



Extract from the National Native Title Register

Determination Information:

Determination Reference: Federal Court Number(s): WAD6020/1998
NNTT Number: WCD2017/002

Determination Name: [Graham on behalf of the Ngadju People \(Ngadju Part B\) v State of Western Australia](#)

Date(s) of Effect: 23/10/2017

Determination Outcome: Native title exists in the entire determination area

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

Determination Date: 17/07/2017

Determining Body: Federal Court of Australia

ADDITIONAL INFORMATION:

On 17 July 2017, Justice Griffiths of the Federal Court of Australia made a determination that native title exists in all of the determination area - see [Graham on behalf of the Ngadju People \(Ngadju Part B\) v State of Western Australia \[2017\] FCA 795](#).

Orders 2, 3, and 4 of the determination provided that the determination will take effect upon the making of a determination under s 57(2) of the Native Title Act.

On 23 October 2017 Justice McKerracher made the following orders (in part):

1. The reference to s 57(2) in order 2 of the orders made by Justice Griffiths in the Part B Determination on 17 July 2017 (Orders) be changed to s 56(2) so that the order reads: "There be a determination of native title in the terms set out below. The Determination is to take effect immediately upon the making of a determination under s 56(2) of the Native Title Act".
2. Orders 3 and 4 of the Orders be deleted.
3. Pursuant to s 56 of the Native Title Act 1993 (Cth), the court determines that the native title determined in the Part B determination on 17 July 2017 is to be held in trust for the common law holders by the Ngadju Native Title Aboriginal Corporation RNTBC ICN 8297.

As detailed above, the Ngadju Native Title Aboriginal Corporation RNTBC has been determined, and therefore the determination came into effect on 23 October 2017.

REGISTERED NATIVE TITLE BODY CORPORATE:

Ngadju Native Title Aboriginal Corporation RNTBC
Trustee Body Corporate
Level 8
225 St Georges Terrace
Perth Western Australia 6000

Note: current contact details for the Registered Native Title Body Corporate are available from the Office of the Registrar of Indigenous Corporations www.oric.gov.au

COMMON LAW HOLDER(S) OF NATIVE TITLE:

2. The native title in the Determination Area is held by the Ngadju People. The Ngadju People are the people referred to in Schedule 6.

The Ngadju People are those Aboriginal persons who are:

(1) the biological descendants of one or more of the following apical ancestors:

- a) Belang (Bilanj, @Jinny);
- b) Minnie and Tuumi;
- c) Karitjabana and Ngilinj;
- d) Kakaanj;
- e) Mary Kuuban (Kuubanj);
- f) Djurdilj and Djalbulj;
- g) Djaruptjal and Tjupu;
- h) Diamond and Lucy;
- i) Linesman Jacob;
- j) Wicker (Wika);
- k) Peter Flynn;
- l) Maggie and Jumbo; and
- m) Polly Raylinya.

(2) those persons adopted by the biological descendants in accordance with Ngadju tradition and custom.

[Adoption, under Ngadju tradition and custom, refers to the situation where a child is 'grown up' by a relative or someone without a biological relationship, either because they have been 'gifted' to them, or left in their care, as the biological parents are not in a position to care for them. This applies regardless of whether or not the child has been formally adopted under the non-Aboriginal legal system.]

MATTERS DETERMINED:

THE COURT ORDERS THAT:

1. Despite the deficiencies in the evidence concerning the authorisation of the applicant, the application for determination of native title should be heard and determined having regard to s 84D(4) of the *Native Title Act*.

2. There be a determination of native title in the terms set out below. The Determination is to take effect immediately upon the making of a determination under s 56(2) of the *Native Title Act*.

DETERMINATION OF NATIVE TITLE

The Court orders, declares and determines that:

Existence of native title (s 225 Native Title Act)

1. Native title exists in the Determination Area in the manner set out in paragraphs 3 and 4 of this determination.

Native title holders (s 225(a) Native Title Act)

2. The native title in the Determination Area is held by the Ngadju People. The Ngadju People are the people referred to in Schedule 6.

