



SCHEDULE FIVE

OTHER INTERESTS

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

1. 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