

Schedule 7 – Other Interests

[See paragraph 9 of the Determination]

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

Reserves

- (1) The interests of persons who have the care, control and management of the following reserves, and the interests of persons entitled to access and use these reserves for the respective purposes for which they are reserved, subject to any statutory limitations upon those rights:
 - (a) Reserve 1012, BEING a reserve set aside for the purpose of "use and benefit of Aboriginal inhabitants" located on Lots 348 and 361 on Plan 91101;
 - (b) Reserve 1834, BEING a reserve set aside for the purpose of "use and benefit of Aborigines" located on Lot 246 on Plan 91725;
 - (c) Reserve 22615, BEING a reserve set aside for the purpose of "use and benefit of Aborigines" located on Lot 26 on Plan 221072;
 - (d) Reserve 46572, BEING a reserve set aside for the purpose of "use and benefit of Aboriginal inhabitants" located on Lot 375 on Plan 219679;
 - (e) Reserve 46705, BEING a reserve set aside for the purpose of "use and benefit of Aboriginal inhabitants" located on Lot 429 on Plan 106140; and
 - (f) Reserve 46706, BEING a reserve set aside for the purpose of "use and benefit of Aboriginal inhabitants" located on Lot 430 on Plan 106142.

Leases

- (2) The rights and interests of the holders of:
 - (a) Pastoral Lease N050014 covering Lot 850 on DP 66632, known as Country Downs pastoral lease;
 - (b) Pastoral Lease N050224 covering Lot 263 on DP 194605, known as Kילו pastoral lease;
 - (c) Pastoral Lease N050161 covering Dampier Location 265 on DP 29347, known as Mt Jowlaenga pastoral lease; and

- (d) 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".
- (3) The interests of persons holding valid or validated leases over areas of the reserves identified in this Schedule.

Freeholds

- (4) The rights and interests of the holders of:
 - (a) 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;
 - (b) 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;
 - (c) 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;
 - (d) 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; and
 - (e) 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.

Telstra

- (5) The following interests of Telstra Corporation Limited:
 - (a) rights and interests as the owner and operator of telecommunications facilities installed within the Determination Area, including customer radio terminals and telecommunications cabling;
 - (b) rights and interests 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)*; and

- (c) rights of access by employees, agents or contractors of Telstra Corporation Limited to its telecommunications facilities in, and in the vicinity of, the Determination Area, in the performance of their duties.

Road

- (6) Rights or interests of members of the public, the State, Commonwealth or any local government arising in, on or in relation to Road 01, BEING Lots 300 and 301 on Deposited Plan 66643.

Petroleum Interests

- (7) The rights and interests of the holders of the following exploration permits under the *Petroleum and Geothermal Energy Resources Act 1967 (WA)*:
 - (a) EP 104;
 - (b) EP 436; and
 - (c) EP 487.

Mining Interests

- (8) The rights and interests of the holders of the following exploration licences under the *Mining Act 1978 (WA)*:
 - (a) EL 04/2083;
 - (b) EL 04/2084;
 - (c) EL 04/2159;
 - (d) EL 04/2192;
 - (e) EL 04/2193;
 - (f) EL 04/2194; and
 - (g) EL 04/2348.

Fishing and Pearling interests

- (9) The interests of the holders of statutory interests and exemptions granted under the *Fish Resources Management Act 1994* (WA), the *Pearling Act 1990* (WA), the *Fisheries Management Act 1991* (Cth) or any other legislative scheme for the control, management and exploitation of the living resources within the determination area.

Kimberley Marine Reserve

- (10) The rights and interests of the Commonwealth of Australia:
- (a) In the Kimberley Commonwealth Marine Reserve, as defined by Part 11 of Schedule 2 of the *Environment Protection and Biodiversity Conversation (Commonwealth Marine Reserves) Proclamation 2013* (Cth);
 - (b) In the management of the Kimberley Commonwealth Marine Reserve, as set out in the *Environment Protection and Biodiversity Conversation (Commonwealth Marine Reserves) Proclamation 2013* (Cth), including the rights and interests of the Director of National Parks;
 - (c) Under s 514B and s 514C of the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) in relation to the Kimberley Commonwealth Marine Reserve, including the rights and interests of the Director of National Parks; and
 - (d) As defined in such other legislation as exists from time to time as it applies to the Kimberley Commonwealth Marine Reserve.

