

## SCHEDULE FIVE

### OTHER INTERESTS (Paragraph 7)

The nature and extent of the Other Interests in relation to the Part C Determination Area as at the date of this determination are:

1. 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.
2. Rights and 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).
3. Rights and interests of members of the public arising under the common law, including but not limited to:
  - (a) the public right to fish;
  - (b) the public right to navigate; and
  - (c) the right of any person to use and enjoy any roads in the Part C 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 but not limited to the following roads shown generally on the maps in Schedule Two and described in the Legend as "Public Roads Not Formally Dedicated":
    - (i) Butchers Track;
    - (ii) Landor – Mount Augustus Road; and
    - (iii) Cobra – Mount Augustus Road.
4. The right to access the Part C Determination Area by:
  - (a) an employee, agent or instrumentality of the State;
  - (b) an employee, agent or instrumentality of the Commonwealth;

- (c) an employee, agent or instrumentality of any local government authority,  
as required in the performance of his or her statutory or common law duty.
5. The rights and interests of Telstra Corporation Limited (ACN 051 775 556):
- (a) as the owner or operator of telecommunications facilities within the Part C 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 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 Part C Determination Area in performance of their duties; and
- (d) under any lease, licence, access agreement or easement relating to its telecommunications facilities in the Part C Determination Area.
6. So far as confirmed pursuant to sub-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 Part C Determination Area:
- (a) waterways;
- (b) beds and banks or foreshores of waterways; and
- (c) areas that were public places at the end of 31 December 1993.
7. Any other:
- (a) legal or equitable estate or interest in the land or waters; or
- (b) any other right (including a right under an option and a right of redemption),

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charge, power or privilege over, or in connection with:

- (i) the land or waters; or
- (ii) an estate or interest in the land or waters; or
- (c) restriction on the use of the land or waters, whether or not annexed to other land or waters.