



Extract from the National Native Title Register

Determination Information:

Determination Reference: Federal Court Number(s): WAD340/2010; WAD216/2010
NNTT Number: WCD2017/003

Determination Name: [Jones on behalf of the Yinhawangka People v State of Western Australia](#)

Date(s) of Effect: 18/07/2017

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

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

Determination Date: 18/07/2017

Determining Body: Federal Court of Australia

ADDITIONAL INFORMATION:

Not Applicable

REGISTERED NATIVE TITLE BODY CORPORATE:

Yinhawangka Aboriginal Corporation RNTBC
Trustee Body Corporate
PO Box 94
Paraburdoo Western Australia 6754

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

COMMON LAW HOLDER(S) OF NATIVE TITLE:

3. The native title in the Determination Area is held by the Yinhawangka People. The Yinhawangka People are the people referred to in Schedule Seven.

The Yinhawangka People are those persons who:

(a) are descended from, in accordance with the traditional laws acknowledged and the traditional customs observed by the Yinhawangka People:

- (i) Minatangunha;
- (ii) Jarndunha; or
- (iii) the couple Thurantajinha and Wilga; and

(b) identify themselves as Yinhawangka under traditional law and custom and are so identified by other Yinhawangka People as Yinhawangka; and

(c) have a connection with the land and waters of the Determination Area, in accordance with the traditional laws acknowledged and the traditional customs observed by the Yinhawangka People.

MATTERS DETERMINED:

THE COURT ORDERS THAT:

1. In relation to the Determination Area, there be a determination of native title in WAD340 of 2010 and WAD216 of 2010 in terms of the Determination as provided for in Attachment A.

2. The Yinhawangka Aboriginal Corporation (ICN 7837) shall hold the determined native title in trust for the native title holders pursuant to s 56(2)(b) of the *Native Title Act 1993* (Cth).

ATTACHMENT A

DETERMINATION

THE COURT ORDERS, DECLARES AND DETERMINES THAT:

Existence of native title (s 225 *Native Title Act*)

1. Subject to paragraph 2, native title exists in the Determination Area in the manner set out in paragraphs 4 and 5 of this Determination.

2. Native title does not exist in those parts of the Determination Area the subject of the interests identified in Schedule Four which are shown as generally shaded pink on the maps at Schedule Two.

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

3. The native title in the Determination Area is held by the Yinhawangka People. The Yinhawangka People are the people referred to in Schedule Seven.

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

Exclusive rights and interests

4. Subject to paragraphs 6, 7, 8 and 11, the nature and extent of the native title rights and interests in relation to the Exclusive Area is:

- (a) except in relation to flowing and underground waters, the right to possession, occupation, use and enjoyment to the exclusion of all others; and
- (b) in relation to flowing and underground waters, the right to use and enjoy the flowing and underground waters, including:
 - (i) the right to hunt on, fish from, take and use the traditional resources of the flowing and underground waters; and
 - (ii) the right to take and use the flowing and underground waters.

Non-exclusive rights and interests

5. Subject to paragraphs 6, 7, 8 and 11, the nature and extent of the native title rights and interests in relation to the Non-Exclusive Area is that they confer the following non-exclusive rights on the Yinhawangka People, including the right to conduct activities necessary to give effect to them:

- (a) the right to live, being to enter and remain on the land, to camp and erect shelters and other structures for that purpose, and travel over and visit any part of the land and waters of the Non-Exclusive Area;
- (b) the right to hunt, fish, gather, take and use the traditional resources of the Non-Exclusive Area;
- (c) the right to take and use water;
- (d) the right to engage in cultural activities and the transmission of cultural knowledge on the

Non-Exclusive Area, including:

- (i) visiting places of cultural or spiritual importance and maintaining, caring for, and protecting those places by carrying out activities to preserve their physical or spiritual integrity; and
 - (ii) conducting ceremony and ritual, including burial and burial rites; and
- (e) the right to be accompanied on to the Non-Exclusive Area by those people who, though not native title holders and who (for the avoidance of doubt) cannot themselves exercise any native title right in the Determination Area, are:

- (i) spouses, parents or children of the native title holders; or

(ii) people required by or entering in connection with traditional law and custom for the performance of ceremonies or cultural activities on the Non-Exclusive Area.

Qualifications on the native title rights and interests

6. The native title rights and interests are subject to and exercisable in accordance with:

- (a) the laws of the State and the Commonwealth, including the common law; and
- (b) the traditional laws and customs of the Yinhawangka People for personal, domestic and communal purposes (including social, cultural, religious, spiritual and ceremonial purposes).

7. Notwithstanding anything in this Determination, there are no native title rights and interests in the Determination Area in relation to:

- (a) minerals as defined in the *Mining Act 1904* (WA) (repealed) and in the *Mining Act 1978* (WA), except to the extent that ochre is not a mineral pursuant to the *Mining Act 1904* (WA); or
- (b) petroleum as defined in the *Petroleum Act 1936* (WA) (repealed) and in the *Petroleum and Geothermal Energy Resources Act 1967* (WA);
- (c) geothermal energy resources and geothermal energy as defined in the *Petroleum and Geothermal Energy Resources Act 1967* (WA); or
- (d) water captured by the holders of the Other Interests pursuant to those Other Interests.

8. The native title rights and interests set out in paragraphs 4(b) and 5 do not confer:

- (a) possession, occupation, use and enjoyment on the Yinhawangka People to the exclusion of all others; or
- (b) a right to control the access to, or use of, the land and waters of the Determination Area or its resources.

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

9. Sections 47A and 47B of the *Native Title Act* apply to disregard any prior extinguishment in relation to the areas described in Schedule Five.

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

10. The nature and extent of the Other Interests are described in Schedule Six.

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

11. Except as otherwise provided for by law, the relationship between the native title rights and interests described in paragraphs 4 and 5 and the Other Interests 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.

Liberty to Apply

12. The parties have liberty to apply to establish the precise location and boundaries of the public works and adjacent land and waters identified in relation to any part or parts of the Determination Area referred to in clause 5 of Schedule Four of this Determination.

Definitions and interpretation

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

"Determination Area" means the land and waters described in Schedule One and depicted on the maps at Schedule Two;

"Exclusive Area" means those lands and waters of the Determination Area described in Schedule Three (which areas are generally shown as shaded green on the maps at Schedule Two);

"flowing water" means the following water within the Determination Area:

(a) water which flows, whether permanently, intermittently or occasionally, within any river, creek, stream or brook; and

(b) any natural collection of water into, through, or out of which a river, creek, stream or brook flows;

"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);

"**native title holders**" means the Yinhawangka People as described in Schedule Seven and referred to in paragraph 3;

"**Non-Exclusive Area**" means those lands and waters of the Determination Area which are not Exclusive Areas or described in paragraph 2 as an area where native title does not exist (which areas are generally shaded as yellow on the maps at Schedule Two);

"**Other Interests**" means the legal or equitable estates or interests and other rights in relation to the Determination Area described in Schedule Six and referred to in paragraph 10;

"**resources**" means flora, fauna, and other natural resources such as charcoal, stone, soil, wood, resin, and ochre (except, for the avoidance of doubt, ochres for use in the manufacture of porcelain, fine pottery or pigments which are minerals pursuant to the *Mining Act 1904* (WA) (repealed));

"**use**" includes by way of share and exchange;

"**underground water**" means water from and including an underground water source, including water that percolates from the ground; and

"**waters**" has the same meaning as in the *Native Title Act* and includes flowing and underground water.

14. In the event of any inconsistency between the written description of an area in Schedule One, Three, Four, Five or Six and the area as depicted on the maps at Schedule Two the written description prevails.