The nature and extent of native title rights and interests and exclusiveness of native title (ss 225(b) and 225(e) Native Title Act)

3. Subject to paragraphs 4, 5, 9, and 9A the nature and extent of the native title rights and interests in relation to the Determination Area (other than the Exclusive Area) are that they confer the following non-exclusive rights on the Ngadju People:

- a. the right to hunt and fish (excluding commercial fishing), to gather and use the natural resources of the area, such as food and medicinal plants and trees, timber and ochre and to have access to and use of potable water;
- b. the right to live, to camp, to erect shelters and other structures and to travel over and visit;
- c. the right to do the following activities:
 - i. engage in cultural activities;
 - ii. conduct rituals or ceremonies;
 - iii. hold meetings; and
 - iv. teach the physical and spiritual attributes of places and areas of importance on or in the land and waters;
- d. the right to have access to, maintain and protect, places and areas of importance on or in the land and waters, including Dreaming sites, waterholes and ceremony grounds; and
- e. the right to share or exchange subsistence and other traditional resources obtained on or from the land and waters.

4. Subject to paragraphs 5, 9, and 9A the nature and extent of the native title rights and interests in relation to the Exclusive Area are that they confer the right to possession, occupation, use and enjoyment on the Ngadju People to the exclusion of all others.

Qualifications on the native title rights and interests

5. The native title rights and interests set out in paragraphs 3 and 4:

- a. are subject to and exercisable in accordance with:
 - i. the laws of the State and the Commonwealth, including the common law; and
 - ii. the traditional laws and customs of the Ngadju People;
- b. do not confer exclusive rights 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)* (***Rights in Water Act***) as at the date of this Determination; and
- c. do not confer any rights in relation to:
 - i. minerals as defined in the *Mining Act 1904 (WA)* (repealed) and in the *Mining Act 1978 (WA)*;
 - ii. petroleum as defined in the *Petroleum Act 1936 (WA)* (repealed) and in the *Petroleum and Geothermal Energy Resources Act 1967 (WA)*; or

iii. geothermal energy resources and geothermal energy as defined in the *Petroleum and Geothermal Energy Resources Act 1967* (WA).

Areas to which s 47B of the *Native Title Act* apply

6. Section 47B of the *Native Title Act* applies to disregard any prior extinguishment in relation to the land and waters described in Schedule 4.

The nature and extent of any other interests

7. The nature and extent of the Other Interests are described in Schedule 5 and Schedule 5A.

Relationship between native title rights and interests and Other Interests described in Schedule 5:

8. Except as otherwise provided for by law, the relationship between the native title rights and interests described in paragraphs 3 and 4 and the Other Interests set out in Schedule 5 is that:

a. 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 otherwise,

b. the existence and exercise of the native title rights and interests do not prevent the doing of any activity required or permitted to be done by or under the Other Interests, and the Other Interests, and the doing of any activity 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 do not extinguish them.

9A. Relationship between native title rights and interests and Other Interests described in Schedule 5A

a. To the extent that the Other Interests described at Schedule 5A cover areas of land and waters where the Ngadju People's native title rights and interests exist, those native title rights and interests are as described in paragraph 3 above.

b. The Other Interests described at Schedule 5A do not cover areas of land and waters where the native title rights and interests described in paragraph 4 above exist.

c. The relationship between the native title rights described in paragraph 3 above and the Other Interests identified in Schedule 5A is that to the extent that one or more of those Other Interests is inconsistent with the continued existence, enjoyment or exercise of those native title rights and interests, the Other Interest is invalid as against those native title rights or interests so that it does not affect the continued existence, enjoyment or exercise of those native title rights and interests.

Definitions and Interpretation

9. In this determination, unless the contrary intention appears:

"Determination Area" means the land and waters within the external boundary described in item 1.1 of Schedule 1 but not including the Unclaimed Area. The external boundary is generally shown as a solid blue line on the maps in Schedule 3;

"Exclusive Area" means that part of the Determination Area described in item 1.2 of Schedule 1. This area is generally shaded pink on the maps in Schedule 3;

"land" has the same meaning as in the *Native Title Act* and, for the avoidance of doubt, includes any natural collection of water found on the land which does not fall within the definition of "waters";

"Native Title Act" means the *Native Title Act 1993* (Cth);

"Non-Exclusive Area" means those parts of the Determination Area which are not the Unclaimed Area or the Exclusive Area. This area is generally shaded orange on the maps in Schedule 3.

