

SCHEDULE 4

OTHER INTERESTS IN THE DETERMINATION AREA

The nature and extent of the other interests in relation to the Determination Area are the following as they exist as at the date of the determination:

1. The rights and interests of the parties under the following agreements:
 - (a) Widi People and Exe Creek (Turrawulla) Pastoral Holding ILUA between the Applicant and Noel James Griffin Comerford and Errol Henry Comerford, which was authorised by the native title group on 14 December 2018, and that agreement once it becomes registered as a body corporate ILUA following execution of the agreement by the registered native title body corporate; and
 - (b) The Widi People/Cloverly ILUA between the Applicant and Judith Elizabeth Cook and Noel Michael Cook , which was authorised by the native title group on 14 December 2018, and that agreement once it becomes registered as a body corporate ILUA following execution of the agreement by the registered native title body corporate.
2. The rights and interests of the parties under the following registered agreements:
 - (a) The agreement between James Butterworth, Ronald Watson, Marilyn Duncan, Gregory Dunrobin, Kenneth Dodd, Graham Sauney, Oswald Skeen, Frank Tiers, Maurice Dallachy, Linda Wailu and Eileen Pegler on their own behalf and on behalf of the Wiri People and Arrow Energy Pty Ltd (ACN 078 521 936) QI2011/034 registered 14 December 2011;
 - (b) The agreement between Wiri RNTC (the Registered Native Title Claimant for the Wiri People Core Country Native Title Claim, which at the date of this agreement comprised James Butterworth, Ronald Watson, Marilyn Duncan, Gregory Dunrobin, Kenneth Dodd, Graham Sauney, Oswald Skeen, Frank Tiers, Maurice Dallachy, Linda Wailu and Eileen Pegler) and QGC Pty Ltd (ACN 089 642 553) QI2012/061 registered 21 September 2012; and
 - (c) The Widi People and Local Government ILUA QI2019/003 registered 4 July 2019.
3. The rights and interests of Telstra Corporation Limited (ACN 051 775 556):
 - (a) as the owner or operator of telecommunications facilities within the Determination Area;
 - (b) created pursuant to the *Post and Telegraph Act 1901* (Cth), the *Telecommunications Act 1975* (Cth), the *Australian Telecommunications*

Corporation Act 1989 (Cth), the *Telecommunications Act 1991* (Cth) and the *Telecommunications Act 1997* (Cth), including rights:

- (i) to inspect land;
 - (ii) to install, occupy and operate telecommunications facilities; and
 - (iii) to alter, remove, replace, maintain, repair and ensure the proper functioning of its telecommunications facilities;
- (c) for its employees, agents or contractors to access its telecommunications facilities in and in the vicinity of the Determination Area in performance of their duties; and
- (d) under any lease, licence, permit, access agreement or easement relating to its telecommunications facilities in the Determination Area.
4. The rights and interests of Ergon Energy Corporation (ACN 087 646 062):
- (a) as the owner and operator of any Works within the Determination Area;
 - (b) as a distribution entity and the holder of a distribution authority under the *Electricity Act 1994* (Qld);
 - (c) created under the *Electricity Act 1994* (Qld) and the *Government Owned Corporations Act 1993* (Qld) including:
 - (i) rights in relation to any agreement relating to the Determination Area existing or entered into before the date on which these orders are made;
 - (ii) rights to enter the Determination Area by its employees, agents or contractors to exercise any of the rights and interests referred to in this paragraph; and
 - (iii) to inspect, maintain and manage any works in the Determination Area.
5. The rights and interests of Aurizon Network Pty Ltd (ACN 132 181 116):
- (a) in relation to rail transport infrastructure under the *Transport Infrastructure Act 1994* (Qld); and
 - (b) under any lease, licence, easement, permit or agreement within the Determination Area.
6. The rights and interests of the holder of the following easements:
- (a) Lot T on Crown Plan 866136;
 - (b) Lot P on Crown Plan 866134;
 - (c) Lot Q on Crown Plan 866134;
 - (d) Lot R on Crown Plan 866134;
 - (e) Lot S on Crown Plan 866135;

