

SCHEDULE 8

Other Interests

The nature and extent of other interests in relation to the Determination Area are those rights and interests current at the date of the Determination which comprise the following:

- 1 The rights and interests of the State of Queensland and the interests of any permittees or licencees pursuant to the *Nature Conservation Act 1992* (Qld) and subordinate legislation in relation to the Finucane Island ILUA Area.
- 2 The rights and interests of the parties under the following indigenous land use agreements ("ILUAs"):
 - (a) between Terrance Taylor and Jacky Green on behalf of the Gangalidda People and the Garawa People, Gangalidda and Garawa Native Title Aboriginal Corporation RNTBC and the State of Queensland, entitled Gangalidda People Finucane Island ILUA dated 16 December 2014;
 - (b) between Terrance Taylor and Jacky Green on behalf of the Gangalidda People and the Garawa People, Gangalidda and Garawa Native Title Aboriginal Corporation RNTBC, the State of Queensland and the Burke Shire Council entitled Burketown ILUA dated 16 December 2014;
 - (c) between Terrance Taylor and Jacky Green on behalf of the Gangalidda People and the Garawa People, Gangalidda and Garawa Native Title Aboriginal Corporation RNTBC and Westmoreland Pastoral Company Pty Ltd, entitled the Gangalidda and Garawa People Westmoreland Pastoral ILUA dated 5 March 2015;
 - (d) between Terrance Taylor and Jacky Green on behalf of the Gangalidda People and the Garawa People, Gangalidda and Garawa Native Title Aboriginal Corporation RNTBC and Panoy Pty Ltd, entitled the Garawa People Wentworth Pastoral ILUA dated 26 March 2015;
 - (e) between Terrance Taylor and Jacky Green on behalf of the Gangalidda People and the Garawa People, Gangalidda and Garawa Native Title Aboriginal Corporation RNTBC and Norman Leonard Clarke, entitled the Gangalidda People Almora Pastoral ILUA dated 11 March 2015;

- (f) between Terrance Taylor and Jacky Green on behalf of the Gangalidda People and the Garawa People, Gangalidda and Garawa Native Title Aboriginal Corporation RNTBC and John Geoffrey Nelson and Janice Nelson, entitled the Gangalidda People Birkalla, Little Doab, Nierrina, Beamesbrook and Other Interests ILUA dated 18 December 2014;
- (g) between Terrance Taylor and Jacky Green on behalf of the Gangalidda People and the Garawa People, Gangalidda and Garawa Native Title Aboriginal Corporation RNTBC and Paraway Pastoral Company Limited, entitled the Gangalidda People Armraynald, Part Doab, Yarrum and Iluka Pastoral ILUA dated 17 March 2015;
- (h) between Terrance Taylor and Jacky Green on behalf of the Gangalidda People and the Garawa People, Gangalidda and Garawa Native Title Aboriginal Corporation RNTBC and Lorna Ann Elizabeth Smith, John Ross Smith, Judith Anne Goodall, Frederick James Edwards and Patricia Joy White, entitled the Gangalidda People Kotupna Pastoral ILUA dated 5 March 2015; and
- (i) between Terrance Taylor and Jacky Green on behalf of the Gangalidda People and the Garawa People, Gangalidda and Garawa Native Title Aboriginal Corporation RNTBC and Venlock Pty Ltd, entitled the Gangalidda People Punjaub Pastoral ILUA dated 27 March 2015.

3 The rights and interests of the grantee and others under the Deed of Grant of Land (Reference 50875488) over that part of Lot 6 on SP243581 ("Doomadgee DOGIT").

4 The rights and interests of Westmoreland Pastoral Company Pty Ltd ACN 009 711 602 under PH08/1406, over Lot 1 on SP217472 ("Westmoreland Pastoral Holding").

5 The rights and interests of Panoy Pty Ltd ACN 010 023 346 as lessee under PH08/2353, over Lot 2353 on PH1515 ("Wentworth Pastoral Holding").

6 The rights and interests of Norman Leonard Clarke as lessee under PH8/4876, over Lot 5 on Crown Plan BK39 and Lot 1 on Crown Plan BLR5 ("Almora Pastoral Holding").

7 The rights and interests of John Geoffrey Nelson and Janice Nelson as lessees under:

- (a) PH08/3218, over Lot 2 on CP817875 ("Birkalla Pastoral Holding");
- (b) PH08/4444, over Lot 4444 on PH888 ("Little Doab Pastoral Holding");

- (c) PH08/3298, over Lot 3298 on PH375 (“Nierrina Pastoral Holding”);
- (d) Beamesbrook Term Lease (Title Reference 40064761) over Lot 3210 on Crown Plan 891359 (“Beamesbrook Term Lease”); and
- (e) Term Lease TL0/215966 over Lot 4 on Crown Plan BK10 (“TL 0/215966”).

8 The rights and interests of Paraway Pastoral Company Limited ABN 14 122 572 641 as lessee under:

- (a) PH08/1907, over Lot 3 on CP847166 (“Armraynald Pastoral Holding”);
- (b) PH08/4697, over Lot 1 on CP889414 (“Part Doab Pastoral Holding”);
- (c) PH08/3143, over Lot 3143 on PH2080 (“Yarrum Pastoral Holding”); and
- (d) PH08/3234, over Lot 3234 on PH788 (“Iluka Pastoral Holding”).

