

## FEDERAL COURT OF AUSTRALIA

**Graham on behalf of the Ngadju People v State of Western Australia [2014] FCA**

**1247**

Citation: Graham on behalf of the Ngadju People v State of Western Australia [2014] FCA 1247

Parties: **JOHN WALTER GRAHAM, BETTY BULLEN, AD (DECEASED), OD (DECEASED), SONNY GRAHAM, KATIE RAY, GEORGINA SCHULTZ, JACK SCHULTZ, MABEL WILSON and MAUREEN YOUNG ON BEHALF OF THE NGADJU PEOPLE v STATE OF WESTERN AUSTRALIA, CITY OF KALGOORLIE – BOULDER, SHIRE OF COOLGARDIE, COMMONWEALTH OF AUSTRALIA, GOLDFIELDS LAND & SEA COUNCIL ABORIGINAL CORPORATION, ANGLOGOLD ASHANTI AUSTRALIA LIMITED, BHP BILLITON NICKEL WEST PTY LTD, ST IVES GOLD MINING COMPANY PTY LIMITED, LAKE JOHNSTON PTY LTD, ARUBIDDY PASTORAL CO PTY LTD (ARUBIDDY STATION), CHILDARA PTY LTD (PONDANA STATION), COMMONWEALTH HILL PTY LTD (RAWLINNA STATION), JARAC PTY LTD, JEMARKIM NOMINEES PTY LTD, MILEURA CATTLE CO PTY LTD, NORGATE NOMINEES PTY LTD, SYDNEY ERNEST POND, RED SUN NOMINEES PTY LTD, GAYNOR MAREE SHIELDS (MADOONIA DOWNS), VICTOR EDWARD SHIELDS (MADOONIA DOWNS), CHRISTOPHER RYAN SOUTH, MONICA MARGARET SOUTH, VANESK PTY LTD (VANESK STATION), LESLIE HAMILTON PINNIGER and CEDRIC ANDERSON**

File number: WAD 6020 of 1998

Judge: **MARSHALL J**

Date of judgment: 21 November 2014

Catchwords: **NATIVE TITLE** - determination

Legislation: *Native Title Act 1993* (Cth)

Cases cited: *Graham v Western Australia* [2012] FCA 1455  
*Graham v Western Australia* [2014] FCA 516

*Graham v Western Australia* [2014] FCA 700  
*State of Western Australia v Graham on behalf of the  
Ngadju People* [2013] FCAFC 143

Date of hearing: 21 November 2014

Place: Norseman

Division: GENERAL DIVISION

Category: Catchwords

Number of paragraphs: 9

Counsel for the Applicants: Mr V Hughston SC with Ms T Jowett

Solicitor for the Applicants: Goldfield Land & Sea Council

Counsel for the State of  
Western Australia: Mr T Crewel

Solicitor for the State of  
Western Australia: State Solicitors Office

Counsel for St Ives Gold  
Mining Company Pty  
Limited: Ms K Carter

Solicitor for St Ives Gold  
Mining Company Pty  
Limited: Ashurst Australia

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

**WAD 6020 of 1998**

**BETWEEN: JOHN WALTER GRAHAM, BETTY BULLEN,  
AD (DECEASED), OD (DECEASED), SONNY GRAHAM,  
KATIE RAY, GEORGINA SCHULTZ, JACK SCHULTZ,  
MABEL WILSON AND MAUREEN YOUNG ON BEHALF OF  
THE NGADJU PEOPLE**

**Applicant**

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

**CITY OF KALGOORLIE – BOULDER  
SHIRE OF COOLGARDIE  
Second Respondents**

**COMMONWEALTH OF AUSTRALIA  
Third Respondent**

**GOLDFIELDS LAND & SEA COUNCIL ABORIGINAL  
CORPORATION  
Fourth Respondent**

**ANGLOGOLD ASHANTI AUSTRALIA LIMITED  
Fifth Respondent**

**BHP BILLITON NICKEL WEST PTY LTD  
ST IVES GOLD MINING COMPANY PTY LIMITED  
Respondents 5A**

**LAKE JOHNSTON PTY LTD  
Respondent 5B**

**ARUBIDDY PASTORAL CO PTY LTD (ARUBIDDY  
STATION), CHILDARA PTY LTD (PONDANA STATION),  
COMMONWEALTH HILL PTY LTD (RAWLINNA  
STATION), JARAC PTY LTD, JEMARKIM NOMINEES PTY  
LTD, MILEURA CATTLE CO PTY LTD, NORGATE  
NOMINEES PTY LTD, SYDNEY ERNEST POND, RED SUN  
NOMINEES PTY LTD, GAYNOR MAREE SHIELDS  
(MADOONIA DOWNS) VICTOR EDWARD SHIELDS  
(MADOONIA DOWNS), CHRISTOPHER RYAN SOUTH,  
MONICA MARGARET SOUTH AND VANESK PTY LTD  
(VANESK STATION)  
Sixth Respondents**

**LESLIE HAMILTON PINNIGER**  
**Eighth Respondent**

**CEDRIC ANDERSON**  
**Fourteenth Respondent**

**JUDGE: MARSHALL J**  
**DATE OF ORDER: 21 NOVEMBER 2014**  
**WHERE MADE: NORSEMAN**

**THE COURT ORDERS THAT:**

1. There be a determination of native title in the terms set out in below.
2. 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:
  - (a) indicate whether or not the common law holders intend to have the native title held in trust;
  - (b) nominate in writing to the Federal Court a prescribed body corporate either to hold the native title in trust or to perform the functions mentioned in s 57(3) of the *Native Title Act 1993* (Cth); and
  - (c) provide the nominated body corporate's written consent to perform those functions.
3. On or before 5 October 2015 a party to this proceeding may file an interlocutory application seeking leave to extend the time for compliance with order 3.
4. Any interlocutory application filed in accordance with order 3, is to be heard on or before 30 October 2015.
5. In the event that there is no nomination within the time specified in order 2 above, or such later time as the Court may order, the Court will make a determination in accordance with section 56(2)(c) of the *Native Title Act*.

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 6020 of 1998**

**BETWEEN: JOHN WALTER GRAHAM, BETTY BULLEN,  
AD (DECEASED), OD (DECEASED), SONNY GRAHAM,  
KATIE RAY, GEORGINA SCHULTZ, JACK SCHULTZ,  
MABEL WILSON AND MAUREEN YOUNG ON BEHALF OF  
THE NGADJU PEOPLE**

**Applicant**

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

**CITY OF KALGOORLIE – BOULDER  
SHIRE OF COOLGARDIE  
Second Respondents**

**COMMONWEALTH OF AUSTRALIA  
Third Respondent**

**GOLDFIELDS LAND & SEA COUNCIL ABORIGINAL  
CORPORATION  
Fourth Respondent**

**ANGLOGOLD ASHANTI AUSTRALIA LIMITED  
Fifth Respondent**

**BHP BILLITON NICKEL WEST PTY LTD  
ST IVES GOLD MINING COMPANY PTY LIMITED  
Respondents 5A**

**LAKE JOHNSTON PTY LTD  
Respondent 5B**

**ARUBIDDY PASTORAL CO PTY LTD (ARUBIDDY  
STATION), CHILDARA PTY LTD (PONDANA STATION),  
COMMONWEALTH HILL PTY LTD (RAWLINNA  
STATION), JARAC PTY LTD, JEMARKIM NOMINEES PTY  
LTD, MILEURA CATTLE CO PTY LTD, NORGATE  
NOMINEES PTY LTD, SYDNEY ERNEST POND, RED SUN  
NOMINEES PTY LTD, GAYNOR MAREE SHIELDS  
(MADOONIA DOWNS) VICTOR EDWARD SHIELDS  
(MADOONIA DOWNS), CHRISTOPHER RYAN SOUTH,  
MONICA MARGARET SOUTH AND VANESK PTY LTD  
(VANESK STATION)  
Sixth Respondents**

**LESLIE HAMILTON PINNIGER**  
**Eighth Respondent**

**CEDRIC ANDERSON**  
**Fourteenth Respondent**

**JUDGE: MARSHALL J**  
**DATE OF ORDER: 21 NOVEMBER 2014**  
**WHERE MADE: NORSEMAN**

### **REASONS FOR JUDGMENT**

1 On 9 December 2011, I ordered pursuant to s 67(2) of the *Native Title Act 1993* (Cth) (“the Act”) that the part of the Ngadju claim area that did not overlap with the now dismissed WAD6216/1998 Kalamai Kabu(d)n Native Title Application be referred to as the “Ngadju Trial Area proceeding”. I also ordered (as amended on 24 September 2012, to correct a slip in wording) that there be a determination of a separate question, being:

But for any question of extinguishment of native title by acts carried out pursuant to the authority of the legislature to which Divisions 2, 2A, 2B or 3 of Part 2 of the *Native Title Act 1993* (Cth) or the *Titles Validation and Native Title (Effect of Past Acts) Act 1995* (WA) applies, and the determination of matters required by s 225(c), (d) and (e) of the *Native Title Act 1993* (Cth);

- (i) does native title exist in relation to land and waters in the area of the Ngadju Trial Area proceeding?;
- (ii) if the answer to (i) above is in the affirmative, who are the persons or each group of persons holding the common or group rights comprising the native title?; and
- (iii) what is the nature and extent of the native title rights and interests in relation to the area?

2 On 21 December 2012, I published reasons for judgment recognising that the Ngadju people hold native title in the “Ngadju Trial Area proceeding”; see *Graham v Western Australia* [2012] FCA 1455. The order made answering the separate question was as follows:

#### **THE COURT ORDERS THAT:**

The separate question is answered as follows:

But for any question of extinguishment of native title by acts carried out pursuant to the authority of the legislature to which Divisions 2, 2A, 2B or 3 of Part 2 of the *Native Title Act 1993* (Cth) or the *Titles Validation and Native Title (Effect of Past Acts) Act 1995* (WA) applies, and the determination of matters required by s. 225(c), (d) and (e) of the *Native Title Act 1993* (Cth):

- (i) Does native title exist in relation to land and waters in the area of the Ngadju

Trial Area proceeding?

**Answer to (i):**

Yes. Native title exists in relation to the land and waters within the area of the Ngadju Trial Area proceeding.

- (ii) If the answer to (i) above is in the affirmative, who are the persons or each group of persons holding the common or group rights comprising the native title?

**Answer to (ii):**

The Ngadju people are the persons holding the common or group rights comprising the native title.

- (iii) What is the nature and extent of the native title rights and interests in relation to that area?

**Answer to (iii):**

- (a) In relation to all of the land and waters above the high watermark of the foreshore of the coastline including rivers, streams and estuaries that are not affected by the ebb and flow of the tides, the native title rights and interests that are possessed under the traditional laws and customs are the right to possession, occupation, use and enjoyment to the exclusion of all others;
- (b) In relation to the land and waters of the sea, including rivers, streams and estuaries that are affected by the ebb and flow of the tides, the native title rights and interests that are possessed under the traditional laws and customs are:
- (i) 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;
  - (ii) the right to live, to camp, to erect shelters and other structures and to travel over and visit;
  - (iii) the right to do the following activities:
    - engage in cultural activities;
    - conduct rituals or ceremonies;
    - hold meetings; and
    - teach the physical and spiritual attributes of places and areas of importance on or in the land and waters;
  - (iv) 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;
  - (v) the right to share or exchange subsistence and other traditional resources obtained on or from the land and waters.

3 The First Respondent, pursuant to leave granted 26 April 2013, appealed against each of the answers to the separate questions. On appeal on 27 November 2013 the following orders were made (as varied on 18 November 2014, to correct a slip in spelling of Mary

Kuuban (Kuuban)) upholding the recognition of the Ngadju people's native title in the "Ngadju Trial Area proceeding" with one amendment to the answer at paragraph (ii) of the orders made 21 December 2012: see *State of Western Australia v Graham on behalf of the Ngadju People* [2013] FCAFC 143.

**THE COURT ORDERS THAT:**

1. The answer at para (ii) of the order made 21 December 2012 be amended to read:

Native Title is held by the Ngadju people who are Aboriginal persons who are the biological descendants of Belang (Bilanj, @ Jinny) [f], Minnie [f] and Tuumi [m], Karitjabana [m] and Ngilinj [f], Kakaanj [f], Mary Kuuban (Kuuban) [f], Djurdilj [m] and Djalbulj [f] Djaruptjal [m] and Tjupu [f], Diamond [m] and Lucy [f], Linesman Jacob [m], Wicker (Wika) [m], Peter Flynn [m], Maggie [f] and Jumbo [m] and Polly Raylinya [f].

2. The appeal be otherwise dismissed with no order as to costs.

4 On 21 May 2014, I published reasons for judgment relating to the remaining issue in the proceeding, the extent to which Ngadju native title rights and interests have been extinguished: see *Graham v Western Australia* [2014] FCA 516. Further reasons for judgment were published on 3 July 2014 to address certain issues inadvertently omitted from consideration in the 21 May 2014 judgment and various typographical errors and omissions: see *Graham v Western Australia* [2014] FCA 700. The orders made on 3 July 2014 were as follows:

**THE COURT ORDERS THAT:**

1. Subject to Order 2, the applicant bring forward a minute of proposed determination in accordance with the accompanying reasons for judgment read together with, and partially correcting, the reasons provided on 21 May 2014.
2. The applicant and the first respondent confer in a case management conference before Deputy Registrar Daniel to attempt to resolve the issues referred to at [30] and [38] of the accompanying reasons for judgment.

5 Following case management convened by the Registrar to resolve outstanding issues, orders were made on 20 August 2014 by consent for the listing of determination on country on 21 November 2014 of the "Ngadju Trial Area proceeding" and the parties to file the Minute of Determination and any related documents by 7 November 2014.

6 Due to two issues identified by the parties regarding the drafting of the Minute of Determination, the Minute was filed by the Applicant on 11 November 2014 identifying the



issues requiring further consideration. Following written submissions provided by the parties and a hearing of the issues on 12 November 2014, the following orders were made:

**THE COURT ORDERS THAT:**

1. Clause 8A of the Minute of Determination should be in the following terms:

***8A Relationship between Other Interests described at Schedule 5A and native title rights and interests***

- (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 described in [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 at [4] above exist;*
- (c) *The relationship between native title rights described in [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 and interests so that it does not affect the continued existence, enjoyment or exercise of those native title rights or interests.*

2. Mining leases M63/279 and M15/710 be removed from Schedule 4.2 of the Minute of Determination.

3. The Applicant to file a further Minute of Determination to reflect Order 1 and Order 2 by 10 am Thursday 13 November 2014.

7 Following the orders, an Amended Minute of Determination was filed by the Applicant on 13 November 2014. On 14 November 2014 a Further Amended Minute of Determination was filed by the Applicant to address a drafting inconsistency that was identified by the Applicant and First Respondent regarding Order 1 and Order 2 made 12 November 2014.

8 Accordingly, I make a determination of native title, pursuant to the *Native Title Act 1993* (Cth), in the terms proposed in the Further Amended Minute of Determination filed 14 November 2014 which has been agreed between the parties.

9 The determination of native title so made is attached to these reasons.

I certify that the preceding nine (9) numbered paragraphs are a true copy

of the Reasons for Judgment herein  
of the Honourable Justice Marshall.

Associate:

Dated: 21 November 2014

## 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 and 8 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 and 8 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) 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 47A or s 47B of the Native Title Act apply**

6. Sections 47A and 47B of the Native Title Act apply 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 other interests**

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.

**8A. Relationship between Other Interests described at Schedule 5A and native title rights and interests**

- (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 [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 at [4] above exist.
- (c) The relationship between the native title rights described in [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.

**8B. Relationship between Other Interests described at Schedule 5B and native title rights and interests**

- (a) To the extent that the Other Interests described at Schedule 5B 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 [4] above.
- (b) The Other Interests described at Schedule 5B do not cover areas of land and waters where the native title rights and interests described at [3] above exist.
- (c) The relationship between the native title rights described in [4] above and the Other Interests identified in Schedule 5B 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 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.

## Pre Racial Discrimination Act 1975 (Cth) mining tenements

12. Some historical mining tenements were granted "subject to survey". Such condition precedent to the grant of those tenements is recorded in the Gazette. There is no evidence with respect to such tenements that the condition precedent was never

fulfilled. There is no evidence of the undertakings of a survey with respect to such mining tenements. In all such respects, those tenements are not valid and do not extinguish native title rights and interests.

## **SCHEDULE 1: DETERMINATION AREA AND EXCLUSIVE AREA**

### **S1.1 Determination Area**

The external boundary of the Determination Area, generally shown as bordered in blue on the maps at Schedule 3, is as follows:

All those lands and waters commencing at the easternmost northeastern corner of Pastoral Lease 3114/617 (Cowarna Downs), being a point on a present southern boundary of Lot 5 as shown on Deposited Plan 203378 (Trans Australian Railway) and extending easterly along the southern boundary of that lot to the northwestern corner of the southern severance of Special Lease 1126918; Then southerly, generally easterly and northerly along boundaries of that severance to the southern boundary of Lot 4 as shown on Deposited Plan 203373 (Trans Australian Railway); Then easterly along the southern boundary of that lot to the northwestern corner of the southern severance of Lot 3 as shown on Deposited Plan 144514; Then southerly, easterly and northerly along boundaries of that severance to the southern boundary of Lot 4 as shown on Deposited Plan 203373 (Trans Australian Railway); Then easterly along the southern boundary of that lot to the intersection of the prolongation northerly of the eastern boundary of Lot 10 as shown on Deposited Plan 163667; Then southerly to the northeastern corner of Lot 10 as shown on Deposited Plan 163667; Then southwesterly, southerly and southeasterly along boundaries of that lot to a western boundary of Lot 9 as shown on Deposited Plan 152699; Then southerly, easterly and northerly along boundaries of that lot and onwards to the southern boundary of Lot 4 as shown on Deposited Plan 203373 (Trans Australian Railway); Then generally easterly along southern boundaries of that lot to the westernmost southwestern corner of Lot 3 as shown on Deposited Plan 203369 (Trans Australian Railway); Then generally easterly along southern boundaries of that lot to the northwestern corner of pastoral lease 3114/1224 (Rawlinna); Then generally easterly along northern boundaries of that pastoral lease to the northwestern corner of Pastoral Lease 398/703 (Balgair); Then southerly along the western boundary of that pastoral lease to the northwestern corner of the northern severance of pastoral lease 3114/1080 (Arubuddy); Then easterly, southerly, again easterly and again southerly along boundaries of that severance to its easternmost southeastern corner; Then southerly to the easternmost northeastern corner of the southern severance of pastoral lease 3114/1080 (Arubuddy), being a point on the present southern side of the Eyre Highway; Then generally southwesterly along southern boundaries of that highway to the northeastern corner of Lot 3 as shown on Deposited Plan 168565; Then southerly along the eastern boundary of that lot to its southeastern corner; Then generally southerly passing through the following coordinate positions:

<b>LATITUDE (SOUTH)</b>	<b>LONGITUDE (EAST)</b>
-----------------------------	-----------------------------



32.388449	125.513105
32.452926	125.521081

Then southerly to the intersection of the Low Water Mark with Longitude 125.551605° East; Then generally southwesterly along that water mark to the prolongation easterly of the northern boundary of the eastern severance of Lot 2 as shown on Deposited Plan 256429; Then westerly to and westerly along the northern boundary of that severance to its northwestern corner; Then westerly to the northeastern corner of the western severance of Lot 2 as shown on Deposited Plan 256429; Then westerly, southerly and easterly along boundaries of that severance to its southeastern corner; Then easterly to the southwestern corner of the eastern severance of Lot 2 as shown on Deposited Plan 256429; Then easterly along the southern boundary of that severance and onwards to the Low Water Mark; Then generally southerly, generally easterly and generally southwesterly along the Low Water Mark to the intersection with Longitude 123.754068° East, being a point southwest of Point Malcolm; Then northwesterly to the easternmost corner of Lot 491 as shown on Deposited Plan 215215, being a point on the present boundary of Native Title Determination WAD6097/1998 The Esperance Nyungars (WC1996/064); Then generally northwesterly, generally southwesterly and generally westerly along that determination boundary to the eastern side of Road Number 4274; Then generally northwesterly along sides of that road to the southern side of Road Number 9283; then generally northerly, generally northeasterly and generally northwesterly along sides of that road to the intersection with Latitude 32.821851° South; Then northwesterly to the eastern side of a road at approximately Latitude 32.525422° South, Longitude 120.294539° East; Then generally northeasterly and generally northwesterly along sides of that road to a southern side of the Hyden – Norseman Road; Then generally northeasterly along sides of that road to the intersection with Latitude 31.994916° South; Then generally northeasterly and generally northerly passing through the following coordinate positions:

<b>LATITUDE (SOUTH)</b>	<b>LONGITUDE (EAST)</b>
31.842044	121.635623
31.773431	121.823677
31.684542	121.825622
31.373705	121.800341
31.234535	121.952282

Then northwesterly to the intersection of a southern boundary of Lot 227 as shown on Deposited Plan 238373, being portion of pastoral Lease 3114/1192 (Mt Monger) with Longitude 121.936611° East; Then generally easterly and northerly along boundaries of that lot to a

southwestern corner of Pastoral Lease 3114/617 (Cowarna Downs) and then generally easterly, northerly, easterly and again northerly 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 Spatial Cadastral Database (SCDB) dated 31st July 2014.
- Datum: Geocentric Datum of Australia 1994 (GDA94)
- Prepared By: Native Title Spatial Services (Landgate) 13<sup>th</sup> October 2014
- 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.

For the avoidance of doubt, the Ngadju Trial Area does not include any area within the boundaries of Native Title Application WAD6216/1998 Kalamaia Kabu(d)n People (WC1997/100) Registered 26/11/1997.

Any part of the Determination Area which is not an area described in Schedules 2 or 4 is the Non-Exclusive Area. This area is generally shown as shaded orange on the maps at Schedule 3.

### **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 were excluded from the native title determination application and are excluded from the Determination Area:

(a) The Town of Norseman

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

CT0101900712	GT0001100262	GT0002300675	CT0008500027	CT0124200080
CT0101900818	GT0001100312	GT0002300707	CT0008500028	CT0125200851
GT0001000617	GT0001100384	GT0002300708	CT0008500029	CT0133100166
GT0001000618	GT0001100385	GT000240069	CT0008500030	CT0133700834
GT0001000642	GT0001100404	LG0036100028	CT0008500031	CT0135200204
GT0001000659	GT0001100420	LG0036600103	CT0008500032	CT0135300440
GT0001100199	GT0001100503	LG0037300059	CT0008500045	CT0139000495
GT0001100200	GT0001100504	LG0038000195	CT0008500096	CT0157000198
GT0001100201	GT0001100767	LG0038300188	CT0008800077	CT0162100050
GT0001100202	GT0001200089	LG0038400026	CT0008800078	CT0165900047
GT0001100203	GT0001200465	LG0039200198	CT0008800080	CT0171000427
GT0001100204	GT0001200466	LG0039200199	CT0008800153	CT0173200958
GT0001100205	GT0001200467	LG0039200200	CT0009900178	CT0173200975
GT0001100206	GT0001200468	CT0006400163 A	CT0010900023	CT0173900288
GT0001100208	GT0001200469	CT0006400164 A	CT0011200005	CT0179800721
GT0001100209	GT0001300287	CT0007400161	CT0011200008	CT0190100387
GT0001100210	GT0002200207	CT0008100165	CT0011200009	CT0190100388
GT0001100211	GT0002200698	CT0008100166	CT0011800114	CT0190100389
GT0001100212	GT0002200699	CT0008100167	CT0020000034	CT0195800535
GT0001100213	GT0002200700	CT0008100168	CT0028100051 A	CT0196300389
GT0001100214	GT0002200701	CT0008100169	CT0038800097	CT0219400480
GT0001100215	GT0002200718	CT0008100170	CT0044500086 A	CT0221400164
GT0001100216	GT0002300179	CT0008100171	CT0046200086 A	
GT0001100259	GT0002300429	CT0008500024	CT0057500124	
GT0001100260	GT0002300496	CT0008500025	CT0064400036	
GT0001100261	GT0002300509	CT0008500026	CT0118200953	

**S2.2 Vested reserves or reserves covered by public works**

Reserve No	Current/Last Purpose	Reserve No	Current/Last Purpose
RES 02788	Water	RES 19875	Water Tank
RES 03044	Water	RES 20044	Water
RES 03045	Water	RES 20114	Water Tank
RES 03046	Water	RES 21168	Water
RES 03047	Water	RES 21690	Goldfields Water supply Administration
RES 03098	Church of England	RES 21930	Aerial Landing Ground
RES 03314	Water	RES 22205	Recreation and Swimming Pool
RES 03476	Refuse Disposal and Management Site	RES 24047	National Park
RES 03671	Explosives Magazine	RES 25948	Recreation
RES 04797	Water	RES 26155	Water Supply
RES 04798	Water	RES 27023	National Park
RES 05655	Water Supply	RES 27632	Primitive area for preservation and study of flora and fauna geological and anthropological features
RES 08029 including that area now comprising Road 049	Conservation of flora and fauna	RES 29734	Open Air Museum
RES 10257	Mineral Processing	RES 30316	Aeronautical Navigational aids, satellite ground station and telecommunications
RES 14234	National park and water	RES 17162	State Geodetic Infrastructure
RES 31796	Interstate stock checkpoint	RES 17163	State Geodetic Infrastructure
RES 17164	State Geodetic Infrastructure	RES 34933	Quarry
RES 17165	State Geodetic Infrastructure	RES 35860	Stock paddock
RES 17166	State Geodetic Infrastructure	RES 36002	Heritage place
RES 17167	State Geodetic Infrastructure	RES	National Park

		36004	
RES 17201	Water	RES 36957	Conservation of flora and fauna
RES 38086	Fishermen's camp site	RES 40974	Recreation motor racing
RES 17630	Water	RES 41127	Maintenance depot
RES 17631	Water	RES 41448	Arboretum
RES 41915	Gravel	RES 41916	Gravel
RES 19871	Water	RES 41917	Gravel
RES 19874	Water Tank	RES 41934	Conservation of flora and fauna
RES 43129	Regenerator Site	RES 44121	Regenerator Site
RES 44117	Regenerator Site	RES 44263	Regenerator Site

### S2.3 Leases

Lease No	Summary/General description of the Current/Las purpose	Lease No	Summary/General description of the Current/Las purpose
3116/1071	Industrial and other purpose	332/0966	Grazing
3116/02515	Grazing	332/2079	Grazing
3116/03044	Motel and Service Station	333/0689	Aeronautical and satellite ground station
3116/09553	Grazing	37L/0689	Microwave tower
3116/09690	Water Supply		

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

- (a) 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)*), being the following:

Road	General Location/Description
Current Road 001 (as constructed)	The general description of the location of Current Road 001 (as constructed) is provided at Schedule 2A.
Current Roads 003, 106, 107, 110, 114, 115, 116, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143,	Roads described as One, Two and Three Chain Roads shown generally on: <ul style="list-style-type: none"> <li>Diagram No. 49828, 52015, 52569, 59295, 72656;</li> <li>Deposited Plan No. 201879, 203640, 203643, 203644, 203654, 203651, 203695; 203686, 203694;</li> </ul>

144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 164, 165, 101, 128, and 130	<ul style="list-style-type: none"> <li>• Leake District Plan No. 4601, 4602, 4603, 4604, 4605, 4686, 4610, 4611, 4612;</li> <li>• Plan of Dundas No. 3637, 3638, 3639, 3641, 3642, 3652, 3655, 3691, 3692, 3696, 3703, 3706, 3707, 3714;</li> <li>• Plan of Fitzgerald No. 1880, 3715, 3724, 3675, , 3687, 3697;</li> <li>• Cancelled Public Plans 371-80-2, 371-80-3, 372-80-1;</li> <li>• 3232-IV Gilmore Cadastral Edition 1; and</li> <li>• Reserve Plan 72 (re Reserve 27023).</li> </ul>
Current Road 004	Road marked Commonwealth Access shown generally on Diagram No. 80446.
Current Road 162	That portion of road shown on DP 226290 which commences at the north-western corner of "Townsite of Dundas" and then runs generally south and then generally south east until the boundary of current reserve 4508 and Road 139; and that portion of road generally shown on DP 92265 and labelled Old Coach Road.
Current Roads 005, 057, 058, 059, 060, 065, 066, 067, 068, 069, 070, 071, 072, 073, 095, 103, 104, 105, 163	<p>Coolgardie-Esperance Highway (including a 200m road corridor) shown generally on:</p> <ul style="list-style-type: none"> <li>• Plan No. 10452, 14750, 14751, 14752, 14820, 14821, 14822, 14823, 14824, 17526, 17816 (generally being only that portion of road which is within the Determination Area);</li> <li>• Deposited Plan 217527, 217528, 217529;</li> <li>• Cancelled Public Plan 501115, 501116, 501805;</li> <li>• Gilmore Public Plan 3232-IV Gilmore 1:50 000 Cadastral Edition 1 LAWA; and</li> <li>• Lake Kirk Public Plan 3233-III Lake Kirk 1:50 000 Cadastral Edition 1 LAWA.</li> </ul>
Current Road 055 (as constructed)	The general description of the location of Current Road 055 (as constructed) is provided at Schedule 2B.
Current Road 056	Being Road 13847 and generally commencing at the northwestern corner of Nuyts Location 3 and extending eastward along the northern boundary of that location to its northeastern corner. Gazetted as a public road on 31 January 1969 and shown generally on Diagram No. 68565.
Current Road 061	Being Road 15202 (Railway Parade) as described in the Gazette dated 19 July 1974 on page 2727 and shown generally on Diagram No. 80110.
Current Road 062, 063, 080, 081, 082, 083	Eyre Highway shown as Road No. 2826 on Original Plan No. 11762, 11763 and shown generally on Department of Land Administration ('DOLA') Plan No. 19001, 19002, 19032 and 19033.
Current Roads 064 and 112	Being Road 7204 and shown generally on Original Plan 14551 including an extension of road No. 7204 shown on Diagram No.

