

## **SCHEDULE FOUR – OTHER RIGHTS AND INTERESTS**

The Other Interests, as they exist at the date of this Part B Determination, are as follows:

### **1. Wilcannia and Menindee Local Aboriginal Land Council Interests**

The rights and interests of Wilcannia and Menindee Local Aboriginal Land Councils as the holders of a freehold or leasehold title over the areas of land or waters within the Exclusive Area as follows:

Local Aboriginal Land Council	Areas over which freehold or leasehold title held
Menindee Local Aboriginal Land Council	(a) Lot 4769 in DP 767984, (b) Lot 355 in DP 761037, (c) Lot 2211 in DP 764218, (d) Lot 1 in DP 754372, (e) Lot 4 in DP 754390, (f) Lot B in DP 438726, (g) Lot 6 in DP 754390, and (h) Lot A in DP 438726
Wilcannia Local Aboriginal Land Council	(a) Lot 3728 in DP 766141, (b) Lot 3445 in DP 765734, and (c) Lot 4143 in DP 766648.

### **2. Reserves**

- (a) The rights of organisations or persons who have the care, control and management of any reserves within the Non-Exclusive Area;
- (b) The rights of the holders of leases, licences or permits in respect of, or easements or rights of way over, any reserves within the Non-Exclusive Area; and
- (c) The rights of persons entitled to access and use any reserves within the Non-Exclusive Area for the respective purposes for which they are reserved, subject to any statutory limitations upon those rights.

### **3. Mining and petroleum interests**

- (a) The rights of the holders of any mining interests.
- (b) The rights of the holders of any petroleum interests.

#### 4. Murray-Darling Basin Authority

The rights and interests of the Murray Darling Basin Authority:

- (a) as the entity responsible for performing the functions and duties, and exercising the powers, relating to the management of Basin water resources conferred on it by the *Water Act 2007* (Cth) (**Water Act**);
- (b) as the entity responsible for performing the functions and duties and exercising the powers conferred on it by the Murray Darling Basin Agreement set out in Schedule 1 of the *Water Act 1912* (NSW), as authorised by Parts 9, 10 and 10A of that Act and Part 3A of the *Water Management Act 2000* (NSW);
- (c) created, conferred or imposed pursuant to its functions or duties or the performance thereof, or the exercise of its powers under:
  - (i) the *Water Act 1912* (NSW) or the *Water Management Act 2000* (NSW) and any regulation or legislative instrument made under either of those Acts;
  - (ii) the Murray-Darling Basin Agreement set out in Schedule 1 of the *Murray-Darling Basin Act 1992* (NSW) or any corporate plan, asset management plan, asset agreement or service level agreement made, and any river management operations and objectives an outcomes document approved, under that Agreement;
  - (iii) the Basin Plan adopted by the Minister under the *Murray-Darling Basin Act 1992* (NSW); and
  - (iv) any resolution or determination of the Murray-Darling Basin Ministerial Council or the Basin Officials Committee made under the Murray-Darling Basin Agreement.

#### 5. Telecommunications interests

The rights and interests of Telstra Corporation Limited (ACN 051 775 556) and any other holder of a carrier licence under the *Telecommunications Act 1997* (Cth):

- (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*

*Corporations Act 1989* (Cth), the *Telecommunications Act 1991* (Cth) and the *Telecommunications Act 1997* (Cth), including rights:

- (i) to inspect land; and
  - (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 Determination Area in performance of their duties; and
- (d) under any lease, licence, access agreement, or easement relating to its telecommunications facilities in the Determination Area.

**6. Electricity supply interests**

- (a) The rights and interests of an energy services corporation within the meaning of the *Energy Services Corporations Act 1995* (NSW) to exercise functions, powers or rights in accordance with the laws of the State of New South Wales or of the Commonwealth and as owner and operator of facilities for the transmission of electricity and other forms of energy and associated infrastructure situated on the Determination Area including but not limited to the right to enter the Determination Area in order to access, use, maintain, repair, replace, upgrade or otherwise deal with existing facilities and infrastructure.
- (b) The rights and interests of:
- (i) a network operator within the meaning of the *Electricity Supply Act 1995* (NSW); and
  - (ii) for the purposes of any privatisation transaction, any lessor or lessee of a transmission system or person who owns or is authorised to control or operate a transmission system,
- to exercise functions, powers or rights in accordance with the law of the State of New South Wales or of the Commonwealth as operator of facilities for the transmission of electricity and other forms of energy and associated infrastructure situated on the Determination Area in order to access, use,

maintain, repair, replace, upgrade or otherwise deal with existing facilities and infrastructure.

- (c) The rights and interests of Powercor Australia Ltd:
  - (i) as the owner or operator of electricity facilities within the Determination Area, including overhead and underground cabling; and
  - (ii) for its employees, agents or contractors to enter the Determination Area in the performance of their duties, to access its electricity facilities in, and in the vicinity of, the Determination Area.

## **7. Local Government interests**

The rights and interests of the Broken Hill City Council and Wentworth Shire Council as councils constituted under the *Local Government Act 1993* (NSW).

## **8. Other interests generally**

- (a) Rights and interests, including licences and permits granted by the Crown in right of the State of New South Wales or of the Commonwealth pursuant to statute or under regulations made pursuant to such legislation.
- (b) Rights and interests held by reason of the force and operation of the laws of the State of New South Wales or of the Commonwealth.
- (c) Rights and interests of members of the public arising under common law.
- (d) So far as is confirmed pursuant to s 18 of the *Native Title (New South Wales) Act 1994* (NSW) as at the date of the Part B Determination, any existing public access to and enjoyment of:
  - (i) waterways;
  - (ii) the bed and banks or foreshores of waterways;
  - (iii) stock routes; and
  - (iv) areas that were public places at the end of 31 December 1993.
- (e) The right of:
  - (i) an employee, agent or instrumentality of the State of New South Wales;
  - (ii) an employee, agent or instrumentality of the Commonwealth; and
  - (iii) an employee, agent or instrumentality of any Local Government Authority;

to access the Native Title Area and carry out actions as required in the performance of his/ her or its statutory or common law duty.

Note: Entry of orders is dealt with in Rule 39.32 of the *Federal Court Rules 2011*.