

Deed of Agreement

DEED OF AGREEMENT

PARTIES:

- ERICA DEERAL (on behalf of herself and the GAMAA Y Peoples)
- AND: PHILLIP BARU (on behalf of himself and the DINGAAL Peoples)
- AND: BERTIE GORDON (on behalf of himself and the NUGAL Peoples)
- AND: HERMAN BAMBIE (on behalf of himself and the THUUBI Peoples)
- AND: BRIAN COBUS (on behalf of himself and the NGUURRUUMUNGU Peoples)
- AND: WAYNE COATS (on behalf of himself and the DHARRPA Peoples)
- AND: PAT WALLACE (on behalf of himself and the BINHTHI Peoples)
- AND: EDDIE DEEMAL (on behalf of himself and the THIITHAARR Peoples)
- AND: HECTOR MICHAEL (on behalf of himself and the THANIL Peoples)
- AND: GEORGE ROSENDALE (on behalf of himself and the
NGUYMBAARR NGUYMBAARR Peoples)
- AND: TERRENCE JACKO (on behalf of himself and the NGAATHA Peoples)
- AND: MARTIN JAMES (on behalf of himself and the GULAAL Peoples)
- jointly, and in their capacities as representatives of their respective clans
- AND: BERTIE GORDON, HERMAN BAMBIE, PAT WALLACE, EDDIE
DEEMAL and TERRENCE JACKO in their representative capacities
jointly on behalf of the BUURNGA Peoples
- (collectively referred to as "the native title holders")
- AND: STATE OF QUEENSLAND ("the State")
- AND: QUEENSLAND COMMERCIAL FISHERMEN'S ORGANISATION
("QCFO")

RECITALS:

- A. The native title holders have on even date entered into a deed with a number of parties including the State and QCFO in relation to a determination of native title application QC96/15 ("the Deed").
- B. A form of determination of native title agreed by all the parties to the Deed ("the Determination") is a schedule to the Deed.

OPERATIVE PART:

This deed witnesses as follows:-

1. For the avoidance of doubt, the parties to this deed declare that as between themselves:-

1.1. The native title rights and interests expressed in clause 7.4 of the Determination do not include:-

1.1.1. any recognition of traditional rights of the native title holders to barter outside the native title land;

1.1.2. any recognition of traditional rights of the native title holders to barter fish caught outside the native title land;

1.2. Any bartering by the native title holders in relation to fish (other than fish produced by fish farming carried out on the native title land) shall be limited to small scale trading of fish in kind for the purposes of the person or his or her clan and not for a commercial purpose.

2. For the purpose of this deed:-

"Fish" means that term as defined in the *Fisheries Act 1994 (Qld)*.

Any term used in this deed which is not defined shall have the meaning attributed to that term in the Deed.

3. The parties agree that when an application is made to the Federal Court for a Determination of native title, that application will incorporate the provisions of this deed as between the parties to this deed.

4. This deed may be executed in counterparts, and subject to clause 3 of the Deed, each party agrees that from the date of the execution of this deed by that party, it is irrevocably bound by the provisions of this deed.

5. The parties to this deed shall execute it by way of counterparts and may exchange by facsimile any executed counterpart with each party undertaking to deliver the original of the executed deed to the other parties within seven days of execution.

6. The QCFO in executing the Deed and this deed do so as the agent of Mr Robert William Dunn.

EXECUTED as a Deed this

day of October 1997.