	<p>52287.</p> <p>Road 64 was Gazetted as a public road on 9 November 1979 with the following description:</p> <p>(i) (Extension) A strip of land 20.12 metres wide, commencing at the southwestern terminus of the present road at the southern corner of Fitzgerald Location 310 and extending as surveyed to and along the southeastern boundaries of Locations 1403 and 1251 to terminate at the southern corner of the last mentioned location; and</p> <p>(ii) (Deviation of Part) A strip of land, 60 metres wide leaving the northwestern side of the present road at the southeastern boundary of Fitzgerald Location 1251 and extending as delineated and coloured dark brown on Original Plan 14551 northwestward through that location to terminate at the eastern boundary of Reserve No. 2787.</p>
(Current Roads 074, 075, 076, 077, 078, 079)	Being Road No 18487 and generally comprising all that portion of Parmango Road delineated and coloured mid brown on Crown Survey Plans 18069, 18070 and 18071. Gazetted as a public street on 3 May 1994.
Current Road 157	Those roads, road widenings and rights of way in the townsite of Dundas shown generally as streets on Deposited Plan No. 222401 and named Browne Street, Hicks Street, Keyser Street, Mason Street, Mawson Street, Moir Street, Scotia Street, Wittenoom Street and Woodward Street.
Current Road 109, 160, 161	The roads, road widenings and rights of way in the Princess Royal Townsite shown generally on Deposited Plan No. 223069, Deposited Plan No. 223070, Diagram No.6096 and named Bucknall Street, Chester Street, Cooper Street, Iona Street, Oak Street, Norma Street, Maybell Street, Pascoe Street, Princess Street and Royal Street.
Current Road 100	Road shown generally on CPP 501805 and 3232-IV Gilmore Edition 1, extending northerly from Fuller Road to Coolgardie-Esperance Highway.
Current Road 108	Road shown generally on CPP 501809, extending from Road 130 southerly to Road 133 along the western boundary of lot 918 and through a portion of lot 919.
Current Road 166	Road No 7532, being generally a strip of land, one chain wide, leaving Road No. 7484 near the South – West corner of Pastoral Lease 444/95, and extending North – Eastward via Wonberna through the said pastoral lease and Pastoral Lease 720/95 to Balladonia Telegraph Station. (Plan 12/300.) Gazetted as a public road on July 9 1926 and shown generally on Deposited Plan 52833.
Current Road 170	Road 7203, being generally a strip of land, one chain wide, commencing at the Western Corner of Fitzgerald Location 455 and extending North-Eastward, as surveyed, along the North-Western boundary of said location 455 and the North – Western boundaries of Locations of 456, 461, 462, 261, 463, 464, 504,

	and 503 to the North corner of the last – mentioned location. (Plans 392/80, A.B. 1, 11/300). Gazetted as a public road on 19 September 1924 and as shown generally on CPP 502835 and Geordie Rock Public Plan: 3132-II Geordie Rock 1:50 000 Cadastral Edition 1 LAWA.
Current Road 171	Road No 6368, being generally a strip of land, one chain wide, leaving a surveyed road at the South-East corner of Lot 56 in Higginsville Townsite, and extending North – Eastward through Reserve No. 10305 and the Widgiemooltha – Higginsville State Forest and continuing North – Eastward to “Corney’s Group” Gold Mining Leases (Plans 18 and 19/80). Gazetted as a public road on 24 December 1920 and shown generally on cancelled plan of Widgiemooltha ‘Australia Series SH 51-14 Zone 2’.
Current Road 172	Road No 7484, being generally a strip of land three chains wide, commencing at Israelite Bay and extending Northward through Reserve 3805 and Pastoral Leases 755/95, 672/95 and 444/95 to Nanambinia; thence through said pastoral lease 444/95 and Pastoral Leases 478/95, 447/95, 720/95, 753/95, 748/95, 1004/95, 2808/97, via Curalia Dam, Car Bob Well, Brooks Soak, Bull Oak Tank and Pioneer Tank to the District boundary. (Plans 3, 12 and 17/300). Gazetted as a public road on 26 February 1926 and shown generally on CPP 502838 and 502820.
Current Road 084	Road No 15890, being generally a strip of land, 200 metres wide, commencing at the northeastern side of Road No. 4274, at northwestern side of Road No. 4274, at the northwestern side of Reserve No. 8812 and extending as delineated and coloured dark brown on Miscellaneous Plan 865, eastward through the said Reserve and Vacant Crown Land and Reserve No. 27023 to terminate at the southern side of a surveyed road within the last mentioned Reserve. Gazetted as a public road on 25 November 1977 and shown generally on Reserve Plan No. 72 (re Reserve 27023) and Miscellaneous Plan No. 865.
Current Road 085	Road No 18336, being generally a strip of land commencing at a line in prolongation southwestwards of the northwestern boundary of Fitzgerald Location 1631 and extending southeastwards to terminate at a northwestern side of Wiltshires Road. (Extension). A strip of land, varying in width, as delineated and coloured mid – brown on DOLA Survey Plans 17910 to 17912, inclusive. Gazetted as a public road on 1 November 1991 and shown generally on Department of Land Administration Plan No. 17911, 17912.
Current Road 86	Road No 18337, being generally a strip of land commencing at a line in prolongation northwestwards of the southwestern boundary of the southernmost severance of Fitzgerald Location 1433 and extending through the said Location thence northeastwards to terminate at a southwestern side of Coolgardie Esperance Highway (Road No 16148). (Extension) A strip of land as delineated and coloured mid – brown on DOLA Survey Plan 17912. Public Plan: 391 and 392/80; 3131 –



	I (Roberts 1:50 000). Gazetted as a public road on 1 November 1991 and shown generally on DOLA Survey Plan 17912.
Current Road 87	Road No 18296, being generally the area described and dedicated as a public street by notice in the Government Gazette on 18 October 1991 as "whole of Airport Road plus extension – Road No. 18296 – Shire of Wongan – Ballidu; from the Northern side of Wandoo Crescent to Reserve 29590, and also the land as described in the abovementioned resumption notice" and shown generally on DOLA Survey Plan 18573.
Current Road 88	Road No 14854, being generally a strip of land varying in width, commencing on the western alignment of Road No. 2826 and extending as delineated and coloured dark brown on Lands and Surveys Diagram 76443 westward through Reserve 8322 and Railway Reserve and Dundas Location 195, to the eastern alignment of a surveyed road on the western boundary of Location 195. 7168 square metres being resumed from Dundas Location 195. Gazetted as a public road on 20 September 1974 and shown generally on Diagram No. 76443.
Current Road 089	Road No 1408, being generally a strip of Crown land, 1 chain 50 links wide, leaving the Northern end of Hicks Street, Dundas, and extending Northerly for a distance of about 250 chains, and thence North – Westerly to join Mr Surveyor Allan's traverse at the 117 – Mile Post. (Plans 26M and Norseman Locality.). Gazetted as a public road on 1 August 1902 and shown generally on CPP 505 514, and 3233-II Woolyeeny 1:50 000 Cadastral Edition 1 LAWA.
Current Road 090	Road No 2826, being generally a strip of land (Crown), two chains wide, leaving Road No. 941 at the Northern end of Prinsep Street (Norseman) and extending in a general North-Easterly direction (as surveyed, O.P. Dundas 3), passing through G.M.Ls. 383, 292, 586 (part of), and 647 to the North boundary of the latter (at Princess Royal). (Plan 18/300). Gazetted as a public road on 2 August 1907 and shown generally on DOLA Survey Plan Nos. 19032, 19033 and CPPs 502868, 501802.
Current Road 167	Road No 9372, being generally a strip of land, two chains wide (plus truncations) leaving Rumble street at the north – west corner of Norseman Town Lot 941 and extending east along north boundaries of Lots 941 to 948 inclusive, 973 to 980, and 1005 to 1012 to the easternmost boundary of the Townsite and continuing one chain wide through Reserve No. 8322 (Common) and Goldmining Lease 1451 Dundas (Mines Diagram 127/98) to an eastern boundary of latter. (Plans Norseman Townsite and 350/80). Gazetted as a public road on 5 March 1937 and shown generally on DOLA Reserve Plan No. 288 (re Reserve 8322) and Original Plan No. 5940.
Current Road 091	Road No 916, being generally a strip of land (Crown), one chain wide, extending in a general South – South – Easterly direction from Coolgardie to the South boundary of the district, via Burbanks, Londonderry, Toonarrrie, Burra, Wonaway, and 50 –

	Mile Soak, as surveyed and shown on Original Plans T.G. 317, 331, 344 and 358. (plans 17 and 20M). Gazetted as a public road on 20 October 1899 and shown generally on CPP 505500.
Current Road 092	Road No 909, being generally a strip of land (Crown) one chain wide, extending from Dundas Townsite in a general Northerly direction to Norseman Townsite, as surveyed by Mr. Surveyor R. E. Lowe, Eastern Districts Plan 91. (Plans 26 M and Locality). Gazetted as a public road on 22 November 1899 and shown generally on Public Works Department Plan, Goldfields Water Supply Branch N91 No. 6488 Dundas Location No. 4 and CPP 502868.
Current Road 093	Road No 941, being generally a strip of land (Crown), one chain wide, as surveyed by Messrs. Surveyors R. S. Allen and H.L. Brown, and shown on Original Plan Coolgardie No. 6, extending from the North boundary of the district at Wilgarnie Roacks (50 Mile Soak) in a general Southerly direction to Norseman. (Plan 20 and 26M). Gazetted as a public road on 22 December 1899 and shown generally on CPPs 505500, 505514.
Current Road 94	A looped road from Higginsville to Eundynie as shown generally on CPP 50115.
Current Road 96	A road running in a north westerly direction from Point Malcolm and shown generally on CPP 502820.
Current Road 97	The portion of road proximate to the Goodia Siding of the Salmon Gums-Norseman Railway as shown generally on CPP 501801 and Lake Kirk Public Plan No 3233-III 1:50 000 Cadastral Edition 1 LAWA.
Current Road 99	Portion of road proximate to Lake-Kirk siding of the Salmon Gum-Norseman Railway as shown generally on CPP 501801 and on Woolyeenyer No. 3233-II 1:50 000 Cadastral Edition 1 LAWA.
Current Road 98	Road extending north from the vicinity of Dundas townsite running parallel and east to the Coolgardie-Esperance Highway marked on Woolyeenyer No. 3233-II 1:50 000 Cadastral Edition 1 LAWA.
Current Road 141	Roads marked 'Railway Reserve' and 'Three Chains Road' and shown generally on Dundas PlanNo. 3703.
Current Road 102	The portion of Fuller Road, shown generally on Gilmore Public Plan: 3232-IV 1:50 000 Cadastral Edition 1 LAWA that extends westerly from Coolgardie-Esperance Highway to Current Roads 100 and 131.
Current Road 111	An inverted "L" shaped road diverging from Magagnotti Road as shown generally on Geordie Rock Public Plan: 3132-II 1:50 000 Cadastral Edition 1 LAWA.
Current Road 113	Road widenings in Dundas District shown generally on Diagram No. 59294.
Current Road 117	Road shown generally on Deposited Plan No. 202841 intersecting Lots 560, 561, 578 and 579.
Current Road 156	Road commencing at 904730 and ceasing at the intersection with Three Chain Road, shown generally on Original Plan No. 10892 in the vicinity of Fitzgerald Location 1552.

Historical Road 003	Road shown as Lot 266 on DP 40385.
Historical Road 005	Road shown as Lot 3000 on DP 46104.
Historical Road 006	Lake Grace – Norseman Road shown coloured blue on Miscellaneous Plan 865 (Public Plans 389/80 and 390/80), closure gazetted on 29 July 1977 at pp 2452-2454.
Historical Road 008	Road No. 11014 generally shown as the road from Norseman to Iron King Mines in the Dundas District and marked on Original Plan No. 5940.
Closed Road 1 (Portion of Road 123)	Portion of Road No. 123 being the Lake Grace to Norseman Road shown generally on Miscellaneous Plan 865
Closed Road 2 (Portion of Road 7204)	Portion of Road 7204 shown generally on Deposited Plan 14551

- (b) The following 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)*) associated with the roads identified in sub-item 2.4 above:

### S2.5 Public works

Public Work	Location/Description				
Water Bores (each of an area of 0.1 ha, the centre point of which is:)	Located near the Eyre Highway being:				
	Bore	Straight Linear Kilometre – distance in linear kilometres from the start of the road	Distance (m) from side of road (LHS: left hand side, RHS: right hand side)	Latitude	Longitude
	1.	80.45	250 – LHS	- 32.06862	122.57874
	2.	106.06	1450 – LHS	- 32.00826	122.83255
	3.	154.25	1400 – RHS	- 32.19281	123.29621
	4.	124.64	150 - LHS	- 32.06140	123.01549
	5.	141.47	300 - LHS	- 32.12353	123.17777
	6.	142.18	50 – LHS	- 32.12839	123.18218
Railway (the area on which the railway and any associated infrastructure is situated)	Coolgardie – Norseman Railway				
	Norseman – Salmon Gums Railway				

The part of the reserve on which the railway or any associated infrastructure is situated	RES 32416
---	-----------

## **SCHEDULE 2A: GENERAL DESCRIPTION OF THE LOCATION OF CURRENT ROAD 001 (AS CONSTRUCTED)**

All that land, being 20 metres wide and defined by the centerline commencing at the intersection of a northern boundary of the Ngadju Trial Area with Longitude 120.905541° East and extending generally southeasterly and generally easterly along that centerline through the following coordinate positions:

<b>LATITUDE (SOUTH)</b>	<b>LONGITUDE (EAST)</b>
31.971782	120.924184
31.974257	120.947167
31.976494	120.967531
31.977561	120.977098
31.978469	120.986895
31.979754	121.001714
31.980850	121.003908
31.982745	121.031000
31.984189	121.051652
31.985878	121.074754
31.987463	121.096890
31.987949	121.104704
31.986591	121.109556
31.988352	121.129304
31.990280	121.150611
31.990737	121.151698
31.991306	121.152493
31.993466	121.154600
31.994084	121.155329
31.994535	121.156156
31.998561	121.173737
32.003011	121.194410
32.007808	121.217417

32.008022	121.218485
32.009949	121.240281
32.011401	121.258025
32.011543	121.260254
32.011234	121.261706
32.010567	121.262689
32.007927	121.266441
32.007733	121.266985
32.005688	121.277301
32.005762	121.278206
32.005976	121.279051
32.013628	121.299420
32.017268	121.319401
32.017887	121.322844
32.019053	121.337216
32.020723	121.357322
32.021699	121.361010
32.020652	121.380634
32.019819	121.400949
32.018725	121.432699
32.018221	121.450552
32.018019	121.457497
32.017297	121.477192
32.016607	121.498129
32.015941	121.517131
32.015155	121.538042
32.014798	121.547317
32.015227	121.548959
32.016250	121.550815
32.017630	121.552576
32.018534	121.553837
32.019081	121.555312

32.019177	121.556621
32.018296	121.578767
32.017273	121.602226
32.016226	121.626877
32.015369	121.647883
32.014989	121.657874

Then easterly to the intersection of a western side of the Coolgardie – Esperance Highway, being Lot 312 as shown on Deposited Plan 40384, with Latitude 32.012683° 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 mosaics held by Landgate (DIAMOND\_ROCK\_3034\_AUG\_2010\_MOSAIC, BRONZITE\_RIDGE\_3133\_NOV\_2012\_MOSAIC and NORSEMAN\_3233\_FEB\_2009\_MOSAIC).
- Cadastral boundaries sourced from Landgate Spatial Cadastral Database (SCDB) dated 31<sup>st</sup> July 2014.

**Datum: Geocentric Datum of Australia 1994 (GDA94)**

**Prepared By: Native Title Spatial Services (Landgate) 7<sup>th</sup> November 2014**

**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 2B: GENERAL DESCRIPTION OF THE LOCATION OF CURRENT ROAD 055 (AS CONSTRUCTED)**

All that land, being 20 metres wide and defined by the centerline commencing at the intersection of a southwestern boundary of Native Title Application WAD6020/1998 Ngadju (WC1999/002) with Latitude 33.708086° South and extending generally northeasterly along that centerline through the following coordinate positions:

<b>LATITUDE (SOUTH)</b>	<b>LONGITUDE (EAST)</b>
33.708016	123.632972
33.707272	123.633681
33.706113	123.639112
33.705785	123.640980
33.705162	123.646418
33.704349	123.650742
33.703380	123.655325
33.702343	123.660008
33.701530	123.664280
33.701339	123.667646
33.700717	123.673959
33.700371	123.676605
33.700181	123.681995
33.699091	123.688083
33.698814	123.689311
33.697718	123.692659
33.696801	123.695098
33.695694	123.697658
33.694950	123.699024
33.693982	123.700460
33.692338	123.702631
33.690799	123.704360
33.690436	123.704914



33.690176	123.705934
33.689502	123.709212
33.688689	123.712844
33.688256	123.713744
33.687997	123.714764
33.687703	123.715750
33.686388	123.719365
33.685039	123.722921
33.683535	123.726242
33.680688	123.732088
33.678975	123.735679
33.678197	123.738360
33.677574	123.739934
33.677384	123.741058
33.677384	123.742727
33.677038	123.744128
33.676865	123.745339
33.676433	123.746792
33.676381	123.747293
33.676121	123.748227
33.676018	123.751513
33.675890	123.752596
33.675042	123.754741
33.674195	123.756765
33.673243	123.757958
33.672534	123.758200
33.671566	123.758494
33.670839	123.759117
33.670476	123.759273
33.669922	123.759722
33.668418	123.760293
33.667708	123.760881

33.667138	123.761106
33.666446	123.761365
33.665782	123.762203
33.665470	123.762566
33.664882	123.762773
33.663118	123.763119
33.661337	123.763673
33.660870	123.764036
33.659572	123.766250
33.654626	123.775979
33.653674	123.777717
33.652533	123.780070
33.651132	123.782162
33.650734	123.782526
33.649783	123.782923
33.648797	123.783529
33.648330	123.784082
33.647534	123.784843
33.646925	123.785561
33.646268	123.786599
33.645438	123.788052
33.644763	123.789297
33.644469	123.790093
33.643501	123.792151
33.640975	123.797426
33.640800	123.797840
33.638740	123.801092
33.636910	123.804785
33.635474	123.806445
33.633964	123.807976
33.632579	123.809643
33.631503	123.811017

33.629624	123.813502
33.628177	123.815882
33.625691	123.819746
33.624304	123.821913
33.623477	123.823414
33.623340	123.823683
33.623123	123.823928
33.622691	123.824904
33.622484	123.825577
33.622286	123.826484
33.622394	123.827098
33.622531	123.827860
33.622556	123.828975
33.622413	123.831414
33.622416	123.833108
33.622284	123.834896
33.622289	123.835528
33.622498	123.837198
33.622476	123.837888
33.622303	123.838635
33.621893	123.839491
33.621135	123.840722
33.620271	123.843111
33.620192	123.845876
33.619773	123.848030
33.619421	123.849176
33.619383	123.851829
33.619314	123.852634
33.619471	123.853701
33.619820	123.854684
33.619787	123.855732
33.619550	123.857104

33.619561	123.857467
33.619377	123.858337
33.619289	123.859751
33.619154	123.860383
33.618844	123.860710
33.618142	123.860919

Then northeasterly to the intersection of the northern boundary of Reserve 36002 with Longitude 123.861056° East.

Note:

- Geographic Coordinates provided in Decimal Degrees.
- Road 55 Centreline digitised from interpreting the approximate position from aerial photography mosaics held by Landgate (MALCOLM\_3630\_JAN\_2009\_MOSAIC).
- Cadastral boundaries sourced from Landgate Spatial Cadastral Database (SCDB) dated 31<sup>st</sup> July 2014.
- Native Title Application WAD6020/1998 Ngadju (WC1999/002) Registered 28/09/2000.

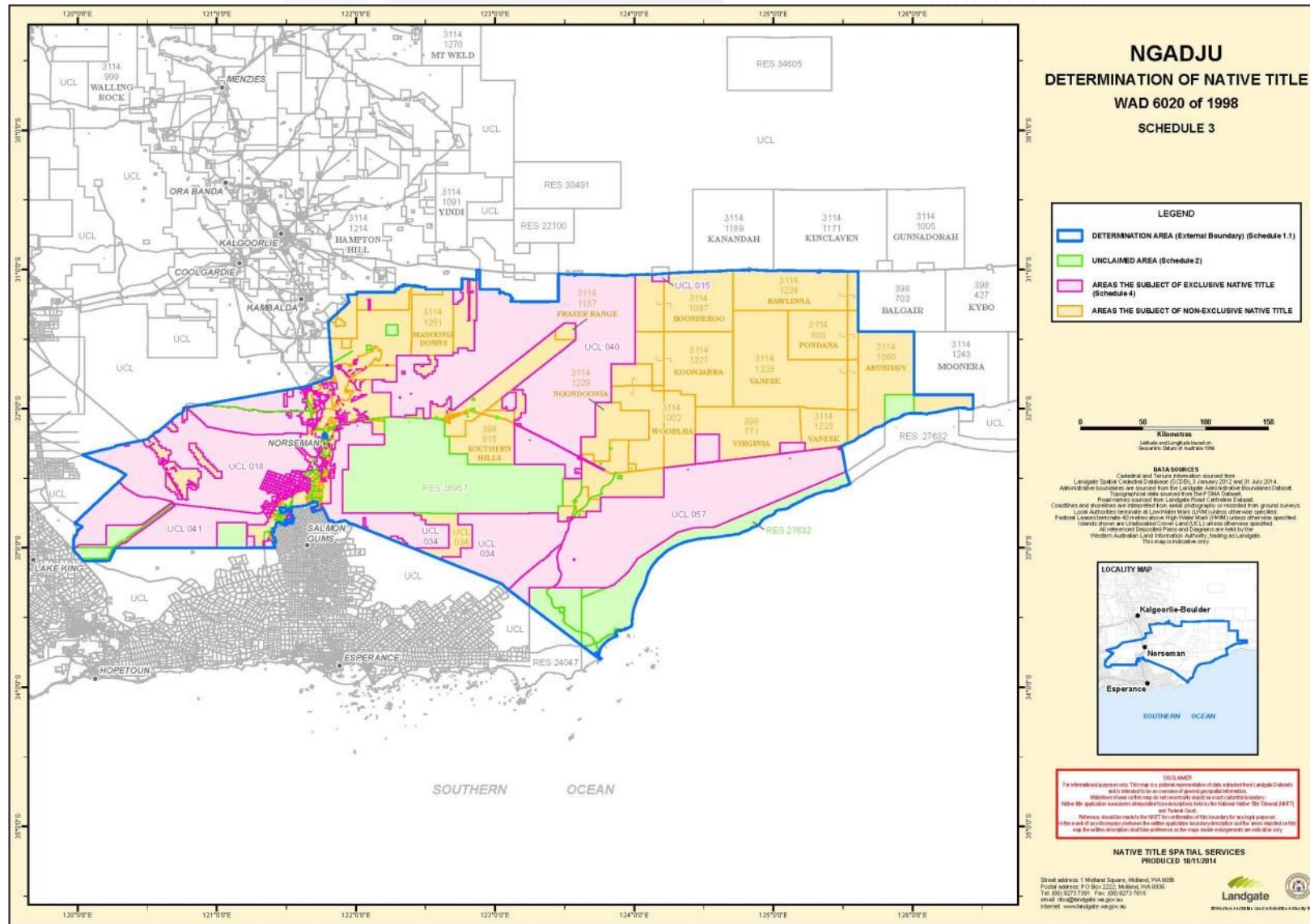
**Datum: Geocentric Datum of Australia 1994 (GDA94)**