"ochre" does not include ochres for use in the manufacture of porcelain, fine pottery or pigments which are minerals pursuant to the *Mining Act 1904* (WA) (repealed);

"Other Interests" means the legal or equitable estates or interests and other rights in relation to the Determination Area described in Schedule 5 and Schedule 5A and referred to in paragraph 7, as at the date of

this determination;

“**Unclaimed Area**” means the land and waters described in Schedule 2. This area is generally shaded green on the maps in Schedule 3;

“**underground water**” includes water that percolates from the ground; and

“**waters**” has the same meaning as in the *Native Title Act*.

10. In the event of any inconsistency between the written description of an area in Schedule 1, Schedule 2, Schedule 4 or Schedule 5, and the area as depicted on the maps at Schedule 3, the written description prevails.

11. In the event of any inconsistency as to the existence of native title rights and interests in an area of land and waters which is or was covered by interests that are listed in Schedule 2 and Schedule 4, Schedule 4 prevails.

SCHEDULE 1

DETERMINATION AREA AND EXCLUSIVE AREA

S1.1 Determination Area

All those lands and waters commencing at the intersection of a southern boundary of Lot 227 as shown on Deposited Plan 238373, being a portion of Pastoral Lease N050166 (Mt Monger) with Longitude 121.936611 East, also being a point on the present boundary of Native Title Determination WAD6020/1998 Ngadju (WCD2014/004); Then southeasterly, southwesterly, generally southerly and generally southwesterly along the boundaries of that native title determination to the intersection with a eastern side of a road at Latitude 31.994916 South; Then generally northeasterly along the sides of that road to Longitude 120.795611 East; Then generally northerly, generally easterly and again generally northerly though the following coordinate positions:

LATITUDE (SOUTH)	LONGITUDE (EAST)
31.953761	120.795529
31.948954	120.795763
31.939793	120.794026
31.928800	120.790792
31.920041	120.790386
31.911255	120.791895
31.905209	120.796386
31.899761	120.806188
31.896209	120.818962
31.894849	120.831615
31.893783	120.841473
31.891576	120.848517
31.881104	120.856047
31.873073	120.857860
31.862008	120.859635
31.855076	120.861168
31.841932	120.862648

31.836112	120.867262
31.818088	120.872484
31.802220	120.874198
31.794117	120.875126
31.779616	120.875532
31.771522	120.875871
31.759795	120.876753
31.748488	120.877788
31.733035	120.879949
31.717433	120.880781
31.704262	120.882530
31.692275	120.883998
31.684898	120.887146
31.675803	120.892629
31.665619	120.897656
31.655610	120.900820

Then easterly to the northwestern corner of Reserve 17804; Then easterly along the northern boundary of that reserve to its northeastern corner; Then northeasterly to the westernmost corner of the northwestern severance of Lot 311 as shown on Deposited Plan 48599, being a portion of Reserve 4311; Then northeasterly along the boundary of that severance and onwards to the westernmost corner of the northeastern severance of Lot 311 as shown on Deposited Plan 48599, being a portion of Reserve 4311; Then northeasterly along the boundary of that severance to the intersection with the easternmost southeastern corner of Widgiemooltha Townsite; Then northwesterly along a northeastern boundary of that townsite to Longitude 121.582491 East; Then generally northerly through the following coordinate positions:

LATITUDE (SOUTH) LONGITUDE (EAST)

31.486570	121.582491
31.482737	121.582491
31.479281	121.582491
31.477504	121.582491
31.475701	121.582491
31.423840	121.582490
31.423840	121.591991
31.399895	121.592002
31.398808	121.592002
31.392983	121.591991
31.387951	121.591991
31.385918	121.591991