SIGNED SEALED AND DELIVERED)
by ERICA DEERAL on behalf of)
herself and the GAMAAY Peoples in)
the presence of:)

Erica Deeral
Erica Deeral

.....
Witness

SIGNED SEALED AND DELIVERED)
by PHILLIP BARU on behalf of)
himself and the DINGAAL Peoples in)
the presence of:)

Phillip Baru
Phillip Baru

.....
Witness

SIGNED SEALED AND DELIVERED)
by BERTIE GORDON on behalf of)
himself and the NUGAL Peoples in)
the presence of:)

Bertie Gordon
Bertie Gordon

.....
Witness

SIGNED SEALED AND DELIVERED)
by HERMAN BAMBIE on behalf of)
himself and the THUUBI Peoples in)
the presence of:)

Herman Bambie
Herman Bambie

.....
Witness

SIGNED SEALED AND DELIVERED)
by BRIAN COBUS on behalf of)
himself and the)
NGUURRUMUNGU Peoples in)
the presence of:)

Brian Cobus
Brian Cobus

.....
Witness

SIGNED SEALED AND DELIVERED)
by WAYNE COATS on behalf of)
himself and the DHARRPA Peoples)
in the presence of)

Wayne Coats
Wayne Coats

[Signature]
Witness

SIGNED SEALED AND DELIVERED)
by PAT WALLACE on behalf of)
himself and the BINHTHI Peoples)
in the presence of)

Pat Wallace
Pat Wallace

[Signature]
Witness

SIGNED SEALED AND DELIVERED)
by EDDIE DEEMAL on behalf of)
himself and the THITHAARR)
Peoples in the presence of)

Eddie Deemal
Eddie Deemal

[Signature]
Witness

SIGNED SEALED AND DELIVERED)
by HECTOR MICHAEL on behalf of)
himself and the THANIL Peoples)
in the presence of)

Hector Michael
Hector Michael

[Signature]
Witness

SIGNED SEALED AND DELIVERED)
by GEORGE ROSENDALE on behalf)
of himself and the NGUYMBAARR)
NGUYMBAARR Peoples in the)
presence of)

George Rosendale
George Rosendale

[Signature]
Witness

SIGNED SEALED AND DELIVERED)
by **TERRENCE JACKO** on behalf)
of himself and the **NGAATHA**)
Peoples in the presence of:)

Terrence Jacko
Terrence Jacko

.....
Witness

SIGNED SEALED AND DELIVERED)
by **MARTIN JAMES** on behalf)
of himself and the **GULAAL** Peoples)
in the presence of:)

M J
Martin James

.....
Witness

SIGNED SEALED AND DELIVERED)
by:)
BERTIE GORDON on behalf of the)
NUGAL Peoples)

Herman Bomber

HERMAN BAMBIE on behalf of the)
THUUBI Peoples)

Bertie Gordon

PAT WALLACE on behalf of the)
BINH THI Peoples)

Pat Wallace

EDDIE DEEMAL on behalf of the)
THIITHAARR Peoples)

Eddie Deemal

TERRENCE JACKO on behalf of the)
NGAATHA Peoples)

Terrence Jacko

all jointly on behalf of the)
BUURNGA Peoples in the presence)
of:)

.....
Witness

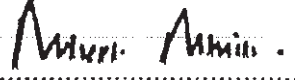
SIGNED by PAUL SMITH,
DEPARTMENT OF THE PREMIER
AND CABINET and GRAHAM
FLETCHER, DEPARTMENT OF THE
PREMIER AND CABINET, in non-
binding form subject to Clause 3.1 of the
Deed in the presence of:


Paul Smith


Graham Fletcher


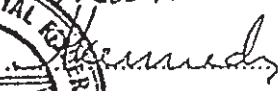

Witness

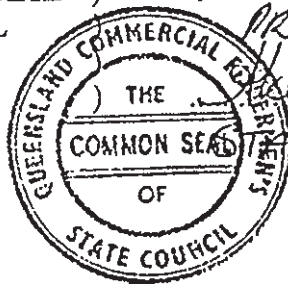
SIGNED SEALED AND DELIVERED
by ROBERT BORDOGE
and
for and on behalf of the STATE OF
QUEENSLAND in the presence of:




Witness

SIGNED SEALED AND DELIVERED
by the QUEENSLAND COMMERCIAL
FISHERMEN'S STATE COUNCIL
by two duly authorised officers in the
presence of:


PRESIDENT

STATE SECRETARY.




Witness