



Extract from the National Native Title Register

Determination Information:

Determination Reference: Federal Court Number(s): QUD6020/2001
NNTT Number: QCD2012/013

Determination Name: [Owens on behalf of the Tagalaka People #2 v State of Queensland](#)

Date(s) of Effect: 10/12/2012

Determination Outcome: Native title exists in parts of the determination area

Register Extract (pursuant to s. 193 of the *Native Title Act 1993*)

Determination Date: 10/12/2012

Determining Body: Federal Court of Australia

ADDITIONAL INFORMATION:

Not Applicable

REGISTERED NATIVE TITLE BODY CORPORATE:

Tagalaka Aboriginal Corporation RNTBC
Agent Body Corporate
PO Box 719
Townsville Queensland 4810

Note: current contact details for the Registered Native Title Body Corporate are available from the Office of the Registrar of Indigenous Corporations www.oric.gov.au

COMMON LAW HOLDER(S) OF NATIVE TITLE:

6. The native title is held by the Tagalaka People described in Schedule 3 ("the native title holders").

SCHEDULE 3 – NATIVE TITLE HOLDERS

The native title holders are the Tagalaka People who are descendants of the following people:

- (a) Nelly Robertson (nee Grogan);
- (b) Edith Echo;
- (c) Edith Sargent;

- (d) Charlie Hayes (aka Short Charlie);
- (e) Herbie East;
- (f) Topsy Cane (aka Topsy Owens);
- (g) Jack Fortune; or
- (h) Left hand Charlie.

MATTERS DETERMINED:

BEING SATISFIED that an order in the terms set out below is within the power of the Court, and it appearing appropriate to the Court to do so, pursuant to s 87A of the *Native Title Act 1993* (Cth),

BY CONSENT THE COURT ORDERS THAT:

1. There be a determination of native title in the terms set out below ("the Determination").
2. Each party to the proceeding is to bear its own costs.

THE COURT DETERMINES THAT:

3. The Determination Area is the land and waters described in Schedule 1, and depicted in the map attached to Schedule 1.
4. Native title exists in relation to that part of the Determination Area described in Part 1 and Part 2 of Schedule 1.
5. Native title does not exist in relation to that part of the Determination Area described in Part 3 of Schedule 1.
6. The native title is held by the Tagalaka People described in Schedule 3 ("the native title holders").
7. Subject to paragraphs 9, 10 and 11 below the nature and extent of the native title rights and interests in relation to the land and waters described in Part 1 of Schedule 1 are:
 - (a) other than in relation to Water, the rights to possession, occupation, use and enjoyment of the area to the exclusion of all others; and
 - (b) in relation to Water, the non-exclusive rights to:
 - (i) hunt, fish and gather from the Water of the area;
 - (ii) take and use the Natural Resources of the Water of the area; and
 - (iii) take and use the Water of the area,for personal, domestic and non-commercial communal purposes.
8. Subject to paragraphs 9, 10 and 11 below the nature and extent of the native title rights and interests in relation to the land and waters described in Part 2 of Schedule 1 are the non-exclusive rights to:
 - (a) access, be present on, move about on and travel over the area;
 - (b) camp on the area and, for that purpose, erect temporary shelters on the area;
 - (c) hunt, fish and gather on the land and waters of the area for personal, domestic and non-commercial communal purposes;
 - (d) take, use, share and exchange Natural Resources from the land and waters of the area for personal, domestic and non-commercial communal purposes;

- (e) take and use the Water of the area for personal, domestic and non-commercial communal purposes;
- (f) light fires on the area for domestic purposes including cooking but not for the purposes of hunting or clearing vegetation;
- (g) conduct ceremonies on the area;
- (h) teach on the area the physical and spiritual attributes of the area; and
- (i) maintain places of importance and areas of significance to the native title holders under their traditional laws and customs and protect those places and areas from physical harm.

9. The native title rights and interests are subject to and exercisable in accordance with:

- (a) the Laws of the State and the Commonwealth; and
- (b) the traditional laws acknowledged and traditional customs observed by the native title holders.

10. The native title rights and interests referred to in paragraphs 7(b) and 8 do not confer possession, occupation, use or enjoyment to the exclusion of all others.

