

## **SCHEDULE SIX**

### **OTHER INTERESTS**

The nature and extent of the Other Interests in relation to the Determination Area are as follows.

Land tenure interests registered with the Western Australian Land Information Authority are current as at 29 June 2018. Mining tenements and petroleum interests registered with the Department of Mines, Industry Regulation and Safety are current as at 24 August 2018. All other interests are current as at the date of the determination.

#### **1. Reserves**

- (a) The following reserve:
  - (i) Reserve 30674 (for the purpose of Use and Benefit of Aborigines);
- (b) The rights and interests of persons who, from time to time, have the care, control and management of the reserve identified in subclause (a) above;
- (c) The rights and interests of persons entitled to access and use the reserve identified in subclause (a) above for the purposes for which it is reserved, subject to any statutory limitations upon those rights; and
- (d) The rights and interests of persons holding valid leases (if any) over areas of the reserve identified in subclause (a) above.

#### **2. Camden Sound Marine Park**

- (a) The following marine park:
  - (i) Camden Sound Marine Park;
- (b) The rights and interests of persons who, from time to time, have the care, control and management of the marine park identified in subclause (a) above; and
- (c) The rights and interests of persons entitled to access and use the marine park identified in subclause (a) above for the purpose for which it was created, subject to any statutory limitations upon those rights.

#### **3. Mining and Petroleum Interests**

The following mining tenements granted under the *Mining Act 1978* (WA) and the rights and interests of the holders from time to time of those tenements:

- (a) Exploration Licence E 04/1589;
- (b) Exploration Licence E 04/2028; and

- (c) Mining Lease M 04/452.

#### **4. Kimberley Commonwealth Marine Reserve**

- (a) The rights and interests of the Commonwealth of Australia:
  - (i) In the Kimberley Commonwealth Marine Reserve, as defined by Part 11 of Schedule 2 of the *Environment Protection and Biodiversity Conservation (Commonwealth Marine Reserves) Proclamation 2013* (Cth);
  - (ii) In the management of the Kimberley Commonwealth Marine Reserve, 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;
  - (iii) Under s 514B and s 514C of the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) in relation to the Kimberley Commonwealth Marine Reserve, including the rights and interests of the Director of National Parks; and
  - (iv) As defined in other such legislation as exists from time to time as it applies to the Kimberley Commonwealth Marine Reserve.

#### **5. Additional Interests**

The following rights and interests in the Determination Area:

- (a) Rights and interests, including licences and permits, validly granted by the Crown in right of the State or of the Commonwealth pursuant to statute or otherwise in the exercise of its executive power and any regulations made pursuant to such statutes;
- (b) Rights and interests validly held by reason of the force and operation of the laws of the State or of the Commonwealth including the *Rights in Water and Irrigation Act 1914* (WA);
- (c) The rights and interests of the Australian Maritime Safety Authority as the owner, manager or operator of aids to navigation (including the Caffarelli Island Light and the Tanner Island Light) pursuant to s 190 of the *Navigation Act 2012* (Cth);

- (d) The rights and interests of the Australian Fisheries Management Authority in relation to plans of management made under the *Fisheries Management Act 1991* (Cth), including for the Western Tuna and Billfish Fishery and for the Western Skipjack Fishery;
- (e) Rights and interests of members of the public arising under the common law including:
  - (i) the public right to fish; and
  - (ii) the public right to navigate;
- (f) The international right of innocent passage though the territorial sea;
- (g) The right to access the Determination Area by:
  - (i) an employee, agent or instrumentality of the State;
  - (ii) an employee, agent or instrumentality of the Commonwealth;
  - (iii) an employee, agent or instrumentality of any local government authority,as required in the performance of his or her statutory or common law duty where such access would be permitted to private land; and
- (h) So far as confirmed pursuant to section 212(2) of the *Native Title Act* and section 14 of the *Titles Validation Act* as at the date of this determination, any existing public access to and enjoyment of:
  - (i) waterways;
  - (ii) beds and banks or foreshores of waterways;
  - (iii) coastal waters;
  - (iv) beaches; and
  - (v) areas that were public places at the end of 31 December 1993.