SCHEDULE ONE

DETERMINATION AREA

The Determination Area, generally shown as bordered in blue on the maps at Schedule Two, comprises all land and waters bounded by the following descriptions:

WAD340/2010 Yinhawangka Part A

Area 1

All those lands and waters commencing at Latitude 22.705647 South, Longitude 117.334829 East being a point on the present boundary of Native Title Determination WAD6208/1998 Eastern Guruma (WCD2007/001); Then generally northeasterly and generally southeasterly along the boundaries of that native title determination to the intersection with a western boundary of Reserve 30082 (Karijini National Park) at Latitude 22.874031 South; Then generally southerly and generally easterly along the boundaries of that reserve to Longitude 118.504822 East being a point on the present boundary of Native Title Application WAD216/2010 Yinhawangka Part B

(WC2010/011); Then generally southwesterly and generally northwesterly along the boundaries of that native title application through the following coordinate positions:

LATITUDE (SOUTH)	LONGITUDE (EAST)
23.178931	118.503365
23.181459	118.501568
23.184576	118.499749
23.184886	118.498601
23.186338	118.496464
23.189640	118.490281
23.191755	118.483952
23.193451	118.478964
23.194873	118.473039
23.196443	118.464835
23.198036	118.457199
23.199702	118.448423
23.200785	118.442889
23.201818	118.436032
23.203079	118.428976
23.204450	118.421728
23.206890	118.411598
23.208630	118.404715
23.209021	118.399586
23.210193	118.396323
23.211616	118.390398
23.212899	118.383909
23.214646	118.377214
23.216054	118.370911
23.217344	118.364611
23.219593	118.355624
23.220993	118.349131
23.222062	118.343219
23.223131	118.337307
23.225557	118.326799

23.228144	118.317421
23.230702	118.310319
23.232744	118.305129
23.236931	118.294367
23.238965	118.288989
23.239113	118.286710
23.240049	118.283455
23.240823	118.279069
23.241200	118.273562
23.241731	118.268996
23.241709	118.262366
23.241864	118.257245
23.242358	118.251733
23.242603	118.242820
23.243274	118.235786
23.244041	118.228180
23.244418	118.222672
23.244713	118.215083
23.244722	118.206178
23.245445	118.200469
23.245954	118.195335
23.245711	118.189092
23.245483	118.183228
23.245071	118.172634
23.244858	118.167147
23.244534	118.158824
23.243967	118.153350
23.243739	118.147486
23.243474	118.140675
23.243651	118.136122
23.244042	118.130993
23.245067	118.123946
23.245922	118.121641
23.247684	118.115325

23.248244	118.114546
23.248561	118.113588
23.249777	118.111459
23.253123	118.106412
23.254708	118.104649
23.257022	118.100396
23.262844	118.092228
23.267244	118.086952
23.270841	118.082274
23.271497	118.080924
23.273973	118.077803
23.278845	118.072510
23.279169	118.071740
23.281984	118.068227
23.283488	118.067415
23.285073	118.065652
23.291595	118.060298
23.296268	118.055960
23.296946	118.055177
23.300926	118.051243
23.303071	118.048702
23.305039	118.047683
23.307707	118.043417
23.310058	118.037080
23.313714	118.030884
23.317046	118.025458
23.320724	118.019829
23.323141	118.015194
23.326112	118.009592
23.329399	118.003031
23.332665	117.995902
23.335076	117.991078
23.338673	117.983369
23.342167	117.976043

23.343081	117.975252
23.344032	117.972375
23.345418	117.968536
23.347260	117.964301
23.347430	117.962589
23.347806	117.954051
23.347947	117.948551
23.348987	117.941883
23.349119	117.939226
23.350144	117.932179
23.350573	117.924964
23.351324	117.920011
23.352659	117.911816
23.352991	117.905173
23.352726	117.898363
23.352484	117.892120
23.352109	117.882472
23.351829	117.875283
23.351601	117.869418
23.351373	117.863553
23.351130	117.857310
23.350851	117.850121
23.349613	117.842589
23.347543	117.831866
23.344331	117.822132
23.342017	117.814259
23.339888	117.808085
23.338024	117.802659
23.336196	117.798179
23.333168	117.793175
23.330729	117.788149
23.327892	117.782000
23.323721	117.774954
23.322026	117.770848

23.317826	117.763044
23.315041	117.758220
23.312970	117.753559
23.310435	117.749105
23.306353	117.741298
23.302521	117.733860
23.294732	117.724861
23.291283	117.721198
23.286538	117.714551
23.283752	117.709727
23.281107	117.705466
23.278520	117.699688
23.275838	117.694481
23.275042	117.692237
23.271926	117.684962
23.268684	117.677503
23.265729	117.668328
23.263194	117.660842
23.261751	117.657106
23.259326	117.652458
23.255900	117.646332
23.253513	117.642630
23.248959	117.634839
23.246881	117.629989
23.245835	117.627375
23.245061	117.625698
23.243263	117.621975
23.240515	117.615065
23.237797	117.605882
23.236390	117.600060
23.234157	117.594269
23.231652	117.587540
23.228763	117.580067
23.227629	117.575183

23.225764	117.569757
23.223635	117.563583
23.221800	117.558914
23.220024	117.552727
23.218042	117.544274
23.216583	117.540159
23.216149	117.538091
23.214004	117.531538
23.211904	117.526121
23.210408	117.521060
23.207948	117.509404
23.205737	117.501149
23.201722	117.488981
23.198848	117.481887
23.196734	117.476091
23.194508	117.470488
23.193381	117.465793
23.192623	117.455400
23.189830	117.450387
23.186735	117.443679
23.184503	117.437888
23.179617	117.427646
23.177149	117.421863
23.173634	117.413465
23.170731	117.405614
23.167828	117.397763
23.163532	117.387499
23.160393	117.379657
23.158529	117.374231
23.156429	117.368813
23.153165	117.360786
23.151426	117.355544
23.148199	117.348463
23.144013	117.341038

23.141095	117.332809
23.137956	117.324966
23.134648	117.315804
23.131738	117.307764
23.130013	117.302901
23.127862	117.299191
23.127176	117.296753
23.125393	117.293408
23.121864	117.284633
23.118555	117.275471
23.115372	117.266493
23.113184	117.261837
23.111459	117.256974
23.109949	117.251535
23.108114	117.246866
23.105145	117.237312

Then continuing northwesterly along the boundary of that native title application to Latitude 23.102006 South, Longitude 117.229470 East being a point on the present boundary of Native Title Application WAD490/2016 Yinhawangka Gobawarra (WC2016/004); Then generally northwesterly along the boundaries of that native title application through the following coordinate positions:

LATITUDE (SOUTH)	LONGITUDE (EAST)
23.097754	117.220342
23.094298	117.213459
23.089693	117.204344
23.087269	117.199696
23.083090	117.192459
23.081727	117.190804
23.080076	117.187833
23.076517	117.181332
23.072685	117.173894
23.069155	117.165119

Then continuing northwesterly along the boundary of that native title application to Latitude 23.067401 South, Longitude 117.161884 East being a point on the present boundary of Native Title Determination WAD126/2005

Puutu Kunti Kurrama and Pinikura #2 (WCD2015/003); Then generally northwesterly, generally northerly, generally easterly, again generally northwesterly and generally northeasterly along the boundaries of that native title determination back to the commencement point.

