

Schedule 5 – Where Native Title is Exclusive Possession

[See paragraph 4 of the Determination]

Note: A reference in any part of this Determination to a parcel of unallocated Crown land in the form "UCL #" is a reference to the number of a given parcel of UCL which was set out by the affidavit of Paul Terence Godden filed on 16 December 2015 (marked as Exhibit WA10 in WAD 359/2013).

The parts of the Determination Area where native title comprises the rights and interests set out in paragraph 4 of the Determination are the following parts, being the parts of the Determination Area to which sections 47A and 47B of the *Native Title Act* respectively apply, as generally shown on the Maps in Schedule 8.

Areas to which s 47A applies

- (1) Reserve 1012, BEING a reserve set aside for the purpose of "use and benefit of Aboriginal inhabitants" being located on Lots 348 and 361 on Plan 91101.
- (2) Reserve 1834, BEING a reserve set aside for the purpose of "use and benefit of Aborigines" being located on Lot 246 on Plan 91725.
- (3) Reserve 22615, BEING a reserve set aside for the purpose of "use and benefit of Aborigines" being located on Lot 26 on Plan 221072.
- (4) Reserve 46572, BEING a reserve set aside for the purpose of "use and benefit of Aboriginal inhabitants" being located on Lot 375 on Plan 219679.
- (5) Reserve 46705, BEING a reserve set aside for the purpose of "use and benefit of Aboriginal inhabitants" being located on Lot 429 on Plan 106140.
- (6) Reserve 46706, BEING a reserve set aside for the purpose of "use and benefit of Aboriginal inhabitants" being located on Lot 430 on Plan 106142.
- (7) CT 320/168, BEING an estate in fee simple over land described as Lot 8 on Deposited Plan 106143, with the registered proprietor being the Roman Catholic Vicar Apostolic of the Kimberleys of Broome.

- (8) CT 1635/760, BEING an estate in fee simple over land described as Lot 4 on Diagram 56586, with the registered proprietor being the Aboriginal Lands Trust of 256 Adelaide Terrace, Perth.
- (9) CT 2221/075, BEING an estate in fee simple over land described as Lot 402 on Deposited Plan 219679, with the registered proprietor being the Aboriginal Lands Trust of 197 Saint Georges Terrace, Perth.
- (10) CT 2891/194, BEING an estate in fee simple over land described as Lot 33 on Deposited Plan 73719, with the registered proprietor being the Aboriginal Lands Trust of 151 Royal Street, East Perth.
- (11) CT 2891/195, BEING an estate in fee simple over land described as Lot 9000 on Deposited Plan 73719, with the registered proprietor being the Aboriginal Lands Trust of 151 Royal Street, East Perth.
- (12) Makalaba Lane, BEING a road which is shown on Deposited Plan 73719 and which generally joins Felix Avenue and Beagle Bay Road.
- (13) Felix Avenue, BEING a road which is shown on Deposited Plan 73719 and which generally joins Makalaba Lane on the northern boundary of Felix Avenue.
- (14) General Lease K145618, BEING a lease over Lot 223 on Deposited Plan 187725, granted to Goojar Goonyool Aboriginal Corporation for the permitted use of "whale research and use and benefit of Aboriginal people".

Areas to which s 47B applies

- (15) Each of the following areas of unallocated Crown land: UCL 14; UCL 61; UCL 65, UCL 78, UCL 116, UCL 138; that part of UCL 139 which is not in the area described in paragraph (a) of Schedule 1 Part 2; UCL 141; UCL 148; UCL 151; that part of UCL 152 which is not in the area described in paragraph (b) of Schedule 1 Part 2.
- (16) Each other area of unallocated Crown land within the Determination Area, excluding UCL 48, to the extent (if any) that it extends landward of the high water mark.