Council to access, use, operate, maintain and control the dedicated roads in that part of the Native Title Land located in the State of Queensland, and the rights and interests of the public to use and access the roads.

16 The rights and interests of the Diamantina Shire Council for that part of the Native Title Land located in the State of Queensland and within its Local Government Area, including:

- a) its powers, functions, responsibilities and jurisdiction under a Local Government Act;
- b) its rights and interests under any interest in land or waters within the Determination Area including under any lease, licence, access agreement, easement or reserve in the Determination Area;
- c) the rights to use, operate, maintain, replace, restore, remediate, repair and otherwise exercise all other rights as owners and operators of infrastructure, structures, earthworks, access works, facilities and other improvements within the Determination Area;
- d) the rights under any agreements between Council and third parties which relate to land or water in the Determination Area;
- e) the rights of its employees, agents and contractors to enter upon the Determination Area for the purpose of performing their powers and responsibilities under paragraphs (a) to (d); and
- f) the rights and interests of the State of Queensland in Reserves, the rights and interests of the trustees of those Reserves and of the persons entitled to access and use those Reserves for the respective purpose for which they are reserve.

17 The rights and interests of Ergon Energy Corporation Limited (ACN 087 646 062):

- a) as the owner and operator of any 'works' as that term is defined in the *Electricity Act 1994* (Qld) within the Native Title Land;
- b) as a distribution entity and holder of a distribution authority under the *Electricity Act 1994* (Qld);
- c) created under the *Electricity Act 1994* (Qld) and the *Government Owned Corporations Act 1993* (Qld); including:
- i) rights in relation to any agreement relating to the Native Title Land existing or entered into before the date

on which these Orders are made;

- ii) rights to enter the Native Title Land by its employees, agents or contractors to exercise any of the rights and interests referred to in this paragraph; and
- iii) to inspect, maintain and manage any works in the Native Title Land.

18 So far as confirmed pursuant to section 212(2) of the *Native Title Act* and section 18 of the *Native Title (Queensland) Act 1993* (Qld) as at the date of the Determination, any existing public access to, and enjoyment of, the following places in that part of the Native Title Land located in the State of Queensland:

- a) Waterways;
- b) Beds and banks of waterways;
- c) Stock routes; and
- d) Areas that were public places at the end of 31 December 1993.

19 The rights and interests of members of the public arising under the common law, including but not limited to the following:

- a) the public right to fish.

20 Any other rights and interests:

- a) Held by the State of Queensland or Commonwealth of Australia; or
- b) Existing by reason of the force and operation of the Laws of the State of Queensland or the Commonwealth of Australia.

SCHEDULE 6 - DETAILS OF INDIGENOUS LAND USE AGREEMENTS IN THE DETERMINATION AREA - SOUTH AUSTRALIA

A. PROPOSED ILUAS

1. Wangkangurru Yarluyandi Native Title Claim Settlement Indigenous Land Use Agreement (Body Corporate Agreement)
2. Wangkangurru Yarluyandi Parks (Simpson Desert Regional Reserve and Simpson Desert Conservation Park) Indigenous Land Use Agreement (Body Corporate Agreement)
3. Wangkangurru Yarluyandi Alton Downs Pastoral Indigenous Land Use Agreement
4. Wangkangurru Yarluyandi Clifton Hills Pastoral Indigenous Land Use Agreement
5. Wangkangurru Yarluyandi Cowarie Pastoral Indigenous Land Use Agreement
6. Wangkangurru Yarluyandi Kalamurina Pastoral Indigenous Land Use Agreement
7. Wangkangurru Yarluyandi Macumba Pastoral Indigenous Land Use Agreement
8. Wangkangurru Yarluyandi Pandie Pandie Pastoral Indigenous Land Use Agreement

B. PREVIOUSLY EXECUTED ILUA

1. Wangkangurru Yarluyandi Petroleum Conjunctive ILUA (Area Agreement) S12011/023 executed on 24/06/2011 Registered on 02/03/2012

SCHEDULE 7 - DETAILS OF INDIGENOUS LAND USE AGREEMENTS IN THE DETERMINATION AREA - QUEENSLAND

A. PROPOSED ILUAS

1. Arthur Ah Chee, Haydyn Bromley, Belinda Shields, Sharon Lucas, Raelene Hudson (Deceased) and Linda Crombie (deceased) on their own behalf and on behalf of the Wangkangurru/Yarluyandi People, Wangkangurru/Yarluyandi Aboriginal Corporation the State of Queensland, and Wangkangurru/Yarluyandi

Aboriginal Corporation RNTBC as parties to the Munga Thirri National Park Protected Areas Indigenous Land Use Agreement (body corporate agreement), which was authorised on 16 August 2014 and executed by Arthur Ah Chee, Haydyn Bromley, Belinda Shields, Sharon Lucas and Raelene Hudson (Deceased) on their own behalf and on behalf of the Wangkangurru/Yarluyandi People , Wangkangurru/Yarluyandi Aboriginal Corporation and the State of Queensland and that agreement once it becomes registered as a body corporate ILUA following execution of the agreement by the Registered Native Title Body Corporate.

B. PREVIOUSLY EXECUTED ILUAS

2. Arthur Ah Chee, Brenda Shields, Haydyn Bromley, Raelene Hudson (deceased), Sharon Lucas and Linda Crombie (deceased) on behalf of the Wangkangurru/Yarluyandi People and Ergon Energy Corporation (ACN 087 646 062) as parties to the Indigenous Land Use Agreement registered on 30 January 2013

3. Arthur Ah Chee, Brenda Shields, Haydyn Bromley, Sharon Lucas, Linda Crombie (deceased) and Raelene Hudson (deceased) on behalf of the Wangkangurru/Yarluyandi People and Diamantina Shire Council as parties to the indigenous land use agreement registered on 10 January 2013.

REGISTER ATTACHMENTS:

1. Schedule 1 - Determination Area, 23 pages - A4, 03/10/2014
2. Schedule 2 - Maps of the Determination Area, 10 pages - A3, 03/10/2014

Note: The National Native Title Register may, in accordance with s. 195 of the Native Title Act 1993, contain confidential information that will not appear on the Extract.