Area 2

All those lands and waters commencing at the intersection of an eastern boundary of Reserve 30082 (Karijini National Park) with Latitude 23.129889 South being a point on the present boundary of Native Title Application WAD216/2010 Yinhawangka Part B (WC2010/011); Then generally easterly and generally northeasterly along the boundaries of that native title application through the following coordinate positions:

LATITUDE (SOUTH)	LONGITUDE (EAST)
23.129923	118.579226
23.129798	118.585104
23.130026	118.590968
23.130136	118.593806
23.129664	118.596854
23.129383	118.604821
23.128521	118.609967
23.128203	118.616989
23.128468	118.623799
23.128371	118.630433
23.128695	118.638757
23.128583	118.651076
23.128074	118.656209
23.127993	118.663221
23.127292	118.669499
23.126968	118.676331
23.126525	118.683167
23.126598	118.691121
23.126199	118.699093
23.126523	118.707417
23.126736	118.712903
23.126617	118.725032
23.126491	118.730909
23.126005	118.733579

23.124214	118.739139
23.122813	118.742600
23.121722	118.747944
23.119341	118.753525
23.118494	118.756019
23.115155	118.761256
23.112037	118.766106
23.111713	118.766875
23.108388	118.772491
23.106951	118.775006
23.104217	118.780599
23.101209	118.785256
23.097517	118.790506
23.094178	118.795742
23.090515	118.801749
23.086291	118.808534
23.081751	118.816277
23.079694	118.821088
23.077712	118.827791
23.075714	118.834116
23.074262	118.839284
23.073480	118.843481
23.070620	118.851921
23.068261	118.858069
23.065608	118.865744
23.062409	118.874575

Then continuing northeasterly along the boundary of that native title application to Latitude 23.061676 South, Longitude 118.876551 East being a point on the present boundary of Native Title Determination WAD78/2005 Ngarlawangga People (WCD2016/007); Then northeasterly along the boundary of that native title determination to Latitude 23.059844 South, Longitude 118.881488 East being a point on the present boundary of Native Title Application WAD196/2013 Nyiyaparli #3 (WC2013/003); Then generally northeasterly along the boundaries of that native title application through the following coordinate positions:

LATITUDE (SOUTH)	LONGITUDE (EAST)
23.057979	118.885156

23.057153	118.888217
23.055369	118.890935
23.053320	118.895935
23.051139	118.900561
23.048168	118.906164
23.043694	118.915610
23.042228	118.917369
23.037650	118.924166

Then continuing northeasterly along the boundary of that native title application to Latitude 23.035240 South, Longitude 118.926692 East being a point on the present boundary Native Title Determination WAD6096/1998 Banjima People (WCD2014/001); Then generally westerly, generally southwesterly, again generally westerly and generally northwesterly along the boundaries of that native title determination to the intersection with an easternmost boundary of the southern severance of Reserve 30082 (Karijini National Park) at Latitude 23.024322 South; Then generally southwesterly, westerly, northerly, again westerly and southerly along the boundaries of that reserve back to the commencement point.

Note:

Geographic Coordinates provided in Decimal Degrees.

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

Cadastral boundaries sourced from Landgate's Spatial Cadastral Database dated 28 February 2017.

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

Native Title Determination Application WAD6096/1998 Banjima People (WCD2014/001) as determined in the Federal Court on 11 March 2014

Native Title Determination Application WAD78/2005 Ngarlawangga People (WCD2016/007) as determined in the Federal Court on 7 December 2016

Native Title Determination Application WAD6208/1998 Eastern Guruma (WCD2007/001) as determined in the Federal Court on 1 March 2007

Native Title Determination Application WAD6007/2001 Puutu Kunti Kurrama and Pinikura People (WCD2015/003) as determined in the Federal Court on 2 September 2015

Native Title Determination Application WAD126/2005 Puutu Kunti Kurrama and Pinikura #2 (WCD2015/003) as determined in the Federal Court on 2 September 2015

Native Title Determination Application WAD490/2016 Yinhawangka Gobawarra (WC2016/004) as filed in the Federal Court on 17 October 2016

Native Title Determination Application WAD196/2013 Nyiyaparli #3 (WC2013/003) as registered in the Federal Court on 27 August 2013

Native Title Determination Application WAD216/2010 Yinhawangka Part B (WC2010/011) as registered in the Federal Court on 17 September 2010

Datum: Geocentric Datum of Australia 1994 (GDA94)

Prepared By: Graphic Services (Landgate) 19 June 2017

Use of Coordinates:

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

WAD216/2010 Yinhawangka Part B

All those lands and waters commencing at Latitude 23.102006 South, Longitude 117.229470 East being a point on the present boundary of Native Title Application WAD490/2016 Yinhawangka Gobawarra (WC2016/004); Then generally southeasterly along the boundaries of that native title application through the following coordinate positions:

LATITUDE (SOUTH)	LONGITUDE (EAST)
23.106455	117.231014
23.112366	117.231590
23.118310	117.231126
23.124225	117.229425
23.127875	117.227890
23.127988	117.227843

23.130283	117.228704
23.138193	117.235751
23.148405	117.240354
23.174007	117.263942
23.200902	117.293571
23.230099	117.332405
23.273679	117.364335
23.285473	117.371526
23.291658	117.376992
23.343292	117.411943
23.387736	117.436538
23.427001	117.454085
23.460186	117.459257
23.499850	117.450437
23.500493	117.451958
23.501417	117.454963
23.502728	117.460295
23.503685	117.465963
23.504288	117.471367
23.505599	117.476967
23.507027	117.482431
23.508162	117.488164
23.509416	117.494364
23.510373	117.500033
23.510741	117.505506
23.511462	117.510709
23.512950	117.516374
23.515378	117.521095
23.518160	117.525880
23.521237	117.530663
23.523666	117.535517
23.526389	117.540435
23.529700	117.544616
23.533421	117.548191

23.536908	117.552035
23.540219	117.556215
23.543529	117.560128
23.547192	117.563770
23.551619	117.566872
23.555282	117.570314
23.558534	117.574561
23.561903	117.578673
23.565390	117.582718
23.568994	117.586294
23.572598	117.589869
23.576791	117.593641
23.580926	117.597279
23.585708	117.600712
23.590663	117.603008
23.595681	117.606438
23.600523	117.610271
23.604951	117.613640
23.609202	117.616944
23.614162	117.620709
23.618472	117.624079
23.620303	117.625667
23.623315	117.628313
23.628040	117.632347
23.632292	117.636251
23.636544	117.639822
23.641387	117.644055
23.646171	117.647955
23.646644	117.648619
23.647886	117.650612
23.650257	117.655935
23.652392	117.660859
23.654527	117.666452
23.656310	117.672046

23.658681	117.677503
23.661229	117.683024
23.664307	117.687873
23.667442	117.692656
23.669637	117.698247
23.671889	117.703036
23.674612	117.707889
23.677394	117.712740
23.681471	117.716980
23.685018	117.721358
23.687036	117.726751
23.689316	117.731350
23.692117	117.734787
23.696147	117.737635

Then continuing southeasterly along the boundary of that native title application to Latitude 23.701683 South, Longitude 117.739177 East being a point on the present boundary of Native Title Determination WAD72/1998 Nharnuwangga Wajarri and Ngarlawangga (WCD2000/001); Then generally northeasterly along the boundaries of that native title determination to the intersection with a western boundary of Pastoral Lease N049718 (Mininer) at Latitude 23.607725 South; Then generally northeasterly through the following coordinate positions:

LATITUDE (SOUTH)	LONGITUDE (EAST)
23.604419	118.010175
23.582108	118.084615
23.581678	118.086525

Then northwesterly to the intersection with an eastern boundary of Pastoral Lease N049718 (Mininer) at Latitude 23.571113 South being a point on the present boundary of Native Title Determination WAD72/1998 Nharnuwangga Wajarri and Ngarlawangga (WCD2000/001); Then generally northeasterly and generally southeasterly along the boundaries of that native title determination to Longitude 118.797685 East being a point on the present boundary of Native Title Determination WAD78/2005 Ngarlawangga People (WCD2000/001); Then generally northeasterly and generally northerly along the boundaries of that native title determination to Latitude 23.061676 South, Longitude 118.876551 East being a point on the present boundary of Native Title Application WAD340/2010 Yinhawangka Part A (WC2010/016); Then generally southwesterly and generally westerly along the boundaries of that native title application through the following coordinate positions:

