

## SCHEDULE FIVE

### Other Interests

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/Last Purpose
1841	Public Utility
1842	Public Utility
1843	Public Utility
1844	Public Utility
1845	Public Utility
1846	Public Utility
2202	Public Utility
8753	Cemetery
9255	Water
9257	Water
9258	Water Bore
9817	Recreation
14626	Salvation Army
19713	Landscape and Aboriginal Culture and Heritage Protection and Conservation of Fauna
37570 (except for that part of Reserve 37570 included in the Proposed Residential Site Land and Proposed School Site Land, as those terms are defined in the Mirning People Indigenous Land Use Agreement)	Government Requirements
34785	Maintenance Depot Site Main Roads Department
45848	Quarry
51727	Use and Benefit of Aboriginal People and Access by Authorised Persons [created pursuant to, and subject to, clause 4.1 (Wanteen Reserve) of the Mirning People Indigenous Land Use Agreement]
51738	Use and Benefit of Aboriginal People [created pursuant to, and subject to, clause 4.2 (Eucla Town Land Grants) of the Mirning People Indigenous Land Use Agreement]
51739	Use and Benefit of Aboriginal People [created pursuant to, and subject to, clause 4.2 (Eucla Town Land Grants) of the Mirning People Indigenous Land Use Agreement]

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

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- 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 subclauses (a) above.

## 2. Leases

- a. The following pastoral leases:

Pastoral Lease No.	Name
Portion N049537	Arubiddy
Portion N050215	Kybo
N050290	Mundrabilla
N050310	Madura

## 3. Roads

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

Mapinfo ID	Public Road Number/Name (where known)	
Road 13	Eyre Highway (Road 15925)	DPs 31652, 31653, 31655, 31657, 31658 and 31659

## 4. Access easements

Access easements to CTs 1350/131, 1353/437, 1353/438 and 1353/439 as depicted on the respective certificates of title.

## 5. Telstra Corporation Limited

The rights and interests of Telstra Corporation Limited (ACN 051 775 556):

- a. as the owner or operator 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 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;

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- c. for its employees, agents or contractors to access its telecommunications facilities in and in the vicinity of the Determination Area land in the performance of their duties; and
- d. under any lease, licence, permit, access agreement or easement relating to its telecommunications facilities in the Determination Area.

## **6. 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 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);
- c. rights and interests of members of the public arising under 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, including the following:
    - (A) Madura-Loongana Road,
    - (B) Eucla-Reid Road;
    - (C) Road from Eucla-Reid to Forrest;
    - (D) Anketell Road; and
    - (E) Old Coach Roadand all unnamed roads and tracks within the determination area marked on the Mirning Location Map attached at Annexure 1.
- 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;
  - (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, including for the purpose of pest control on areas of unallocated Crown land;
- 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) any other 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.