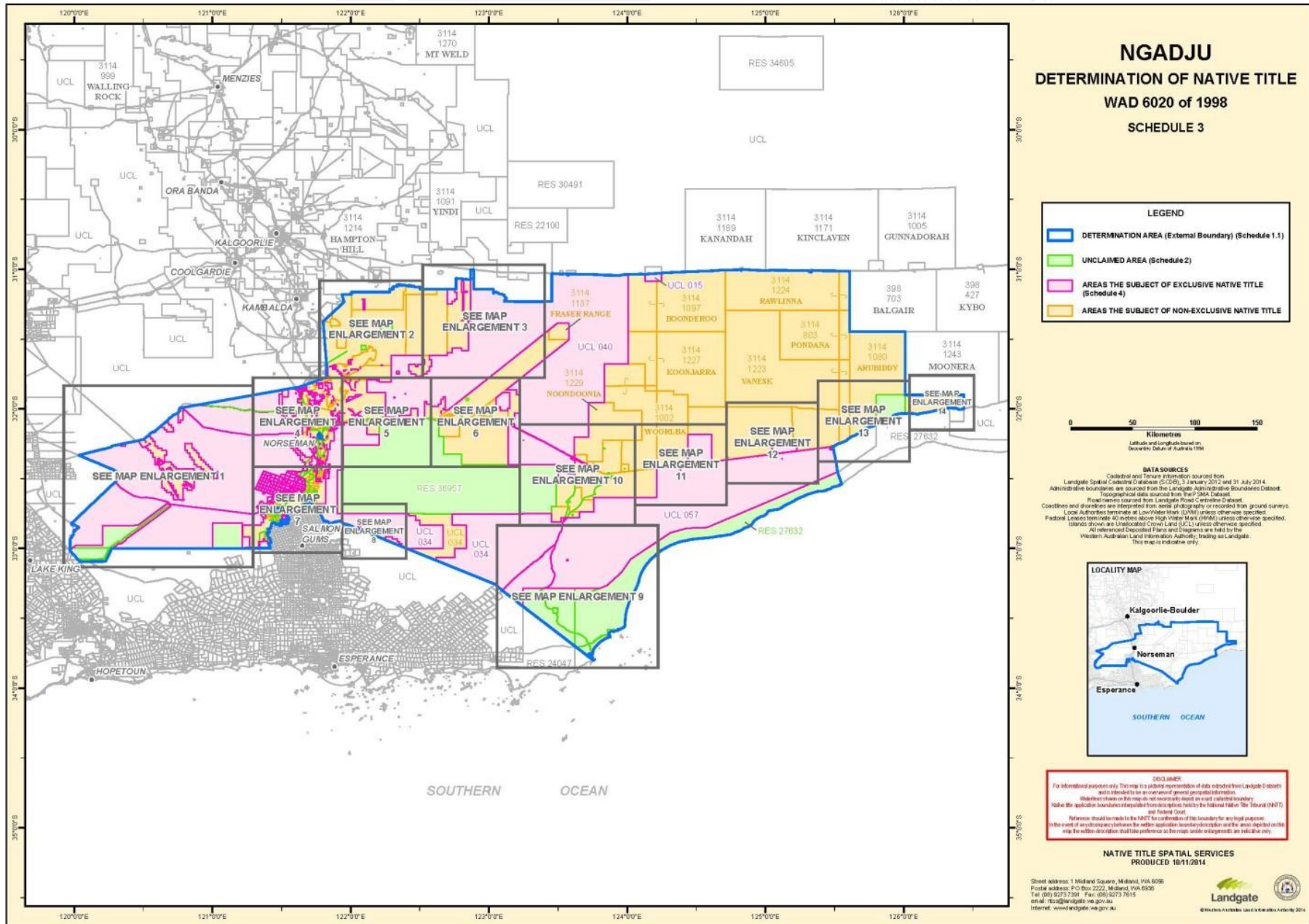
**Prepared By: Native Title Spatial Services (Landgate) 7<sup>th</sup> November 2014**

**Use of Coordinates:**

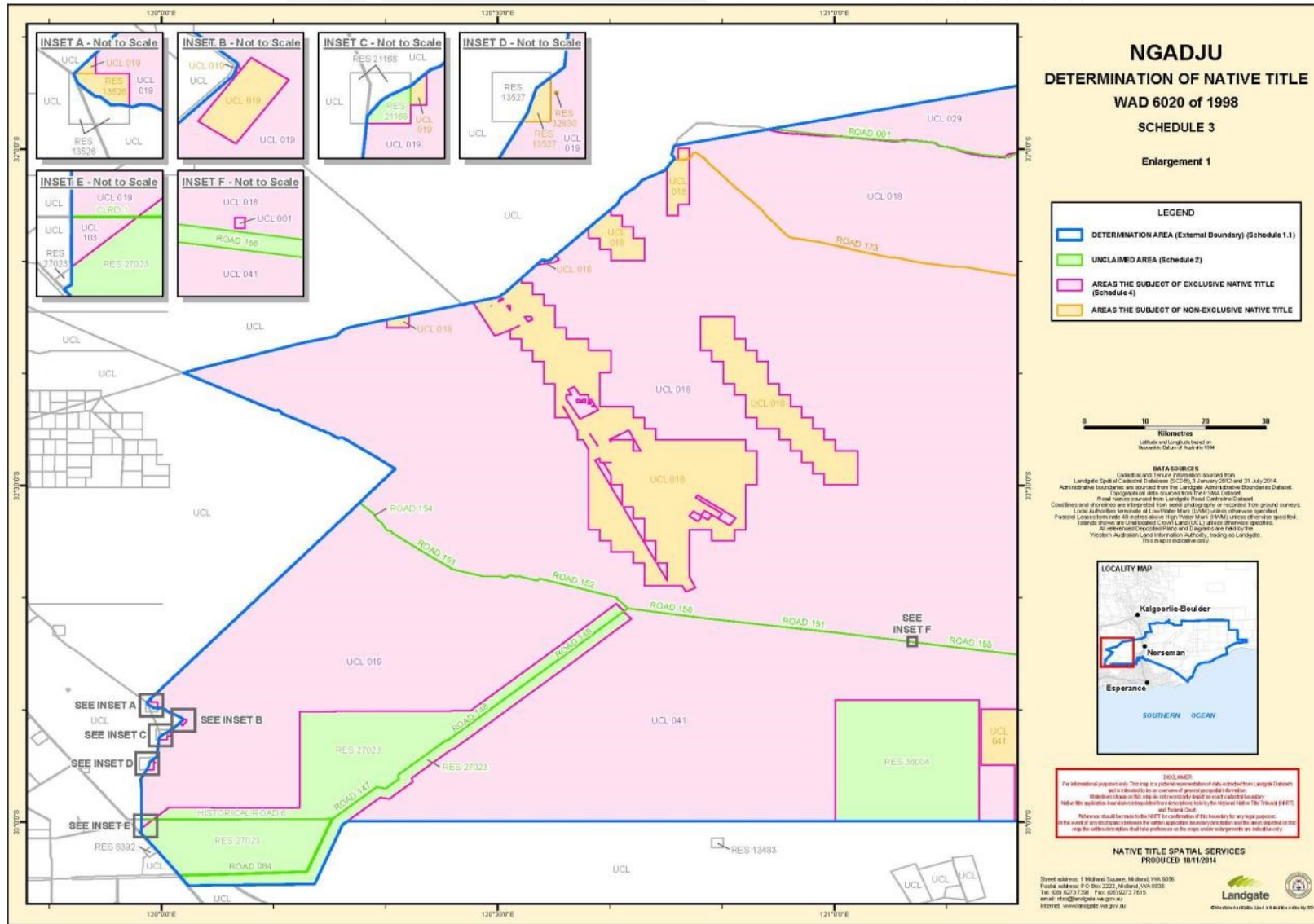
Where coordinates are used within the description to represent cadastral or topographical boundaries or the intersection with such, they are intended as a guide only. As an outcome to the custodians of cadastral and topographic data continuously recalculating the geographic position of their data based 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

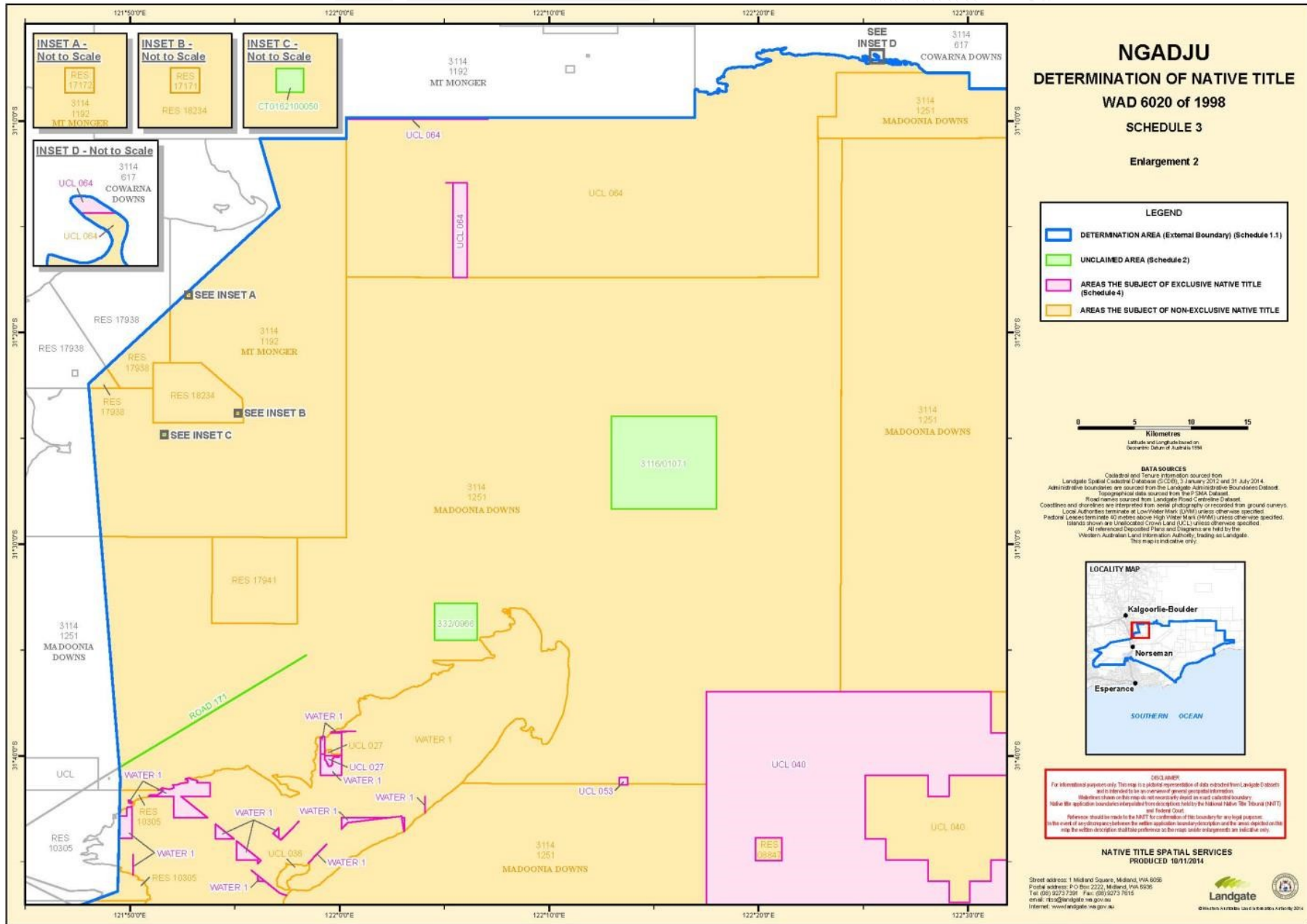




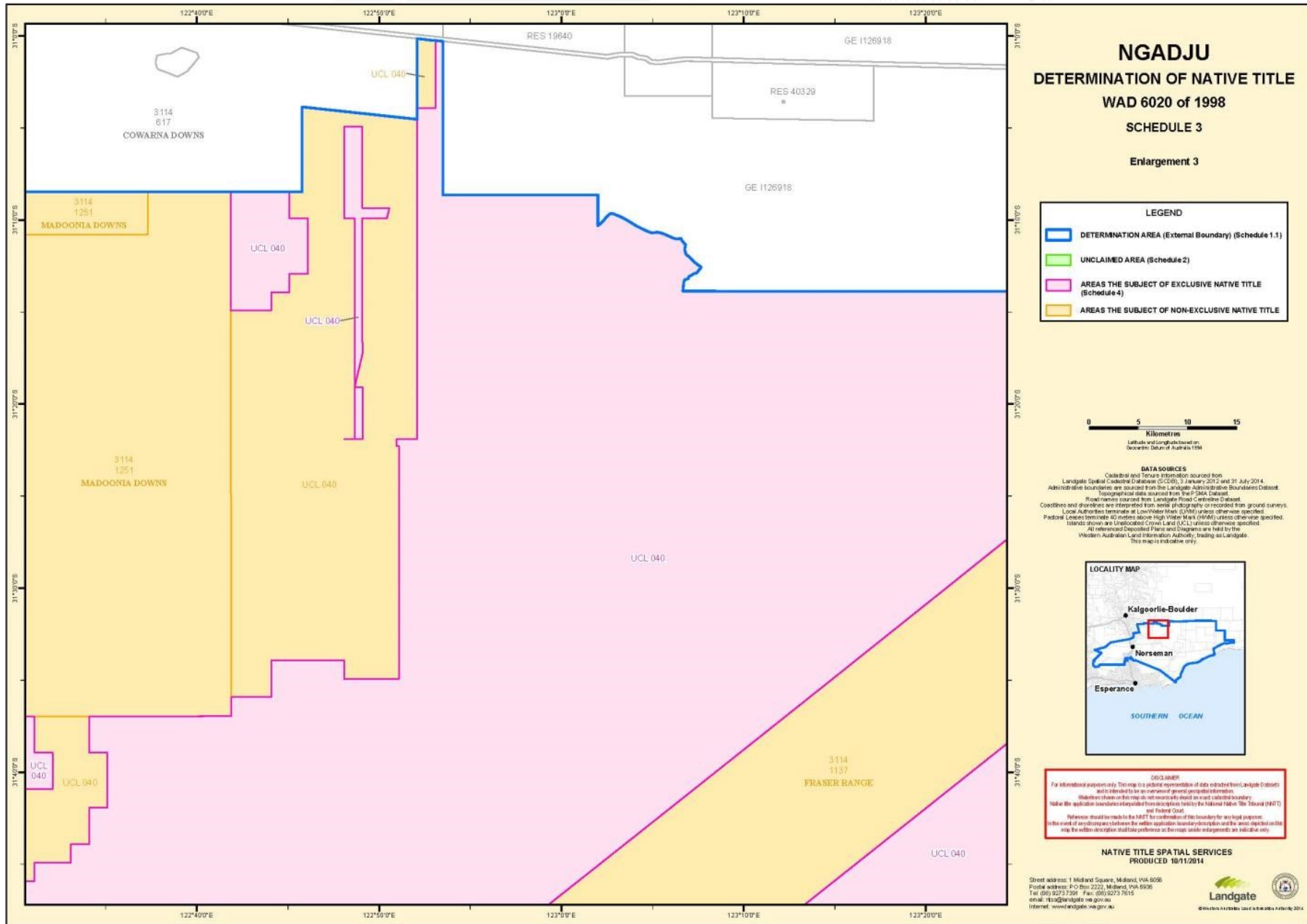
AustLII AustLII AustLII AustLII AustLII

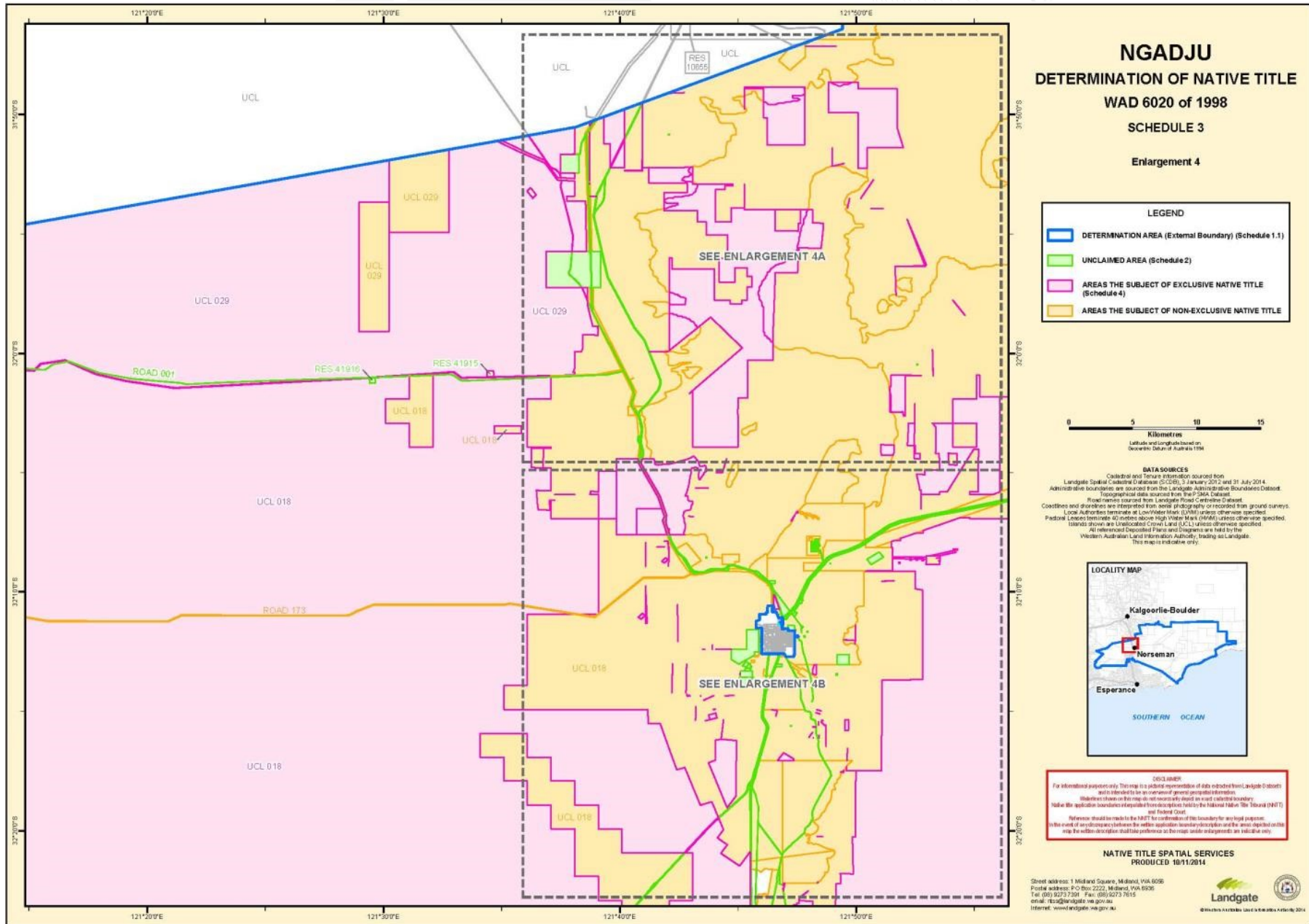


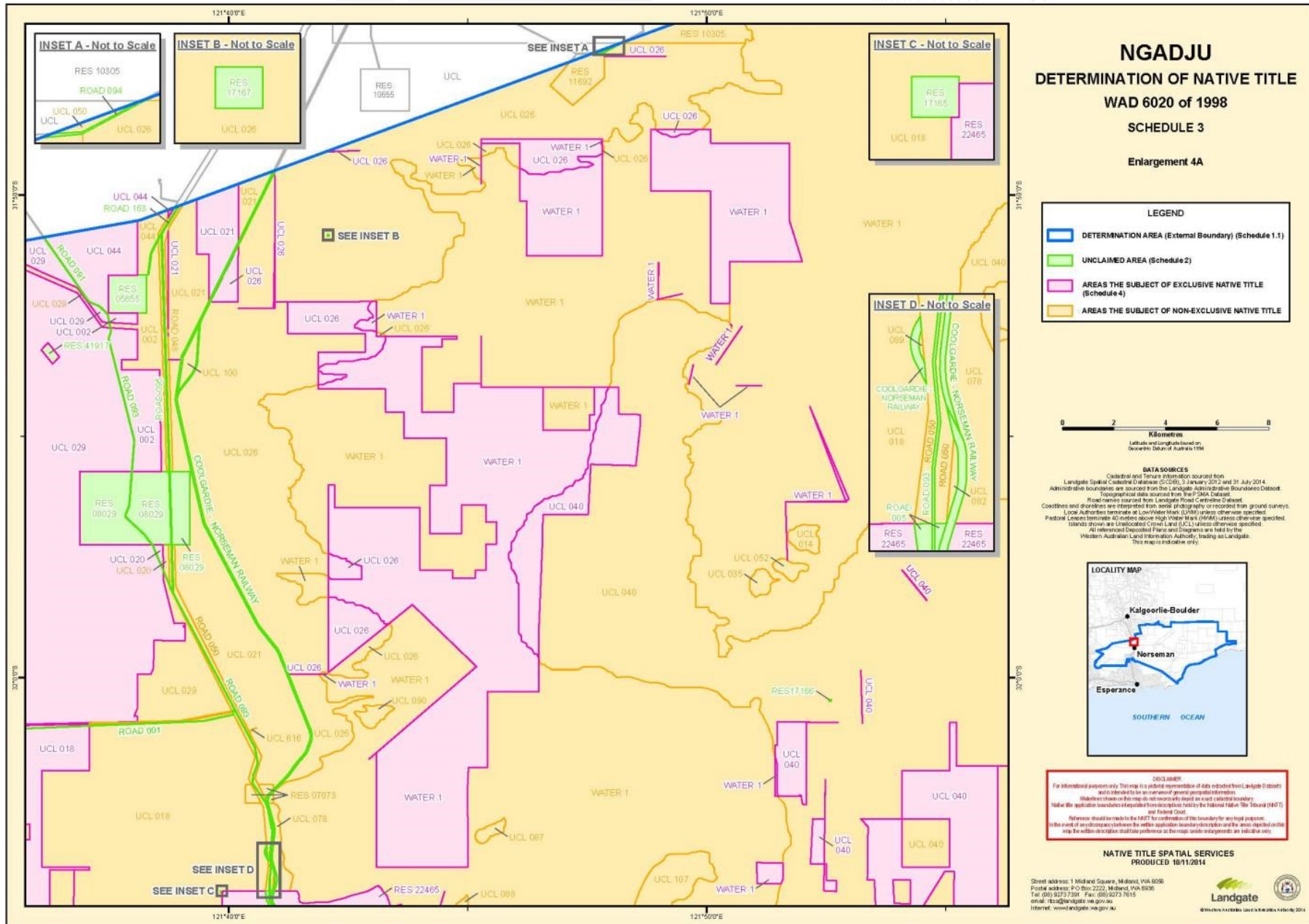
stL AustLII AustLII AustLII

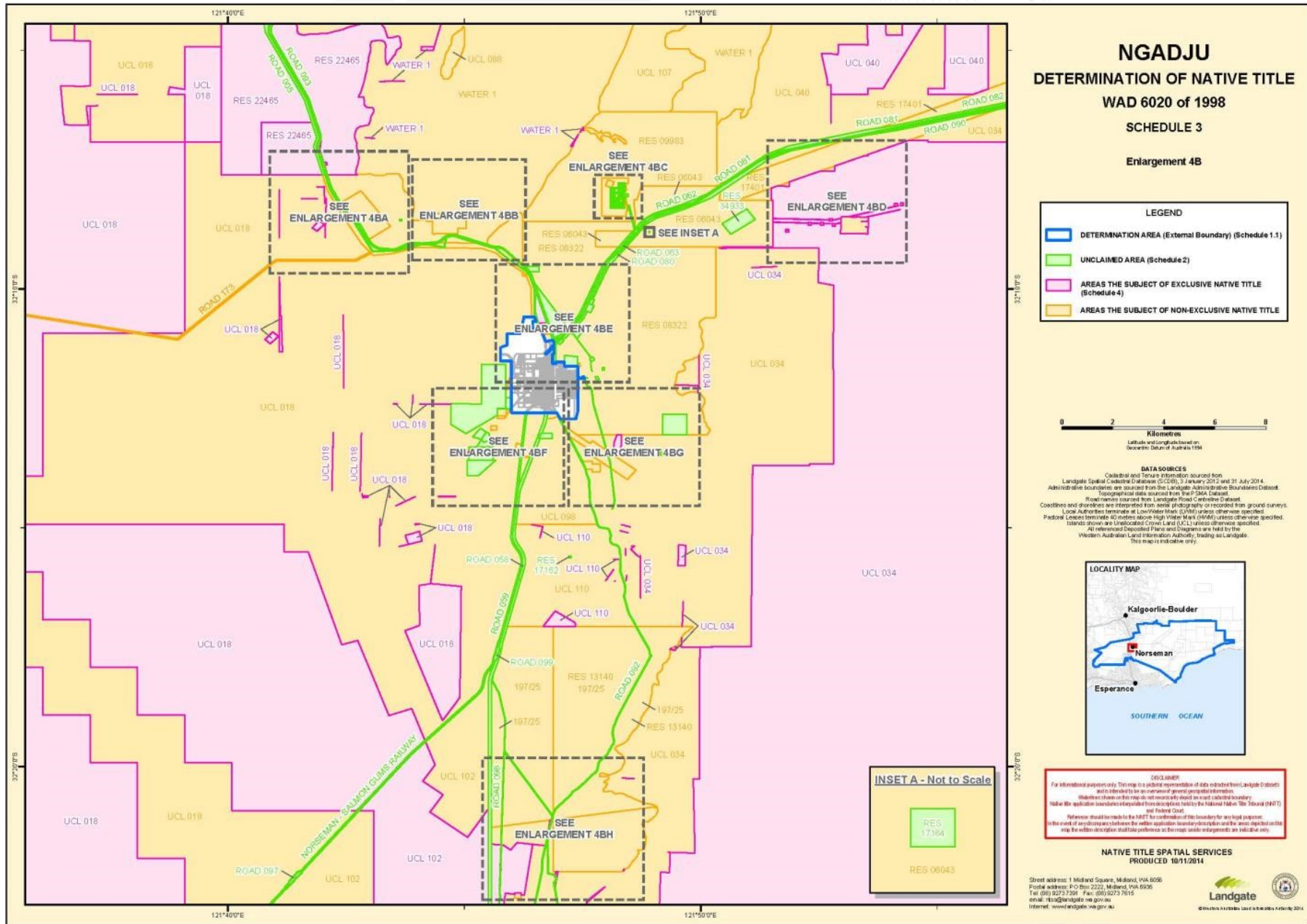












**NGADJU**  
**DETERMINATION OF NATIVE TITLE**  
**WAD 6020 of 1998**  
**SCHEDULE 3**  
**Enlargement 4B**

**LEGEND**

- DETERMINATION AREA (External Boundary) (Schedule 1.1)
- UNCLAIMED AREA (Schedule 2)
- AREAS THE SUBJECT OF EXCLUSIVE NATIVE TITLE (Schedule 4)
- AREAS THE SUBJECT OF NON-EXCLUSIVE NATIVE TITLE



**DATA SOURCES**  
 Cadastral and Tenure Information sourced from Landgate Spatial Cadastral Database (SCDB), 3 January 2012 and 21 July 2014.  
 Administrative boundaries are sourced from the Landgate Administrative Boundaries Dataset.  
 Topographical data sourced from the PDM Data.  
 Road names sourced from Landgate Road Centreline Dataset.  
 Coastlines and shorelines are interpreted from aerial photography or recorded from ground surveys.  
 Local Authorities terminate at Low Water Mark (LWM) unless otherwise specified.  
 Pastoral Leases terminate 40 metres above High Water Mark (HWM) unless otherwise specified.  
 Islands shown are Unincorporated Crown Land (UCL) unless otherwise specified.  
 All referenced Deposited Plans and Diagrams are held by the Western Australian Land Information Authority (LWA).  
 This map is indicative only.