LATITUDE (SOUTH)	LONGITUDE (EAST)
23.062409	118.874575
23.065608	118.865744
23.068261	118.858069

23.070620	118.851921
23.073480	118.843481
23.074262	118.839284
23.075714	118.834116
23.077712	118.827791
23.079694	118.821088
23.081751	118.816277
23.086291	118.808534
23.090515	118.801749
23.094178	118.795742
23.097517	118.790506
23.101209	118.785256
23.104217	118.780599
23.106951	118.775006
23.108388	118.772491
23.111713	118.766875
23.112037	118.766106
23.115155	118.761256
23.118494	118.756019
23.119341	118.753525
23.121722	118.747944
23.122813	118.742600
23.124214	118.739139
23.126005	118.733579
23.126491	118.730909
23.126617	118.725032
23.126736	118.712903
23.126523	118.707417
23.126199	118.699093
23.126598	118.691121
23.126525	118.683167
23.126968	118.676331
23.127292	118.669499
23.127993	118.663221

23.128074	118.656209
23.128583	118.651076
23.128695	118.638757
23.128371	118.630433
23.128468	118.623799
23.128203	118.616989
23.128521	118.609967
23.129383	118.604821
23.129664	118.596854
23.130136	118.593806
23.130026	118.590968
23.129798	118.585104
23.129923	118.579226

Then continuing westerly along the boundary of that native title application to the intersection with an eastern boundary of Reserve 30082 (Karijini National Park) at Latitude 23.129889 South; Then southerly and westerly along the boundaries of that reserve to Longitude 118.504822 East being a point on the present boundary of Native Title Application WAD340/2010 Yinhawangka Part A (WC2010/016); Then generally southwesterly and generally northwesterly along the boundaries of that native title application through the following coordinate positions:

LATITUDE (SOUTH)	LONGITUDE (EAST)
23.178931	118.503365
23.181459	118.501568
23.184576	118.499749
23.184886	118.498601
23.186338	118.496464
23.189640	118.490281
23.191755	118.483952
23.193451	118.478964
23.194873	118.473039
23.196443	118.464835
23.198036	118.457199
23.199702	118.448423
23.200785	118.442889
23.201818	118.436032

23.203079	118.428976
23.204450	118.421728
23.206890	118.411598
23.208630	118.404715
23.209021	118.399586
23.210193	118.396323
23.211616	118.390398
23.212899	118.383909
23.214646	118.377214
23.216054	118.370911
23.217344	118.364611
23.219593	118.355624
23.220993	118.349131
23.222062	118.343219
23.223131	118.337307
23.225557	118.326799
23.228144	118.317421
23.230702	118.310319
23.232744	118.305129
23.236931	118.294367
23.238965	118.288989
23.239113	118.286710
23.240049	118.283455
23.240823	118.279069
23.241200	118.273562
23.241731	118.268996
23.241709	118.262366
23.241864	118.257245
23.242358	118.251733
23.242603	118.242820
23.243274	118.235786
23.244041	118.228180
23.244418	118.222672
23.244713	118.215083

23.244722	118.206178
23.245445	118.200469
23.245954	118.195335
23.245711	118.189092
23.245483	118.183228
23.245071	118.172634
23.244858	118.167147
23.244534	118.158824
23.243967	118.153350
23.243739	118.147486
23.243474	118.140675
23.243651	118.136122
23.244042	118.130993
23.245067	118.123946
23.245922	118.121641
23.247684	118.115325
23.248244	118.114546
23.248561	118.113588
23.249777	118.111459
23.253123	118.106412
23.254708	118.104649
23.257022	118.100396
23.262844	118.092228
23.267244	118.086952
23.270841	118.082274
23.271497	118.080924
23.273973	118.077803
23.278845	118.072510
23.279169	118.071740
23.281984	118.068227
23.283488	118.067415
23.285073	118.065652
23.291595	118.060298
23.296268	118.055960

23.296946	118.055177
23.300926	118.051243
23.303071	118.048702
23.305039	118.047683
23.307707	118.043417
23.310058	118.037080
23.313714	118.030884
23.317046	118.025458
23.320724	118.019829
23.323141	118.015194
23.326112	118.009592
23.329399	118.003031
23.332665	117.995902
23.335076	117.991078
23.338673	117.983369
23.342167	117.976043
23.343081	117.975252
23.344032	117.972375
23.345418	117.968536
23.347260	117.964301
23.347430	117.962589
23.347806	117.954051
23.347947	117.948551
23.348987	117.941883
23.349119	117.939226
23.350144	117.932179
23.350573	117.924964
23.351324	117.920011
23.352659	117.911816
23.352991	117.905173
23.352726	117.898363
23.352484	117.892120
23.352109	117.882472
23.351829	117.875283

23.351601	117.869418
23.351373	117.863553
23.351130	117.857310
23.350851	117.850121
23.349613	117.842589
23.347543	117.831866
23.344331	117.822132
23.342017	117.814259
23.339888	117.808085
23.338024	117.802659
23.336196	117.798179
23.333168	117.793175
23.330729	117.788149
23.327892	117.782000
23.323721	117.774954
23.322026	117.770848
23.317826	117.763044
23.315041	117.758220
23.312970	117.753559
23.310435	117.749105
23.306353	117.741298
23.302521	117.733860
23.294732	117.724861
23.291283	117.721198
23.286538	117.714551
23.283752	117.709727
23.281107	117.705466
23.278520	117.699688
23.275838	117.694481
23.275042	117.692237
23.271926	117.684962
23.268684	117.677503
23.265729	117.668328
23.263194	117.660842

23.261751	117.657106
23.259326	117.652458
23.255900	117.646332
23.253513	117.642630
23.248959	117.634839
23.246881	117.629989
23.245835	117.627375
23.245061	117.625698
23.243263	117.621975
23.240515	117.615065
23.237797	117.605882
23.236390	117.600060
23.234157	117.594269
23.231652	117.587540
23.228763	117.580067
23.227629	117.575183
23.225764	117.569757
23.223635	117.563583
23.221800	117.558914
23.220024	117.552727
23.218042	117.544274
23.216583	117.540159
23.216149	117.538091
23.214004	117.531538
23.211904	117.526121
23.210408	117.521060
23.207948	117.509404
23.205737	117.501149
23.201722	117.488981
23.198848	117.481887
23.196734	117.476091
23.194508	117.470488
23.193381	117.465793
23.192623	117.455400

23.189830	117.450387
23.186735	117.443679
23.184503	117.437888
23.179617	117.427646
23.177149	117.421863
23.173634	117.413465
23.170731	117.405614
23.167828	117.397763
23.163532	117.387499
23.160393	117.379657
23.158529	117.374231
23.156429	117.368813
23.153165	117.360786
23.151426	117.355544
23.148199	117.348463
23.144013	117.341038
23.141095	117.332809
23.137956	117.324966
23.134648	117.315804
23.131738	117.307764
23.130013	117.302901
23.127862	117.299191
23.127176	117.296753
23.125393	117.293408
23.121864	117.284633
23.118555	117.275471
23.115372	117.266493
23.113184	117.261837
23.111459	117.256974
23.109949	117.251535
23.108114	117.246866
23.105145	117.237312

Then continuing northwesterly along the boundary of that native title application back to the commencement

point.

Note:

Geographic Coordinates provided in Decimal Degrees.

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

Cadastral boundaries sourced from Landgate's Spatial Cadastral Database dated 28 February 2017.