11. There are no native title rights in or in relation to:

- (a) minerals as defined by the *Mineral Resources Act 1989* (Qld); and
- (b) petroleum as defined by the *Petroleum Act 1923* (Qld) and the *Petroleum and Gas (Production and Safety) Act 2004* (Qld).

12. The nature and extent of other rights and interests in relation to the Determination Area (or respective parts thereof) are the rights and interests set out in Schedule 4 (the "Other Interests").

13. The relationship between the native title rights and interests described in paragraphs 7 and 8 and the Other Interests described in Schedule 4 is that:

- (a) the Other Interests continue to have effect, and the rights conferred by or held under the Other Interests may be exercised notwithstanding the existence of the native title rights and interests;
- (b) to the extent the Other Interests are inconsistent with the continued existence, enjoyment or exercise of the native title rights and interests in relation to the land and waters of the Determination Area, the native title continues to exist in its entirety but the native title rights and interests have no effect in relation to the Other Interests to the extent of the inconsistency for so long as the Other Interests exist; and
- (c) the Other Interests and any activity that is required or permitted by or under, and done in accordance with, the Other Interests, or any activity that is associated with or incidental to such an activity, prevail over the native title rights and interests and any exercise of the native title rights and interests.

14. The native title is not to be held in trust.

15. An Aboriginal Corporation whose name will be nominated in writing within three months is to:

- (a) be the prescribed body corporate for the purposes of s 57(2) of the *Native Title Act 1993* (Cth);
- (b) perform the functions mentioned in s 57(3) of the *Native Title Act 1993* (Cth).

16. In the event that there is no nomination within the time specified in paragraph 15 or such later time as the Court may order, the Registered Native Title Claimants are to forthwith apply to the Court for further directions.

17. Until such time as there is a prescribed body corporate in relation to the Determination Area any notices required under the *Native Title Act 1993* (Cth) or otherwise to be served on the Native Title Holders, the native title claim group or the Registered Native Title Claimants may be served upon the North Queensland Land Council Native Title Representative Body Aboriginal Corporation, and such notice shall be deemed to be sufficient.

18. In this Determination, unless the contrary intention appears:

"Determination Area" means the land and waters described in Schedule 1 (which excludes the land and waters

described in Schedule 2) and shown on the map in Schedule 1, and to the extent of any inconsistency between the written description and the map, the written description prevails;

“**External Boundary Description**” means the boundary described in Part 4 of Schedule 1;

“**land**” and “**waters**”, respectively, have the same meanings as in the *Native Title Act 1993* (Cth);

“**Laws of the State and the Commonwealth**” means the common law and the laws of the State of Queensland and the Commonwealth of Australia, and includes legislation, regulations, statutory instruments, local planning instruments and local laws;

“**Natural Resources**” means:

- (a) any animal, plant, fish and bird life found on or in the Determination Area; and
 - (b) any clays, soil, sand, gravel or rock found on or below the surface of the Determination Area,
- that have traditionally been taken and used by the native title holders, but does not include:

(c) minerals as defined in the Mineral Resources Act 1989 (Qld) or petroleum as defined in the *Petroleum Act 1923* (Qld) and the *Petroleum and Gas (Production and Safety) Act 2004* (Qld).

“**Water**” means:

- (a) water which flows, whether permanently or intermittently, within a river, creek or stream;
- (b) any natural collection of water, whether permanent or intermittent; and
- (c) water from an underground water source.

Other words and expressions used in this Determination have the same meanings as they have in Part 15 of the *Native Title Act 1993* (Cth).

SCHEDULE 1 - DETERMINATION AREA

[See NNTR attachment 1: “Schedule 1 - Determination Area” and NNTR attachment 2: Map of Determination Area”]

SCHEDULE 2 - AREAS NOT FORMING PART OF THE DETERMINATION AREA

The following areas of land and waters are excluded from the Determination Area.