31.384090	121.591991
31.380707	121.591991
31.375083	121.591991
31.374566	121.591991
31.355749	121.591990
31.326457	121.591990

Then westerly to the intersection of the western shore of Lake Lefroy with Latitude 31.326457 South; Then generally northerly along that western shore to the southernmost southeastern corner of the northern severance of Lot 13 as shown on Deposited Plan 48932; Then generally northerly, generally easterly, northerly, westerly and again northerly along the boundaries of that severance to the intersection with a southern boundary of Pastoral Lease N050022 (Woolibar); Then generally easterly along the boundaries of that pastoral lease to the intersection with a western boundary of Lot 227 as shown on Deposited Plan 238373, being a portion of Pastoral Lease N050166 (Mt Monger); Then southerly and easterly along the 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 28th February 2017.

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

Native Title Determination Application WAD6020/1998 Ngadju (WCD2014/004) as Determined in the Federal Court on the 21st November 2014.

Datum: Geocentric Datum of Australia 1994 (GDA94)

Prepared By: Graphic Services (Landgate) 20th June 2017

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.

S1.2 Exclusive Area

The Exclusive Area, generally shown as shaded pink on the maps at Schedule 3, comprises all of the areas listed in Schedule 4 below, excluding all land and waters below the high watermark of the foreshore of the coastline including rivers, streams and estuaries that are affected by the ebb and flow of the tides.

SCHEDULE 2

UNCLAIMED AREA

The following areas, being land and waters where native title has been completely extinguished, were excluded from the native title determination application and are excluded from the Determination Area.

All of the following areas are shown generally as shaded green on the maps in Schedule 3.

S2.1 Freehold

Current freehold

CT0166500089

CT0173200949

Historic freehold

CT0107000448

GT0002500126

S2.2 Vested reserves or reserves covered by public works

Current Reserves

Reserve No.	Current/Last Purpose
RES 03211	Conservation of Flora and Fauna
RES 04311	Water Supply Purposes
RES 07039	Water Act 57 Vic No.20
RES 08023	Water Act 57 Vic No.20
RES 17168	State Geodetic Infrastructure
RES 17804	Water & Conservation of Flora and Fauna
RES 17973	Water
RES 31717	Rubbish Depot Site
RES 32552	Conservation of Flora and Fauna
RES 51487	Railway Purposes

Historic Reserves

Reserve No.	Current/Last Purpose
RES 03211	Conservation of Flora And Fauna
RES 04311	Water Supply Purposes
RES 07497	Battery Site
RES 18001	Pipe Track

S2.3 Leases

Historical Leases

Lease No	Summary/General description of the Current/Last purpose
6566/153	Lease of a Town Lot or Suburban Lot
6679/153	Lease of a Town Lot or Suburban Lot
3117/2051	Lease of a Town Lot or Suburban Lot
1680/152	Collection and Manufacture of Salt
1703/152	Collection and Manufacture of Salt
1721/152	Collection and Manufacture of Salt
1744/152	Collection and Manufacture of Salt
1747/152	Collection and Manufacture of Salt

N288017	Grazing
3116/06724	Collection and Manufacture of Salt
3116/07439	Collection and Manufacture of Salt

S2.4 Dedicated roads and roads set aside, taken or resumed and associated features

Dedicated roads, roads set aside, taken or resumed or roads which are to be considered public works (as that expression is defined in the *Native Title Act* and the *Titles (Validation) and Native Title (Effect of Past Acts) Act 1995(WA) (Titles (Validation) Act)*), including the following:

Mapinfo ID	Road Description
CURRENT ROAD 091	Road No. 916 described in the Government Gazette 20/10/1899 p.3419
CURRENT ROAD 094	Road as marked on Public Plan 501115 (plan cancelled on 10/11/1961)
CURRENT ROAD 158	Section of Erin Street shown on Deposited Plan 222569
CURRENT ROAD 159	Section of Erin Street shown on Deposited Plan 222570
CURRENT ROAD 163	Section of Coolgardie-Esperance Highway shown on Deposited Plan 229320
CURRENT ROAD 168	Road No. 9358 described in the Government Gazettes 24/08/1934 p.1192 and 14/09/1934 p.1423
CURRENT ROAD 169	Road No. 9359 described in the Government Gazettes 24/08/1934 p.1192 and 14/09/1934 p.1423
CURRENT ROAD 171	Road No.6368 described in the Government Gazettes 24/12/1920 p.2301 and 07/01/1921 p.14
HISTORICAL ROAD 1	Road as marked on Public Plan 501120 (plan cancelled on 25/7/1927)
HISTORICAL ROAD 2	Section of Coolgardie-Esperance Highway as marked on Public Plan 501115 (plan cancelled on 10/11/1961) and subsequently designated as Lot 260 on Deposited Plan 40381
HISTORICAL ROAD 4	Section of Coolgardie-Esperance Highway as marked on Public Plan 501115 (plan cancelled on 10/11/1961) and subsequently designated as Lot 316 on Deposited Plan 42926
HISTORICAL ROAD 9	Road as marked on Public Plan 504378 (plan cancelled on 17/12/1971)

S2.5 Public works

The following public works (as that expression is defined in the *Native Title Act* and the *Titles (Validation) Act*:

Public Work Location/Description

Railway (the area on which the railway and any associated infrastructure is situated)

Coolgardie - Norseman Railway

The part of the reserve on which the railway or any associated infrastructure is situated

RES 38183

SCHEDULE 2A

GENERAL DESCRIPTION OF THE LOCATION OF CURRENT ROAD 001 (AS CONSTRUCTED)

All that land, being 20 metre's wide and defined by the centerline commencing at the intersection of a southern boundary of Ngadju Part B with Longitude 120.905541° East and extending generally northwesterly and generally westerly along that centerline through the following coordinate positions:

LATITUDE (SOUTH) LONGITUDE (EAST)

31.969450	120.902483
31.969275	120.901590
31.968950	120.900844
31.968460	120.900085
31.967993	120.899634
31.967751	120.899368
31.967218	120.898824
31.966733	120.898281
31.966403	120.897737
31.966229	120.897194
31.966016	120.894856
31.965006	120.882487
31.963775	120.865851
31.963189	120.858684
31.962853	120.854309
31.962558	120.850452
31.962189	120.840072
31.961879	120.829784
31.961626	120.828833
31.961415	120.827855
31.960365	120.822357
31.960169	120.811410
31.960035	120.801883
31.960025	120.798509
31.960065	120.797558
31.960195	120.796778
31.960443	120.796073

Then southwesterly to the intersection of a western boundary of Ngadju Part B with Latitude 31.960715° South.

Note:

Geographic Coordinates provided in Decimal Degrees.

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

Road 1 Centreline digitised from interpreting the approximate position from aerial photography mosaic held by Landgate (DIAMOND_ROCK_3034_AUG_2010_MOSAIC).

Cadastral boundaries sourced from Landgate Spatial Cadastral Database (SCDB) dated 28th February 2017.

Datum: Geocentric Datum of Australia 1994 (GDA94)

Prepared By: Graphic Services (Landgate) 19th June 2017

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.

SCHEDULE 3

MAPS OF THE DETERMINATION AREA

[See NNTR attachment 1: "Schedule 3 - Maps of the Determination Area"]

SCHEDULE 4

AREAS TO WHICH S47B APPLY

Section 47B of the *Native Title Act* applies to the parcels of 'unallocated Crown land' (UCL) in the left-hand column of the table below, but for the portion that is/was overlaid by the tenure in the right-hand column, with the effect that any extinguishment by the creation of prior interests in relation to those parts of the Determination Area referred to below is disregarded:

UCL #	Overlapping tenure		
UCL 012	NIL		
UCL 612 (previously UCL 018)	NIL		
UCL 609 (previously UCL 021)	M15/619		
	M15/641		
	M15/666		
	M15/680		
	M15/681		
UCL 611 (previously UCL 025)	GML15/6597	M15/30	M15/116
	GML15/7003	M15/44	M15/601
	GML15/7038A	M15/45	M15/611
	GML15/7049	M15/46	M15/693
		M15/48	M15/734
		M15/76	M15/739
		M15/77	M15/745
		M15/88	M15/782