- (f) Lot U on Crown Plan 866136; and
 - (g) Lot A on Crown Plan 866130.
7. The rights and interests of:
- (a) Peabody West Burton Pty Ltd (ACN 117 316 695) as the holder of an interest in EPC 682, EPC 708, EPC 836 and MDL 3010 granted pursuant to the *Mineral Resources Act 1989* (Qld); and
 - (b) Peabody Energy Australia PCI Rush Pty Ltd (ACN 128 817 461) as the holder of an interest in EPC 1607 granted pursuant to the *Mineral Resources Act 1989* (Qld).
8. The rights and interests of the holder of mining lease ML 4738 granted under the *Mining Act 1968-1975* (Qld) and administered under the *Mineral Resources Act 1989* (Qld) which, at the date of this determination, is comprised of some or all of Queensland Coal Pty Limited (ACN 000 003 921), Hail Creek Coal Holdings Pty Limited (ACN 625 050 722), Nippon Steel Australia Pty Limited (ACN 001 445 049), Marubeni Coal Pty Ltd (ACN 009 932 236) and Sumisho Coal Development Queensland Pty Ltd (ACN 082 435 149).
9. The rights and interests of the registered lessees of Lot 13 Crown Plan WHS466 as the grantees of the easement registered in the Queensland Land Registry under the *Land Title Act 1994* (Qld) and the *Land Act 1994* (Qld) and allocated number 704622393 and burdening Lot 2 SP104779, and who at the date of this determination are some or all of Queensland Coal Pty Limited (ACN 000 003 921), Hail Creek Coal Holdings Pty Limited (ACN 625 050 722), Nippon Steel Australia Pty Limited (ACN 001 445 049), Marubeni Coal Pty Ltd (ACN 009 932 236) and Sumisho Coal Development Queensland Pty Ltd (ACN 082 435 149).
10. The rights of Queensland Coal Pty Limited (ACN 000 003 921), Hail Creek Coal Holdings Pty Limited (ACN 625 050 722), Nippon Steel Australia Pty Limited (ACN 001 445 049), Marubeni Coal Pty Ltd (ACN 009 932 236) and Sumisho Coal Development Queensland Pty Ltd (ACN 082 435 149) as holders of mining lease ML 4738 to use the area of Lot 2 SP104779 for access, including for water supply.
11. The rights and interests of Queensland Coal Pty Limited (ACN 000 003 921), Nippon Steel Australia Pty Limited (ACN 001 445 049) (previously named Nippon Steel & Sumitomo Metal Australia Pty Ltd), Sumisho Coal Development Queensland Pty Ltd (ACN 082 435 149) and Marubeni Coal Pty Ltd (ACN 009 932 236) as registered

permittees under Permit to Occupy 0/236990 Title reference 40067002 registered over Lot 15 on Crown Plan WHS188.

12. The rights and interests of the Isaac Regional Council and Mackay Regional Council to access, use, operate, maintain and control the dedicated roads in the Determination Area and the rights and interests of the public to use and access the roads.
13. The rights and interests of Isaac Regional Council and Mackay Regional Council:
 - (a) under their local government jurisdiction and functions under the Local Government Act, under the *Stock Route Management Act 2002* (Qld) and under any other legislation, for that part of the Determination Area within the area declared to be their respective local government areas;
 - (b) as the:
 - (i) lessor under any leases which were validly entered into before the date on which these orders are made and whether separately particularised in these orders or not;
 - (ii) grantor of any licences or other rights and interests which were validly granted before the date on which these orders were made and whether separately particularised in these orders or not;
 - (iii) holder of any estate or interest in land, as trustee of any reserves, that exist in the Determination Area;
 - (c) as the owner and operator of infrastructure, and those facilities and other improvements located in the Determination Area validly constructed or established on or before the date on which these orders are made, including but not limited to:
 - (i) undedicated but constructed roads except for those not operated by Council;
 - (ii) water pipelines and water supply infrastructure;
 - (iii) drainage facilities;
 - (iv) watering point facilities; and
 - (v) recreational facilities.
 - (d) to enter the land for the purposes described in paragraphs 13(a), 13(b) and 13(c) by their employees, agents or contractors to:
 - (i) exercise any of the rights and interests referred to in paragraphs 12 and 13;