Part A

On the basis that native title has been extinguished and is not claimed, the parties have agreed that the excluded areas include any land or waters on which any permanent improvement consisting of:

- (a) a homestead, house, shed or other building;
- (b) an airstrip;
- (c) a constructed dam or any other constructed stock watering point, bore, turkey nest, squatters’ tank or other water storage facility; or
- (d) stock yards and trap yards,

has, at the date of the determination, been constructed (including any adjacent land the exclusive use of which

is reasonably necessary for the enjoyment of the improvement) in accordance with the rights of the lessee under, and within the boundaries of the following pastoral leases:

- (i) Pastoral Holding 23/2627 comprising Lot 15 on Plan GA2 and commonly known as Agantra;
- (ii) Pastoral Holding 34/2393 comprising Lot 2393 on Plan PH2040 and commonly known as Arduino;
- (iii) Pastoral Holding 34/4894 comprising Lot 4894 on Plan PH1876 and commonly known as Beach;
- (iv) Pastoral Holding 34/3665 comprising Lot 8 (Pt) on Plan SY21 and commonly known as Belmore;
- (v) Pastoral Holding 34/5415 comprising Lot 2 (Pt) on Plan NM108 and commonly known as Broadwater;
- (vi) Pastoral Holding 18/5514 comprising Lot 38 on Plan ET813287 and commonly known as Chadshunt;
- (vii) Pastoral Holding 34/2423 comprising Lot 1 on Plan LA5 and commonly known as Claraville;
- (viii) Pastoral Holding 34/2853 comprising Lot 2853 on Plan PH1902 and commonly known as Clotilda;
- (ix) Pastoral Holding 34/5253 comprising Lot 5253 on Plan PH1349 and commonly known as Ella Vale;
- (x) Pastoral Holding 34/4148 comprising Lot 4148 on Plan PH1704 and commonly known as Entrona;
- (xi) Pastoral Holding 34/75 comprising Lot 75 on Plan PH1698 and commonly known as Esmeralda;
- (xii) Pastoral Holding 34/5123 comprising Lot 5123 on Plan PH1669 and commonly known as Florence;
- (xiii) Pastoral Holding 23/4655 comprising Lot 4655 (Pt) on Plan PH235 and commonly known as Fog Creek;
- (xiv) Pastoral Holding 34/5423 comprising Lot 2 on Plan NM104 and commonly known as Glenore;
- (xv) Pastoral Holding 34/3840 comprising Lot 1 on Plan LA4 and commonly known as Guildford;
- (xvi) Pastoral Holding 34/5435 comprising Lot 2 on Plan LA3 and commonly known as Gum Creek;
- (xvii) Pastoral Holding 34/5458 comprising Lot 1 on Plan OK4 and commonly known as Haydon;
- (xviii) Pastoral Holding 34/2062 comprising Lot 2062 on Plan PH1405 and commonly known as Karron;
- (xix) Pastoral Holding 18/4231 comprising Lot 423 on SP146511 and commonly known as Linley;
- (xx) Pastoral Holding 23/2254 comprising Lot 2254 (Pt) on Plan PH1527 and commonly known as Lucksome;
- (xxi) Pastoral Holding 18/5143 comprising Lot 143 on SP134201 and commonly known as Malacura;
- (xxii) Pastoral Holding 34/2410 comprising Lot 5 on Plan OK7 and commonly known as May Vale;
- (xxiii) Pastoral Holding 34/2676 comprising Lot 2676 on Plan PH2056 and commonly known as Mittagong;
- (xxiv) Pastoral Holding 34/2677 comprising Lot 2677 on Plan PH2066 and commonly known as Mittagong;
- (xxv) Pastoral Holding 34/2635 comprising Lot 2635 on Plan PH1702 and commonly known as Mittagong;
- (xxvi) Pastoral Holding 34/2429 comprising Lot 2429 on Plan PH1699 and commonly known as Mittagong;
- (xxvii) Pastoral Holding 34/2447 comprising Lot 2 on Plan LA5 and commonly known as Mittagong;
- (xxviii) Pastoral Holding 34/2437 comprising Lot 2437 on Plan PH866 and commonly known as Mittagong;
- (xxix) Pastoral Holding 34/4850 comprising Lot 4850 on Plan PH1875 and commonly known as Momba;
- (xxx) Pastoral Holding 34/4715 comprising Lot 2 on Plan SP117603 and commonly known as Mooremount;
- (xxxi) Pastoral Holding 18/2503 comprising Lot 2503 on Plan PH2105 and commonly known as Mount Little;
- (xxxii) Pastoral Holding 13/2255 comprising Lot 2255 (Pt) on Plan PH2033 and commonly known as Mundjuro;