		M15/89		
		M15/94		
UCL 610 (previously UCL 026)				
	M15/506	M15/619	M15/638	M15/641
	M15/580	M15/620	M15/639	
	M15/581	M15/629	M15/640	
UCL 606 (previously UCL 029)				
	NIL			
UCL 030				
	NIL			
UCL 031				
	M15/48	M15/693		
	M15/88	M15/698		
UCL 042				
	NIL			
UCL 043				
	M15/81	M15/90	M15/593	
UCL 608 (previously UCL 044)				
	M15/045	M15/081	M15/681	
	M15/046	M15/090	M15/708	
	M15/077	M15/593		
	M15/078	M15/627		
	M15/079	M15/641		
	M15/080	M15/642		
		M15/666		
		M15/680		
UCL 058				
	M15/081	M15/682		
	M15/090	M15/683		
	M15/335	M15/765		
	M15/522			
	M15/593			
WATER 9 (previously WATER 1)				
	M15/615			

M15/616

M15/617

WATER 8 (previously WATER 6)

M15/027	ML15/166	ML15/310	ML15/433
M15/028	ML15/167	ML15/311	ML15/434
M15/029	ML15/168	ML15/312	ML15/435
M15/366	ML15/169	ML15/313	ML15/436
M15/432	ML15/170	ML15/314	ML15/437
M15/452	ML15/171	ML15/315	ML15/438
M15/453	ML15/172	ML15/316	ML15/439
M15/494	ML15/173	ML15/317	ML15/441
M15/495	ML15/174	ML15/318	ML15/442
M15/756	ML15/175	ML15/319	ML15/443
ML15/137	ML15/182	ML15/320	ML15/445
ML15/138	ML15/183	ML15/323	ML15/446
ML15/139	ML15/184	ML15/324	ML15/447
ML15/145	ML15/264	ML15/326	ML15/448
ML15/146	ML15/268	ML15/327	ML15/450
ML15/147	ML15/269	ML15/400	ML15/451
ML15/148	ML15/271	ML15/401	ML15/453
ML15/155	ML15/272	ML15/402	ML15/454
ML15/156	ML15/273	ML15/404	ML15/455
ML15/157	ML15/274	ML15/405	ML15/456
ML15/158	ML15/275	ML15/406	ML15/457
ML15/159	ML15/276	ML15/407	ML15/460
ML15/160	ML15/277	ML15/408	ML15/468
ML15/161	ML15/278	ML15/409	ML15/469
ML15/164	ML15/279	ML15/410	ML15/533
ML15/165	ML15/293	ML15/413	ML15/534
	ML15/295	ML15/414	ML15/535
	ML15/297	ML15/415	ML26/129
	ML15/298	ML15/416	
	ML15/299	ML15/418	
	ML15/300	ML15/419	

ML15/301	ML15/420
ML15/302	ML15/423
ML15/303	ML15/425
ML15/304	ML15/426
ML15/305	ML15/427
ML15/306	ML15/428
ML15/307	ML15/429
ML15/308	ML15/430
ML15/309	ML15/431
	ML15/432

SCHEDULE 5

OTHER INTERESTS

The nature and extent of the Other Interests in relation to the Determination Area as at the date of this determination are:

S5.1 Reserves

(a) The following unvested reserves:

Current Reserves

Reserve No.	Last/Current Purpose
RES 04375	Cemetery
RES 09031	Common
RES 10305	Common
RES 10654	Water Act 57 Vic No 20
RES 10655	Water Act 57 Vic No 20
RES 10826	Water Act 57 Vic No 20
RES 10952	Recreation
RES 11057	Excepted From Sale
RES 11165	Methodist Church of Australia
RES 11692	Water Act 57 Vic No 20
RES 17169	Trigonometrical Station
RES 17938	Common
RES 17939	Battery Site
RES 31721	Water Supply

RES 32249 Cemetery
RES 38183 Railway Purposes

Historic Reserves

Reserve No.	Last/Current Purpose
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RES 09031	Common
RES 10305	Common
RES 11057	Excepted From Sale

(b) The rights and interests of persons who have the care, control and management of the reserves identified in sub-item 5.1(a) above;

(c) The rights and interests of persons entitled to access and use the reserves identified in sub-item 5.1(a) above for the respective purposes for which they are reserved; and

(d) The rights and interests of persons holding leases over areas of the reserves identified in sub-item 5.1(a) above.