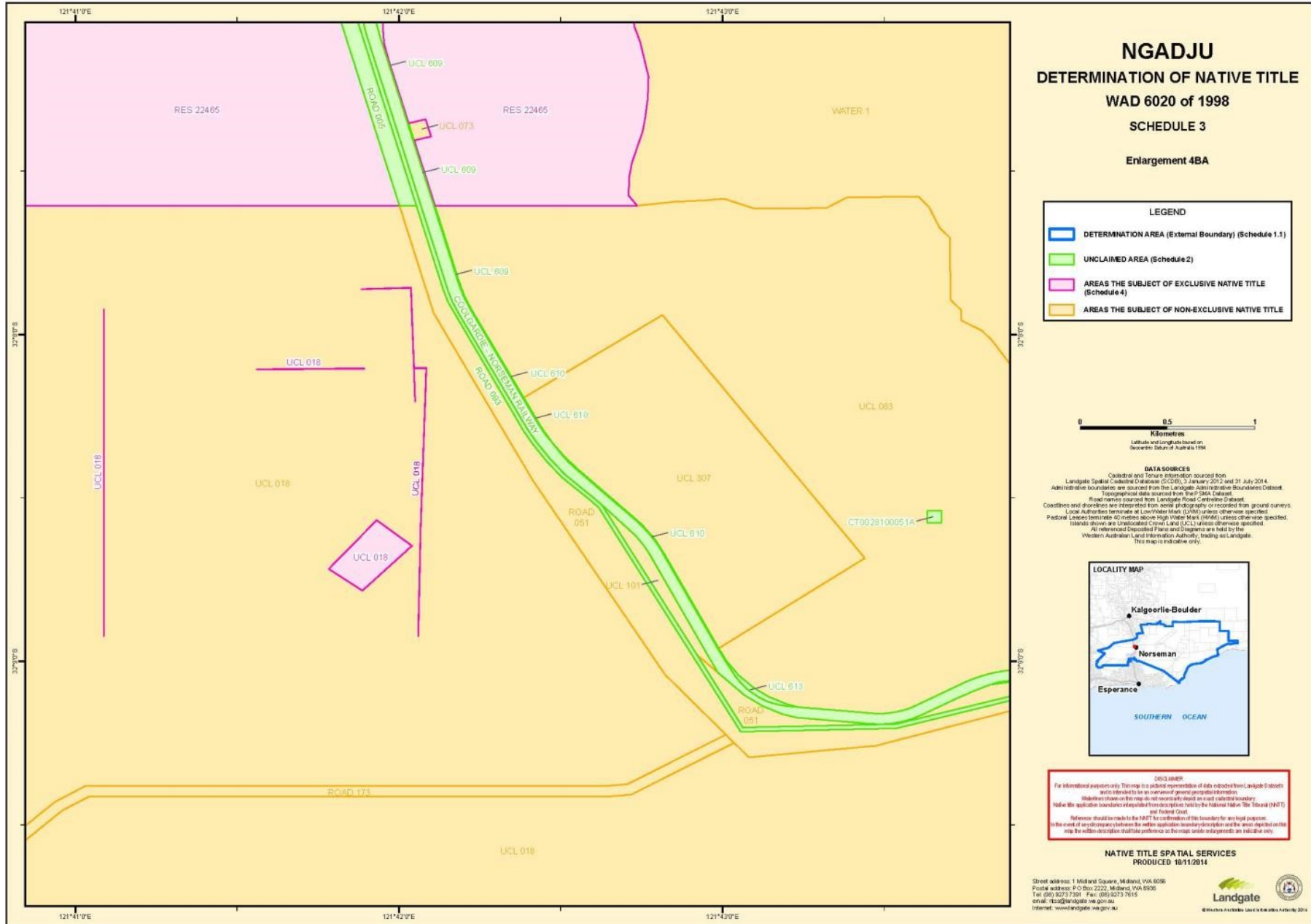


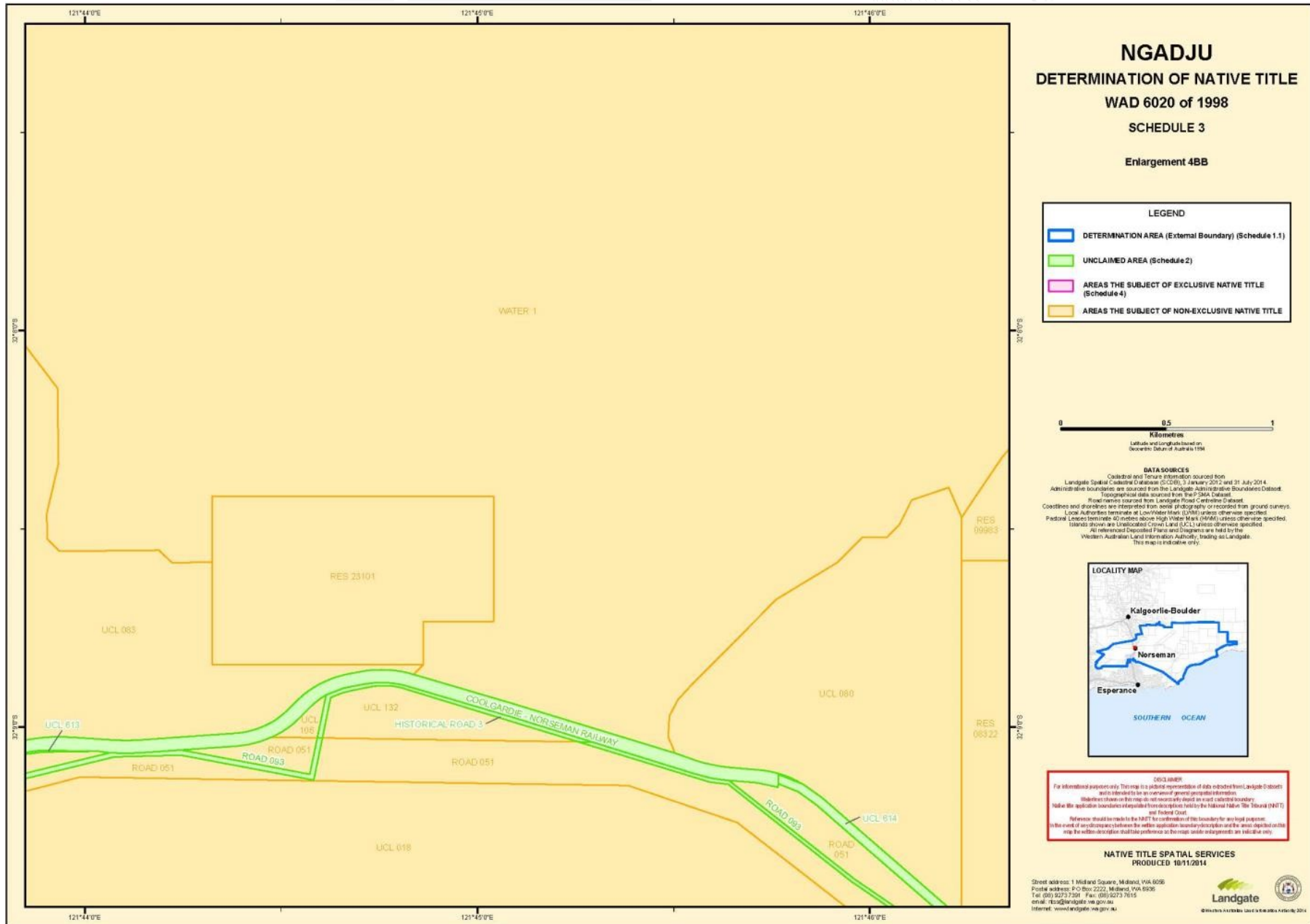
**DISCLAIMER**  
 For informational purposes only. This map is a pictorial representation of data extracted from Landgate Datasets and is intended to be an operational general purpose information.  
 Boundaries shown on this map do not necessarily define an exact cadastral boundary.  
 National and applicable boundaries extracted from datasets held by the National Hydrographic Office (NHO) and Federal Court.  
 Reference should be made to the NATF for confirmation of this location for any legal purposes.  
 In the event of any discrepancy between the written application boundary description and the areas depicted on this map, the written description shall take preference as the maps and enlargements are indicative only.

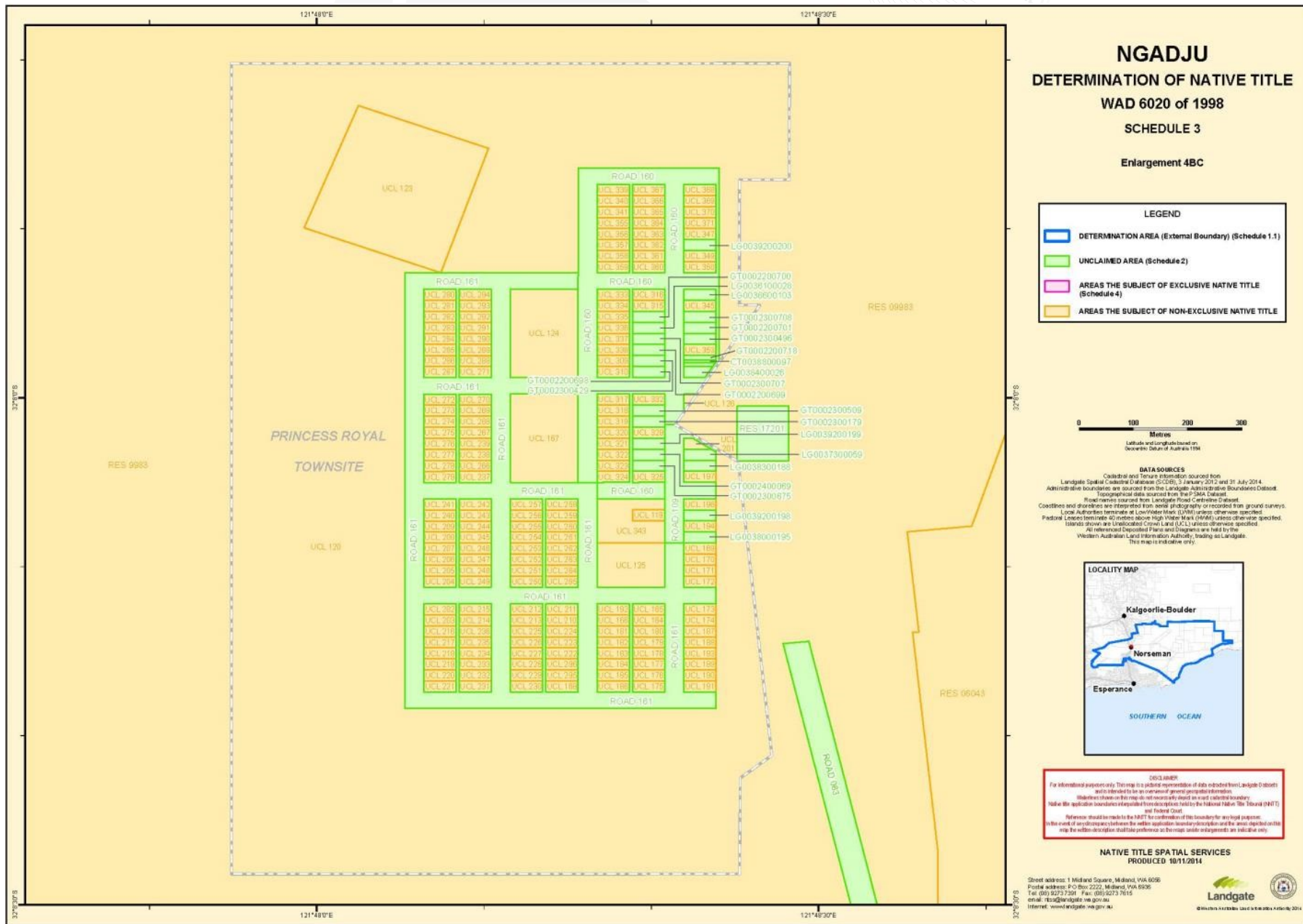
**NATIVE TITLE SPATIAL SERVICES**  
 PRODUCED 10/11/2014

Street address: 1 Midland Square, Midland, WA 8095  
 Postal address: P O Box 2222, Midland, WA 8095  
 Tel: (81) 9272 7391 Fax: (81) 9272 7915  
 email: [ntsf@landgate.wa.gov.au](mailto:ntsf@landgate.wa.gov.au)  
 Internet: [www.landgate.wa.gov.au](http://www.landgate.wa.gov.au)





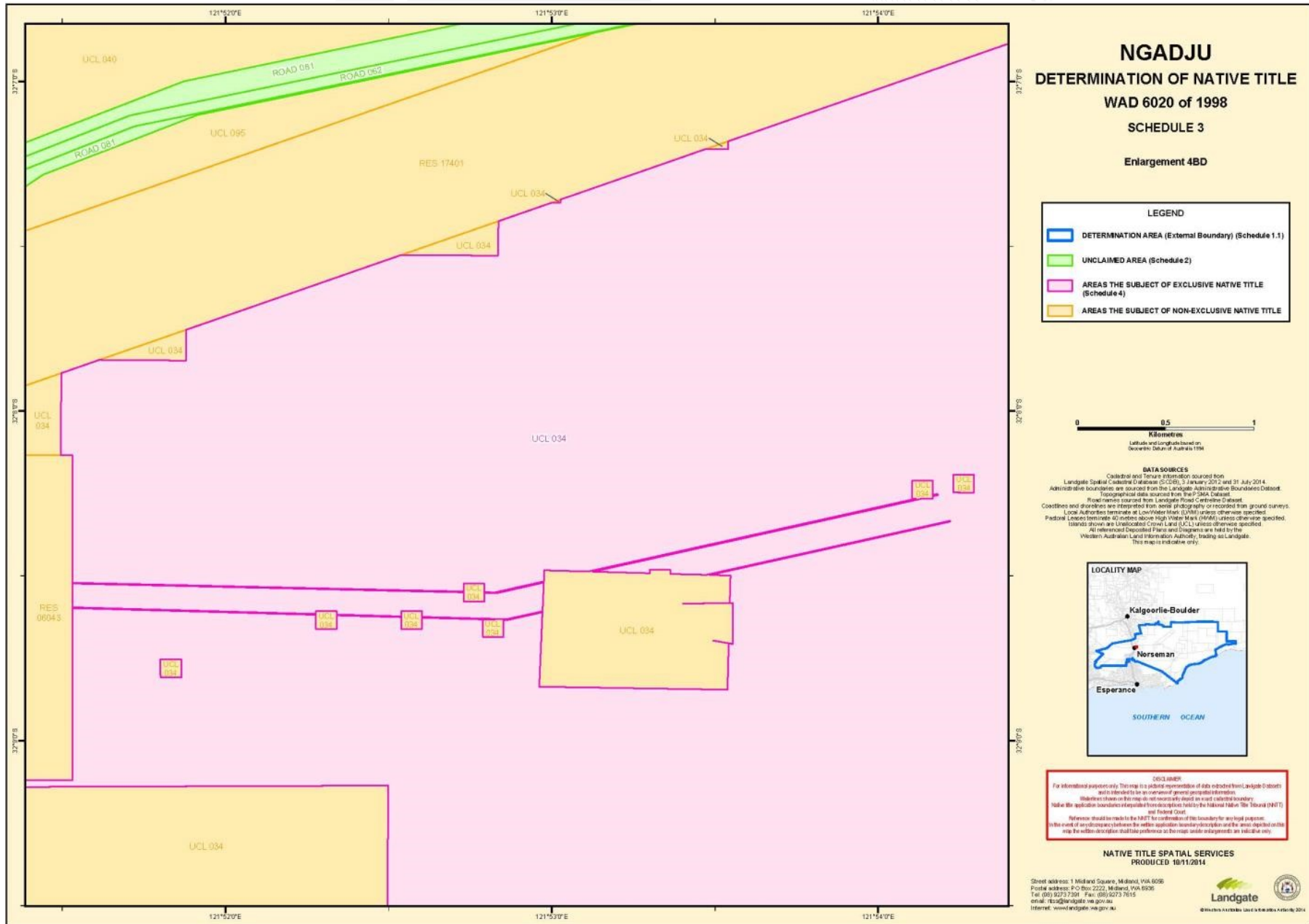




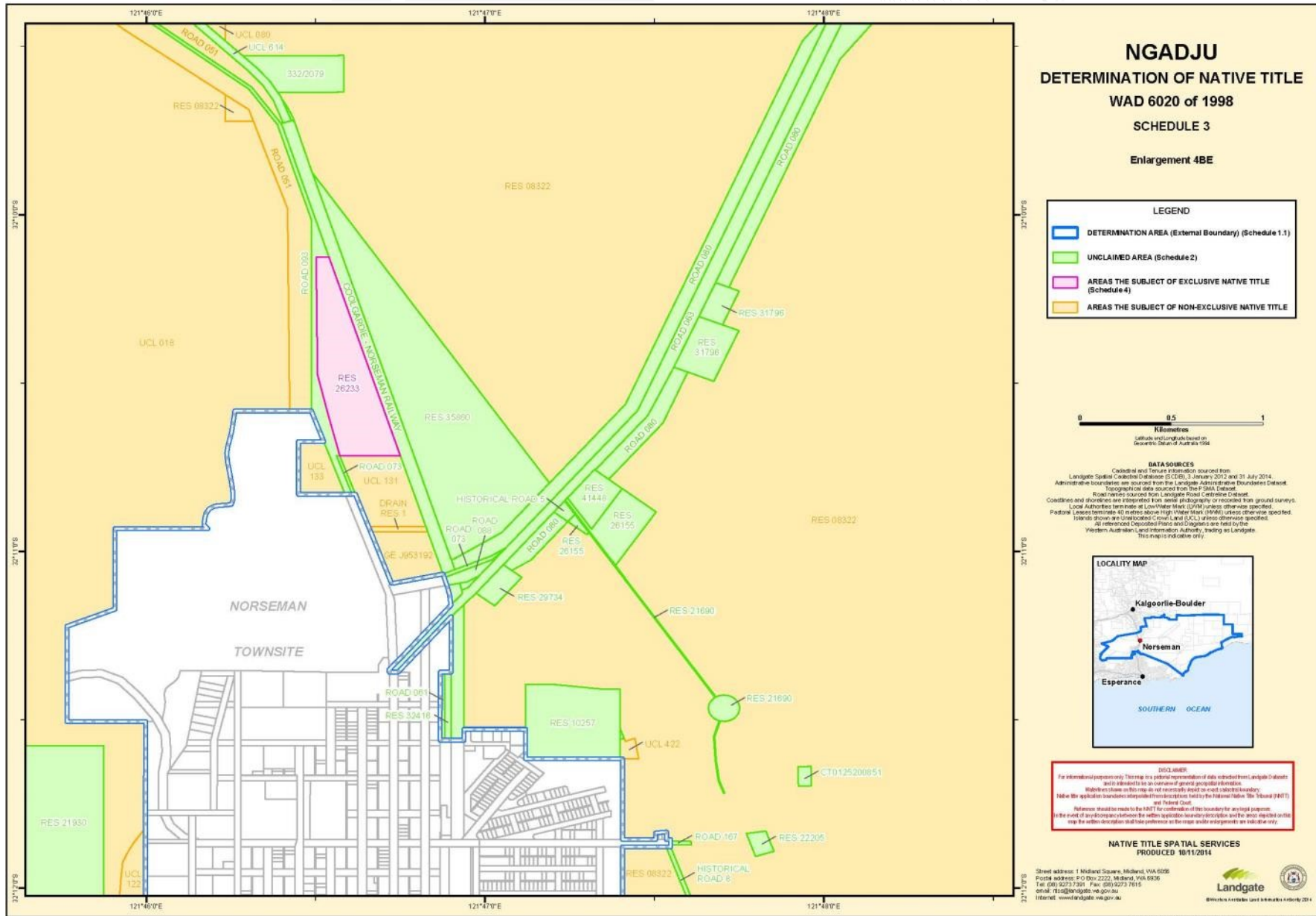
**LOCALITY MAP**

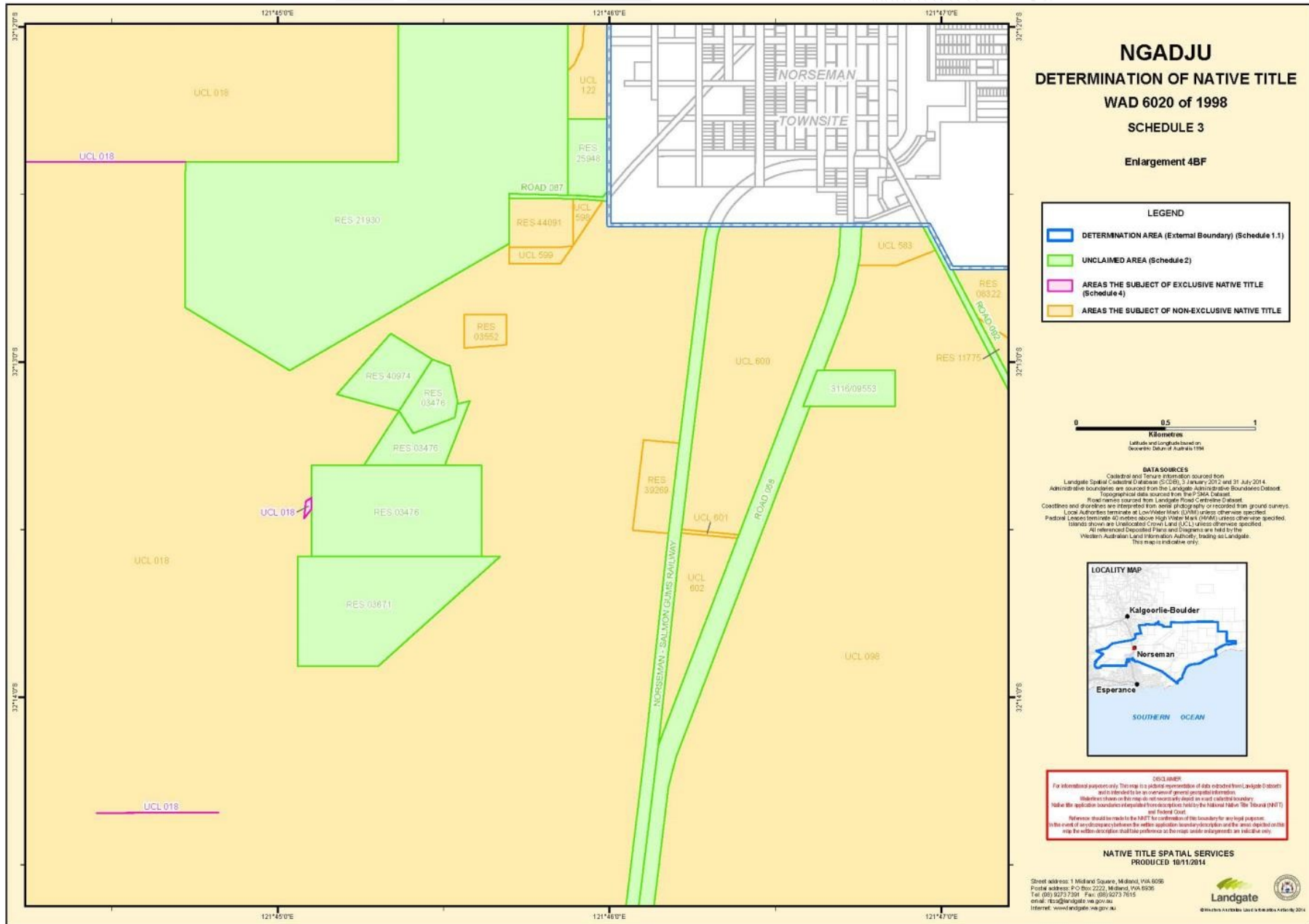
**DISCLAIMER**

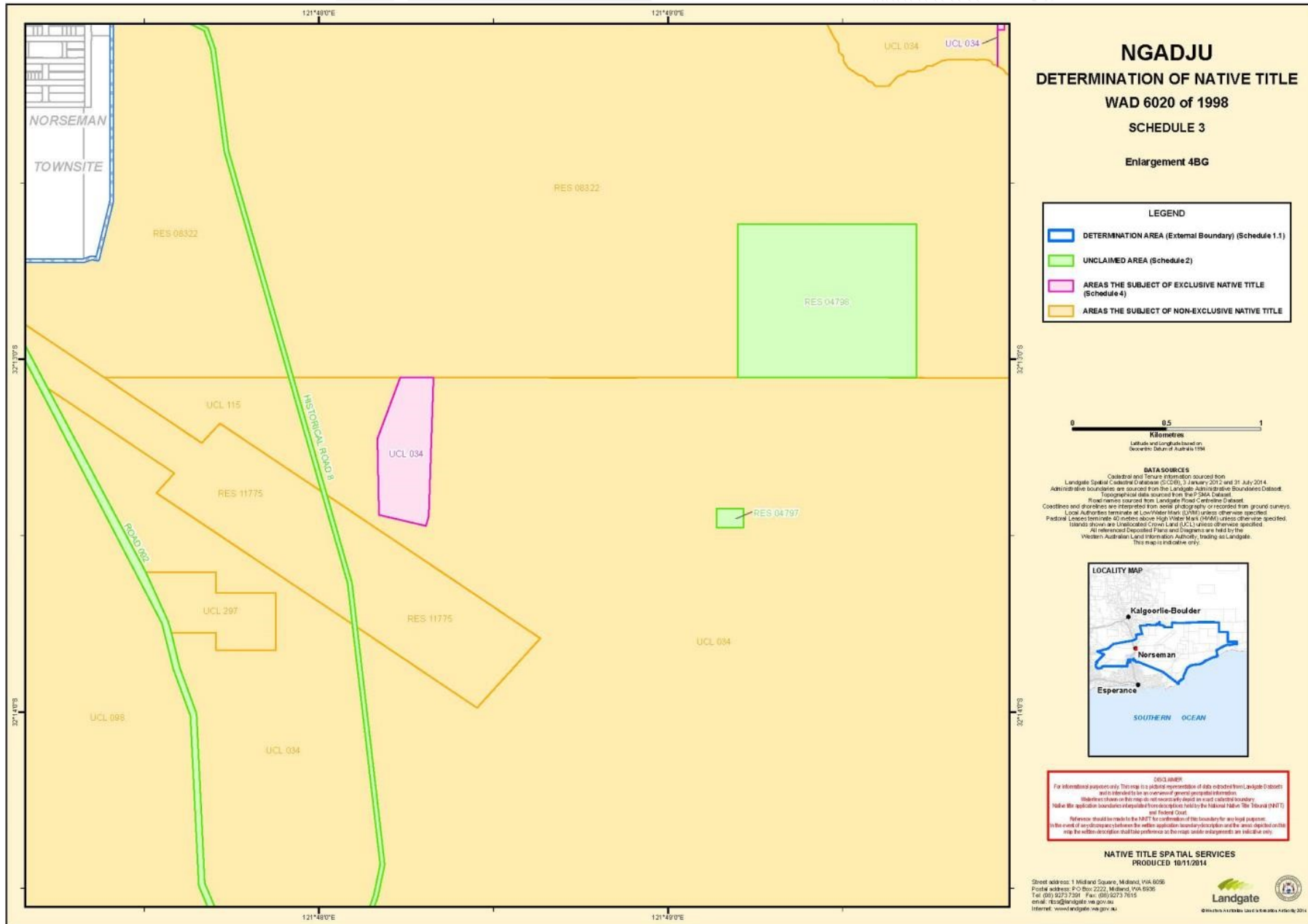
For informational purposes only. This map is a pictorial representation of data extracted from Landgate Datasets and is intended to be a generalised generalisation of information.  
 It does not constitute an offer of any kind.  
 It does not constitute a representation or warranty of any kind.  
 It does not constitute an offer of any kind.  
 It does not constitute a representation or warranty of any kind.

