

## Schedule 2 – 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 rights and interests of the parties under the following agreements registered on the Register of Indigenous Land Use Agreements:
  - (a) Batavia ILUA (QI2012/120) registered on 8 May 2013;
  - (b) Peninsula Developmental Road ILUA (QI2016/049) registered on 11 July 2017;
  - (c) Sudley Pastoral Holding Use and Access Agreement (QI2004/020) registered on 23 March 2005; and
  - (d) PNG Gas Pipeline ILUA – Cape York Region (QI2006/043) registered on 15 May 2008.
2. The rights and interests of Michelle Margaret McLean and Cameron Stuart McLean under the *Land Act 1962* (Qld) as the holder of rolling term lease (PH 0/219194) for pastoral purposes (also known as Merluna) over that part of Lot 3 on SP140870 that falls within the External Boundary.
3. The rights and interests of Silverback Properties Pty Ltd (ACN 067 4000 088) as the holder of rolling term lease for pastoral purposes (TL 0/233308) over that part of Lot 4 on SP266637 (also known as Steve Irwin Wildlife Reserve) that falls within the External boundary.
4. The rights and interests of Telstra Corporation Limited (ACN 051 775 556) and any of its successors in title:
  - (a) as the owner or operator of telecommunications facilities 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 telecommunication facilities; and

- (iii) to alter, remove, replace, maintain, repair and ensure the proper functioning of their telecommunications facilities;
  - (c) for its employees, agents or contractors to access their telecommunication facilities in and in the vicinity of the Determination Area in the performance of its duties; and
  - (d) under any lease, licence, access agreement, permit or easement relating to its telecommunications facilities in the Determination Area.
- 5. The rights and interests of RTA Weipa Pty Ltd (ACN 137 266 285) (and any successors in title) under the *Commonwealth Aluminium Corporation Pty Limited Agreement Act 1957* (Qld) (Comalco Act) and the Commonwealth Aluminium Corporation Pty Limited Agreement (which is given statutory force by the Comalco Act) (Comalco Agreement), including, but not limited to, rights and interests to utilise, be present on, mine and/or perform other activities on the Determination Area, including:
  - (a) access;
  - (b) areas adjacent to, in the vicinity of or outside the “bauxite field” (as defined in clause 1 of the Comalco Agreement);
  - (c) land outside Mining Lease No. 7024;
  - (d) foreshores, tidal land and tidal water; and
  - (e) the Wenlock River and its tributaries and areas on or in the vicinity of the Wenlock River and its catchment area.
- 6. The rights and interests granted or available to Alcan South Pacific Pty Ltd (ACN 009 726 078) (and any successors in title) under the Alcan Agreement, including, but not limited to, rights and interests in relation to the “bauxite field” (as defined in clause 1 of the Alcan Agreement) and areas adjacent to or in the vicinity or outside of such bauxite field, where:
  - (a) “Alcan Act” means the Alcan Queensland Pty Limited Agreement Act 1965 (Qld); and
  - (b) “Alcan Agreement” means the agreement in Schedule 1 to the Alcan Act, including as amended in accordance with such Act.
- 7. The rights and interests of Napranum Aboriginal Shire Council and Cook Shire Council:

- (a) under their local government jurisdiction and functions under the *Local Government Act 2009* (Qld), under the *Stock Route Management Act 2002* (Qld) and under any other legislation, for that part of the Determination Area within the area declared to be their Local Government Areas:
- (b) as the:
  - (i) lessor under any leases which were validly entered into before the date on which these orders are made and whether separately particularised in these orders or not;
  - (ii) grantor of any licences or other rights and interests which were validly granted before the date on which these orders were made and whether separately particularised in these orders or not;
  - (iii) party to an agreement with a third party which relates to land or waters in the Determination Area;
  - (iv) holder of any estate or any other interest in land, including as trustee of any Reserves, under access agreements and easements that exist in the Determination Area;
  - (v) as the trustee of any DOGIT;
- (c) as the owner and operator of infrastructure, structures, earthworks, access works and any other facilities and other improvements located in the Determination Area validly constructed or established on or before the date on which these orders are made, including but not limited to any:
  - (i) undedicated but constructed roads except for those not operated by the Napranum Aboriginal Shire Council or the Cook Shire Council;
  - (ii) water pipelines and water supply infrastructure;
  - (iii) drainage facilities;
  - (iv) watering point facilities;
  - (v) recreational facilities;
  - (vi) transport facilities;
  - (vii) gravel pits operated by the Napranum Aboriginal Shire Council or the Cook Shire Council;
  - (viii) cemetery and cemetery related facilities; and

- (ix) community facilities;
- (d) to enter the land for the purposes described in paragraphs 7(a), (b) and (c) above by their employees, agents or contractors to:
  - (i) exercise any of the rights and interests referred to in this paragraph 7 and paragraph 9 below;
  - (ii) use, operate, inspect, maintain, replace, restore and repair the infrastructure, facilities and other improvements referred to in paragraph 7(c) above; and
  - (iii) undertake operational activities in their capacity as a local government such as feral animal control, erosion control, waste management and fire management.
- 8. The rights and interests of Ergon Energy Corporation Limited (ACN 087 646 062):
  - (a) as the owner and operator of any “Works” (as that term is defined in the *Electricity Act 1994* (Qld)) within the Determination Area;
  - (b) as an electricity entity under the *Electricity Act 1994* (Qld), including but not limited to:
    - (i) as the holder of a distribution authority;
    - (ii) to inspect, maintain and manage any Works in the Determination Area; and
    - (iii) in relation to any agreement or consent relating to the Determination Area existing or entered into before the date these orders are made; and
  - (c) to enter the Determination Area by its employees, agents or contractors to exercise any of the rights and interests referred to in this clause.
- 9. The rights and interests of the State of Queensland, Napranum Aboriginal Shire Council and Cook Shire Council to access, use, operate, maintain and control the dedicated roads in the Determination Area and the rights and interests of the public to use and access the roads.
- 10. The rights and interests of the State of Queensland in Reserves, the rights and interests of the trustees of those Reserves and the rights and interests of the persons entitled to access and use those Reserves for the respective purpose for which they are reserved.

11. 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 Aboriginal Land Act 1991 (Qld);
  - (b) the Fisheries Act 1994 (Qld);
  - (c) the Land Act 1994 (Qld);
  - (d) the Nature Conservation Act 1992 (Qld);
  - (e) the Forestry Act 1959 (Qld);
  - (f) the Water Act 2000 (Qld);
  - (g) the Petroleum Act 1923 (Qld) or Petroleum and Gas (Production and Safety) Act 2004 (Qld);
  - (h) the Mineral Resources Act 1989 (Qld);
  - (i) the Planning Act 2016 (Qld);
  - (j) the Transport Infrastructure Act 1994 (Qld); and
  - (k) the Fire and Emergency Services Act 1990 (Qld) or Ambulance Service Act 1991 (Qld).
  
12. The rights and interests of members of the public arising under the common law, including but not limited to the following:
  - (a) any subsisting public right to fish; and
  - (b) the public right to navigate.
  
13. 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:
  - (a) waterways;
  - (b) beds and banks or foreshores of waterways;
  - (c) coastal waters;
  - (d) stock routes;

- (e) beaches; and
- (f) areas that were public places at the end of 31 December 1993.

14. Any other rights and interests:

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