



SCHEDULE 3 – 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 international right of innocent passage through the territorial sea.
2. The rights and interests of the parties under the Northern Cape York and Torres United Customary Rights and Permanent Arrangements Agreement signed on or before 12:00pm on 28 November 2022.
3. The rights and interests of the Commonwealth of Australia:
 - (a) in the West Cape York Marine Park, as defined by Part 8 of Schedule 3 of the *Environment Protection and Biodiversity Conservation (Commonwealth Marine Reserves) Proclamation 2013* (Cth);
 - (b) in the management of the West Cape York Marine Park, as set out in the *Environment Protection and Biodiversity Conservation (Commonwealth Marine Reserves) Proclamation 2013* (Cth), including the rights and interests of the Director of National Parks; and
 - (c) under the *Environment Protection and Biodiversity Conservation Act 1999* (Cth), *Environment Protection and Biodiversity Conservation Regulations 2000* (Cth), and *North Marine Parks Network Management Plan 2018* in relation to the West Cape York Marine Park, including the rights and interests of the Director of National Parks.
4. The rights and interests of the Commonwealth of Australia:
 - (a) in the Coral Sea Marine Park, as defined by Schedule 4 of the *Environment Protection and Biodiversity Conservation (Commonwealth Marine Reserves) Proclamation 2013* (Cth);
 - (b) in the management of the Coral Sea Marine Park, as set out in the *Environment Protection and Biodiversity Conservation (Commonwealth Marine Reserves) Proclamation 2013* (Cth), including the rights and interests of the Director of National Parks; and
 - (c) under the *Environment Protection and Biodiversity Conservation Act 1999* (Cth), *Environment Protection and Biodiversity Conservation Regulations 2000* (Cth), and *Coral Sea Management Plan 2018* in relation to the Coral Sea



Marine Park, including the rights and interests of the Director of National Parks.

5. The rights and interests of the Australian Fisheries Management Authority in relation to plans of management made under the *Fisheries Management Act 1991* (Cth) and the *Torres Strait Fisheries Act 1984* (Cth), including for the Western Tuna and Billfish Fishery, Eastern Tuna and Billfish Fishery, Western Skipjack Fishery, Northern Prawn Fishery, Southern Bluefin Tuna Fishery, Torres Strait Beche-de-mer Fishery, Torres Strait Crab Fishery, Torres Strait Dugong Fishery, Torres Strait Finfish Fishery, Torres Strait Tropical Rock Lobster Fishery, Torres Strait Pearl Shell Fishery, Torres Strait Prawn Fishery, Torres Strait Trochus Fishery, Torres Strait Turtle Fishery, and Torres Strait Spanish Mackerel Fishery.
6. The rights and interests of the Great Barrier Reef Marine Park Authority and any other person existing by reason of the force of operation of:
 - (a) the *Great Barrier Reef Marine Park Act 1975* (Cth);
 - (b) the *Great Barrier Reef Marine Park Regulations 2019* (Cth);
 - (c) the *Great Barrier Reef (Declaration of Amalgamated Marine Park Area) Proclamation 2004* (Cth); and
 - (d) the *Great Barrier Reef Marine Park Zoning Plan 2003* (Cth).
7. The rights and interests of the Australian Maritime Safety Authority as the owner, manager and/or operator of aids to navigation pursuant to section 190 of the *Navigation Act 2012* (Cth) and in performing the functions of the Authority under section 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; and in particular as the owner, manager and/or operator of the following aids to navigation:
 - (a) the Gannet Passage Buoy (AN256) located at 10°35.4860' S; 141°52.4110' E;
 - (b) Gannet Passage WaveRider Buoy (AN606) located 10°35.4100' S; 141°52.1800' E;
 - (c) Larpent Bank Buoy (AN560) located 10°34.7089' S; 142°04.3541' E;
 - (d) Pullar Rock Buoy (AN180) located 10°30.4400' S; 142°15.5900' E;
 - (e) Herald Patches Buoy (AN301) located 10°30.1620' S; 142°21.5050' E;
 - (f) Mecca Reef Buoy (AN306) located 10°32.3250' S; 142°10.1420' E;



- (g) Quetta Rock Buoy located 10°40.2500' S; 142°37.5000' E;
- (h) Nardana Patches (AN307) Buoy located at 10°30.2850' S; 142°14.6290' E;
- (i) Alert Patches aid to navigation (AN300) located at 10°29.8060' S; 142°21.1690' E;
- (j) Alert Patches North Buoy (AN607) located at 10°473587' S; 142°376642' E;
- (k) Harrison Rock Buoy located at 10°33.2140' S; 142°7.9570' E;
- (l) Varzin Passage C1 (AN331) located at 10°32.4030' S; 141°52.1650' E;
- (m) Varzin Passage C2 (AN332) located at 10°32.1681' S; 141°51.9498' E;
- (n) Varzin Passage C3 (AN333) located at 10°31.9110' S; 141°56.0649' E;
- (o) Varzin Passage C4 (AN334) located at 10°31.5231' S; 141°56.7908' E;
- (p) Varzin Passage WaveRider Buoy (AN599) located at 10°31.00000' S; 141°57.0000' E.