- (xxxiii) Pastoral Holding 23/3226 comprising Lot 1 (Pt) on Plan WLR10 and commonly known as New Water;
- (xxxiv) Pastoral Holding 18/2573 comprising Lot 2573 (Pt) on Plan PH2065 and commonly known as Northhead;
- (xxxv) Pastoral Holding 34/2397 comprising Lot 2397 on Plan PH1081 and commonly known as Oakland Park;
- (xxxvi) Pastoral Holding 34/2636 comprising Lot 2636 on Plan PH1703 and commonly known as Papatra;
- (xxxvii) Pastoral Holding 34/3881 comprising Lot 3881 on Plan PH1911 and commonly known as Prospect;
- (xxxviii) Pastoral Holding 34/2641 comprising Lot 2641 on Plan PH1909 and commonly known as Prospect;
- (xxxix) Pastoral Holding 34/2707 comprising Lot 2 on Plan SY26 and commonly known as Reigate;
- (xl) Pastoral Holding 18/5527 comprising Lot 3 on Plan LG17 and Lot 4 on Plan LG18 and commonly known as Rockyview;
- (xli) Pastoral Holding 23/4628 comprising Lot 4628 on Plan PH2257 and commonly known as Roderick;
- (xlii) Pastoral Holding 34/5446 comprising Lot 1 on Plan SY17 and commonly known as Tabletop;
- (xliii) Pastoral Holding 34/4295 comprising Lot 4295 on Plan PH1158 and commonly known as The Lakes;
- (xliv) Pastoral Holding 34/2398 comprising Lot 2398 on Plan PH1412 and commonly known as Timora;
- (xlv) Pastoral Development Holding comprising Lot 271 (Pt) on Plan CP847171 and commonly known as Vena Park;
- (xlvi) Pastoral Development Holding 13/2132 comprising Lot 2132 (Pt) on Plan PH654 and commonly known as Micolon;
- (xlvii) Preferential Pastoral Holding 18/5428 comprising Lot 14 on Plan GB813293 commonly known as Blancourt;
- (xlviii) Preferential Pastoral Holding 34/5262 comprising Lot 5262 (Pt) on PH1850 and commonly known as Yappar River;
- (xlix) Preferential Pastoral Holding 18/5236 comprising Lot 236 on Plan SP140908 and commonly known as Carnes;
- (l) Preferential Pastoral Holding 18/5427 comprising Lot 3 (Pt) on Plan ET42 and commonly known as Forest Home;
- (li) Preferential Pastoral Holding 18/5257 comprising Lot 5257 on Plan PH1432 and commonly known as Green Hills;
- (lii) Preferential Pastoral Holding 18/5235 comprising Lot 5 on Plan SP140908 and commonly known as Heliman Creek;
- (liii) Preferential Pastoral Holding 18/5237 comprising Lot 5237 on Plan PH1367 and commonly known as Paddy's Station (aka Candlow);
- (liv) Term Lease 0/232856 comprising Lot 2299 on Plan and PH2032 commonly known as Dumas;
- (lv) Term Lease 0/234794 comprising Lot 4856 on Plan SP235291 and commonly known as Golden Gate;
- (lvi) Term Lease 0/221967 comprising Lot 259 (Pt) on Plan SP170278 and commonly known as Trenton;
- (lvii) Occupation Licence 34/719 comprising Lot 719 on Plan AP12368 and commonly known as Alehvale;
- (lviii) Occupation Licence 34/524 comprising Lot 524 on Plan SLD524 and commonly known as Golden Gate;
- (lix) Occupation Licence 34/711 comprising Lot 711 on Plan OL294 and commonly known as Golden Gate;
- (lx) Occupation Licence 34/712 comprising Lot 712 on Plan OL295 and commonly known as Golden Gate;

- (lxi) Occupation Licence 34/755 comprising Lot 755 on Plan OL299 and commonly known as Golden Gate;
- (lxiii) Occupation Licence 34/785 comprising Lot 785 on Plan AP12367 and commonly known as Golden Gate;
and
- (lxiii) Trustee Permit 714571004 comprising Lot 3 on Plan CP859354 and commonly known as Littleton.