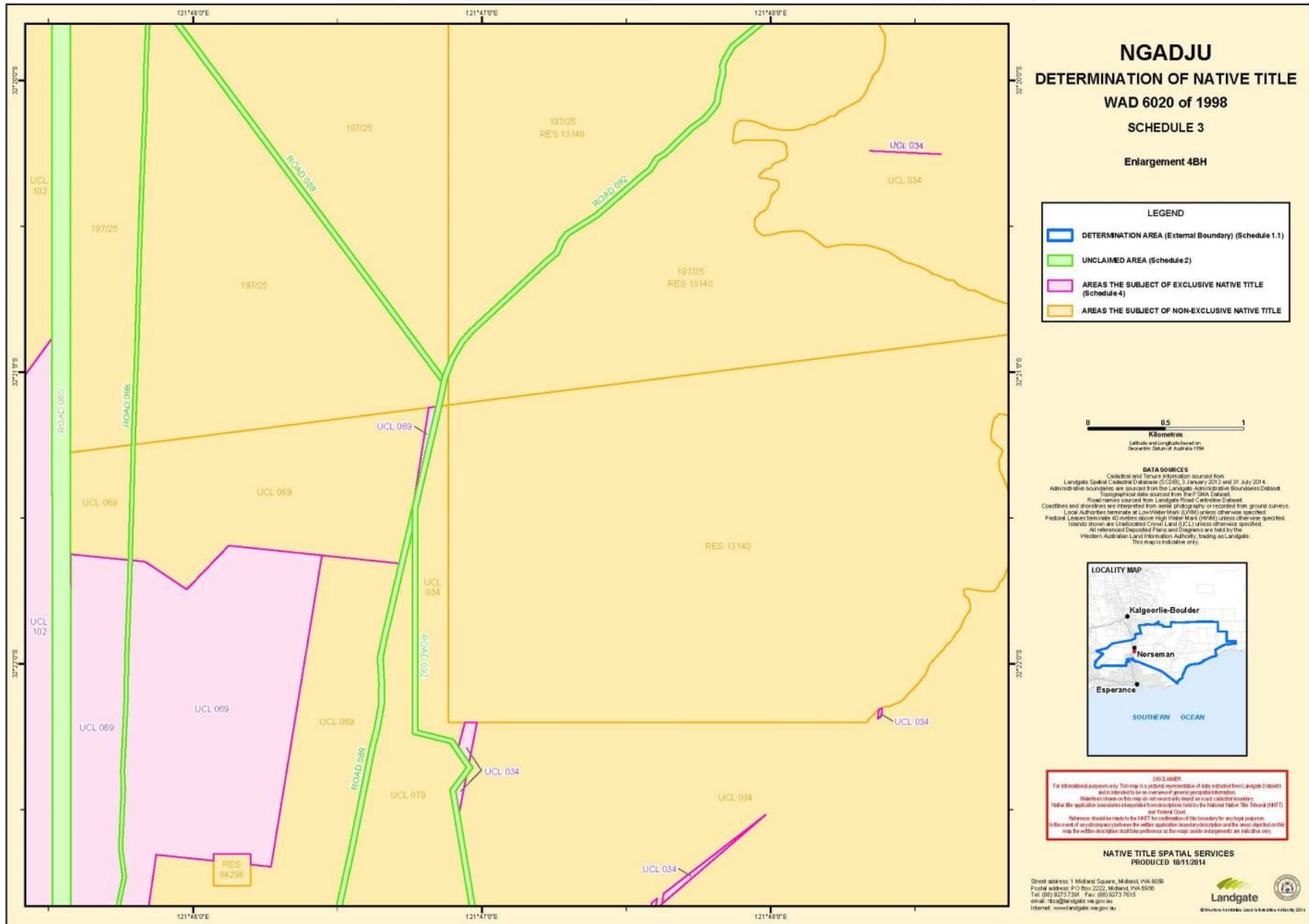


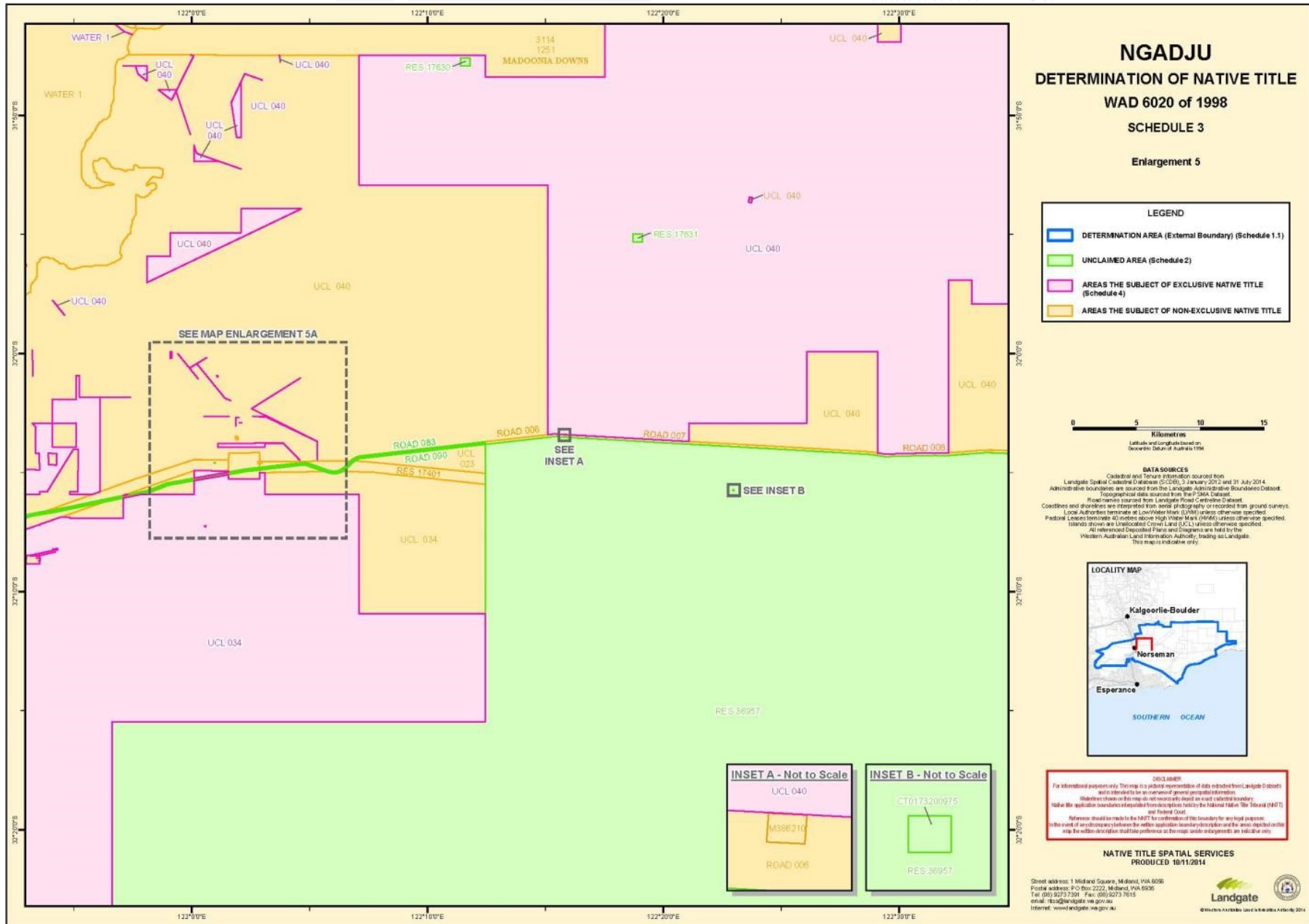


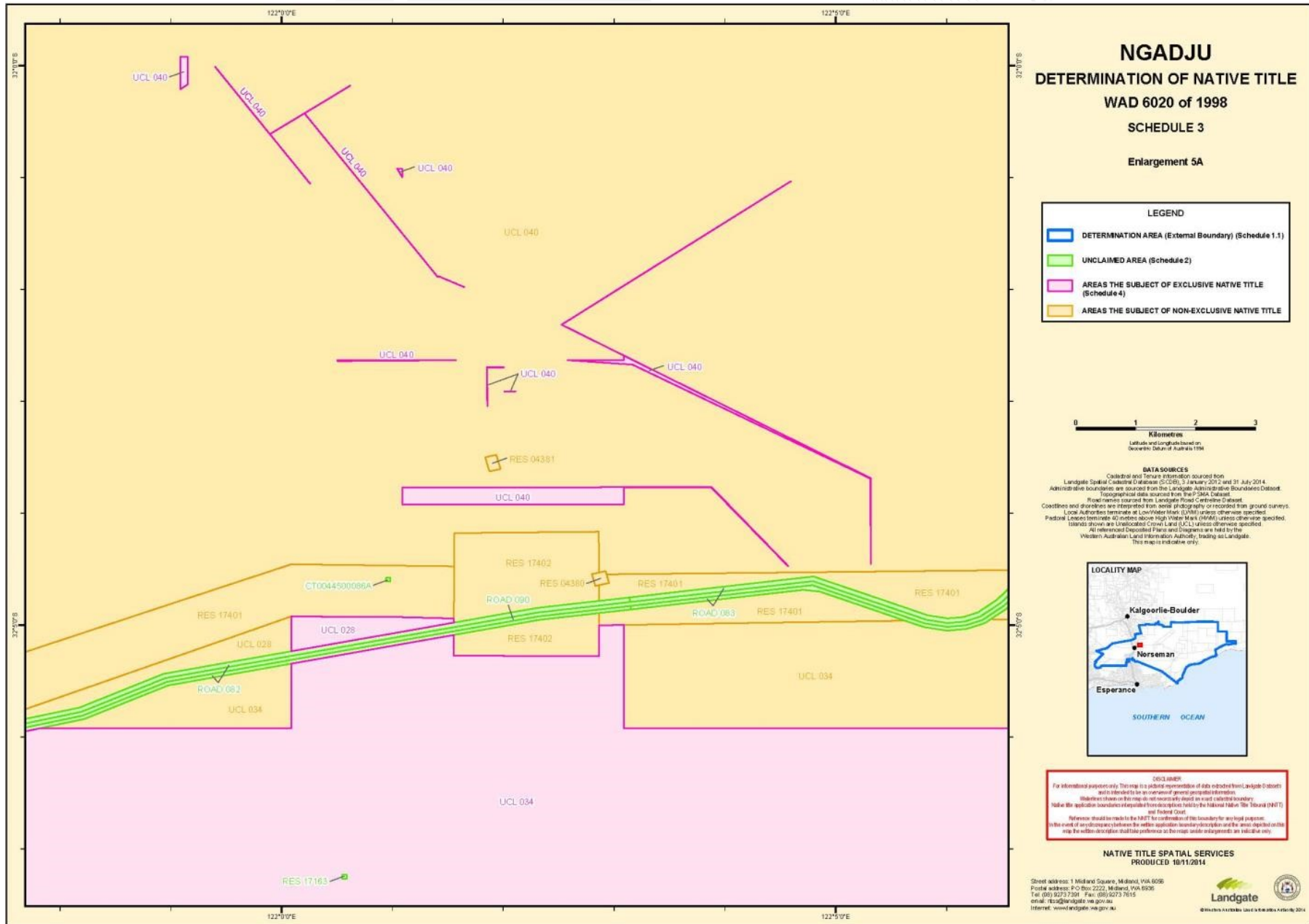


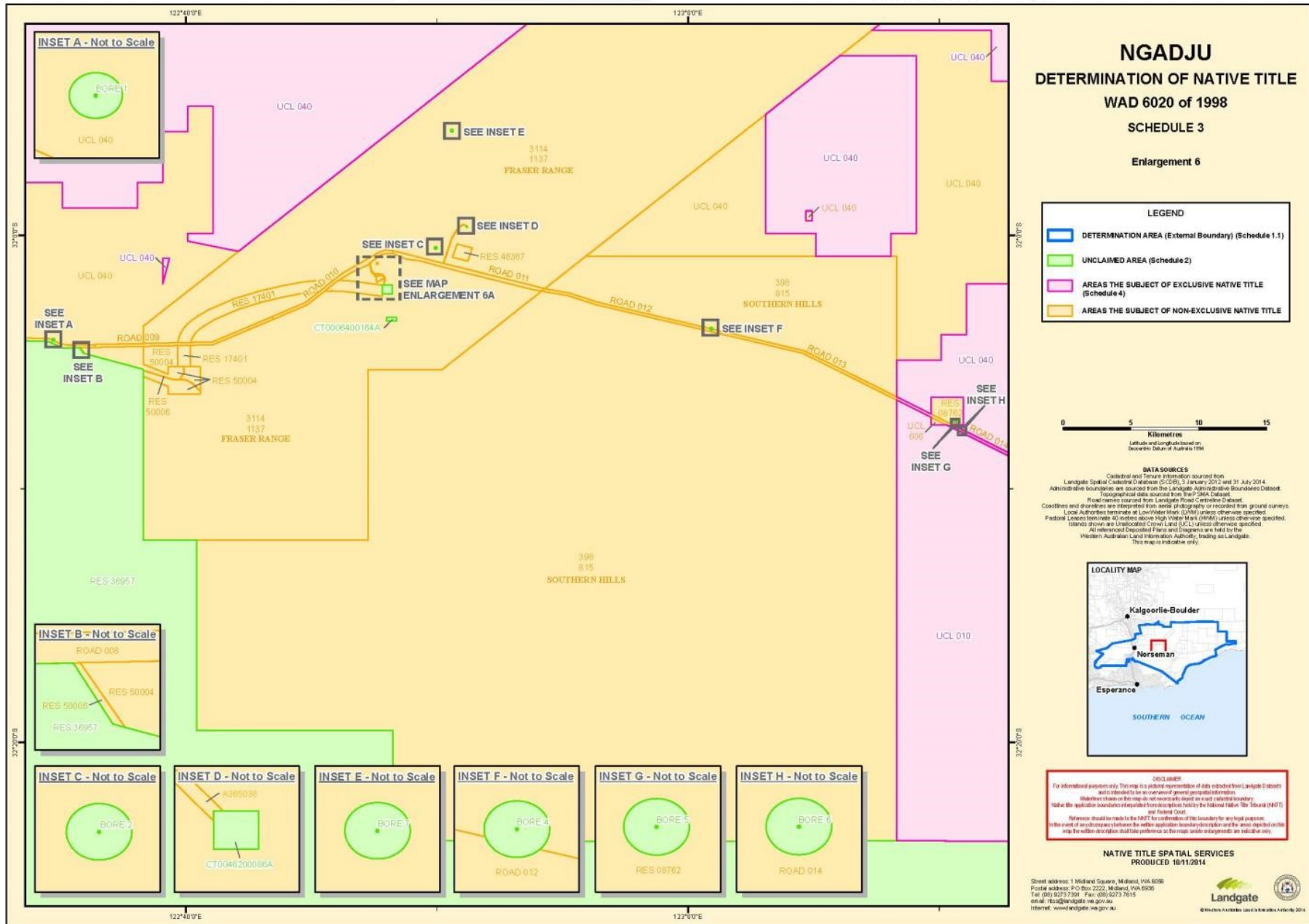


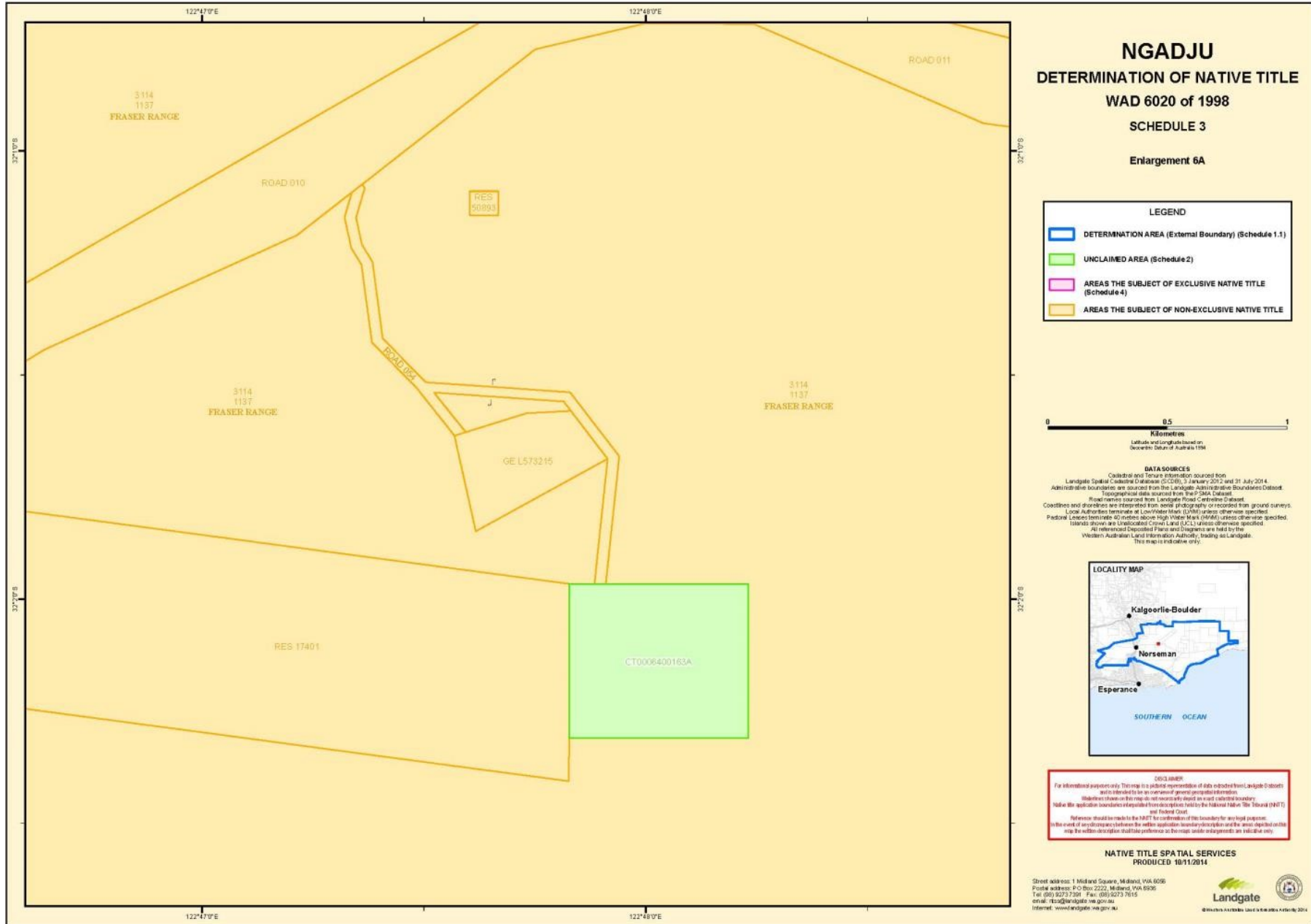




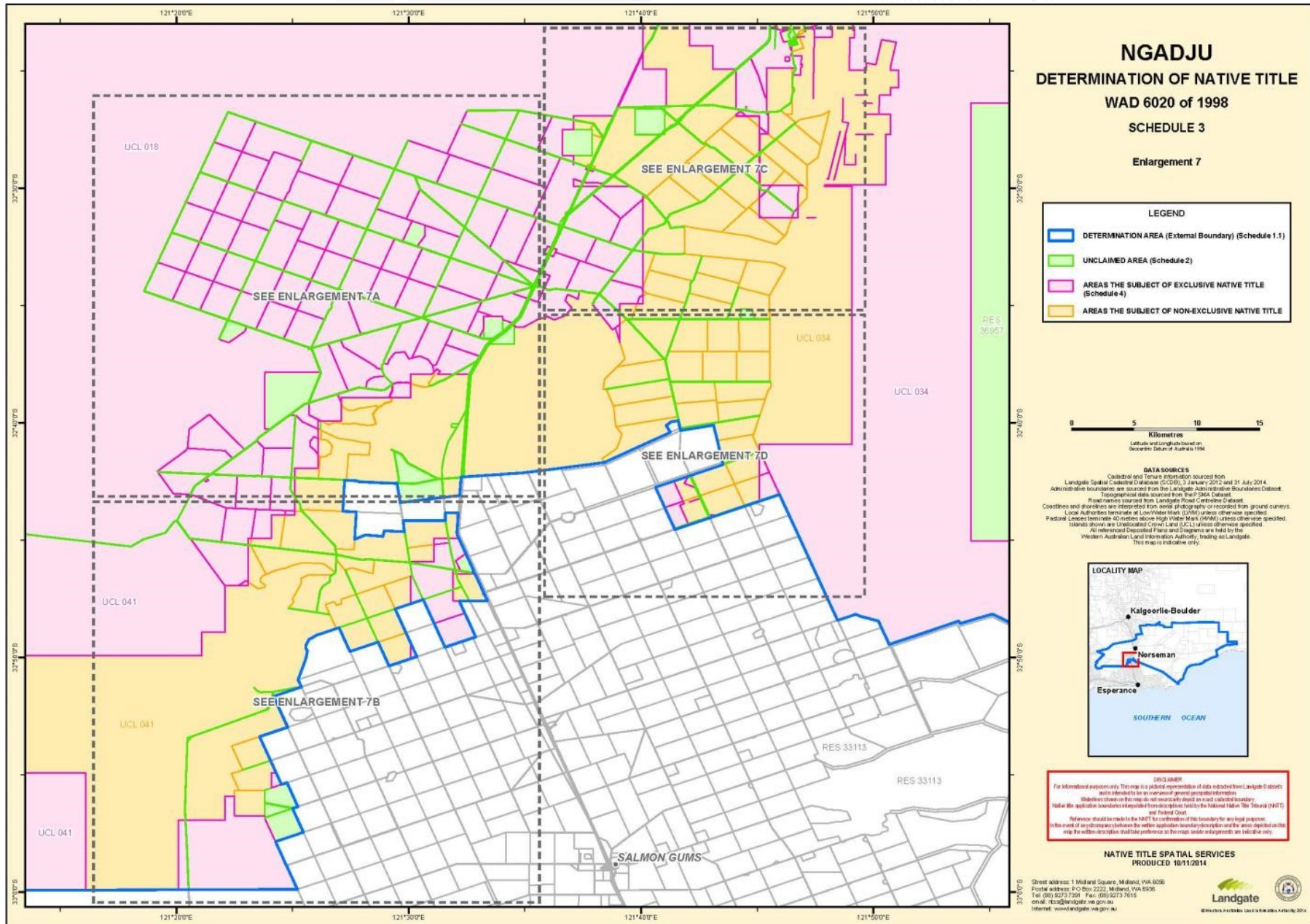


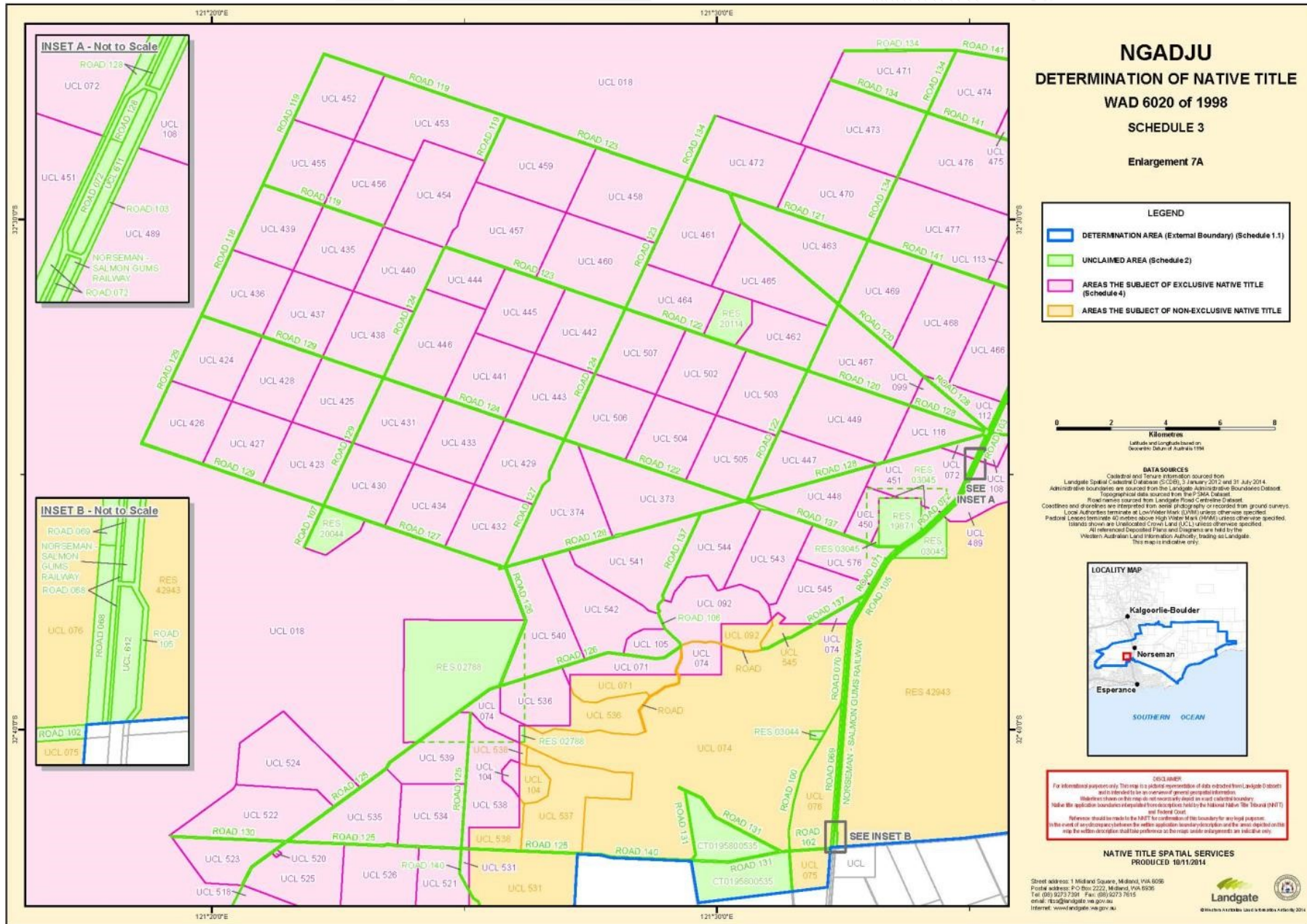


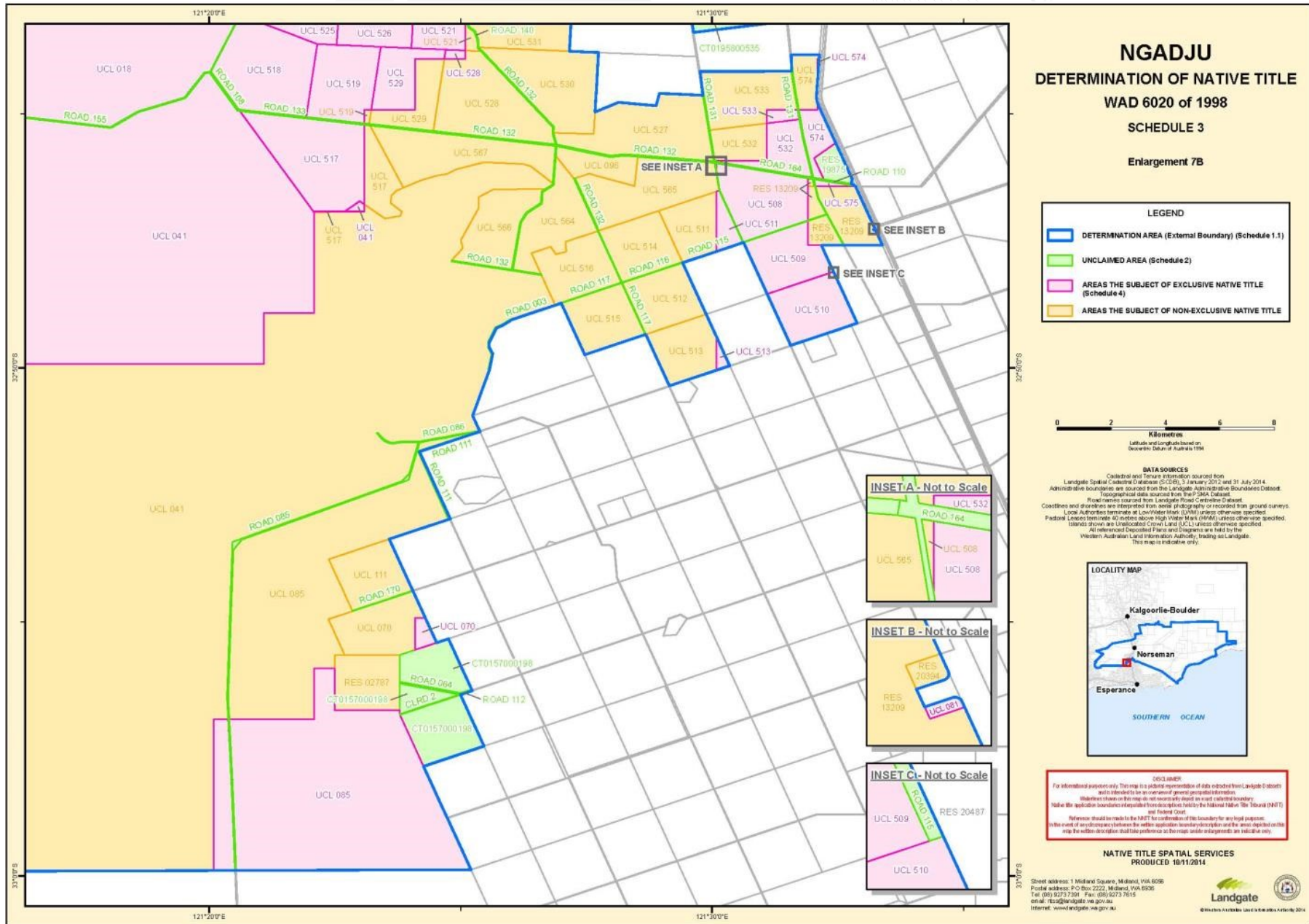


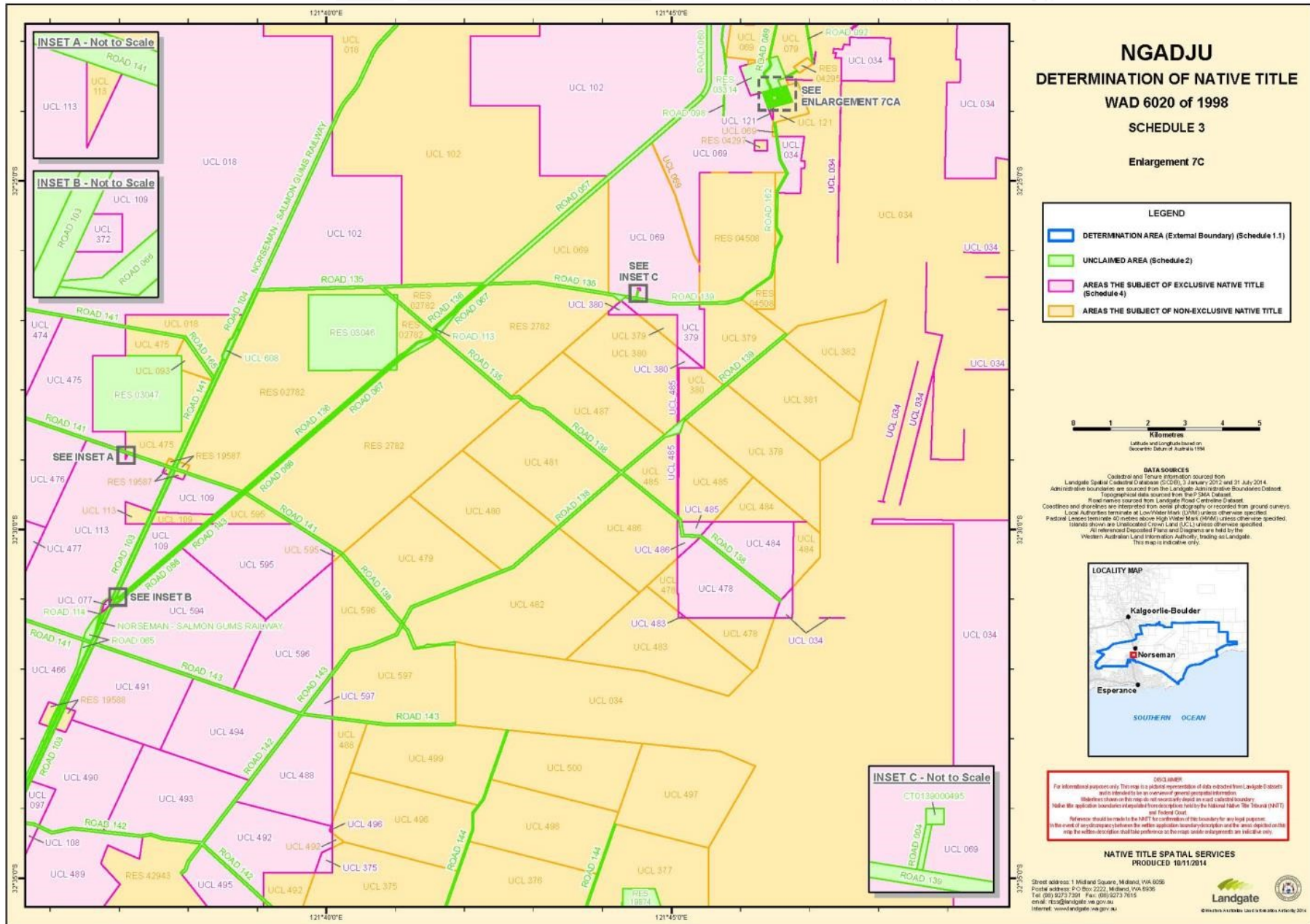


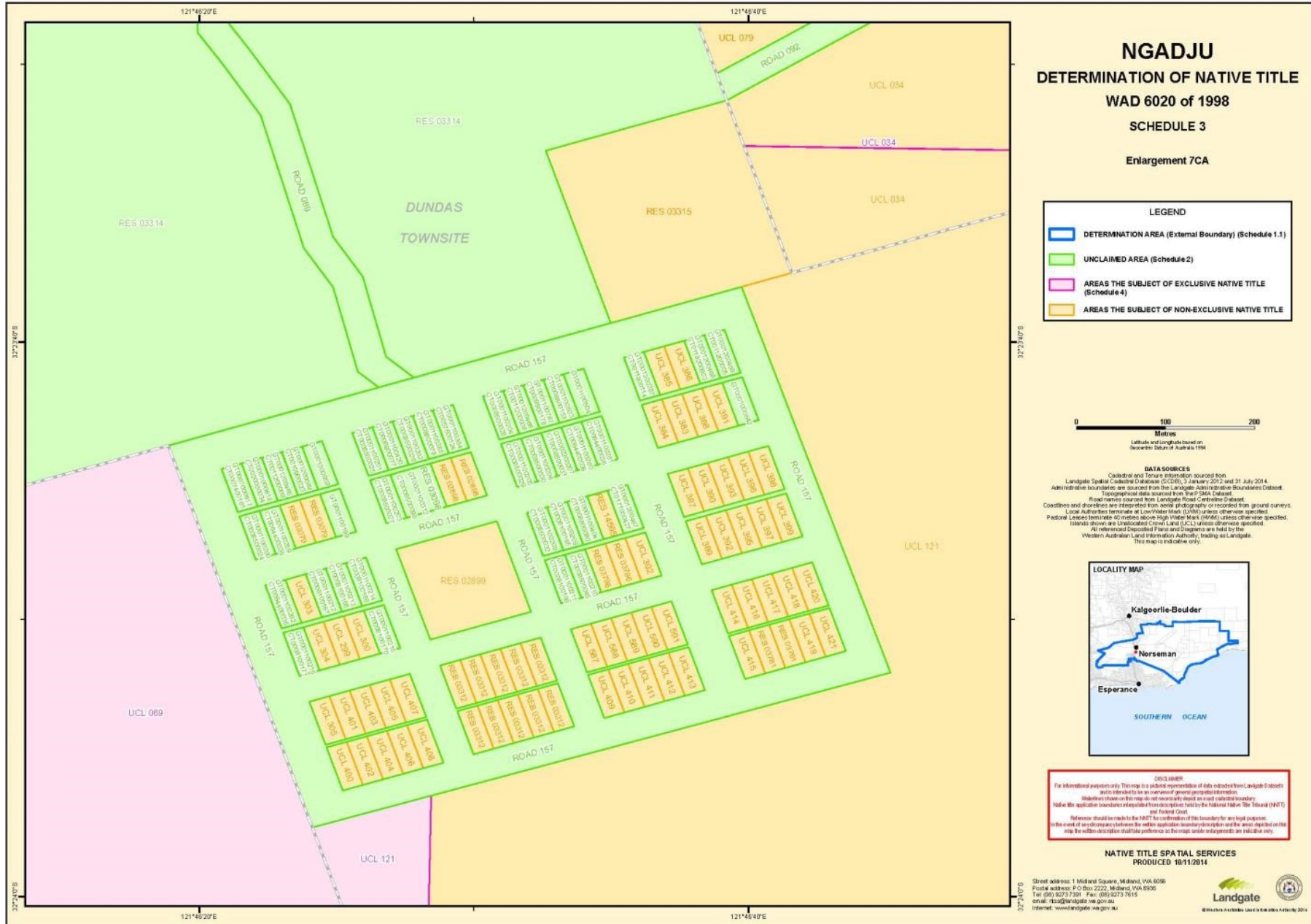


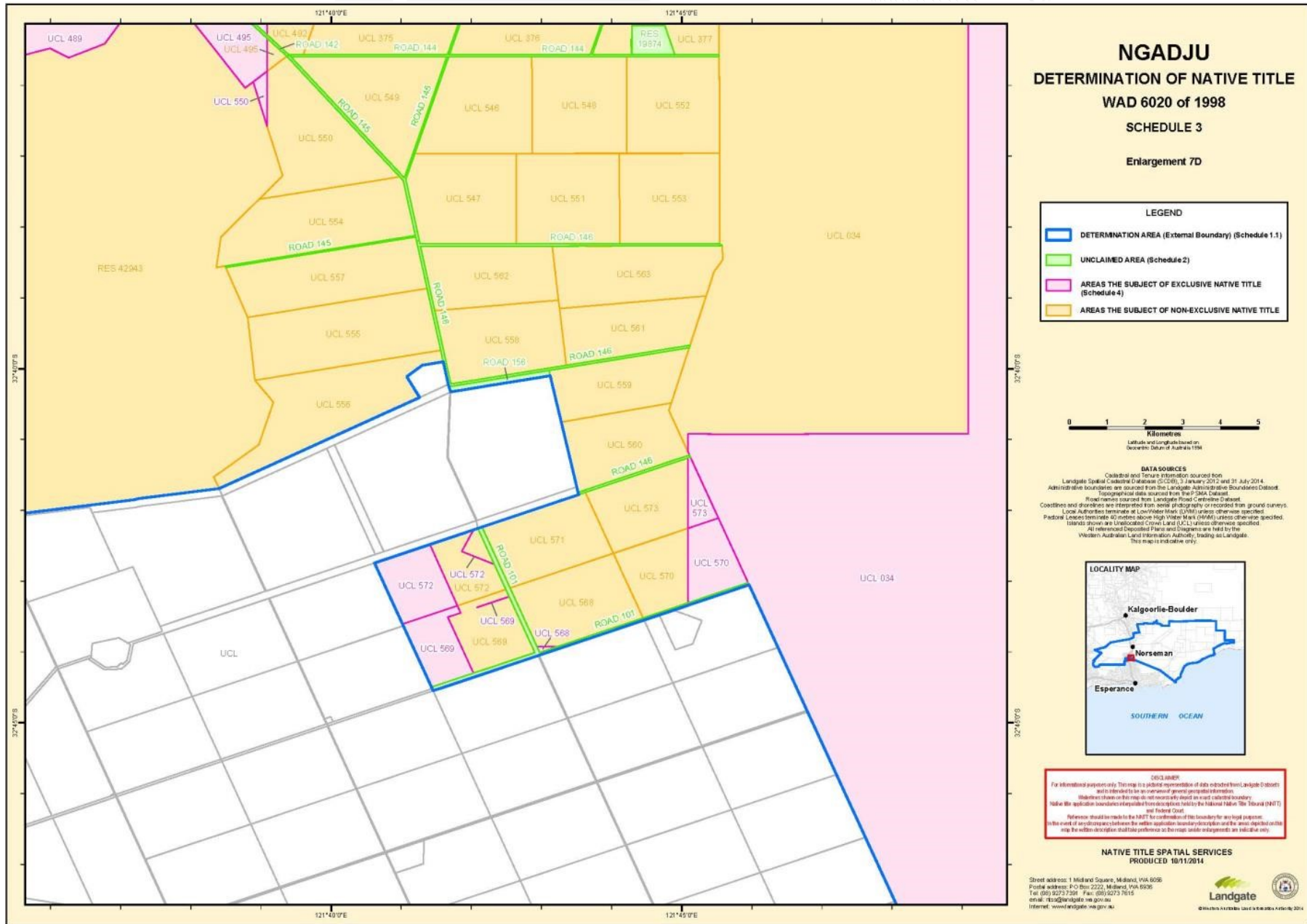


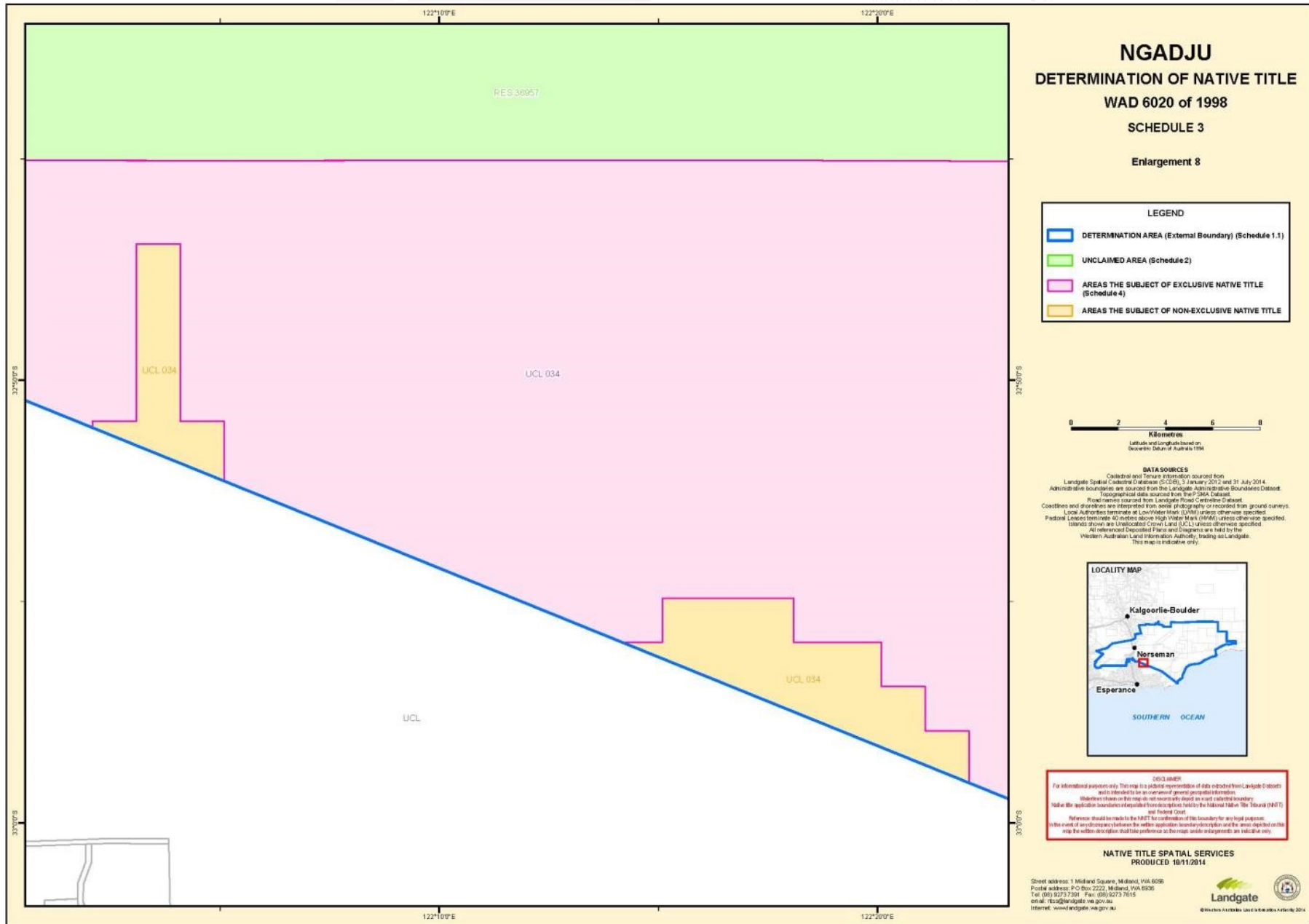


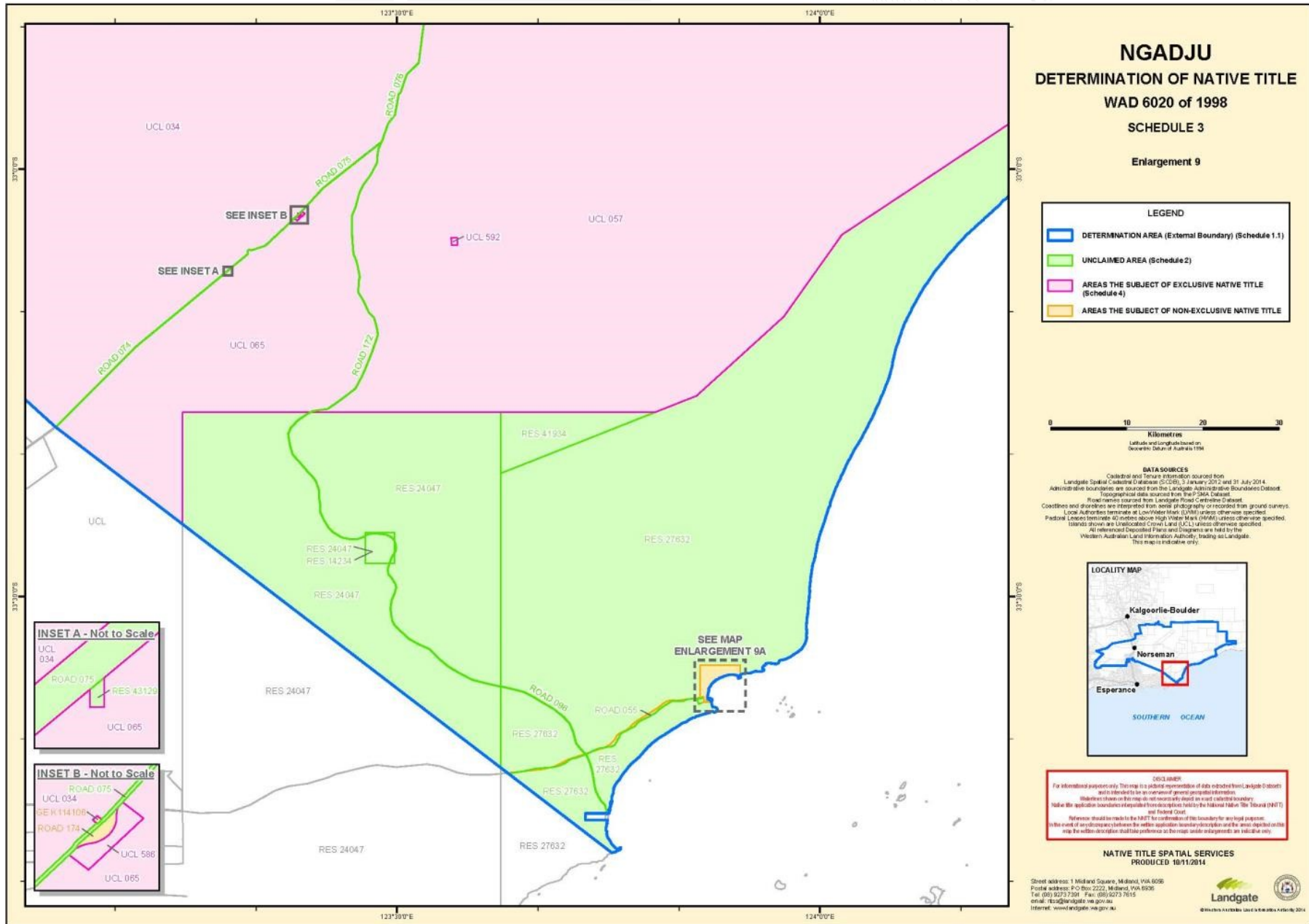




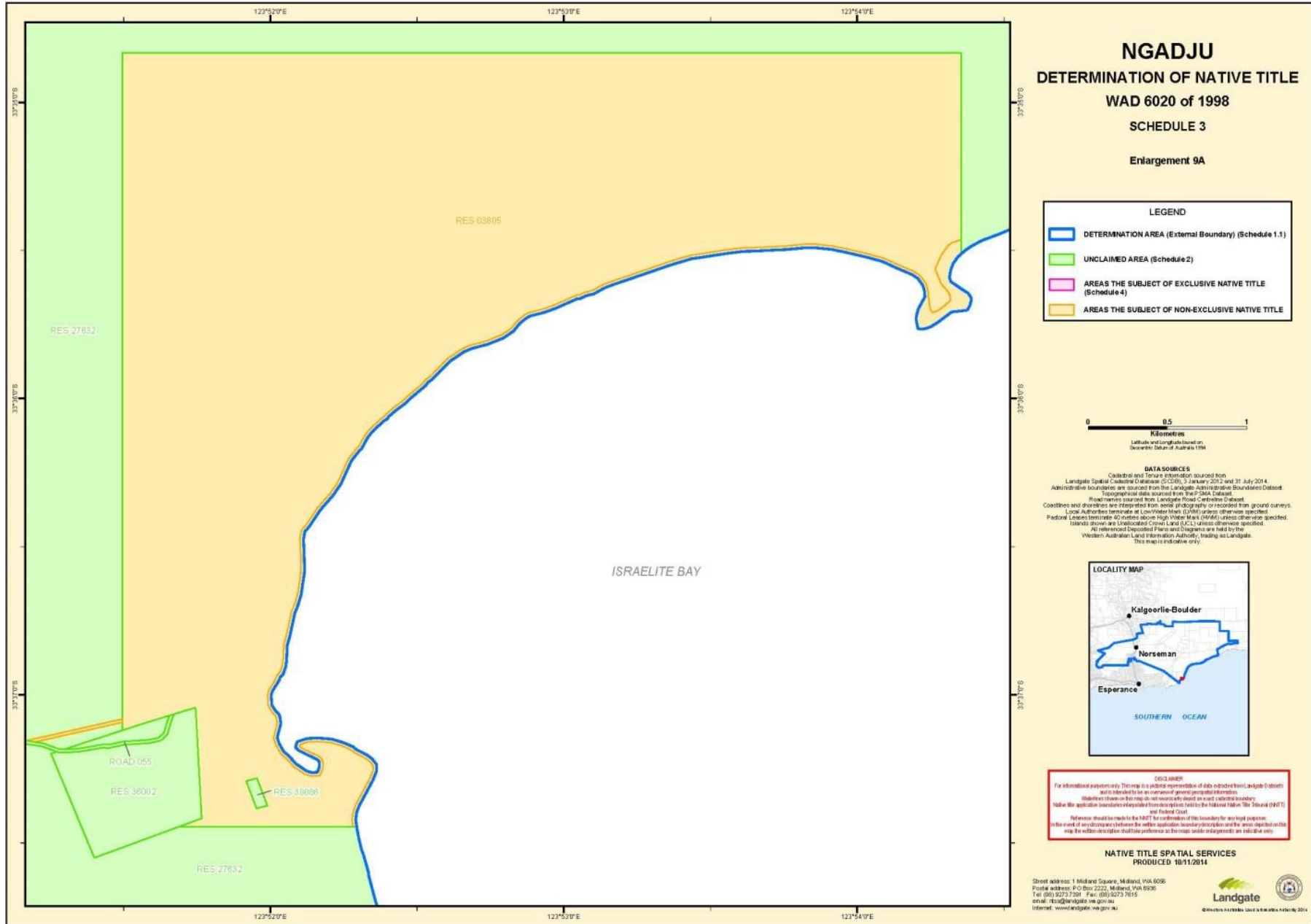


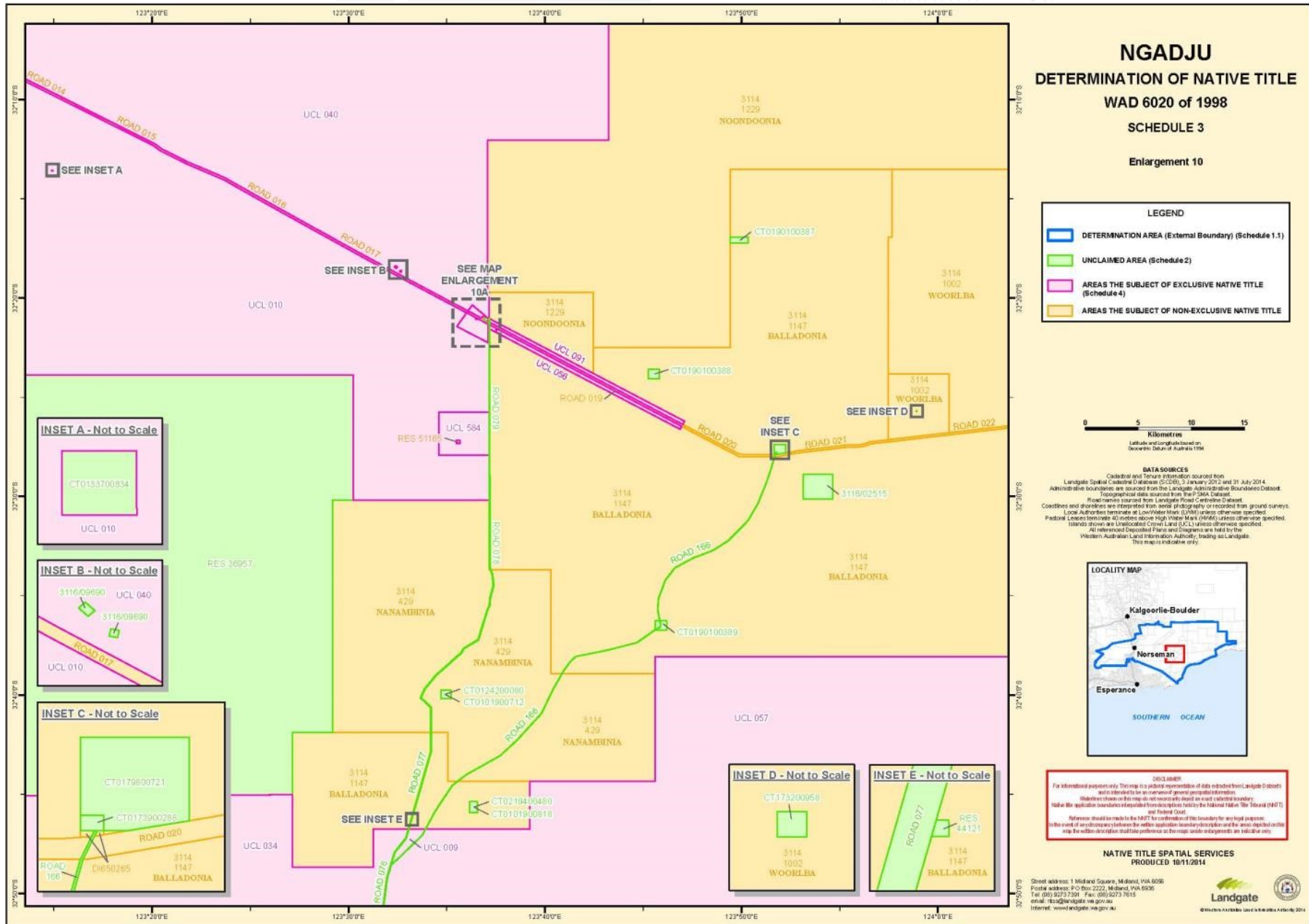


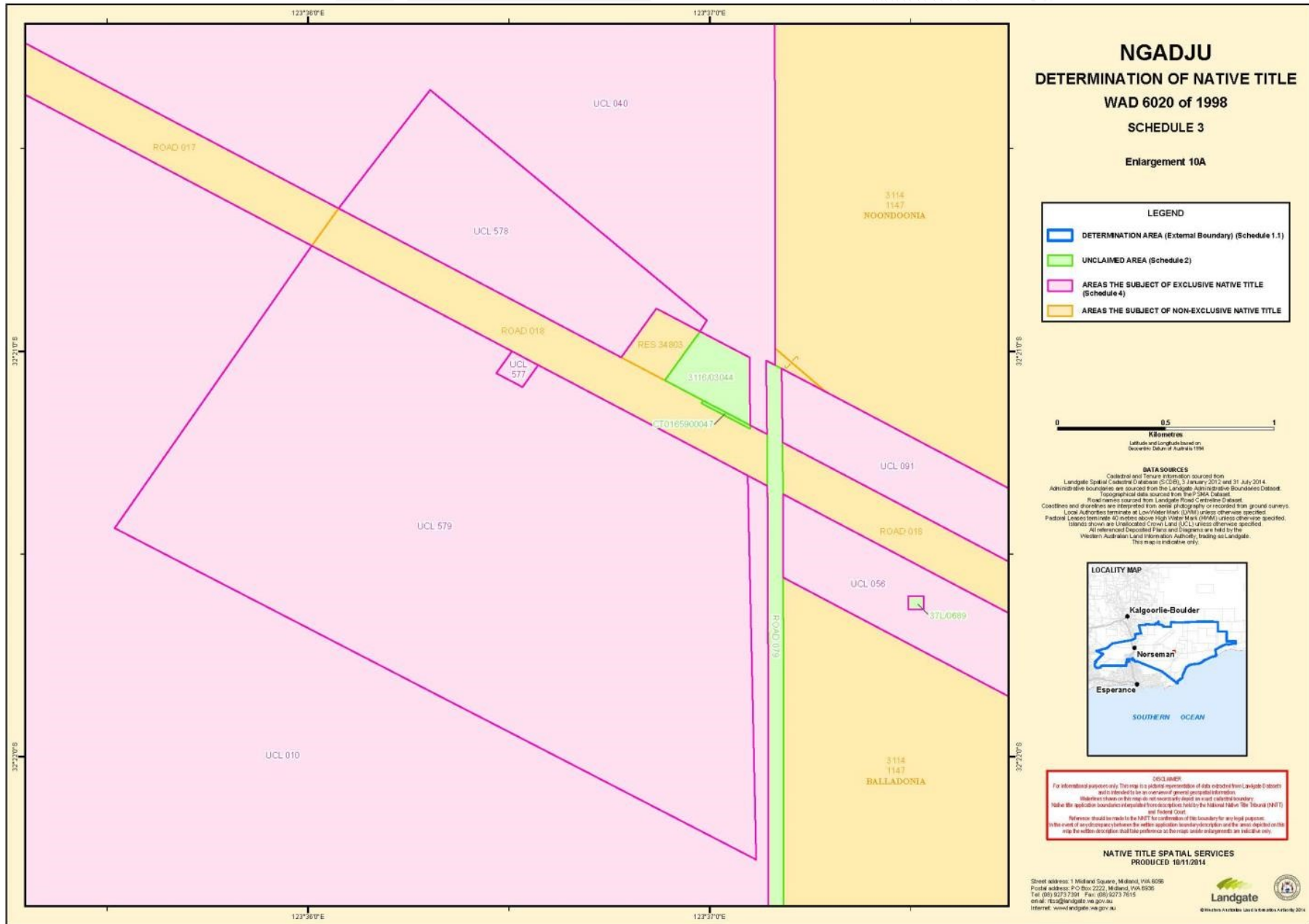


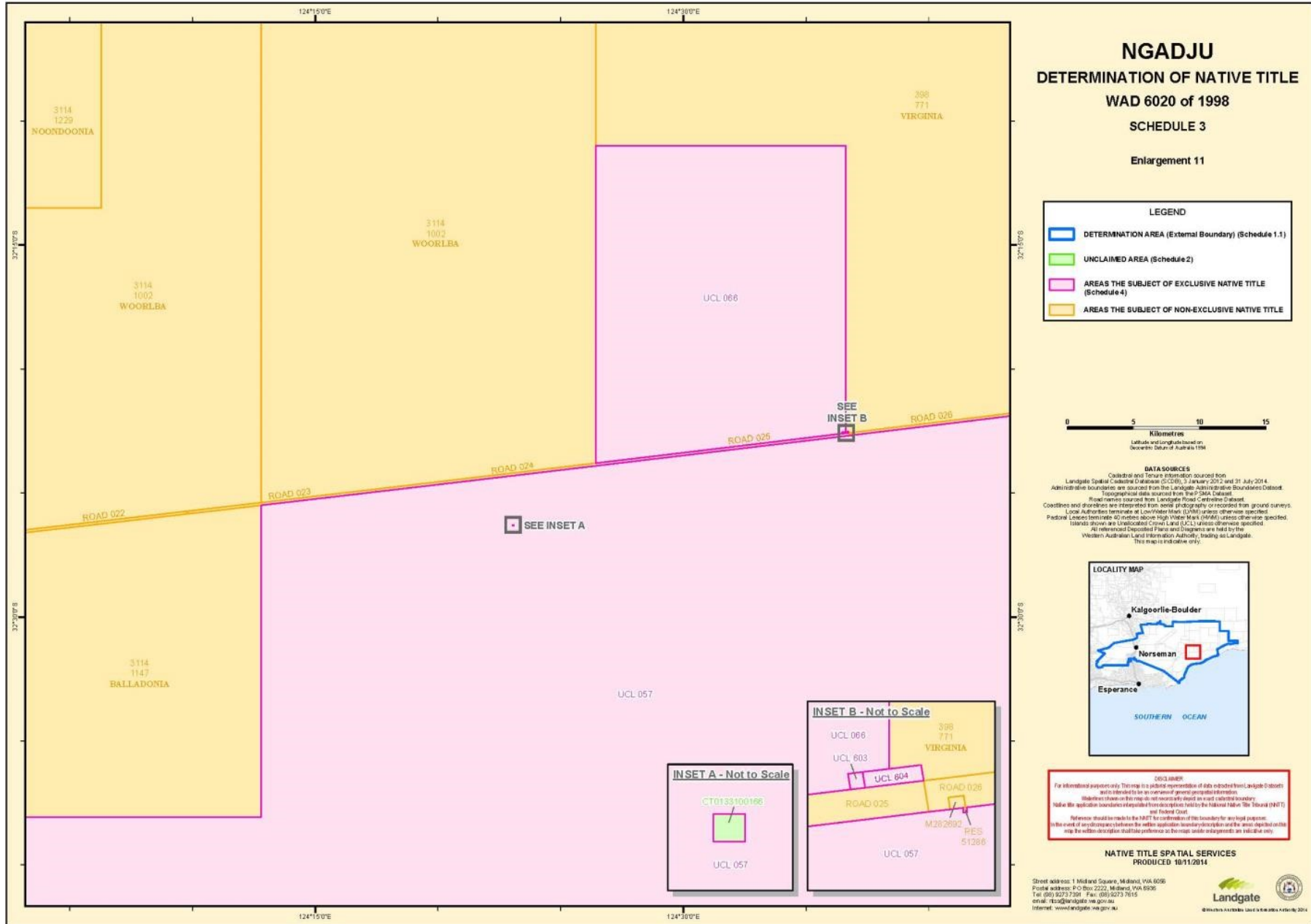


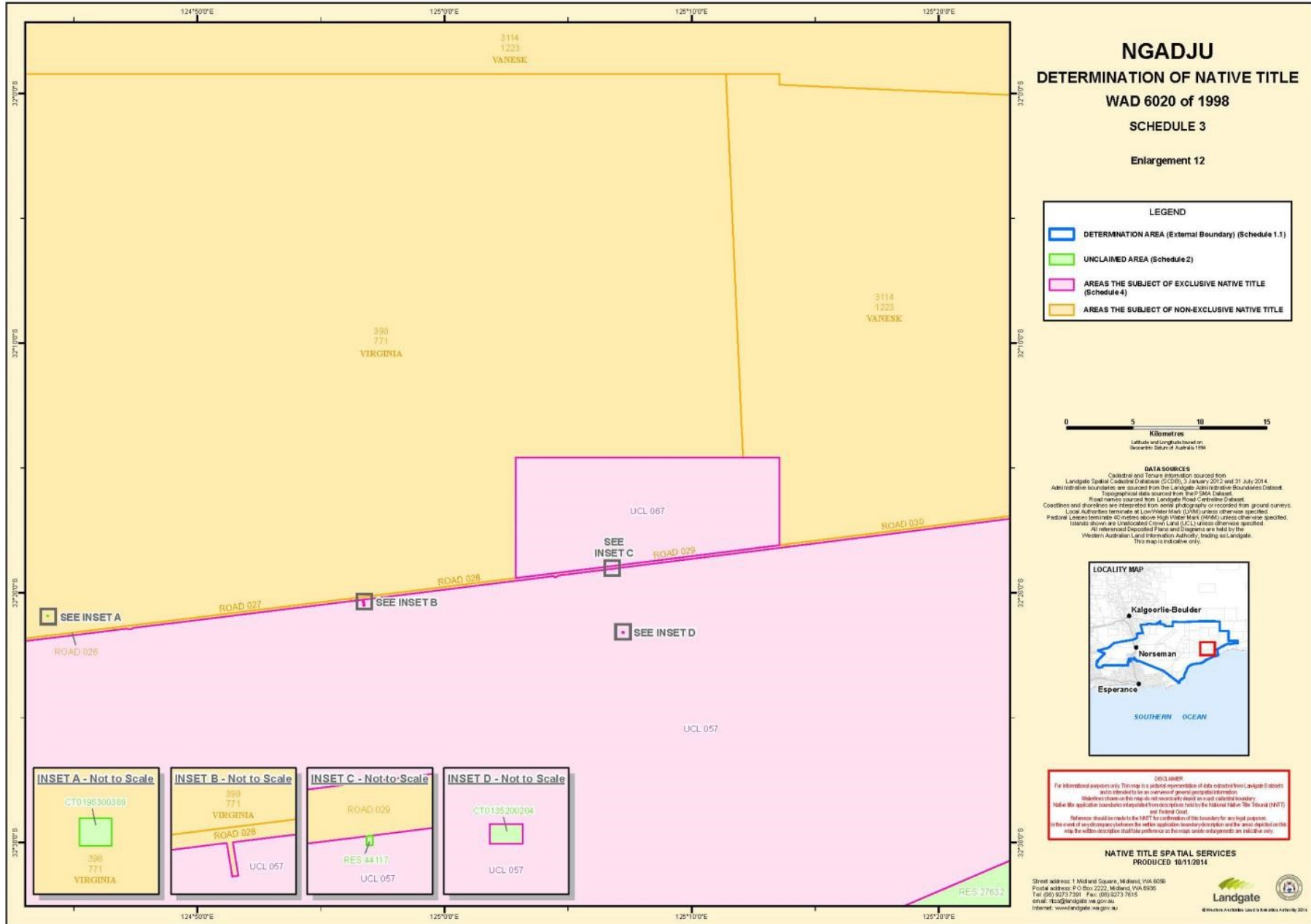


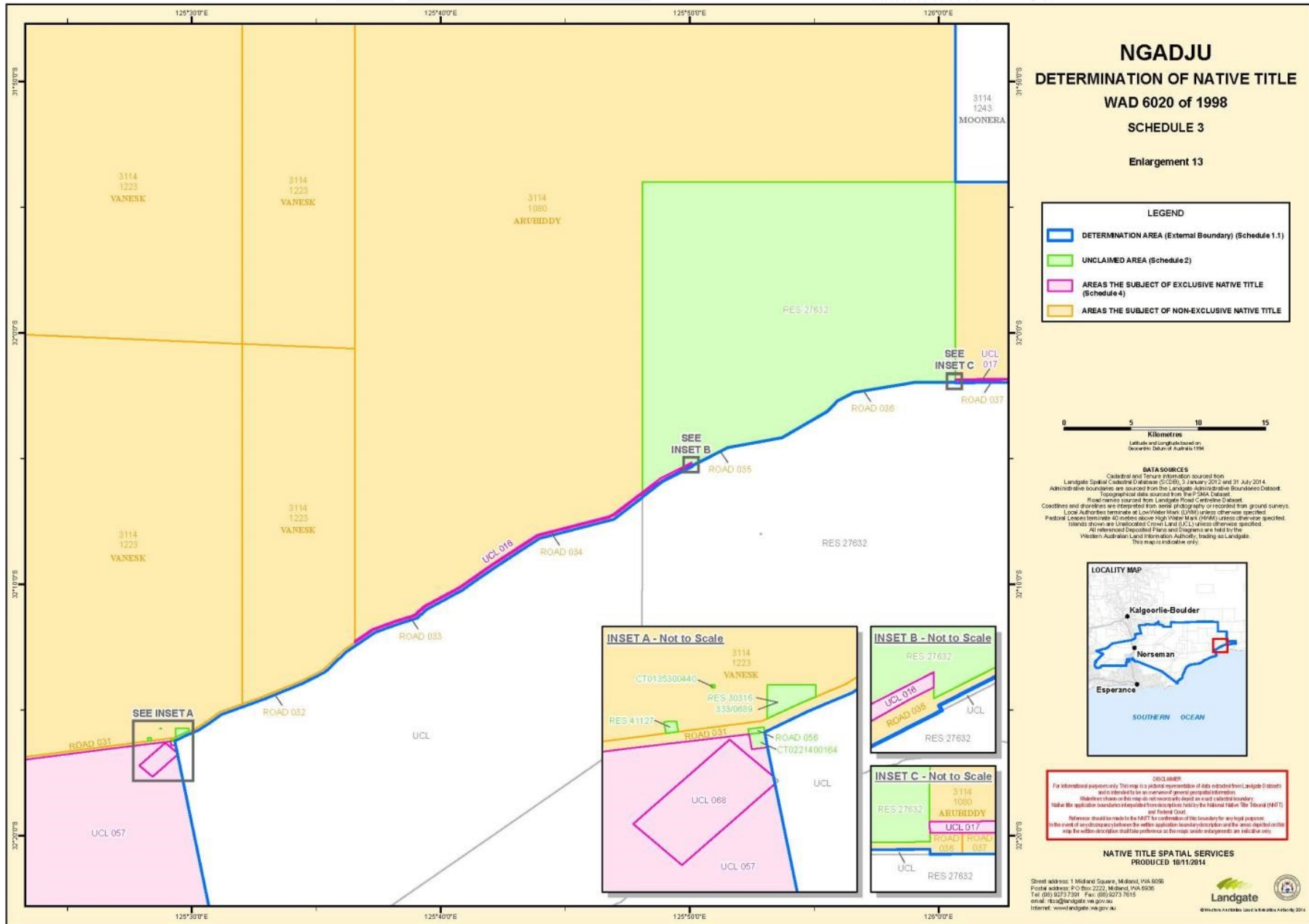


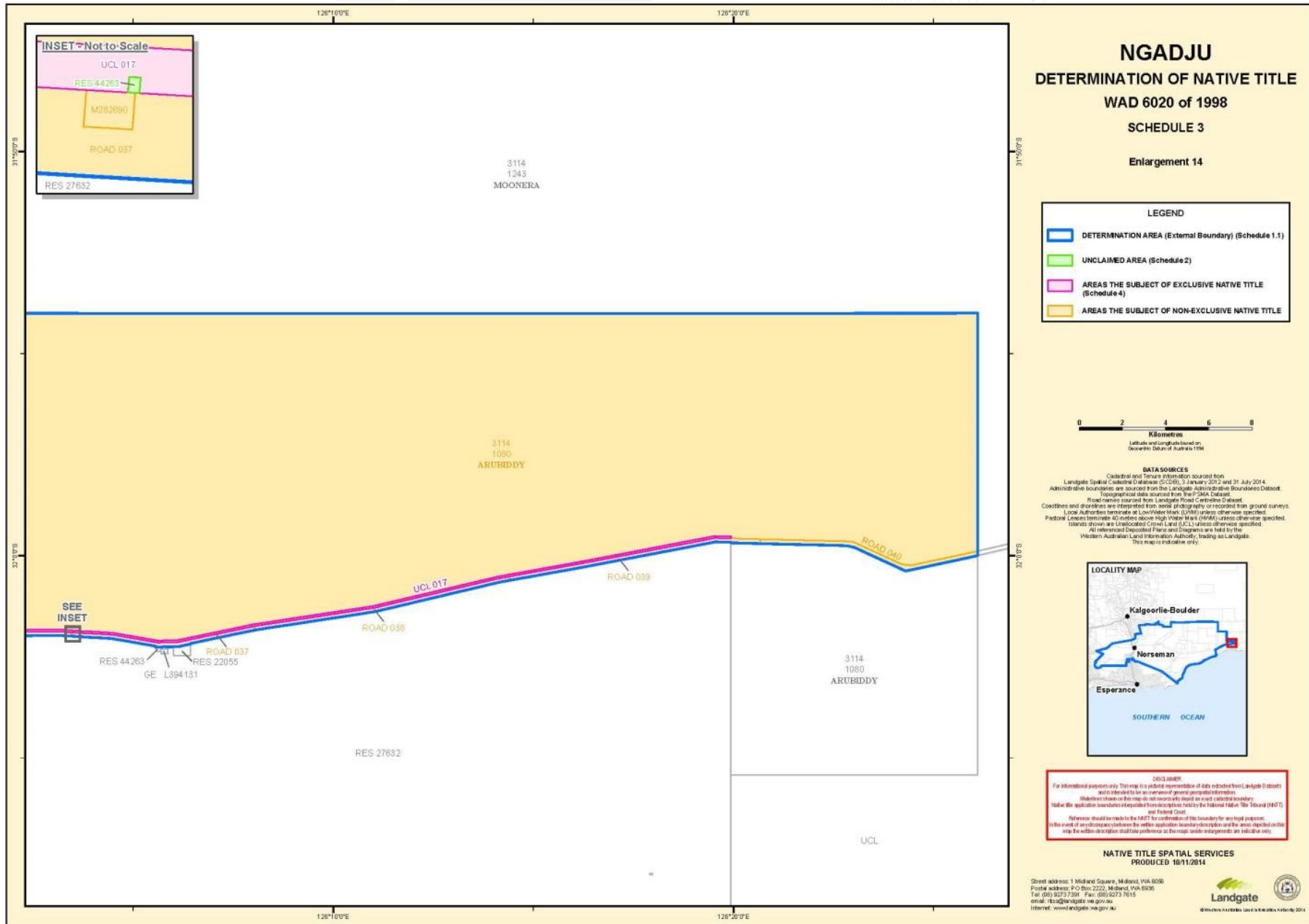












**NGADJU**  
**DETERMINATION OF NATIVE TITLE**  
**WAD 6020 of 1998**  
**SCHEDULE 3**  
**Enlargement 14**

**LEGEND**

- DETERMINATION AREA (External Boundary) (Schedule 1.1)