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

Native Title Determination Application WAD72/1998 Nharnuwangga Wajarri and Ngarlawangga (WCD2000/001) as determined in the Federal Court on 29 August 2000

Native Title Determination Application WAD78/2005 Ngarlawangga People (WCD2016/007) as determined in the Federal Court on 7 December 2016

Native Title Determination Application WAD490/2016 Yinhawangka Gobawarra (WC2016/004) as filed in the Federal Court on 17 October 2016

Native Title Determination Application WAD327/2012 Jurruru #2 (WC2012/012) as filed in the Federal Court on 22 November 2012

Native Title Determination Application WAD340/2010 Yinhawangka Part A (WC2010/016) as registered in the Federal Court on 10 December 2010

Datum: Geocentric Datum of Australia 1994 (GDA94)

Prepared By: Graphic Services (Landgate) 29 May 2017

Use of Coordinates:

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

SCHEDULE TWO

MAPS OF THE DETERMINATION AREA

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

SCHEDULE THREE

EXCLUSIVE AREA

Areas where native title comprises the rights set out in paragraph 4 of the Determination

Native Title comprises the rights and interests set out in paragraph 4 of the Determination in relation to the following land and waters (which areas are generally shown as shaded in green on the maps at Schedule Two):

1. Wakathuni

All that land comprising Lot 105 as shown on Deposited Plan 219084 being subject to Aboriginal Lease H164887.

2. Mundari

All those land and waters commencing at Latitude 22.976921 South, Longitude 117.185721 East and extending generally northerly, generally easterly, generally southeasterly, generally southwesterly, and generally northwesterly through the following coordinate positions:

LATITUDE (SOUTH)	LONGITUDE (EAST)
22.975171	117.185914
22.974453	117.186164
22.973791	117.186877
22.973551	117.187738
22.973281	117.192591
22.973278	117.192705
22.973518	117.193681
22.974179	117.194396

22.975082	117.194659
22.975986	117.194399
22.976648	117.193685
22.976743	117.193482
22.978762	117.188437
22.978911	117.187665
22.978670	117.186689
22.978009	117.185974
22.977106	117.185711

Then northerly back to the commencement point.

3. Bibi Tree

All those land and waters commencing at Latitude 22.934047 South, Longitude 117.388053 East and extending generally northeasterly, generally southeasterly, generally southerly, generally southwesterly, generally northwesterly and generally northerly through the following coordinate positions:

LATITUDE (SOUTH)	LONGITUDE (EAST)
22.933143	117.388312
22.932480	117.389024
22.932235	117.389999
22.932475	117.390975
22.933073	117.391650
22.933425	117.391892
22.933487	117.391932
22.934389	117.392196
22.935056	117.392061
22.935098	117.392043
22.936492	117.391971
22.937305	117.391715
22.937968	117.391003
22.938212	117.390028
22.937973	117.389052

22.937313	117.388336
22.936411	117.388072
22.936320	117.388074
22.934628	117.388161
22.934526	117.388193

Then northwesterly back to the commencement point.

EXCLUSIONS:

All that land comprising Pastoral Lease N050372 (Rocklea).

Paraburdoo Road being Road No. 16245 as shown on Deposited Plan 41995.

4. Waarnarra

All those land and waters commencing at Latitude 22.926466 South, Longitude 117.393966 East and extending generally southeasterly, generally southwesterly, generally northwesterly, generally northeasterly, again generally southeasterly and again generally southwesterly through the following coordinate positions:

LATITUDE (SOUTH)	LONGITUDE (EAST)
22.926644	117.393983
22.926801	117.393991
22.927705	117.393732
22.928368	117.393020
22.928612	117.392045
22.928373	117.391070
22.927713	117.390354
22.926967	117.390098
22.926679	117.390070
22.926522	117.390062
22.926457	117.390063
22.925973	117.390080
22.925950	117.390087
22.925725	117.390108
22.925393	117.390170

22.924802	117.390400
22.924567	117.390573
22.924259	117.390841
22.923831	117.391380
22.923586	117.392354
22.923826	117.393330
22.924486	117.394046
22.925388	117.394310
22.926292	117.394051
22.926405	117.393968

Then southerly back to the commencement point.

EXCLUSIONS:

All that land comprising Pastoral Lease N050372 (Rocklea).

5. Piritayi

All those land and waters commencing at Latitude 22.817668 South, Longitude 117.482145 East and extending generally northeasterly, generally southeasterly, generally southwesterly and generally northwesterly through the following coordinate positions:

LATITUDE (SOUTH)	LONGITUDE (EAST)
22.816757	117.484162
22.816326	117.485703
22.815690	117.487683
22.814812	117.489809
22.813903	117.491960
22.813062	117.494123
22.812407	117.495893
22.811376	117.498621
22.810812	117.500151
22.810220	117.501881
22.809884	117.503291
22.809871	117.504599

22.810691	117.505901
22.811552	117.506052
22.812504	117.505282
22.812816	117.504156
22.813167	117.503202
22.813626	117.502273
22.814283	117.501011
22.814756	117.500054
22.815073	117.499339
22.815468	117.498442
22.815937	117.497508
22.816590	117.496042
22.817077	117.494954
22.817714	117.493706
22.818245	117.492630
22.818867	117.491262
22.819460	117.489819
22.819830	117.488615
22.819843	117.487477
22.819349	117.486361
22.818782	117.484900
22.818395	117.483645

Then northwesterly back to the commencement point.

EXCLUSIONS:

All that land comprising Pastoral Lease N050372 (Rocklea).

6. Nyimili

All those land and waters wholly within the external boundary of Native Title Application WAD340/2010 Yinhawangka Part A (WC2010/016) commencing at Latitude 22.765367 South, Longitude 117.620913 East and extending generally southeasterly, generally southwesterly, generally northwesterly, generally northerly and generally northwesterly through the following coordinate positions:

LATITUDE (SOUTH)	LONGITUDE (EAST)
22.766148	117.624451
22.767648	117.627732
22.769948	117.631818
22.771807	117.634949
22.774406	117.638748
22.777273	117.641466
22.779884	117.642799
22.784615	117.644144
22.787476	117.644855
22.790782	117.645988
22.793554	117.647203
22.796648	117.648899
22.800336	117.651519
22.802892	117.653904
22.805952	117.657211
22.810167	117.662118
22.813376	117.665842
22.817312	117.670294
22.819789	117.672705
22.822124	117.674558
22.825007	117.676451
22.827216	117.678411
22.829488	117.680884
22.832158	117.684336
22.834690	117.687886
22.836873	117.690971
22.839695	117.694158
22.844578	117.700672
22.847970	117.704184
22.851199	117.706963
22.855157	117.709570
22.858679	117.711081

22.861927	117.711975
22.866826	117.712473
22.870849	117.712283
22.874851	117.711629
22.879544	117.712220
22.880379	117.712614
22.881931	117.712868
22.883273	117.712204
22.883850	117.711171
22.884045	117.709609
22.884059	117.708426
22.887720	117.706270
22.890809	117.707147
22.892698	117.707281
22.894284	117.706145
22.894676	117.705056
22.894385	117.701383
22.896817	117.698939
22.899437	117.695723
22.901594	117.692851
22.904339	117.688360
22.906356	117.684180
22.908051	117.679792
22.909313	117.675886
22.910310	117.671310
22.910614	117.663652
22.910205	117.659527
22.909302	117.654928
22.908261	117.650481
22.907054	117.644948
22.906163	117.641121
22.904559	117.636285
22.902769	117.631965
22.901265	117.628740

22.899040	117.624536
22.894806	117.619541
22.890725	117.617061
22.886228	117.616013
22.883925	117.616232
22.880607	117.617313
22.875868	117.619454
22.872090	117.620741
22.869334	117.621109
22.864394	117.620589
22.861148	117.619979
22.857366	117.619094
22.853565	117.617989
22.849793	117.616675
22.846038	117.615255
22.841271	117.613266
22.836028	117.610911
22.832413	117.609262
22.829333	117.607928
22.826245	117.606648
22.824173	117.605853
22.819453	117.604305
22.815770	117.603268
22.812058	117.602379
22.807808	117.601521
22.803657	117.600725
22.800133	117.600047
22.796603	117.599702
22.793559	117.599844
22.790041	117.600596
22.786048	117.601798
22.783109	117.602913
22.779180	117.604524
22.775703	117.605999

22.772774	117.607359
22.768453	117.610427
22.766683	117.613099
22.765576	117.616678

Then easterly back to the commencement point.

EXCLUSIONS:

All that land comprising Pastoral Lease N050372 (Rocklea).