Part B

The areas in this Part are excluded from the Determination Area on the grounds that at the time at which the native title determination application was made:

- i. these areas were the subject of one or more previous exclusive possession acts, as defined in s 23B of the *Native Title Act 1993* (Cth), despite the fact that the areas, or parts of them, may have been subject to earlier acts that extinguished native title; and
- ii. in relation to the areas in paragraph 1 of this Part, none of ss 47, 47A or 47B of the *Native Title Act 1993* (Cth) applied; and
- iii. therefore, in accordance with s 61A of the *Native Title Act 1993* (Cth), these areas could not be claimed.

Tenure Based Exclusions (ss 23B(2) and 23B(3) *Native Title Act 1993* (Cth)):

- 1. Lot 3 on OK810526; and
- 2. That part of Lot 951 on Plan SP161394 which was covered by:
 - (a) historical Gold Fields Homestead Lease No. 1138 described as Allotments 12 and 13 of Section 21 Town of Croydon; and
 - (b) historical Gold Fields Homestead Lease No. 1345 described as Allotments 19 and 20 of Section 21 Town of Croydon.

Public Works Based Exclusions:

A. Land or waters on which any public work, as defined in s 253 of the *Native Title Act 1993* (Cth), is or was constructed, established, or situated, and to which ss 23B(7) and 23C(2) of the *Native Title Act 1993* (Cth) and/or s 23B(7) of the *Native Title Act 1993* (Cth) and s 21 of the *Native Title (Queensland) Act 1993* (Qld) applies, together with any adjacent land or waters in accordance with s 251D of the *Native Title Act 1993* (Cth).

B. Land or waters described in paragraph A immediately above includes, for the avoidance of doubt:

- 1. the whole of the land and waters shown on the map included in this Schedule and described as:
 - i. Lot 15 on Plan C8271;
 - ii. Lot 943 on Plan SY28;
 - iii. Lot 12 on Plan C3597;
 - iv. Lot 14 on Plan C3598;
 - v. Lot 1 on Plan C35911;
 - vi. Lot 2 on Plan C35911;

- vii. Lot 19 on Plan C35912;
- viii. Lot 5 on Plan C35913;
- ix. Lot 13 on Plan C3597;
- x. Lot 23 on Plan C8189;
- xi. Lot 32 on Plan C8186;
- xii. Lot 12 on Plan C3598;
- xiii. Lot 13 on Plan C3598;
- xiv. Lot 15 on Plan C3598;
- xv. Lot 481 on Plan SY28;
- xvi. Lot 482 on Plan SY28;
- xvii. Lot 18 on Plan C3593;

2. that part of the land and waters shown on the map included in this Schedule and described as:

i. Lot 5 on Plan SY12, the part being more particularly described as all the land within the areas bounded by the following co-ordinates

Iguana Consul Mining Museum (Excluding Lot 10 on Plan MPH15912 and unnamed street)

Latitude	Longitude
-18.192710	142.245505
-18.193600	142.246003
-18.194512	142.245216
-18.194287	142.244911
-18.194030	142.244967
-18.193923	142.244427

ii. Lot 949 on Plan C3591, the part being more particularly described as all the land north west of the south eastern boundary of the track within Lot 949 on Plan C3591 bounded by the following co-ordinates

Lake Belmore Access and Gravel Area

Latitude	Longitude
-18.190184	142.239534
-18.189709	142.240338
-18.189941	142.240487
-18.190691	142.239861

ii. Lot 17 on Plan B144300, the part being more particularly described as all the land within the distance nominated from the centreline of the following co-ordinates

Sandstone Quarry Area Track - 15m from the centreline

Latitude	Longitude
-18.207940	142.236523
-18.207760	142.235867
-18.207705	142.235601
-18.207678	142.236603
-18.207495	142.235921
-18.207437	142.235635

iii. Lot 951 on Plan SP161394 which was not covered by

a. historical Gold Fields Homestead Lease No. 1138 described as Allotments 12 and 13 of Section 21 Town of Croydon; and

b. historical Gold Fields Homestead Lease No. 1345 described as Allotments 19 and 20 of Section 21 Town of Croydon.

Note: to the extent of any inconsistency between the written description in this Schedule and the map, the written description prevails.

[See NNTR attachment 3: "Map Public Works Based Exclusions"]

SCHEDULE 3 – NATIVE TITLE HOLDERS

The native title holders are the Tagalaka People who are descendants of the following people:

- (a) Nelly Robertson (nee Grogan);
- (b) Edith Echo;
- (c) Edith Sargent;
- (d) Charlie Hayes (aka Short Charlie);
- (e) Herbie East;
- (f) Topsy Cane (aka Topsy Owens);
- (g) Jack Fortune; or
- (h) Left hand Charlie.