- UNCLAIMED AREA (Schedule 2)
- AREAS THE SUBJECT OF EXCLUSIVE NATIVE TITLE (Schedule 4)
- AREAS THE SUBJECT OF NON-EXCLUSIVE NATIVE TITLE



**DATA SOURCES**  
 Cadastral and Tenure Information sourced from Landgate Spatial Cadastre Database (S-CAD), 3 January 2012 and 21 July 2014.  
 Administrative boundaries are sourced from the Landgate Administrative Boundaries Dataset.  
 Topographical data sourced from the PDM Data.  
 Road names sourced from Landgate Road Centreline Dataset.  
 Coastlines and shorelines are interpreted from aerial photography or recorded from ground surveys.  
 Local Authorities terminate at Low Water Mark (LWM) unless otherwise specified.  
 Pastoral Leases terminate 40 metres above High Water Mark (HWM) unless otherwise specified.  
 Islands shown are Unincorporated Crown Land (UCL) unless otherwise specified.  
 All referenced Deposited Plans and Diagrams are held by the Western Australian Legal Information Authority, leading to Landgate.  
 This map is indicative only.



**DISCLAIMER**  
 For informational purposes only. This map is a pictorial representation of data extracted from Landgate Datasets and is intended to be a general guide only.  
 Boundaries shown on this map do not necessarily show an exact cadastral boundary.  
 Neither the application boundaries nor the map data are held by the National Native Title Tribunal (NNTT) and the Federal Court.  
 Reference should be made to the NNTT for confirmation of this boundary for any legal purposes.  
 In the event of any discrepancy between the written application boundary description and the map displayed on this map, the written description shall take preference as the map is only indicative.

**NATIVE TITLE SPATIAL SERVICES**  
 PRODUCED 10/11/2014

Street address: 1 Midland Square, Midland, WA 8095  
 Postal address: P O Box 2222, Midland, WA 8095  
 Tel: (08) 9272 7301 Fax: (08) 9272 7015  
 email: nts@landgate.wa.gov.au  
 Internet: www.landgate.wa.gov.au



© 2014 Landgate. All rights reserved. This map is a pictorial representation of data extracted from Landgate Datasets and is intended to be a general guide only.