9 The rights and interests of Turn Off Lagoons Pastoral Holding Company Pty Ltd ACN 085 377 304 as lessee under PH8/5440, over Lot 1 on CP887914 (“Turn Off Lagoons Pastoral Holding”).

10 The rights and interests of Juanita Mary Clarke and Leslie Gordon Clarke as lessees under PH08/3345, over Lot 3345 on CP PH731 (“Brinawa Pastoral Holding”).

11 The rights and interests of Venlock Pty Ltd ACN 010 198 893 as lessee under PH8/5027, over Lot 13 on CP BK32 (“Punjaub Pastoral Holding”).

12 The rights and interests of Lawn Hill and Riversleigh Pastoral Holding Company Pty Ltd ACN 083 607 470 as lessee under TL0/221407 over Lot 5 on SP111112 (“Lawn Hill Pastoral Holding”).

13 The rights and interests of Lorna Ann Elizabeth Smith, John Ross Smith, Judith Anne Goodall, Frederick James Edwards and Patricia Joy White as lessees under PH8/3505 over Lot 3505 on CP PH1038 (“Kotupna”).

14 The rights and interests of William Archibald Olive and McRae Investments Pty Ltd ACN 008 696 731 as lessees under TL0/237237 over Lot 2 on SP217472 (“Cliffdale Term Lease”).

15 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 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 the performance of their duties; and
- (d) under any lease, licence, access agreement or easement relating to its telecommunications facilities in the Determination Area including under:
 - (i) Term Lease 0/233251 over Lot 117 on Crown Plan PC43 (Title Reference 40058255);
 - (ii) Term Lease 0/221724 over Lot 5 on Crown Plan BK38 (Title Reference 40046528); and
 - (iii) a permissive occupancy issued by the Department of Community Services Queensland on 10 June 1986 providing for the use of an area measuring 150m by 150m on the Doomadgee DOGIT.

16 The rights and interests of Ergon Energy Corporation Limited ACN 087 646 062:

- (a) as the owner and operator of "Works" as that term is defined in the *Electricity Act 1994* (Qld) within the Determination Area;
- (b) as a distribution entity and the holder of a distribution authority under the *Electricity Act 1994* (Qld);
- (c) created under the *Electricity Act 1994* (Qld) and the *Government Owned Corporations Act 1993* (Qld), including:

- (i) rights in relation to any agreement entered into before the date on which these orders are made relating to the Determination Area and to which ss 113A or 113B of the *Electricity Act 1994* (Qld) apply;
- (ii) rights to enter the Determination Area by its employees, agents or contractors to exercise any of the rights and interests referred to in this paragraph; and
- (iii) to inspect, maintain and manage any Works in the Determination Area.

17 The rights and interests of the State of Queensland and Burke 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 those roads.

18 The rights and interests of Burke Shire Council as the local government to exercise its powers and responsibilities of a local government under the *Local Government Act 2009* (Qld) and any other legislation within the Burke local government area under the *Local Government Regulations 2012* (Qld).

19 The rights, interests or powers of the Doomadgee Aboriginal Shire Council:

- (a) under the *Local Government Act 2009* (Qld) and under any other legislation, for that part of the Determination Area within the Doomadgee local government area under the *Local Government Regulations 2012* (Qld); and
- (b) as the holder of any estate or interest in land that exists in the Determination Area, including as the trustee under the Doomadgee DOGIT,

including:

- (c) as the owner, operator or holder of any interest in infrastructure, facilities, or other site improvements, including:
 - (i) roads as defined in the *Local Government Act 2009* (Qld);
 - (ii) buildings or other structures, including fencing;
 - (iii) gravel pits; and
 - (iv) water bores, water point facilities and other infrastructure for the supply of water; and

- (d) any rights of its employees, agents or contractors to enter land, including:
- (i) to perform its local government operational activities such as feral animal and weed control, erosion control, waste management, and fire and land management; and
 - (ii) to operate, inspect, maintain and repair its infrastructure, facilities and other site improvements.

20 The rights and interests of the holders of any leases, licences, permits or authorities granted under the *Forestry Act 1959* (Qld) as may be current at the date of this determination.

21 In relation to the land and waters comprising that part of the Determination Area on the seaward side of the High Water Mark:

- (a) the rights and interests granted by the State of Queensland or the Commonwealth pursuant to statute including, but not limited to, the rights and interests of persons holding licences, certificates, permits, authorities and permissions pursuant to:
 - (i) the *Transport Operations (Marine Safety) Act 1994* (Qld) and the *Transport Operations (Marine Safety) Regulation 1995* (Qld); and
 - (ii) the *Fisheries Act 1994* (Qld), the *Fisheries Regulation 1995* (Qld) and the *Fisheries Management Act 1991* (Cth); and
- (b) the rights and interests of members of the public arising under:
 - (i) the common law public right to navigate; and
 - (ii) the common law public right to fish; and
- (c) the rights under the international right of innocent passage.

22 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 public access to, and enjoyment of, the following places in the Determination Area:

- (a) waterways;
- (b) beds and banks or foreshores of waterways;
- (c) coastal waters;

- (d) beaches;
- (e) stock routes; and
- (f) areas that were public places at the end of 31 December 1993.

23 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.