- (ii) inspect, maintain and repair the infrastructure, facilities and other improvements referred to in paragraph (c) above;
 - (iii) undertake operational activities in its capacity as a local government such as feral animal control, weed control, erosion control, waste management and fire management.
- 14. The rights and interests of Airservices Australia:
 - (a) as the holder of special lease for communication SL/0/200552 over Lot 7 on Crown Plan HLN836085, granted pursuant to the *Land Act 1962* (Qld); and
 - (b) in a licence from the registered lessee over Lot 110 on HLN836087.
- 15. The rights and interests of Sally Borg as the holder of Registered Lease Reference No. 711137291 granted under the *Land Act 1994* over Lot 2 on CP WHS66, Title Reference 49004959.
- 16. The rights and interest of Andrew Thomas Deguara under Permit to Occupy Reference No 239982 over Lot 8 on CI66, Title Reference 40074095.
- 17. The rights and interest of Queensland Electricity Transmission Corporation Limited trading as Powerlink Queensland (ACN 078 849 233):
 - (a) as the owner and operator of any Works within the Determination Area;
 - (b) as an electricity entity under the *Electricity Act 1994* (Qld) including rights to enter and pass through the Determination Area to access, use, maintain, repair, replace, upgrade or otherwise deal with Works; and;
 - (c) under any lease, licence, easement, permit or agreement within the Determination Area.
- 18. The rights and interests of SunWater Limited (ACN 131 034 985) (SunWater) and Eungella Water Pipeline Pty Ltd (ACN 070 999 236) (Eungella Water Pipeline):
 - (a) SunWater in Lot 109 on HLN198 (as trustee of recreation reserve 20885) (ACN 131 034 985);
 - (b) Eungella Water Pipeline in:
 - (i) Lot 109 on HLN198 (Easement in Gross 703378532);
 - (ii) Lot 110 on HLN836087 (Easement in Gross 703225954);
 - (iii) Lot 100 on SP239828 (Easement in Gross 703226255 and Easement in Gross 703226261);
 - (iv) Lot 2 on SP104779 (Easement in Gross 703570522 and Easement in Gross 703570535);
 - (v) Lot 4 on HLN225 (Easement in Gross 703319046);

- (vi) Lot 16 on CP866443 (Easement in Gross 703324406);
 - (vii) Eungella Water Pipeline and associated infrastructure.
19. The rights and interests of the State of Queensland or any other person existing by reason of the force and operation of the laws of the State of Queensland, including those existing by reason of the following legislation or any regulation, statutory instrument, declaration, plan, authority, permit, lease or licence made, granted, issued or entered into under that legislation:
- (a) the *Land Act 1994* (Qld);
 - (b) the *Nature Conservation Act 1992* (Qld);
 - (c) the *Forestry Act 1959* (Qld);
 - (d) the *Water Act 2000* (Qld);
 - (e) the *Petroleum Act 1923* (Qld) or *Petroleum and Gas Act 2004* (Qld);
 - (f) the *Mineral Resources Act 1989* (Qld); and
 - (g) the *Fisheries Act 1994* (Qld).
20. The rights and interests of members of the public arising under the common law, including but not limited to any subsisting public right to fish.
21. So far as confirmed pursuant to s 212(2) of the *Native Title Act 1993* (Cth) and s18 of the *Native Title Act (Queensland) Act 1993* (Qld) as at the date of this determination, any existing public access to, and enjoyment of, the following places in the Determination Area:
- (a) waterways;
 - (b) beds and banks or foreshores of waterways;
 - (c) stock routes; and
 - (d) areas that were public places at the end of 31 December 1993.
22. Any other rights and interests:
- (a) held by the State of Queensland or Commonwealth of Australia; or
 - (b) existing by reason of the force and operation of the Laws of the State and the Commonwealth.

Note: Entry of orders is dealt with in Rule 39.32 of the *Federal Court Rules 2011*.