Horizon Power

- (11) The rights and interests of Horizon Power under the following:
- (a) Lease J966228 being that part of Lot 246 on Deposited Plan 91725 marked as "A" and shown hatched in black on Deposited Plan 52361;
 - (b) Sub lease K60598 being that part of Lot 246 on Deposited Plan 91725 marked as "A" and shown hatched in black on Deposited Plan 52361; and
 - (c) as owner of infrastructure and related assets relating to the delivery of electricity to homes and other buildings within the Beagle Bay and Bobieding Aboriginal Communities and being generally items of the following kinds:
 - (i) mini pillars;

- (ii) unmetered supply pits;
- (iii) universal pillars;
- (iv) pole mounted substations;
- (v) distribution substations;
- (vi) A-Frame rails;
- (vii) falcon metal rounds;
- (viii) streetlighting, including lamps and poles;
- (ix) box rails;
- (x) double box rails;
- (xi) mercury vapour lamps;
- (xii) mains;
- (xiii) above ground powerlines; and
- (xiv) underground powerlines.

Other

(12) The following rights and interests:

- (a) rights and interests held under valid and validated grants from the Crown pursuant to statute or in the exercise of its executive power or otherwise validly conferred by legislation (whether an Act or a Regulation);
- (b) rights or interests held by reason of the force and operation of the laws of the State or of the Commonwealth including the force and operation of the:
 - (i) *Rights in Water and Irrigation Act 1914* (WA); and
 - (ii) *Aboriginal Communities Act 1979* (WA);
- (c) the rights and interests of the Australian Maritime Safety Authority:
 - (i) as the owner, manager or operator of aids to navigation (including the East Island Lighthouse) pursuant to s 190 of the *Navigation Act 2012* (Cth);
 - (ii) under, and as the lessee of, Reserve Lease H612291 on East Island;
- (d) 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 Western Tuna and Billfish Fishery and for the Western Skipjack Fishery;

- (e) the right to access the Determination Area by:
- (i) an employee or agent or instrumentality of the State;
 - (ii) an employee or agent or instrumentality of the Commonwealth; or
 - (iii) an employee or agent or instrumentality of any local government authority;
- as required in the performance of his or her statutory or common law duty where such access would be permitted to private land;
- (f) (Pursuant to section 14 of the *Titles (Validation) and Native Title (Effect of Past Acts) Act 1995* (WA) public access to and enjoyment of all of those areas which are seaward of:
- (i) Reserve 1012;
 - (ii) Reserve 1834, excluding:
 - A. that part of Reserve 1834 which abuts CT 320/168;
 - B. any area which is within Reserve 51146; and
 - C. UCL 67 (which is entirely abutted by Reserve 51146);
 - (iii) CT 320/168;
 - (iv) Reserve 7279;
 - (v) Reserve 22615, excluding:
 - A. that part of Reserve 22615 which abuts lease K 145618; and
 - B. Reserve 7279; and
 - (vi) Lease K 145618;
- being areas which are:
- (vii) waterways;
 - (viii) beds and banks or foreshores of waterways;
 - (ix) coastal waters; or
 - (x) beaches.

Note: For the avoidance of doubt, paragraph 12(f) of this Schedule does not

confer, create or entitle public access to or enjoyment of any area which is not identified in paragraph 12(f) above.

- (g) rights and interests of members of the public under the following:
 - (i) the public right to fish; and
 - (ii) the public right to navigate;
- (h) the international right of innocent passage through the territorial sea; and
- (i) rights or interests comprised in or conferred under or in accordance with the Canning-Kimberley Groundwater Area, proclaimed by proclamation published in the Western Australian Government Gazette on 2 May 1997.