Those parts of State Agreement Mineral Lease AML7000004 (as defined by Department of Mines and Petroleum as at 11th November 2010) overlapping the lands and waters described above.

7. Jangurna Jinna

All those land and waters commencing at Latitude 23.336087 South, Longitude 118.268197 East and extending generally southeasterly, generally southwesterly, generally northwesterly and generally northeasterly through the following coordinate positions:

LATITUDE (SOUTH)	LONGITUDE (EAST)
23.336875	118.269660
23.337962	118.271442
23.339271	118.273062
23.340462	118.274313
23.342000	118.275652
23.343953	118.276850
23.346077	118.277170
23.348019	118.276208
23.349141	118.274596
23.349812	118.272297
23.350118	118.270312
23.350215	118.268999
23.350024	118.267434
23.349181	118.265799
23.347873	118.264487

23.345980	118.263469
23.343491	118.263268
23.341040	118.263956
23.339304	118.264937
23.337394	118.266461

Then northeasterly back to the commencement point.

Note:

Geographic coordinates provided in decimal degrees.

All referenced deposited plans and diagrams are held by the Western Australian Land Information Authority, trading as Landgate.

Cadastral boundaries sourced from Landgate's Spatial Cadastral Database dated 28 February 2017.

Mining tenements sourced from Department of Mines and Petroleum as at 11 November 2010.

Native Title Determination Application WAD340/2010 Yinhawangka Part A (WC2010/016) as registered in the Federal Court on 10 December 2010.

Datum: Geocentric Datum of Australia 1994 (GDA94)

Prepared By: Graphic Services (Landgate) 24 May 2017

Use of Coordinates:

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

SCHEDULE FOUR

AREAS WHERE NATIVE TITLE DOES NOT EXIST (PARAGRAPH 2)

Native Title does not exist in relation to land and waters the subject of the following interests within the Determination Area which, with the exception of public works (as described in clause 5 of this Schedule), are generally shown as shaded in pink on the maps at Schedule Two:

1. Freehold

Grants of estates in fee simple within the Determination Area including the following:

Freehold No.

CT0170200692	CT0170300204	CT0170300205	CT0170300207
CT0170300208	CT0170300210	CT0170300211	CT0170300212
CT0170300215	CT0170300217	CT0170300218	CT0170300219
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CT0170300226	CT0170300227	CT0170300228	CT0170300229
CT0170300230	CT0170300231	CT0170300232	CT0170300233
CT0170300234	CT0170300235	CT0170300236	CT0170300237
CT0170300238	CT0170300239	CT0170300240	CT0170300241
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CT0170300250	CT0170300251	CT0170300252	CT0170300253
CT0170300255	CT0170300257	CT0170300258	CT0170300259
CT0170300260	CT0170300261	CT0170300262	CT0170300263
CT0170300264	CT0170300265	CT0170300266	CT0170300267
CT0170300268	CT0170300269	CT0170300270	CT0170300271
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CT0212300200	CT0222600084	CT0264900584	CT0266000890
CT0268700691	CT0275100100	CT0286200051	CT0286200052
CT0286200053	CT0286200054	CT0286200055	S021762

2. Reserves

Reserve No.	Current / Last Purpose
RES 37610	Quarry
RES 39572	Public Recreation
RES 40065	Public Recreation
RES 40405	Park and Drainage
RES 40406	Park and Drainage
RES 40483	Public Recreation
RES 40583	Drainage
RES 42129	Sports Centre
RES 42157	Drain
RES 42331	Recreation
RES 42332	Recreation
RES 42333	Parking
RES 42334	Parking
RES 42335	Parking
RES 43225	Drainage
RES 43565	Public Recreation
RES 43566	Public Recreation
RES 43567	Public Recreation
RES 43569	Public Recreation
RES 43576	Public Recreation
RES 43577	Public Recreation
RES 46935	School Site
RES 49415	Pedestrian Accessway
RES 51592	Police Complex
RES 52197	Childcare Centre

3. Leases

Lease No.	Current / Last Purpose
GE H249216	Light industry

GE H326886	Radio, television and telecommunications
GE I123646 (formerly 3116/7842)	Construction and operation of power transmission line, control equipment, access track and other ancillary works, facilities and installations
GE I131315 (formerly 3116/11402)	Light industrial
GE I134853 (formerly 3116/11818)	Bulk fuel depot
GE I144501 (formerly 3116/3467)	Boring for, conserving, reticulating and drawing water
GE I150241 (formerly 3116/11350)	Light industry
GE I150337 (formerly 3116/11367)	Light industrial
GE I206646 (formerly 3116/4592)	Construction, upgrading, realignment, operation and use of a railway
GE I213357 (formerly 3116/4586)*	Laying out, development, construction, provision and operation of and use as a townsite
*Footnote: To the extent not subject to the application of section 47B of the <i>Native Title Act</i> . see Schedule Five.	
GE I886933	Light industry
GE J089597	Light industry
GE M920522 (formerly GE J412198; 3116/10834)	Light industry
GE J717063	Construction, use, operation and maintenance of a rail spur line and associated access road and infrastructure
GE K013039	Light industry
GE K560303	Industry
GE L215248	Communication site
GE L599731	Light industry
GE N104721 (formerly 3116/04585)	Laying out, development, construction, provision and operation of and use as an aerodrome
GE N104722 (formerly 3116/04587)	Allotting portions of the land to contractors and manufacturers for their respective uses whilst engaged on work associated with the construction and operation of the mine in and plant on the mineral lease, the town of Paraburdoo, the railway and facilities associated with all or any of the foregoing
GE N104723 (formerly 3116/04588)	Laying out, construction, provision and operation of and use as a miscellaneous plant, equipment and machinery workshops and service facilities associated therewith
GE N104470 (formerly 3116/04589)	Laying out, development, construction, provision and operation of and use as a construction camp for the housing of the construction force engaged in the present and future development works of the Company and in the construction of the mine and plan during its normal operations and of the town of Paraburdoo and of the facilities associated therewith
GE N104471 (formerly 3116/04590)	Laying out, development, construction, provision and operation of and use as a sewerage treatment plant and radio and TV transmission tower to serve the town of Paraburdoo
3116/04591	(1) Establishment and maintenance of a greenbelt or rural zone for the townsite of Paraburdoo;
	(2) The use of that land in respect of or in connection with the control by the Company of any undesirable elements who are or may be attracted or would otherwise be attracted to that townsite or to the other operations of the Company in the vicinity;

(3) Construction and use of roads; and

(4) Construction, laying out and use of power transmission line, communications system and associated and other facilities and services for the townsite of Paraburdoo

GE N104473 (formerly 3116/04593) Laying out, development, construction, provision and operation of and use as a site for water storage tanks for the supply of water to Paraburdoo, the mine and mine plant, and the industrial area and construction camp

GE N104474 (formerly 3116/04594) Laying out, development, construction, provision and operation of and use for main water supply lines to Paraburdoo, the mine and mine plant, the industrial area and construction camp

GE N104193 (formerly 3116/08933) Development, construction, provision, operation and use of water bore holes, a water pipeline and a power transmission line and installations and facilities ancillary thereto

4. Roads

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)*), including the following:

MapInfo ID	Description	Shown in
ROAD 01	Tom Price-Paraburdoo Road	Deposited Plan 217031
ROAD 03	Tom Price-Paraburdoo Road	Deposited Plan 242851
ROAD 04	Road No. 14619	Government Gazette 11 July 1975
ROAD 05	Road No. 1718	Government Gazette 18 December 1903
ROAD 06	Road No. 14619	Government Gazette 3 March 1972
ROAD 07	Road No. 5424	Public Plan 503114 cancelled on 6 July 1925
ROAD 08	Portions of Channar Avenue, Pilbara Avenue, Whaleback Avenue and Joffre Avenue	Deposited Plan 14862
ROAD 09	Portions of Bruce Avenue, Dale Avenue, Yampire Avenue and Samson Avenue	Deposited Plan 14949
ROAD 10	Bennett Avenue	Deposited Plan 17647
ROAD 11	Portions of Ashburton Avenue and Robe Avenue	Deposited Plan 14865
ROAD 12	Murchinson Avenue, Exmouth Avenue, Roebourne Avenue, Chichester Avenue, Barrow Avenue, Wittenoom Avenue, Turner Road and portions of Ashburton Avenue and Camp Road	Deposited Plan 14725
ROAD 13	Wyloo Road, Gascoyne Avenue and portions of Ashburton Avenue, Rocklea Road and Camp Road	Deposited Plan 14723
ROAD 14	Anzac Court, Mininer Lane and Ashburton Court	Deposited Plan 15743
ROAD 15	Portions of Channar Avenue, Whaleback Avenue, Pilbara Avenue and Joffre Avenue	Deposited Plan 14951
ROAD 16	King Avenue and portions of Nickol Avenue and Meharry Road	Deposited Plan 14947
ROAD 17	Anzac Place and portion of Fortescue Road	Deposited Plan 15365

ROAD 18	Brockman Avenue, Margaret Avenue, Monte Bello Avenue, Lockyer Avenue and portion of Meharry Road	Deposited Plan 14861
ROAD 19	Portions of Ashburton Avenue and Robe Avenue	Deposited Plan 14864
ROAD 20	Bellary Avenue, Jope Court and Maguire Avenue	Deposited Plan 17646
ROAD 21	McRae Avenue and portion of Ashburton Avenue	Deposited Plan 14726
ROAD 22	Meeka Avenue	Deposited Plan 14968
ROAD 23	Coppin Court	Deposited Plan 16693
ROAD 24	Mettawandy Place and portion of Camp Road	Deposited Plan 188713
ROAD 25	Portions of Bruce Avenue, Dale Avenue, Yampire Avenue and Samson Avenue	Deposited Plan 14950
ROAD 26	Weano Crescent, Muchamary street and Howies Close	Deposited Plan 217706
ROAD 27	Turee Way and portion of Camp Road	Deposited Plan 216685
ROAD 28	Capricorn Avenue, Hardy Avenue and portions of Ashburton Avenue and Camp Road	Deposited Plan 14724
ROAD 29	You Yi Lane	Deposited Plan 80075
ROAD 30	Portion of Camp Road	Deposited Plan 216547
ROAD 31	Gregory Way, Yathala Way and portion of Rocklea Road	Deposited Plan 216817
ROAD 32	De Coursey Avenue and portion of Nickol Avenue	Deposited Plan 14948
ROAD 36	Road No. 16245 (Beasley Road / Paraburdoo Road)	Government Gazette 24 April 1980 and 29 May 1981
ROAD 37	Widening of portion of Paraburdoo Road	Deposited Plan 41996
ROAD 38	Fortescue Road, De Grey Road and portion of Nickol Avenue	Deposited Plan 14840
ROAD	Lot 60	Deposited Plan 216685

5. Public Works

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

SCHEDULE FIVE

AREAS TO WHICH SECTION 47A AND SECTION 47B OF THE *NATIVE TITLE ACT* APPLIES (PARAGRAPH 9)

Section 47A of the *Native Title Act* applies with the effect that any extinguishment by the creation of the following interests (and by the creation of any other prior interests in relation to the area of the following

interests) is to be disregarded:

Interest	Description / Purpose
Lease AB H164887	Use and benefit of Aboriginal inhabitants

Section 47B of the *Native Title Act* applies with the effect that any extinguishment over the following areas by the creation of a prior interest (to the extent that the areas were not covered by an interest described in s 47B(1)(b)(i) or (ii) or subject to a resumption process as described in s 47B(1)(b)(iii) of the *Native Title Act* when the relevant native title determination application was made) is to be disregarded:

Area	Description / Location
Mundari	As described in Schedule Three
Bibi Tree	As described in Schedule Three
Waarnarra	As described in Schedule Three
Piritayi	As described in Schedule Three
Nyimili	As described in Schedule Three
Jangurna Jinna	As described in Schedule Three
Whole of UCL 32 3116/4586)	Lot 17 Turee Way, Paraburdoo (formerly subject to a portion of special lease
Whole of UCL 34 3116/4586)	Lot 39 Camp Road, Paraburdoo (formerly subject to a portion of special lease
Whole of UCL 35 3116/4586)	Lot 49 Camp Road, Paraburdoo (formerly subject to a portion of special lease

SCHEDULE SIX

OTHER INTERESTS (PARAGRAPH 10)

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

1. Reserves

(a) The following reserves:

Reserve No.	Current Purpose
RES 14788	Water

RES 18737 Water
RES 48908 Microwave Radio Repeater Station
RES 52195 Bore Site

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

(c) The rights and interests of persons entitled to access and use the reserves identified in subclause (a) above for the respective purposes for which they are reserved, subject to any statutory limitations upon those rights; and

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

2. Leases

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

Lease No.	Current / Last Purpose
GE I163654 (formerly 3116/11553)	Mining purposes
AB H164887 (Wakathuni)	Use and benefit of Aboriginal inhabitants

3. Pastoral Leases

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

Pastoral Lease	Station Name
PL N050364 (formerly 3114/0888)	Mt Vernon
PL N050676 (formerly 3114/0937)	Turee Creek
PL N050372 (formerly 3114/1166)	Rocklea
PL N049718 (formerly 3114/1193)	Mininer
PL N050036 (formerly 3114/1218)	Ashburton Downs
PL N050545 (formerly 398/782)	Cheela Plains

(b) Any rights and obligations of the pastoralists pursuant to the pastoral leases referred to in clause 3(a) above to adopt and exercise best practice management of the pasture and vegetation resources, livestock and soils within the boundaries of the pastoral leases in order to manage stock and for the management, conservation and regeneration of pasture for permitted uses.

4. Easements

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

Easement No. Description

F931458	Created pursuant to the <i>Goldfields Gas Pipeline Agreement Act 1994</i> and the <i>Public Works Act 1902</i> as published in the Government Gazette on 4 July 1995 and 14 June 1996
K664347	Access, power and communication
L478326	Operating a borefield and associated infrastructure

5. Roads

The following roads and the rights and interests of the persons having the care, control and management of those roads from time to time:

MapInfo ID	Description	Shown in
ROAD 02	Great Northern Highway	Deposited Plan 219303
ROAD 33	Widening of portion of Nanutarra -Wittenoom Road	Deposited Plan 41993
ROAD 34	Widening of portion of Nanutarra -Wittenoom Road	Deposited Plan 41994
ROAD 35	Widening of Paraburdoo Road	Deposited Plan 41995
ROAD 39	Widening of portion of Nanutarra -Wittenoom Road	Deposited Plan 41995

6. Mining Tenements

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

(i) Mining Leases

Tenement ID

M 4700030	M 4700031	M 4700032	M 4700033
M 4700034	M 4700035	M 4700036	M 4700037
M 4700038	M 4700039	M 4700040	M 4700041
M 4700217	M 4700244	M 4700246	M 4700282
M 4700321	M 4700322	M 4700332	M 4700358

M 4700683	M 4700684	M 4700685	M 4700686
M 4700687	M 4700688	M 4700689	M 4700690
M 4700691	M 4701135	M 5200032	M 5200553
M 5200639	M 5200640	M 5200734	M 5200735