SCHEDULE 4 – OTHER INTERESTS IN THE DETERMINATION AREA

The nature and extent of the Other Interests in relation to the Determination Area are the following, as they exist as at the date of the Determination:

1. The rights and interests of the parties under the following indigenous land use agreements:

- (a) Tagalaka People and the State of Queensland as parties to the Tagalaka Croydon Area Indigenous Land Use Agreement #1 registered on 19 August 2005;
- (b) Tagalaka People and the State of Queensland as parties to the Tagalaka (Town of Croydon) Indigenous Land Use Agreement registered on 5 September 2008;
- (c) native title holders and the Croydon Shire Council registered on 11 February 2008;
- (d) native title holders and the Croydon Shire Council as parties to the Croydon Shire Council/Tagalaka People True Blue Tourist Facility ILUA (QIA 2009/068) registered on 14 May 2010;
- (e) native title holders and the Croydon Shire Council as parties to the Tagalaka Croydon Area ILUA #2 (QIA 2006/047) registered on 11 February 2008;
- (f) native title holders and the Carpentaria Shire Council authorised on 1 May 2012;
- (g) native title holders and the Croydon Shire Council authorised on 1 May 2012;
- (h) native title holders and the Etheridge Shire Council authorised on 1 May 2012;
- (i) native title holders and Ergon Energy Corporation Limited authorised on 1 May 2012;
- (j) Tagalaka People/Agantra ILUA authorised on 1 May 2012;
- (k) Tagalaka People/Alehvale and Mooremount ILUA authorised on 1 May 2012;
- (l) Tagalaka People/Arduno, Haydon and Timora ILUA authorised on 1 May 2012;
- (m) Tagalaka People/Beach ILUA authorised on 1 May 2012;
- (n) Tagalaka People/Belmore ILUA authorised on 1 May 2012;
- (o) Tagalaka People/Blancourt ILUA authorised on 1 May 2012;
- (p) Tagalaka People/Broadwater ILUA authorised on 1 May 2012;
- (q) Tagalaka People/Carnes ILUA authorised on 1 May 2012;
- (r) Tagalaka People/Chadshunt ILUA authorised on 1 May 2012;
- (s) Tagalaka People/Clarville ILUA authorised on 1 May 2012;
- (t) Tagalaka People/Clotilda ILUA authorised on 1 May 2012;
- (u) Tagalaka People/Dumas ILUA authorised on 1 May 2012;
- (v) Tagalaka People/Ella Vale and Yappar River ILUA authorised on 1 May 2012;
- (w) Tagalaka People/Entrona and Pepatra ILUA authorised on 1 May 2012;
- (x) Tagalaka People/Esmeralda ILUA authorised on 1 May 2012;
- (y) Tagalaka People/Florence ILUA authorised on 1 May 2012;
- (z) Tagalaka People/Fog Creek ILUA authorised on 1 May 2012;
- (aa) Tagalaka People/Forest Home ILUA authorised on 1 May 2012;
- (bb) Tagalaka People/Glenore ILUA authorised on 1 May 2012;

