



## **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) QI2008/029 – Portland Roads ILUA, registered on 19 October 2009; and
  - (b) QI2011/049 – Iron Range, Portland Roads and Islands ILUA registered on 6 February 2012.
- (2) The rights and interests of Telstra Corporation Limited (ACN 051 775 556):
  - (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 its telecommunications facilities;
  - (c) for its employees, agents or contractors to access its telecommunication facilities in and in the vicinity of the Determination Area in the performance of their duties; and
  - (d) under any lease, licence, access agreement, permit or easement relating to its telecommunications facilities in the Determination Area.
- (3) The rights and interests of Ergon Energy Corporation (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;
    - (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.
- (4) The rights and interests of Cook Shire Council:
- (a) under its 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 its Local Government Area:
  - (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;
  - (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 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 council;
  - (viii) cemetery and cemetery related facilities; and
  - (ix) community facilities;
- (d) to enter the land for the purposes described in paragraphs 4(a), (b) and (c) above by its employees, agents or contractors to:
  - (i) exercise any of the rights and interests referred on in this paragraph 4 and paragraph 7 below;
  - (ii) use, operate, inspect, maintain, replace, restore and repair the infrastructure, facilities and other improvements referred to in paragraph 4(c) above; and
  - (iii) undertake operational activities in its capacity as a local government such as feral animal control, erosion control, waste management and fire management.
- (5) 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 Quintell Beach and provider of port services under Chapter 8 of the *Transport Infrastructure Act 1994* (Qld) and under the *Transport Infrastructure (Ports) Regulation 2016* (Qld), including its functions and powers:
  - (a) to establish, manage and operate effective and efficient port facilities and port services;
  - (b) to make land available for the establishment, management and operation of effective and efficient port facilities and services in its ports by other persons or other purposes consistent with the operation of its ports;
  - (c) to keep appropriate levels of safety and security in the provision and operation of its port facilities and services;
  - (d) to provide other services incidental to the performance of its other functions or likely to enhance the usage of its ports;



- (e) to perform any other functions conferred on it under the *Transport Infrastructure Act 1994* (Qld) or another Act or under the regulation;
  - (f) to provide or arrange for the provision of ancillary services or works necessary or convenient for the effective and efficient operation of its ports;
  - (g) to provide port services relating to the establishment, operation and administration of its ports including pilotage services, dredging services, services relating to the reclamation of land and ancillary services to the provision of port services;
  - (h) to dredge and otherwise maintain or improve navigational channels of its ports and to reduce or remove a shoal, bank or accumulation in its ports that, in the port authority's opinion, impedes navigation in its ports;
  - (i) to impose a charge for the use of port areas, for example a charge imposed by reference to a ship using its ports, or goods or passengers loaded, unloaded or transhipped from ships using port facilities;
  - (j) controlling activities in its port areas by issuing port notices and granting port approvals; and
  - (k) requesting information from vessels entering its port areas.
- (6) The rights and interests of the Australian Maritime Safety Authority (the **Authority**) as the owner, manager, or operator of aids to navigation pursuant to s 190 of the *Navigation Act 2012* (Cth) and in performing the functions of the Authority under s 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.
- (7) The rights and interests of the State of Queensland, Lockhart River 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.
- (8) 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.



- (9) The rights and interests of the Northern Kuuku Ya'u Kathanampu Aboriginal Corporation RNTBC Land Trust as trustee of Lot 46 on SP241418 pursuant to Deed of Grant 40062416 under the *Aboriginal Land Act 1991* (Qld).
- (10) The rights and interests of the Kuuku Ya'u Aboriginal Corporation RNTBC (ICN 7193), formerly the Northern Kuuku Ya'u Kathanampu Aboriginal Corporation RNTBC, as trustee of Lot 2 on SP241427 pursuant to Deed of Grant 40066437 under the *Aboriginal Land Act 1991* (Qld).
- (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 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); and
  - (j) 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.