(ii) **Exploration Licences**

Tenement ID

E 0802115	E 0802210	E 0802211	E 0802248
E 0802307	E 0802757	E 4700013	E 4700014
E 4700015	E 4700016	E 4700017	E 4700030
E 4700709	E 4700754	E 4700797	E 4700798
E 4700952	E 4700986	E 4701050	E 4701355
E 4701370	E 4701396	E 4701413	E 4701420
E 4701446	E 4701461	E 4701478	E 4701540
E 4701623	E 4701681	E 4701741	E 4701772
E 4701795	E 4702086	E 4702236	E 4702239
E 4702240	E 4702417	E 4702427	E 4702496
E 4702538	E 4702936	E 4702948	E 4702951
E 4702952	E 4702953	E 4702963	E 4702985
E 4703001	E 4703004	E 4703014	E 4703153
E 4703169	E 4703185	E 4703227	E 4703245
E 4703270	E 4703312	E 4703313	E 4703331
E 4703345	E 4703369	E 4703406	E 4703481
E 5201459	E 5201667	E 5201763	E 5201788
E 5201789	E 5201790	E 5201941	E 5202034
E 5202043	E 5202044	E 5202521	E 5202522
E 5202594	E 5202624	E 5202625	E 5202667
E 5202724	E 5202745	E 5202748	E 5202786
E 5203024	E 5203025	E 5203026	E 5203036
E 5203065	E 5203134	E 5203135	E 5203137
E 5203208	E 5203209	E 5203210	E 5203211
E 5203213	E 5203247	E 5203304	E 5203305
E 5203311	E 5203369	E 5203372	E 5203398

(iii) General Purpose Leases

Tenement ID

G 4700041

G 4701235

G 4701236

G 4701244

G 4701254

(iv) Miscellaneous Licences

Tenement ID

L 4700041

L 4700050

L 4700052

L 4700053

L 4700054

L 4700060

L 4700061

L 4700062

L 4700063

L 4700099

L 4700130

L 4700266

L 4700268

L 4700269

L 4700270

L 4700271

L 4700272

L 4700326

L 4700409

L 4700421

L 4700552

L 5200072

L 5200075

L 5200153

(v) Prospecting Licences

Tenement ID

P 4701429

P 4701687

P 5201366

P 5201367

P 5201368

P 5201369

P 5201372

P 5201373

P 5201374

P 5201375

P 5201376

P 5201377

P 5201378

P 5201379

P 5201380

P 5201381

P 5201523

P 5201524

(vi) **Retention Licences**

Tenement ID

R 4700008

(b) The agreement as amended and ratified by the *Iron Ore (Hamersley Range) Agreement Act 1963 (WA)* and rights and interests comprised in, conferred under or in accordance with, or pursuant to that agreement, including the following mining tenements:

Tenement ID	Tenement Type
AG 7000004	General Purpose Lease
AG 7000005	General Purpose Lease
AG 7000014	General Purpose Lease
AML 7000004	Mineral Lease
AML 7000246	Mineral Lease

(c) The agreement as amended and ratified by the *Iron Ore (Mount Newman) Agreement Act 1964 (WA)* and rights and interests comprised in, conferred under or in accordance with, or pursuant to that agreement, including the following mining tenements:

Tenement ID	Tenement Type
AML7000244	Mineral Lease

(d) The agreement as amended and ratified by the *Iron Ore (Robe River) Agreement Act 1964 (WA)* and rights and interests comprised in, conferred under or in accordance with, or pursuant to that agreement, including the following mining tenements:

Tenement ID	Tenement Type
AML 7000248	Mineral Lease

(e) The agreement as amended and ratified by the *Iron Ore (Mount Bruce) Agreement Act 1972 (WA)* and rights and interests comprised in, conferred under or in accordance with, or pursuant to that agreement, including the following mining tenements:

Tenement ID	Tenement Type
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AML 7000252 Mineral Lease

(f) The agreement as amended and ratified by the *Iron Ore (Mount Goldsworthy) Agreement Act 1964* (WA) and rights and interests comprised in, conferred under or in accordance with, or pursuant to that agreement, including the following mining tenements:

Tenement ID Tenement Type

AML 7000281 Mineral Lease

(g) The agreement as amended and ratified by the *Iron Ore (Channar Joint Venture) Agreement Act 1987* (WA) and rights and interests comprised in, conferred under or in accordance with, or pursuant to that agreement, including the following mining tenements:

Tenement ID Tenement Type

AM 7000265 Mining Lease

7. Petroleum Titles

The following petroleum titles under the *Petroleum Pipelines Act 1969* (WA) and the rights and interests of the holders from time to time of those petroleum titles:

Tenement ID Tenement Type

PL 24 Pipeline Licence

PL 67 Pipeline Licence

PL 97 Pipeline Licence

8. Access to Mining and Petroleum Area

(a) Without limiting the operation of any other clause in Schedule Six, but subject to clause 8(b) below, any rights of the holders from time to time of a mining tenement or petroleum title, including those referred to in clauses 6 and 7 of Schedule Six, to use (including by servants, agents and contractors) such portions of existing roads and tracks in the Determination Area as necessary to have access to the area the subject of the mining tenement or petroleum title for the purposes of exercising the rights granted by that tenement or title.

(b) Nothing in clause 8(a) above allows any upgrade, extension, widening or other improvement to the road or track other than work done to maintain it in reasonable repair and in order to leave it in substantially the same condition as it was prior to its use pursuant to clause 8(a).

(c) Nothing in Schedule Six will limit the rights of the holders from time to time of mining tenements or petroleum titles, including those referred to in clauses 6 and 7 of Schedule Six, including, without limitation, any right to exclude members of the public from entering onto the land and waters the subject of any mining tenement or petroleum title.

9. Indigenous Land Use Agreements

- (a) The *RTIO and Yinhawangka People Indigenous Land Use Agreement (Area Agreement)* dated 31 January 2013, and registered on the Register of Indigenous Land Use Agreements on 5 July 2013 (Tribunal No. WI2013/001), and the rights and interests comprised in, conferred under, or in accordance with, or pursuant to, that ILUA.
- (b) The *Yinhawangka and BHP Billiton Project Agreement Initial ILUA (Area Agreement)* dated 10 February 2016, and registered on the Register of Indigenous Land Use Agreements on 29 July 2016 (Tribunal No. WI2016/001), and the rights and interests comprised in, conferred under, or in accordance with, or pursuant to, that ILUA.

10. Other

The following rights and interests:

- (a) 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) Rights and 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);
- (c) Rights and interests of members of the public arising under the common law, including but not limited to:
- (i) the public right to fish;
 - (ii) the public right to navigate; and
 - (iii) the right of any person to use and enjoy any roads in the Determination Area (subject to the laws of the State) over which, as at the date of this Determination, members of the public have a right of access under the common law;
- (d) 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; and
 - (iii) an employee, agent or instrumentality of any local government authority,
- as required in the performance of his or her statutory or common law duty;
- (e) So far as confirmed pursuant to section 212(2) of the *Native Title Act* and section 14 of the *Titles (Validation) and Native Title (Effect of Past Acts) Act 1995* (WA) as at the date of this Determination, any existing public access to, and enjoyment of, 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 31 December 1993;
- (f) Any other:
- (i) legal or equitable estate or interest in the land or waters; or
 - (ii) right (including a right under an option and a right of redemption), charge, power or privilege over, or in connection with:
 - (A) the land or waters; or
 - (B) an estate or interest in the land or waters; or
 - (iii) restriction on the use of the land or waters, whether or not annexed to other land or waters.

SCHEDULE SEVEN

NATIVE TITLE HOLDERS (PARAGRAPH 3)

The Yinhawangka People are those persons who:

- (a) are descended from, in accordance with the traditional laws acknowledged and the traditional customs observed by the Yinhawangka People:
 - (i) Minatangunha;
 - (ii) Jarndunha; or
 - (iii) the couple Thurantajinha and Wilga; and
- (b) identify themselves as Yinhawangka under traditional law and custom and are so identified by other Yinhawangka People as Yinhawangka; and
- (c) have a connection with the land and waters of the Determination Area, in accordance with the traditional laws acknowledged and the traditional customs observed by the Yinhawangka People.

REGISTER ATTACHMENTS:

1. Schedule Two - Maps of the Determination Area, 8 pages - A3, 18/07/2017

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