- (cc) Tagalaka People/Golden Gate ILUA authorised on 1 May 2012;
- (dd) Tagalaka People/Green Hills ILUA authorised on 1 May 2012;
- (ee) Tagalaka People/Guildford ILUA authorised on 1 May 2012;
- (ff) Tagalaka People/Gum Creek ILUA authorised on 1 May 2012;
- (gg) Tagalaka People/Heliman Creek ILUA authorised on 1 May 2012;
- (hh) Tagalaka People/Karron and May Vale ILUA authorised on 1 May 2012;
- (ii) Tagalaka People/Linley ILUA authorised on 1 May 2012;
- (jj) Tagalaka People/Lucksome ILUA authorised on 1 May 2012;
- (kk) Tagalaka People/Malacura ILUA authorised on 1 May 2012;
- (ll) Tagalaka People/Miecolon and Vena Park ILUA authorised on 1 May 2012;
- (mm) Tagalaka People/Mundjuro ILUA authorised on 1 May 2012;
- (nn) Tagalaka People/New Water ILUA authorised on 1 May 2012;
- (oo) Tagalaka People/Northhead ILUA authorised on 1 May 2012;
- (pp) Tagalaka People/Oakland Park ILUA authorised on 1 May 2012;
- (qq) Tagalaka People/Paddy's Station (aka Candlow) ILUA authorised on 1 May 2012;
- (rr) Tagalaka People/Prospect ILUA authorised on 1 May 2012;
- (ss) Tagalaka People/Reigate ILUA authorised on 1 May 2012;
- (tt) Tagalaka People/Rockyview ILUA authorised on 1 May 2012;
- (uu) Tagalaka People/Roderick ILUA authorised on 1 May 2012;
- (vv) Tagalaka People/Tabletop ILUA authorised on 1 May 2012;
- (ww) Tagalaka People/The Lakes ILUA authorised on 1 May 2012;
- (xx) Tagalaka People/Trenton ILUA authorised on 1 May 2012;

2. The rights and interests of the Croydon Shire Council, the Carpentaria Shire Council or the Etheridge Shire Council (the "Councils") including any rights the Councils, their employees, agents or contractors have;

(a) under their local government jurisdiction and functions under the *Local Government Act 2009* (Qld), under the *Land Protection (Pests and Stock Route Management) Act 2002* (Qld) and under any other legislation, for that part of the Determination Area within their local government areas, as defined in the *Local Government Act 2009* (Qld);

(b) as the:

- (i) lessors under any leases which were entered into as at the date of the Determination ;
- (ii) grantors of any licences or other rights and interests which were granted as at the date of the Determination;
- (iii) holders of any estates or interests in land, and as trustees of any reserves, that exist in the Determination Area as at the date of the Determination;

(c) as the owners and operators of infrastructure, facilities and other improvements located in the Determination Area as at the date of the Determination, including but not limited to:

- (i) dedicated roads operated by the Councils;

- (ii) gravel pits operated by the Councils;
 - (iii) undedicated but constructed roads except for those not operated by the Councils;
 - (iv) water pipelines and other water supply infrastructure;
 - (v) drainage facilities; and
 - (vi) cemetery and cemetery related facilities; and
- (d) to enter the land described in paragraphs 2(a) to 2(c) of Schedule 4 to:
- (i) exercise any of the rights and interests referred to in paragraphs (a) to (c);
 - (ii) inspect, maintain and repair the infrastructure, facilities and other improvements referred to in paragraph (c); and
 - (iii) undertake operational activities in their capacity as a local government such as feral animal control, weed control, erosion control, waste management and fire management.

3. The rights and interests of Telstra Corporation Limited:

- (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 telecommunication facilities; and
 - (iii) to alter, remove, replace, maintain, repair and ensure the proper functioning of its existing and any new telecommunication facilities;
- (c) for its employees, agents or contractors to access its telecommunications facilities in and in the vicinity of the Determination Area in performance of their duties ; and
- (d) under any licence or access agreement relating to its telecommunication facilities in the Determination Area.

4. The rights and interests of Ergon Energy Corporation Ltd:

- (a) as the owner and operator of any "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 relating to the Determination Area existing or entered into before the date on which these orders are made;
 - (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) and to inspect, maintain and manage any Works in the Determination Area.

5. The rights and interests of the holders of any authorities, licences, permits or allocations issued under the *Water Act 2000* (Qld);

6. The rights and interests of the holders of any leases, licences, reservations, permits, easements or authorities granted under the *Land Act 1994* (Qld), and any relevant regulations or subordinate legislation made under the Act;

7. The rights and interests of the holders of any permits, claims, licences or leases granted under the Mineral Resources Act 1989 (Qld); and

8. Any other rights and interests held by the State of Queensland or Commonwealth of Australia, or by reason of the force and operation of the Laws of the State or Commonwealth.

REGISTER ATTACHMENTS:

1. Schedule 1 - Determination Area, 29 pages - A4, 10/12/2012

2. Map of Determination Area, 11 pages - A4, 10/12/2012

3. Map - Public Works Based Exclusions, 1 page - A4, 10/12/2012

Note: The National Native Title Register may, in accordance with s. 195 of the Native Title Act 1993, contain confidential information that will not appear on the Extract.