## SCCHEDULE 4: AREAS TO WHICH SS 47A AND 47B APPLY

Sections 47A or 47B of the *Native Title Act* apply to the following land and waters within the Determination Area, which are generally shaded pink on the maps at Schedule 3:

### S4.1 Section 47A

Section 47A of the *Native Title Act* applies with the effect that any extinguishment by the creation of prior interests, including those referred to below, in relation to those parts of the Determination Area the subject of the following interests is disregarded:

Areas where section 47A applies
RES 22465
RES 26233

### S4.2 Section 47B

Section 47B of the *Native Title Act* applies 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:

Areas where section 47B applies						
The following areas or such portions of them that lie within the Determination Area:						
UCL001	UCL068	UCL 372	UCL 503	UCL 525	UCL 577	
UCL009	UCL072	UCL 373	UCL 504	UCL 526	UCL 578	
UCL010	UCL077	UCL 374	UCL 505	UCL 534	UCL 579	
UCL015	UCL081	UCL 423 to 474	UCL 506	UCL 535	UCL 584	
UCL016	UCL091	UCL 476	UCL 507	UCL 539	UCL 586	
UCL017	UCL097	UCL 477	UCL 509	UCL 540	UCL 592	
UCL053	UCL099	UCL 489	UCL 510	UCL 541	UCL 594	
UCL056	UCL 103	UCL 490	UCL 518	UCL 542	UCL 603	
UCL057	UCL 105	UCL 491	UCL 520	UCL 543	UCL 604	
UCL065	UCL 108	UCL 493	UCL 522	UCL 544		
UCL066	UCL 112	UCL 494	UCL 523	UCL 575		
UCL067	UCL 116	UCL 502	UCL 524	UCL 576		
The following areas or such portions of them that lie within the Determination Area,	excluding the portion overlapped by:					
<b>UCL002</b>	M15/708	L15/192	E63/303			
<b>UCL018</b>	E63/296-297	E63/383-386	M63/68	M63/202	P63/759	P63/811-812
	E63/318	E63/401	M63/85	M63/209	P63/767	P63/829-832



	E63/334-335	E63/404	M63/87	M63/218-219	P63/770-772	P63/841-861
	E63/345	E63/406	M63/96	M63/236-237	P63/774-775	P63/872-874
	E63/349	E63/428-432	M63/141	M63/258-259	P63/776-779	P63/913-915
	E63/356	M63/13	M63/148-149	M63/283-284	P63/780-788	P63/920-922
	E63/366	M63/15	M63/163	M63/290	P63/925	
	E63/368	M63/26	M63/165	M63/302		
	E63/373	M63/38-39	M63/170	P63/706		
	E63/378-379	M63/44-46	M63/184	P63/734		
<b>UCL019</b>	E74/151	L74/6-7	M74/69	P74/155-156		
<b>UCL020</b>	E63/303					
<b>UCL021</b>	E15/208	E63/345	L15/192	M63/277	M15/708	P15/3587
	E63/303	E63/401	M15/681	M63/274	P63/824	M15/640
	E63/337	M15/619			M15/680	M15/708
	M63/277	P15/3587				
<b>UCL026</b>	E15/212	E63/303	E63/401	M15/572	M15/619-620	M15/694
	E15/272	E63/317	GML15/6469	M15/578	M15/639-640	M63/127-128
	E15/301	E63/337	M15/269	M15/581	M15/656	M63/274
	E15/265	E63/345	M15/506-507	M15/597-599	M15/681	M63/88
	M63/277		M15/629			
<b>UCL027</b>	E15/184					
<b>UCL028</b>	E63/348					
<b>UCL029</b>	E15/181	E63/303-304	E63/345	L15/192	M63/274	M63/304-305
	M15/788					
	E63/318	E63/334	E63/345	E63/368	E63/383	E63/384
	E63/428			M63/283		
<b>UCL034</b>	E63/346	L63/012-014	M63/110	M63/178	M63/268	P63/822-823
	E63/348	L63/035	M63/112	M63/204	M63/270	P63/876
	E63/364-365	L63/041	M63/119-120	M63/216	M63/275	P63/879-901
	E63/381	M63/009	M63/122	M63/224-226	P63/692-694	P63/902-911
	E63/403	M63/015	M63/126	M63/229	P63/712-715	P63/926
	E63/417-419	M63/035-036	M63/133	M63/231-232	P63/724-725	RES04508
	E63/422	M63/041-043	M63/135-138	M63/238	P63/749	E63/47
	E63/452-454	M63/068-069	M63/140	M63/247	P63/752-754	GML63/2181
	GML63/2182	M63/105	M63/144-145	M63/260	P63/764-766	L63/17

	GML63/2910	M63/108	M63/172	M63/262	P63/798-801	L63/36-40
	M63/7	M63/94	P63/705	P63/742	P63/810	P63/813
	P63/826	P63/833				
<b>UCL040</b>	E15/265	E15/336	E15/371	E15/394	E28/360	E28/472
	E28/480	E28/520	E28/536	E28/540	E28/555	E28/562
	E28/578	E63/328	E63/336	E63/347-348	E63/355	E63/364-365
	E63/380	E63/382	E63/396	E63/434	E63/440-441	E69/979
	GML63/2319	M15/590-592	M15/605-607	M63/059	M63/061-066	M63/099-100
	M63/116	M63/129-130	M63/139	M63/160	M63/180	M63/180
	M63/207	M63/230	M63/242	M63/250	M63/265	M63/272
	M63/295-298	E63/250	E63/306	E63/381	E63/414	M15/651
		M63/115	M63/125	M63/134	M63/164	M63/177
	M63/182	M63/189-190	M63/255	M63/263	M69/15	P63/743
	P63/745	P63/755	P63/765-766	P63/768	P63/789-795	P63/807
	P63/822	P63/868	P63/916	P63/683-685		
<b>UCL041</b>	E63/343-344	E74/165				
<b>UCL044</b>	P15/3587	E15/208	M15/708			
		L15/144	M15/45			
				M15/680	M15/681	
<b>UCL064</b>	E28/481	E15/304	E15/390-392	E15/329	E28/481	E25/96-97
	E25/88	E28/460				
<b>UCL069</b>	E63/406	P63/692	P63/694	P63/838	RES04508	L63/19
	M63/260	P63/693	P63/705	P63/837		
<b>UCL070</b>	E63/344					
<b>UCL071</b>	E63/342					
<b>UCL074</b>	E63/342	E63/376				
<b>UCL085</b>	E63/344					
<b>UCL092</b>	E63/376	M63/267				
<b>UCL102</b>	M63/38-39	E63/406				
<b>UCL 104</b>	E63/342					
<b>UCL 109</b>	E63/404					
<b>UCL 110</b>	M63/26	M63/39-40	M63/96	M63/126	M63/118	M63/211-212
	M63/172	M63/225-226	M63/238	M63/247	M63/232	GML63/2248
	P63/719	P63/911	P63/801			
<b>UCL 113</b>	E63/404					
<b>UCL 121</b>	P63/693	M63/260				
<b>UCL 375</b>	E63/346					
<b>UCL 379</b>	E63/404	M63/108-109	L63/19	M63/36	RES04508	
<b>UCL 380</b>	E63/406	E63/404	M63/109			
<b>UCL 475</b>	E63/404					

<b>UCL 478</b>	E63/403					
<b>UCL 483</b>	E63/403	E63/346				
<b>UCL 484</b>	M63/109-110	E63/94	M63/105			
<b>UCL 485</b>	M63/109	E63/404	M63/94			
<b>UCL 486</b>	E63/403-404	M63/109				
<b>UCL 488</b>	E63/346					
<b>UCL 492</b>	E63/346					
<b>UCL 495</b>	E63/346					
<b>UCL 496</b>	E63/346	M63/268				
<b>UCL 508</b>	E63/343					
<b>UCL 511</b>	E63/343					
<b>UCL 513</b>	E63/343					
<b>UCL 517</b>	E63/343					
<b>UCL 519</b>	E63/343					
<b>UCL 521</b>	E63/342					
<b>UCL 528</b>	E63/342-343					
<b>UCL 529</b>	E63/343					
<b>UCL 531</b>	E63/342					
<b>UCL 532</b>	E63/343					
<b>UCL 533</b>	E63/343					
<b>UCL 536</b>	E63/342					
<b>UCL 538</b>	E63/342					
<b>UCL 545</b>	E63/376	M63/267				
<b>UCL 550</b>	E63/346					
<b>UCL 568</b>	E63/437					
<b>UCL 569</b>	P63/738-739	P63/871				
<b>UCL 570</b>	E63/437					
<b>UCL 572</b>	P63/871	P63/717				
<b>UCL 573</b>	E63/437					
<b>UCL 574</b>	E63/342-343					
<b>UCL 595</b>	E63/403-404					
<b>UCL 596</b>	E63/403	E63/346				
<b>UCL 597</b>	E63/346					
<b>Water 1</b>	E15/102	E15/336	E63/355	M15/651	M63/134	M63/269
	E15/184	E15/368	E15/212	M15/670-671	M63/152	M63/272
	E15/190	E15/371	E63/401			
	E15/265	E15/394	M15/496	M63/011	M63/160	P63/684-685
	E15/272	E63/306	M15/588-589	M63/046-054	M63/214	P63/743-747
	E15/285	E63/317	M15/598-599	M63/057-067	M63/230	M15/615
	E15/300-301	E63/321	M15/617	M63/088	M63/258	M63/55-56
	E15/310	E63/337	M15/625-626	M63/127-128	M63/265	M63/100
	E63/382	GML63/2319	M15/497	M15/572	M15/578	P15/3300
	M63/141	M63/156	M63/255	M63/273	M63/295	P63/868
P15/3604		M15/597	M15/615			

<b>That portion of the area marked as "protected road" extending from Norseman to join 19/300 on CPP 502866</b>	E63/296-297	E63/383-386	M63/68	M63/202	P63/759	P63/811-812
	E63/318	E63/401	M63/85	M63/209	P63/767	P63/829-832
	E63/334-335	E63/404	M63/87	M63/218-219	P63/770-772	P63/841-861
	E63/345	E63/406	M63/96	M63/236-237	P63/774-775	P63/872-874
	E63/349	E63/428-432	M63/141	M63/258-259	P63/776-779	P63/913-915
	E63/356	M63/13	M63/148-149	M63/283-284	P63/780-788	P63/920-922
	E63/366	M63/15	M63/163	M63/290	P63/925	
	E63/368	M63/26	M63/165	M63/302		
	E63/373	M63/38-39	M63/170	P63/706		
	E63/378-379	M63/44-46	M63/184	P63/734		
	E15/181	E63/303-304	E63/345	L15/192	M63/274	M63/304-305
	M15/788					
	E63/318	E63/334	E63/345	E63/368	E63/383	E63/384
	E63/428			M63/283		Road 001 (as constructed)

## 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:

Reserve No	Current/last purpose	Reserve No	Current/last purpose
RES 02782	Resting place for travellers and stock	RES 13526	Water supply mines
RES 02787	Resting place	RES 13527	Water supply mines
RES 02898	Public utility	RES 14595	Salvation Army
RES 02899	Public utility	RES 17171	Trigonometrical station
RES 3079	Church Site Methodist	RES 3312	Public Utility
RES 3315	Recreation	RES 03552	Cemetery
RES 17172	Trigonometrical station	RES 03761	Roman Catholic Church
RES 17401	Stock route	RES 03796	Church site primitive Methodist
RES 17402	Water	RES 03805	Recreation
RES 17938	Common	RES 04295	Recreation
RES 17941	Common	RES 04296	Cemetery
RES 18234	Water	RES 04297	Rubbish depot
RES 19587	Gravel	RES 19588	Gravel
RES 04380	Cemetery	RES 20394	Hall site
RES 04381	Recreation	RES 23101	Camping boy scouts
RES 04508	Water	RES 32830	Trigonometrical station
RES 06043	Conservation of flora and fauna	RES 34803	Maintenance depot
RES 07073	Water	RES 42943	Conservation of flora and fauna
RES 08322	Common	RES 08762	Water
RES 44091	Recreation	RES 08847	Travellers and stock
RES 09983	Common	RES 10305	Common
RES 11692	Water	RES 46367	Quarry
RES 11775	Rifle range rifle club	RES 50004	Use and benefit of Aboriginal people and cultural heritage protection
RES 13140	Common	RES 50006	Access
RES 13209	Water	RES 50893	Protection of Aboriginal graves
Drain Res 1	Drain Reserve	RES 39269	Railway Purposes
RES 51286	Telecommunications Site	RES 51165	Use and Benefit of Aboriginal People

(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.
- (e) The following timber reserve:

TR 197/25
-----------

### 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
3114/0429	Nanambinia
3114/0803	Pondana
3114/1002	Woorlba
3114/1080	Arubiddy
3114/1097	Boonderoo
3114/1137	Fraser Range
3114/1147	Balladonia
3114/1192	Mt Monger
3114/1223	Vanesk
3114/1224	Rawlinna
3114/1227	Koonjarra
3114/1229	Noondoonia
3114/1251	Madoonia Downs
398/771	Virginia
398/815	Southern Hills

### S5.3 General Leases

The following general leases and the rights and interests of the holders from time to time of these general leases:

General Lease	Purpose
GE J953192	Residence and Grazing
GE K114106	Restoration of Historical Buildings
GE L573215	Caravan Park and Tourist Facilities
M 282690	Installation, maintenance and operation of telecommunications network facility or radio communications facility
M 282692	Installation, maintenance and operation of telecommunications

	network facility or radio communications facility
M 386210	Installation, maintenance and operation of telecommunications network facility or radio communications facility

#### S5.4 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 1500217	M 1500367	M 1500400	M 1500457	M 1500468	M 1500471	M 1500472
M 1500473	M 1500474	M 1500475	M 1500476	M 1500479	M 1500480	M 1500481
M 1500482	M 1500496	M 1500497	M 1500498	M 1500506	M 1500507	M 1500537
M 1500538	M 1500581	M 1500597	M 1500620	M 1500629	M 1500639	M 1500640
M 1500651	M 1500681	M 1500759	M 1500815	M 1500817	M 1501132	M 1501133
M 1501134	M 1501135	M 1501175	M 1501305	M 1501308	M 1501383	M 1501470
M 1501478	M 2800171	M 2800376	M 6300009	M 6300011	M 6300013	M 6300014
M 6300015	M 6300026	M 6300029	M 6300035	M 6300036	M 6300040	M 6300041
M 6300042	M 6300043	M 6300044	M 6300045	M 6300046	M 6300047	M 6300048
M 6300049	M 6300050	M 6300051	M 6300052	M 6300053	M 6300054	M 6300055
M 6300056	M 6300057	M 6300058	M 6300059	M 6300060	M 6300061	M 6300062
M 6300063	M 6300064	M 6300065	M 6300066	M 6300067	M 6300068	M 6300069
M 6300085	M 6300087	M 6300088	M 6300096	M 6300099	M 6300100	M 6300105
M 6300108	M 6300110	M 6300112	M 6300114	M 6300115	M 6300116	M 6300118
M 6300119	M 6300120	M 6300122	M 6300125	M 6300126	M 6300127	M 6300128
M 6300129	M 6300130	M 6300133	M 6300134	M 6300136	M 6300137	M 6300138
M 6300140	M 6300141	M 6300142	M 6300145	M 6300148	M 6300152	M 6300155
M 6300156	M 6300160	M 6300163	M 6300164	M 6300165	M 6300170	M 6300173
M 6300174	M 6300177	M 6300178	M 6300180	M 6300182	M 6300184	M 6300187
M 6300189	M 6300190	M 6300204	M 6300207	M 6300213	M 6300214	M 6300218
M 6300219	M 6300220	M 6300224	M 6300225	M 6300226	M 6300229	M 6300230
M 6300231	M 6300232	M 6300233	M 6300234	M 6300235	M 6300236	M 6300237
M 6300242	M 6300247	M 6300255	M 6300257	M 6300258	M 6300259	M 6300265
M 6300269	M 6300272	M 6300273	M 6300274	M 6300275	M 6300276	M 6300283
M 6300284	M 6300293	M 6300294	M 6300302	M 6300315	M 6300316	M 6300323
M 6300325	M 6300326	M 6300327	M 6300329	M 6300366	M 6300368	M 6300369
M 6300515	M 6300516	M 6300523	M 6300524	M 6300526	M 6300528	M 6300529
M 6300533	M 6300549	M 6300559	M 6300647	M 6900030	M 6900080	

##### (ii) Miscellaneous Licences

L 1500080	L 1500085	L 1500086	L 1500117	L 1500118	L 1500137
L 1500144	L 1500145	L 1500178	L 1500233	L 1500239	L 1500241
L 1500263	L 1500264	L 1500265	L 1500266	L 1500267	L 1500268
L 1500269	L 1500270	L 1500298	L 1500322	L 1500346	L 1500348
L 2800047	L 6300012	L 6300013	L 6300014	L 6300017	L 6300019
L 6300032	L 6300034	L 6300035	L 6300036	L 6300037	L 6300038
L 6300039	L 6300040	L 6300041	L 6300051	L 6300052	L 6300055
L 6300056	L 6300057	L 6300058	L 6300064	L 6300066	L 6300067

L 6900001	L 6900020	L 6900021			
-----------	-----------	-----------	--	--	--

## (iii) General Purpose Leases

G 6300005
-----------

## (iv) Exploration Licences

E 1500810	E 1500828	E 1500846	E 1500860	E 1500869	E 1500927
E 1500949	E 1500951	E 1500977	E 1500981	E 1500982	E 1500986
E 1501005	E 1501037	E 1501038	E 1501040	E 1501043	E 1501049
E 1501050	E 1501058	E 1501064	E 1501066	E 1501067	E 1501094
E 1501097	E 1501117	E 1501125	E 1501128	E 1501161	E 1501162
E 1501166	E 1501179	E 1501181	E 1501183	E 1501199	E 1501200
E 1501203	E 1501205	E 1501212	E 1501223	E 1501223	E 1501224
E 1501260	E 1501286	E 1501298	E 1501336	E 1501336	E 1501337
E 1501353	E 1501370	E 1501376	E 1501402	E 1501414	E 1501414
E 2500162	E 2500402	E 2500446	E 2500473	E 2500500	E 2800469
E 2801228	E 2801612	E 2801630	E 2801663	E 2801664	E 2801711
E 2801712	E 2801713	E 2801714	E 2801715	E 2801718	E 2801724
E 2801727	E 2801895	E 2801904	E 2801912	E 2801913	E 2801915
E 2801932	E 2801935	E 2801958	E 2801959	E 2801968	E 2801987
E 2802017	E 2802018	E 2802064	E 2802065	E 2802071	E 2802073
E 2802095	E 2802113	E 2802117	E 2802118	E 2802152	E 2802158
E 2802162	E 2802167	E 2802177	E 2802201	E 2802209	E 2802210
E 2802215	E 2802222	E 2802239	E 2802247	E 2802248	E 2802257
E 2802258	E 2802261	E 2802263	E 2802276	E 2802277	E 2802278
E 2802280	E 2802281	E 2802293	E 2802297	E 2802298	E 2802319
E 2802325	E 2802326	E 2802336	E 2802338	E 2802339	E 2802340
E 2802353	E 2802363	E 6300373	E 6300585	E 6300625	E 6300811
E 6300837	E 6300856	E 6300872	E 6300873	E 6301001	E 6301002
E 6301003	E 6301004	E 6301018	E 6301041	E 6301042	E 6301051
E 6301064	E 6301067	E 6301068	E 6301071	E 6301085	E 6301086
E 6301087	E 6301102	E 6301103	E 6301117	E 6301133	E 6301134
E 6301138	E 6301140	E 6301142	E 6301165	E 6301172	E 6301182
E 6301196	E 6301198	E 6301199	E 6301240	E 6301241	E 6301244
E 6301264	E 6301267	E 6301281	E 6301282	E 6301283	E 6301293
E 6301315	E 6301319	E 6301320	E 6301321	E 6301355	E 6301362
E 6301365	E 6301368	E 6301371	E 6301372	E 6301375	E 6301401
E 6301405	E 6301406	E 6301409	E 6301410	E 6301411	E 6301415
E 6301419	E 6301437	E 6301448	E 6301451	E 6301463	E 6301466
E 6301467	E 6301469	E 6301470	E 6301489	E 6301490	E 6301491
E 6301496	E 6301506	E 6301508	E 6301509	E 6301510	E 6301517
E 6301518	E 6301521	E 6301522	E 6301523	E 6301528	E 6301539
E 6301570	E 6301571	E 6301572	E 6301573	E 6301574	E 6301576
E 6301577	E 6301582	E 6301595	E 6301605	E 6301616	E 6301623
E 6301624	E 6301626	E 6301640	E 6301641	E 6301642	E 6301652
E 6301655	E 6301660	E 6301661	E 6301662	E 6902386	E 6902388
E 6902436	E 6902506	E 6902663	E 6902664	E 6902755	E 6902783
E 6902784	E 6902788	E 6902944	E 6902945	E 6902946	E 6902947
E 6902948	E 6902950	E 6902953	E 6902954	E 6902955	E 6902956
E 6902969	E 6902970	E 6902971	E 6902989	E 6902990	E 6902993



E 6903010	E 6903033	E 6903041	E 6903049	E 6903052	E 6903066
E 6903070	E 6903074	E 6903081	E 6903082	E 6903128	E 6903194
E 6903211	E 6903215	E 7400305	E 7400368	E 7400428	E 7400499
E 7400526	E 7400544				

## (v) Prospecting Licences

P 1503752	P 1504696	P 1504697	P 1504698	P 1504699
P 1504700	P 1504787	P 1504788	P 1504874	P 1504875
P 1505072	P 1505073	P 1505074	P 1505075	P 1505076
P 1505077	P 1505078	P 1505079	P 1505080	P 1505167
P 1505168	P 1505171	P 1505375	P 1505376	P 1505440
P 1505441	P 1505444	P 1505445	P 1505446	P 1505465
P 1505466	P 1505467	P 1505568	P 1505569	P 1505634
P 1505638	P 1505639	P 1505640	P 1505647	P 1505688
P 1505767	P 1505813	P 2801168	P 2801169	P 6301330
P 6301331	P 6301332	P 6301333	P 6301350	P 6301353
P 6301354	P 6301355	P 6301356	P 6301357	P 6301358
P 6301361	P 6301362	P 6301363	P 6301380	P 6301381
P 6301382	P 6301383	P 6301384	P 6301389	P 6301391
P 6301392	P 6301393	P 6301394	P 6301395	P 6301396
P 6301397	P 6301398	P 6301399	P 6301400	P 6301401
P 6301402	P 6301403	P 6301404	P 6301405	P 6301406
P 6301407	P 6301408	P 6301409	P 6301410	P 6301411
P 6301412	P 6301413	P 6301414	P 6301415	P 6301416
P 6301417	P 6301418	P 6301419	P 6301420	P 6301421
P 6301422	P 6301424	P 6301425	P 6301426	P 6301427
P 6301428	P 6301429	P 6301454	P 6301455	P 6301456
P 6301457	P 6301458	P 6301461	P 6301462	P 6301463
P 6301464	P 6301465	P 6301466	P 6301467	P 6301468
P 6301469	P 6301470	P 6301471	P 6301472	P 6301503
P 6301504	P 6301517	P 6301519	P 6301527	P 6301528
P 6301529	P 6301530	P 6301531	P 6301532	P 6301533
P 6301543	P 6301549	P 6301560	P 6301561	P 6301562
P 6301563	P 6301564	P 6301565	P 6301566	P 6301567
P 6301568	P 6301569	P 6301571	P 6301573	P 6301575
P 6301576	P 6301577	P 6301578	P 6301579	P 6301580
P 6301581	P 6301582	P 6301583	P 6301584	P 6301585
P 6301587	P 6301588	P 6301589	P 6301590	P 6301591
P 6301592	P 6301593	P 6301594	P 6301636	P 6301637
P 6301639	P 6301640	P 6301642	P 6301646	P 6301672
P 6301686	P 6301687	P 6301688	P 6301693	P 6301694
P 6301695	P 6301732	P 6301733	P 6301760	P 6301761
P 6301762	P 6301764	P 6301775	P 6301775	P 6301779
P 6301785	P 6301786	P 6301787	P 6301788	P 6301802
P 6301803	P 6301809	P 6301810	P 6301811	P 6301812
P 6301813	P 6301814	P 6301815	P 6301816	P 6301817
P 6301818	P 6301819	P 6301824	P 6301829	P 6301830
P 6301831	P 6301832	P 6301833	P 6301834	P 6301835
P 6301836	P 6301837	P 6301851	P 6301852	P 6301853
P 6301855	P 6301856	P 6301857	P 6301858	P 6301859
P 6301861	P 6301862	P 6301863	P 6301875	P 6301876

P 6301877	P 6301878	P 6301882	P 6301883	P 6301884
P 6301885	P 6301886	P 6301887	P 6301889	P 6301890
P 6301891	P 6301892	P 6301893	P 6301894	P 6301895
P 6301896	P 6301897	P 6301898	P 6301899	P 6301900
P 6301901	P 6301903	P 6301904	P 6301905	P 6301906
P 6301907	P 6301908	P 6301909	P 6301910	P 6301912
P 6301913	P 6301914	P 6301917	P 6301918	P 6301921
P 6301922	P 6301923	P 6301924	P 6301925	P 6301926
P 6301927	P 6301928	P 6301929	P 6301930	P 6301931
P 6301932	P 6301934	P 6301935	P 6301936	P 6301937
P 6301938	P 6301939	P 6301940	P 6301941	P 6301942
P 6301943	P 6301944	P 6301945	P 6301946	P 6301947
P 6301954	P 6301955	P 6301956	P 6301957	P 6301961
P 6301964	P 6301965	P 6301966	P 6301967	P 7400348

## (vi) Retention Licences

R 1500001
R 6300003

**S5.5 Roads**

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

Road Name	Location/Description
Current Roads 006, 007, 008, 009, 010, 011, 012, 013, 014, 015, 016, 017, 018, 019, 020, 021, 022, 023, 024, 025, 026, 027, 028, 029, 030, 031, 032, 033, 034, 035, 036, 037, 038, 039, 040	Eyre Highway shown as Lot 248 on DP 219693, Lot 11 on DP 219693, Lot 15 on DP 219693, Lot 16 on DP 219693, Lot 14 on DP 219694, Lot 13 on DP 219695, Lot 12 on DP 219695, Lot 47 on DP 219695, Lot 52 on DP 219696, Lot 51 on DP219697, Lot 24 on DP 219697, Lot 26 on DP 219698, Lot 25 on DP 219699, Lot 32 on DP 219699.
Current Road 041	Cave Hill Road shown as Lot 214 on DP 36250.
Current Roads 048, 050, 051	The Coolgardie-Esperance Highway shown as: portion of Lot 310 on DP 40382 as comprised in lots 248 and 265 on DP 40382; portion of Lot 312 on DP 40384 as comprised in Lots 261, 262 and 263 on DP 40384; and portion of Lot 313 on DP 40385 as comprised in Lots 260, 246 and 500 on DP 40385.
Current Road 054	Woods Road shown as Lot 502 on DP 66727.
Current Road 173	Road as shown as Lot 330 on DP 70763
Current Road 174	Road as shown as Lot 14 on DP 41479

**S5.6 Easements**

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

Number	Purpose	Held by
A365038	Right of Carriageway	Commonwealth of Australia

I 650265	Memorial/Public Works	Heritage Council of WA
K 340723	Water Pipes/Water Mains	Water Corporation
K 933414	Access	Shire of Dundas

### S5.7 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).

### S5.8 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 and Irrigation Act 1914* (WA) 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) and Native Title (Effect of Past Acts) Act 1995* (WA), 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 1501637	M 1501643	M 1501649	M 1501710	M 1501716	M 1501556
M 1500748	M 1501638	M 1501644	M 1501650	M 1501711	M 1501717	M 1501557
M 1501592	M 1501639	M 1501645	M 1501651	M 1501712	M 1501718	M 1501559
M 1501595	M 1501640	M 1501646	M 1501652	M 1501713	M 1501719	M 1501561
M 1501596	M 1501641	M 1501647	M 1501706	M 1501714	M 1501552	M 1501594
M 1501636	M 1501642	M 1501648	M 1501707	M 1501715	M 1501554	

**(2) Mineral Leases**

ML 15/346	ML 15/371	ML 15/379	ML 15/385	ML 15/483	ML 15/489	ML 15/495
ML 15/347	ML 15/372	ML 15/380	ML 15/386	ML 15/484	ML 15/490	ML 15/498
ML 15/367	ML 15/375	ML 15/381	ML 15/387	ML 15/485	ML 15/491	ML 15/499
ML 15/368	ML 15/376	ML 15/382	ML 15/388	ML 15/486	ML 15/492	ML 15/500
ML 15/369	ML 15/377	ML 15/383	ML 15/389	ML 15/487	ML 15/493	ML 15/501
ML 15/370	ML 15/378	ML 15/384	ML 15/482	ML 15/488	ML 15/494	ML 15/502
ML 15/504	ML 15/506	ML 15/507	ML 15/508	ML 15/509		

**(3) General Leases**

G 1500017
G 6300004

## SCHEDULE 5B



### (1) Mining Leases

M 1500710
M 6300279

## **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 (Kuuban);
  - (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).