8. The rights and interests of the Australian Institute of Marine Science, pursuant to its powers and functions under the *Australian Institute of Marine Science Act 1972* (Cth) as the owner, manager or operator of the weather station located at coordinates 10°55.4806' S; 142°25.2531' E.

9. The rights and interests of Far North Queensland Ports Corporation Limited (trading as Ports North) ACN 131 836 014 as the port authority for the Port of Kennedy (Thursday Island) and the Port of Skardon River and the provider of port services under Chapter 8 of the *Transport Infrastructure Act 1994* (Qld) and under the *Transport Infrastructure (Ports) Regulation 2016* (Qld).

10. The rights and interests of the Torres Shire Council, Torres Strait Island Regional Council, Northern Peninsula Area Regional Council and Cook Shire Council under the Local Government Act and *Local Government Regulations 2012* (Qld) for the respective parts of their Local Government Areas.

11. The rights and interests granted or available to RTA Weipa Pty Ltd (ACN 137 266 285), Rio Tinto Aluminium Limited (ACN 009 679 127) (and any successors in title) under the Comalco Agreement, including, but not limited to, rights and interests in relation to the "bauxite field" (as defined in clause 1 of the Comalco Agreement) and areas adjacent to or in the vicinity or outside of such bauxite field, where:

- (a) "Comalco Act" means the *Commonwealth Aluminium Corporation Pty Limited Agreement Act 1957* (Qld); and



- (b) "Comalco Agreement" means the agreement in Schedule 1 to the Comalco Act, including as amended in accordance with such Act.
- 12. The rights and interests of the holders of any authority, permit, lease, licence or quota issued under the *Fisheries Management Act 1991* (Cth) and the *Torres Strait Fisheries Act 1984* (Cth), including for the Western Tuna and Billfish Fishery, Eastern Tuna and Billfish Fishery, Western Skipjack Fishery, Northern Prawn Fishery, Southern Bluefin Tuna Fishery, Torres Strait Beche-de-mer Fishery, Torres Strait Crab Fishery, Torres Strait Dugong Fishery, Torres Strait Finfish Fishery, Torres Strait Tropical Rock Lobster Fishery, Torres Strait Pearl Shell Fishery, Torres Strait Prawn Fishery, Torres Strait Trochus Fishery, Torres Strait Turtle Fishery, and Torres Strait Spanish Mackerel Fishery.
- 13. 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 *Fisheries Act 1994* (Qld);
 - (b) the *Land Act 1994* (Qld);
 - (c) the *Nature Conservation Act 1992* (Qld);
 - (d) the *Forestry Act 1959* (Qld);
 - (e) the *Water Act 2000* (Qld);
 - (f) the *Petroleum Act 1923* (Qld) or *Petroleum and Gas (Production and Safety) Act 2004* (Qld);
 - (g) the *Mineral Resources Act 1989* (Qld);
 - (h) the *Planning Act 2016* (Qld);
 - (i) the *Transport Infrastructure Act 1994* (Qld);
 - (j) the *Fire and Emergency Services Act 1990* (Qld) or *Ambulance Service Act 1991* (Qld);
 - (k) the *Marine Parks Act 2004* (Qld);
 - (l) the *Coastal Protection and Management Act 1995* (Qld);
 - (m) the *Transport Operations (Marine Safety) Act 1994* (Qld); and



(n) the *Transport Operations (Marine Pollution) Act 1995* (Qld).

14. The rights and interests of members of the public arising under the common law, including but not limited to the following:

- any subsisting public right to fish; and
- the public right to navigate.

15. So far as confirmed pursuant to s 212(2) of the *Native Title Act 1993* (Cth) and s 18 of the *Native Title (Queensland) Act (1993)* (Qld) as at the date of this determination, any existing rights of the public to access and enjoy the following places in the Determination Area:

- waterways;
- beds and banks or foreshores of waterways;
- coastal waters;
- beaches; or
- areas that were public places at the end of 31 December 1993.

16. Any other rights and interests:

- held by the State of Queensland or Commonwealth of Australia; or
- existing by reason of the force and operation of the Laws of the State and the Commonwealth.