



SCHEDULE 2 – OTHER INTERESTS

“Other interests” – Orders 15 and 16

Part 1

The other interests, as they exist as at the date of the determination, are as follows:

1. The right of an employee or agent or instrumentality of the Crown, or of any local government or other statutory authority, to access land or waters in the Determination Area and to undertake works, carry out activities and take any other action on such land or waters as may be required in the performance of statutory or common law duties.
2. The interests of the Crown, or a local government body or other statutory authority of the Crown, in any capacity in any public works and other facilities whose construction or establishment:
 - (a) was valid or has been validated;
 - (b) did not extinguish native title (even as a consequence of validation); and
 - (c) commenced prior to the date of this determination.
3. The rights and interests of Telstra Corporation Limited (ACN 051 775 556), its related bodies corporate and any of their successors in title:
 - (a) as the owner(s) or operator(s) of telecommunications facilities installed 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 existing rights:
 - (i) to inspect land;
 - (ii) to install, occupy and operate telecommunication facilities; and
 - (iii) to alter, remove, replace, maintain, repair and ensure the proper functioning of their telecommunications facilities;
 - (c) for their employees, agents or contractors to access their telecommunication facilities in and in the vicinity of the Determination Area in the performance of their duties; and



- (d) under any lease, licence, permit, access agreement or easement relating to their telecommunication facilities in the Determination Area.
4. The interests of persons holding licences, permits, statutory fishing rights, quotas, quota units or other statutory rights pursuant to:
- (a) the *Fisheries Act 1995* (Vic) or regulations or management plans made under that Act;
 - (b) the *Fisheries Management Act 1991* (Cth), or regulations or management plans made under that Act; and
 - (c) any other legislative scheme for the control, management and exploitation of the living resources within the Determination Area.
5. The interests of Powercor Australia Limited (and its related entities), including:
- (a) rights and interests as an entity holding a distribution licence under the *Electricity Industry Act 2000* (Vic);
 - (b) rights and interests created pursuant to the *Electricity Industry Act 2000* (Vic);
 - (c) rights and interests as owner or operator of electrical facilities and infrastructure (facilities) installed within the Determination Area;
 - (d) rights of access for the performance of their duties by employees, agents or contractors of Powercor Australia Limited to its facilities in, and in the vicinity of, the Determination Area; and
 - (e) rights and interests under Order in Council published in Victorian Government Gazette No. G29 18 July 2002 (page 1704) pursuant to s 138A(11) of the *Land Act 1958* (Vic) to occupy without licence any stratum of Crown land on, over or under government roads for electricity services.
6. The interests of persons to whom valid and validated rights have been:
- (a) granted by the Crown pursuant to statute or otherwise in the exercise of its executive power; or
 - (b) granted or issued by a statutory authority or otherwise conferred by the State.
7. The rights and interests of the Australian Fisheries Management Authority in relation to plans of management made under the *Fisheries Management Act 1991* (Cth),



including for the Eastern Tuna and Billfish Fishery and the Southern Bluefin Tuna Fishery, and permits issued for the Eastern Skipjack Tuna Fishery.

8. The rights and interests of the Australian Maritime Safety Authority (the **Authority**) as the owner, manager, or operator of aids to navigation pursuant to s 190 of the *Navigation Act 2012* (Cth) and in performing the functions of the Authority under s 6(1) of the *Australian Maritime Safety Act 1990* (Cth) including to be a national marine safety regulator, to combat pollution in the marine environment and to provide a search and rescue service.

Part 2

The other interests, as they exist as at the date of the determination, are as follows:

9. So far as confirmed pursuant to s 15 of the *Land Titles Validation Act 1994* (Vic) as at 24 November 1998, public access to and enjoyment of the following places:
 - (a) waterways;
 - (b) bed and banks or foreshores of waterways;
 - (c) coastal waters;
 - (d) beaches; and
 - (e) areas that were public places at the end of 31 December 1993.
10. Any public right to fish.
11. The public right to navigate.
12. The international right of innocent passage through the territorial sea.