S5.2 Pastoral Leases

The following pastoral leases and the rights and interests of the holders from time to time of those pastoral leases:

Pastoral Lease	Station Name
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N050166	Mt Monger
N050231	Madoonia Downs

S5.3 Mining Tenements

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

(i) **Mining Leases**

M 1500022
M 1500027
M 1500028
M 1500029
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(ii) Mineral Leases

ML 15/485

ML 15/508

ML 15/509

ML 15/510

ML 15/511

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(iii) Miscellaneous Licences

L 1500143

L 1500144

L 1500145

L 1500146

L 1500147

L 1500148

L 1500160

L 1500162

L 1500163

L 1500178

L 1500191

L 1500233

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L 1500245

L 1500247

L 1500250

L 1500256

L 1500257

L 1500259

L 1500261

L 1500272

L 1500279

L 1500282

L 1500288

L 1500298

L 1500302

L 1500308

L 1500322

L 1500341

L 1500346

L 1500347

L 2600178

(iv) General Purpose Leases

G 1500019

G 1500022

G 1500023

G 1500026

G 1500027

G 1500029

(v) Exploration Licences

E 1500786

E 1500808

E 1500809

E 1500812

E 1500828

E 1500949

E 1500970

E 1500975

E 1500976

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E 1501059
E 1501060
E 1501094
E 1501117
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E 1501167
E 1501197
E 1501223
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E 1501260
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E 1501514

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E 1501551

E 2600166

E 2600184

E 6301669

(vi) Prospecting Licences

P 1504753

P 1504754

P 1504789

P 1504906

P 1504907

P 1505390

P 1505391

P 1505393

P 1505429

P 1505430

P 1505431

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P 1505959
P 1505960
P 1505961
P 1505978
P 1505988
P 1505999
P 1506000
P 1506001
P 1506005
P 1506063
P 2603889
P 2603890
P 2603891

S5.4 Roads

The following roads and the right of a member of the public to use those roads:

Mapinfo ID	Road Description
ROAD 041	Cave Hill North Road, shown as Lot 214 on Deposited Plan 36250
ROAD 042	Section of Coolgardie-Esperance Highway, shown as Lot 304 on Deposited Plan 40376
ROAD 043	Section of Coolgardie-Esperance Highway, shown as Lot 305 on Deposited Plan 40377

- ROAD 044 Section of Coolgardie-Esperance Highway, shown as Lot 306 on Deposited Plan 40378
- ROAD 045 Section of Coolgardie-Esperance Highway, shown as Lot 307 on Deposited Plan 40379
- ROAD 046 Section of Coolgardie-Esperance Highway, shown as Lot 308 on Deposited Plan 40380
- ROAD 047 Section of Coolgardie-Esperance Highway, shown as Lot 309 on Deposited Plan 40381
- ROAD 048 Section of Coolgardie-Esperance Highway, shown as Lot 310 on Deposited Plan 40382
- ROAD 052 Section of Coolgardie-Esperance Highway, shown as portion of Lot 317 on Deposited Plan 42926

S5.5 Petroleum Pipeline

The rights and interests of the holder from time to time of pipeline licence PL 59 under the *Petroleum Pipelines Act 1969* (WA).

