



SCHEDULE FIVE

OTHER INTERESTS (Paragraph 7)

The nature and extent of the Other Interests in relation to the Part E Determination Area as at the date of this determination are:

1. Mining Tenements

The following mining tenements under the *Mining Act 1904* (WA) (repealed) and the *Mining Act 1978* (WA) and the rights and interests of the holders from time to time of those mining tenements:

(a) Exploration Licences

Tenement ID
E 5203035
E 5203051
E 5201553
E 5201552
E 0902143

Tenement ID
E 5203339
E 0902149
E 0902184
E 0902200
E 0902201

Tenement ID
E 0902203
E 5203469
E 5203490
E 0901618
E 0902197

(b) Miscellaneous Licences

Tenement ID
L 0900028

2. Access to Mining Areas

(a) Without limiting the operation of any other clause in Schedule Five, but



subject to clause 2(b) below, the rights of the holders from time to time of a mining tenement referred to in clause 1 of Schedule Five to use (including by servants, agents and contractors) such portions of existing roads and tracks in the Part E Determination Area as necessary to have access to the area the subject of the mining tenement for the purposes of exercising the rights granted by that tenement or interest.

- (b) Nothing in clause 2(a) above allows any upgrade, extension, widening or other improvement to the road or track other than work done to maintain it in reasonable repair and in order to leave it in substantially the same condition as it was prior to its use pursuant to clause 2(a).

3. Other

- (a) Rights and interests, including licences and permits, 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 legislation.
- (b) Rights and interests held by reason of the force and operation of the laws of the State or of the Commonwealth, including but not limited to, the force and operation of the *Rights in Water and Irrigation Act 1914* (WA).
- (c) Rights and interests of members of the public arising under the common law, including but not limited to:
 - (i) the public right to fish;
 - (ii) the public right to navigate; and
 - (iii) the right of any person to use and enjoy any roads in the Part E Determination Area (subject to the laws of the State) over which, as at the date of this determination, members of the public have a right of access under the common law.



- (d) The right to access the Part E 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.
- (e) The rights and interests of Telstra Corporation Limited (ACN 051 775 556):
- (i) as the owner or operator of telecommunications facilities within the Part E Determination Area;
 - (ii) 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:
 - (A) to inspect land;
 - (B) to install and operate telecommunications facilities; and
 - (C) to alter, remove, replace, maintain, repair and ensure the proper functioning of its telecommunications facilities;
 - (iii) for its employees, agents or contractors to access its telecommunications facilities in and in the vicinity of the Part E Determination Area in performance of their duties; and
 - (iv) under any lease, licence, access agreement or easement relating to its telecommunications facilities in the Part E Determination Area.
- (f) So far as confirmed pursuant to sub-section 212(2) of the *Native Title Act* and section 14 of the *Titles (Validation) and Native Title (Effect of Past Acts) Act 1995* (WA) as at the date of this determination, any existing public access to,



and enjoyment of, the following places in the Part E Determination Area:

- (i) waterways;
 - (ii) beds and banks or foreshores of waterways;
 - (iii) stock routes; and
 - (iv) areas that were public places at the end of 31 December 1993.
- (g) Any other:
- (i) legal or equitable estate or interest in the land or waters; or
 - (ii) any other right (including a right under an option and a right of redemption), charge, power or privilege over, or in connection with:
 - (A) the land or waters; or
 - (B) an estate or interest in the land or waters; or
 - (iii) restriction on the use of the land or waters, whether or not annexed to other land or waters.