

SCHEDULE 3 – OTHER INTERESTS

The other interests, as at the date of the Determination, are as follows:

- 1 Any right of an employee or agent or instrumentality of the Crown, or of any local government or other statutory authority, to access land or waters in the Determination Area as required in the performance of statutory or common law duties.
- 2 The interests of the Crown in any capacity, or a local government body or other statutory authority, in any public works whose construction or establishment:
 - (1) was valid or has been validated;
 - (2) did not extinguish native title (including as a consequence of validation); and
 - (3) commenced prior to the date of the Determination.
- 3 The rights and interests of Telstra Corporation Limited (ACN 051 775 556), Amplitel Pty Ltd as trustee of the Towers Business Operating Trust (ABN 75 357 171 746), their related bodies corporate and any of their successors in title:
 - (1) as the owner(s) or operator(s) of telecommunications facilities installed within the Determination Area;
 - (2) 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 existing rights:
 - (a) to inspect land;
 - (b) to install, occupy and operate telecommunication facilities; and
 - (c) to alter, remove, replace, maintain, repair and ensure the proper functioning of their telecommunications facilities;
 - (3) for their employees, agents or contractors to access their telecommunication facilities in and in the vicinity of the Determination Area in the performance of their duties; and
 - (4) under any lease, licence, permit, access agreement or easement relating to their telecommunication facilities in the Determination Area.
- 4 The interests of Powercor Australia Limited (and its related entities), including:
 - (1) rights and interests as an entity holding a distribution and transmission licence under the *Electricity Industry Act 2000* (Vic);

- (2) rights and interests created pursuant to the *Electricity Industry Act 2000* (Vic);
- (3) rights and interests as owner or operator of electrical facilities and infrastructure (facilities) installed within the Determination Area;
- (4) rights of access for the performance of their duties by employees, agents or contractors of Powercor Australia Limited to its facilities in, and in the vicinity of, the Determination Area;
- (5) rights and interests under Order in Council published in Victorian Government Gazette No. G29 18 July 2002 (page 1704) pursuant to s 138A(11) of the *Land Act 1958* (Vic) to occupy without licence any stratum of Crown land on, over or under government roads for electricity services;
- (6) rights and interests pursuant to leases, subleases, licences and easements in respect of Crown land in the Determination Area.

5 Valid or validated rights or interests not otherwise referred to in this Schedule 3 which have been:

- (1) granted by the Crown pursuant to statute or otherwise in the exercise of its executive power;
or
- (2) otherwise conferred by statute.

6 So far as confirmed pursuant to s 15 of the LTVA as at 24 November 1998, any existing public access to and enjoyment of:

- (1) waterways;
- (2) beds and banks or foreshores of waterways;
- (3) beaches; and
- (4) areas that were public places at the end of 31 December 1993.

7 Any public right to fish.

8 Any public right to navigate.