S5.6 Water Interests

(a) The following licences granted pursuant to the *Rights in Water Act* and the rights and interests of the holders from time to time of those licences, which do not extinguish native title:

(i) Licences to take groundwater (section 5C):

- GWL 165489(3)
- GWL 154213(4)
- GWL 171060(1)
- GWL 62505(8)
- GWL 160795(5)
- GWL 172696(2)
- GWL 151344(5)

(ii) Licences to construct or alter wells (section 26D):

- CAW 180899(1)
- CAW 179401(1)

(b) The Goldfields Groundwater Area Proclamation, proclaimed on 20 November 1990 under section 26B of the *Rights in Water Act*, and the rights and interests comprised in, conferred under or in accordance with that proclamation.

S5.7 Material Pits

(a) The following material pits located near the Coolgardie-Esperance Highway and the rights and interests therein of employees, agents or instrumentalities of the State by reason of the force and operation of the laws of the State, including but not limited to the *Land Administration Act 1997* (WA), the *Public Works Act 1902* (WA) and the *Main Roads Act 1930* (WA):

Straight Line Kilometres from Start of highway	Side of highway (left/right)	Offset from highway (in meters)	Latitude	Longitude	Approximate area of pit (in hectares)
124	RHS	3000	-31.845208	121.6144257	11.6
74.36	RHS	15000	-31.583947	121.451944	90
			-31.5939	121.463331	

-31.577997 121.46615

-31.592119 121.470908

S5.8 Other

The following rights and interests:

- (a) Valid or validated rights and interests, including licences and permits, granted by the Crown in right of the State or of the Commonwealth pursuant to statute or otherwise in the exercise of its executive power and any regulations made pursuant to such legislation.
- (b) Valid or validated rights or interests held by reason of the force and operation of the laws of the State or of the Commonwealth, including but not limited to, the force and operation of the *Rights in Water Act* and the *Land Administration Act 1997* (WA).
- (c) The right to access the Determination Area by:
 - (i) an employee, agent or instrumentality of the State;
 - (ii) an employee, agent or instrumentality of the Commonwealth;
 - (iii) an employee, agent or instrumentality of any local government or other statutory authority;as required and permitted by law in the performance of his or her statutory or common law duty.
- (d) So far as confirmed pursuant to s 212(2) of the *Native Title Act* and s 14 of the *Titles (Validation) Act*, any then existing public access to, and enjoyment of, the following places in the Determination Area:
 - (i) waterways;
 - (ii) beds and banks or foreshores of waterways;
 - (iii) coastal waters;
 - (iv) beaches;
 - (v) stock routes; and
 - (vi) areas that were public places at the end of 30 June 1995.
- (e) Rights and interests of members of the public arising under the common law including but not limited to:
 - (i) the public right to fish in such areas and circumstances as that right exists at common law;
 - (ii) the public right to navigate in such areas and circumstances as that right exists at common law;
 - (iii) the right of any person to use any road in the Determination Area, subject to the laws of the State, over which, from time to time, members of the public have a right of access under common law.

SCHEDULE 5A

(1) Mining Leases

M 1500748

SCHEDULE 6

NATIVE TITLE HOLDERS

The Ngadju People are those Aboriginal persons who are:

- (1) the biological descendants of one or more of the following apical ancestors:
 - a) Belang (Bilanj, @Jinny);
 - b) Minnie and Tuumi;

- c) Karitjabana and Ngilinj;
- d) Kakaanj;
- e) Mary Kuuban (Kuubanj);
- f) Djurdilj and Djalbulj;
- g) Djaruptjal and Tjupu;
- h) Diamond and Lucy;
- i) Linesman Jacob;
- j) Wicker (Wika);
- k) Peter Flynn;
- l) Maggie and Jumbo; and
- m) Polly Raylinya.

(2) those persons adopted by the biological descendants in accordance with Ngadju tradition and custom.

[Adoption, under Ngadju tradition and custom, refers to the situation where a child is 'grown up' by a relative or someone without a biological relationship, either because they have been 'gifted' to them, or left in their care, as the biological parents are not in a position to care for them. This applies regardless of whether or not the child has been formally adopted under the non-Aboriginal legal system.]

REGISTER ATTACHMENTS:

1. Schedule 3 - Maps of the Determination Area, 6 pages - A3, 17/07/2017

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.