



## Extract from the National Native Title Register

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### Determination Information:

**Determination Reference:** Federal Court Number(s): QUD111/2004  
NNTT Number: QCD2013/004

**Determination Name:** [Morganson on behalf of the Warrungnu \[Warrungu\] People #2 v State of Queensland](#)

**Date(s) of Effect:** 23/09/2013

**Determination Outcome:** Native title exists in the entire determination area

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

**Determination Date:** 23/09/2013

**Determining Body:** Federal Court of Australia

#### ADDITIONAL INFORMATION:

Not Applicable

#### REGISTERED NATIVE TITLE BODY CORPORATE:

Goondaloo Aboriginal Corporation RNTBC  
Agent Body Corporate  
Lot 5 Gunnawarra Road  
Mount Garnet Queensland 4872

*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](http://www.oric.gov.au)*

#### COMMON LAW HOLDER(S) OF NATIVE TITLE:

1. The native title holders are the Warrungnu People. The Warrungnu People are the biological or adopted descendants of one or more of the following people:

- (a) Wombino;
  
- (b) Lena, sister of Wombino and wife of Old Billy Morganson;

(c) Alf Palmer; or

(d) Billy Simmonds.

**MATTERS DETERMINED:  
BY CONSENT 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. The native title is held by the Warrungnu People described in Schedule 3 (the “native title holders”).

6. Subject to paragraphs 8, 9 and 10 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 in the area; and

(iii) take and use the Water of the area,

for personal, domestic and non-commercial communal purposes.

7. Subject to paragraphs 8, 9 and 10 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, and live temporarily on the area as part of camping, and for that purpose build temporary shelters;

- (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) conduct ceremonies on the area;
- (g) 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;
- (h) teach on the area the physical and spiritual attributes of the area; and
- (i) light fires on the area for domestic purposes including cooking, but not for the purpose of hunting or clearing vegetation.

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

- (a) the Laws of the State and the Commonwealth;
- (b) the traditional laws acknowledged and traditional customs observed by the native title holders; and
- (c) the terms and conditions of the agreements referred to in paragraph 1 of Schedule 4.

9. The native title rights and interests referred to in paragraphs 6(b) and 7 do not confer possession, occupation, use or enjoyment to the exclusion of all others.

10. There are no native title rights in or in relation to minerals as defined by the *Mineral Resources Act 1989* (Qld) and petroleum as defined by the *Petroleum Act 1923* (Qld) and the *Petroleum and Gas (Production and Safety) Act 2004* (Qld).

11. The nature and extent of any other interests in relation to the Determination Area (or respective parts thereof) are set out in Schedule 4.

12. The relationship between the native title rights and interests described in paragraphs 6 and 7 and the

other interests described in Schedule 4 (the “other interests”) 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.

### ***Definitions and Interpretations***

13. In this determination, unless the contrary intention appears:

“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;

“Local Government Acts” has the meaning given in the *Local Government Act 2009* (Qld);

“Local Government Area” has the meaning given in the *Local Government Act 2009* (Qld);

“Natural Resources” means:

- (a) any animal, plant, fish and bird life found on or in the lands and waters of 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:

- (a) animals that are the private personal property of another;

(b) crops that are the private personal property of another; and

(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);

“reserve” means a reserve dedicated or taken to be a reserve under the *Land Act 1994* (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).

#### THE COURT DETERMINES THAT:

14. The native title is not held in trust.

15. The Goondaloo Aboriginal Corporation ICN 7140, incorporated under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (Cth), is to:

(a) (be the prescribed body corporate for the purpose of s 57(2) of the *Native Title Act 1993* (Cth); and

(b) perform the functions mentioned in s 57(3) of the *Native Title Act 1993* (Cth) after becoming a registered native title body corporate.

#### Schedule 1 – DETERMINATION AREA

##### A. Description of Determination Area

The Determination Area comprises all of the land and waters described in Parts 1 and 2 below, to the extent that they are within the External Boundary Description as described in Part 3 below, and depicted on the determination map, excluding the areas described in Schedule 2.

## **Part 1 Exclusive Areas**

All of the land and waters described in the following table and depicted in dark blue on the determination map.

### **Area Description (at date of determination)**

Lot 2 on Plan USL39449

## **Part 2 Non-Exclusive Areas**

All of the land and waters described in the following table and depicted in light blue on the determination map.

### **Area Description (at date of determination)**

Lot 2 (Pt) on Plan CWL3600

Lot 5 on Plan GU4

Lot 2 (Pt) on Plan K1241104

Lot 3 (Pt) on Plan K1241105

Lot 18 (Pt) on Plan NPW936

Lot 5203 (Pt) on Plan PH1063

Lot 2944 (Pt) on Plan PH1182

Lot 5281 (Pt) on Plan PH1808

Lot 3825 on Plan PH1908

Lot 4573 on Plan PH820

Lot 537 (Pt) on Plan SP132224

Lot 480 on Plan SP179213

Lot 2 (Pt) on Plan SP205224

Lot 4 (Pt) on Plan SP232791

Lot 3 (Pt) on Plan WU32

Lot 2 (Pt) on Plan WU33

The area of road 60 wide shown on Plan SP179213 between stations A-B-C and D-E-F\*

Save for any waters forming part of a lot on plan, all waterways, natural lakes, creeks and rivers within the external boundary including but not limited to: Anthill Creek, the Burdekin River, Emma Creek, the Herbert

\* denotes an area to which s 24KA of the *Native Title Act 1993* (Cth) applies

### Part 3 External Boundary Description

Commencing on the eastern bank of Anthill Creek at the intersection of that creek and the Burdekin River, being a corner of Lot 6 on Plan AP20093 (shown on sheet 9 of 51 of the plan forming part of the determination made by the Federal Court on 1 August 2012 in QUD85/05 Gugu Badhun People #2 (QC05/7)); then generally north easterly, generally north westerly and generally northerly along the northern boundary of that lot to the centreline of an unnamed road at Latitude 18.300328° South, further described as: then extending generally north easterly, generally north westerly and generally northerly along the eastern banks of Anthill Creek and the eastern banks of Leichhardt Creek to the centreline of that unnamed road to Longitude 145.032616° East; then generally north-westerly and generally easterly through the following coordinate points:

Point	Longitude ° (East)	Latitude ° (South)
1	144.984993	18.243378
2	144.935117	18.207665
3	144.939879	18.206537
4	144.949278	18.205283

and on to the northern most north east corner of Kinrara Pastoral Lease (Lot 537 on Plan SP132224) being a point on the southern boundary of Lot 11 on Plan CP895989; then southerly, easterly and generally northerly along the southern and eastern boundaries of Lot 11 on Plan CP895989 to the southern boundary of Lot 4 on Plan GU44; then northerly, easterly, generally northerly and westerly along the southern, eastern and northern boundaries of that lot to the eastern bank of Gunnawarra Creek; then generally north easterly, generally easterly and generally south easterly along the eastern banks of Gunnawarra Creek, the southern banks of Rudd Creek and the southern and western banks of the Herbert River to a point opposite the intersection of that river and the southern bank of Cameron Creek at Latitude 18.090786° South; then easterly across to the southern bank of Cameron Creek and generally south easterly, generally northerly, again generally south easterly and generally north easterly along the southern banks of that creek to Longitude 145.558899° East; then generally southerly through the following coordinate points:

Point	Longitude ° (East)	Latitude ° (South)
1	145.559276	18.015796
2	145.558774	18.017673
3	145.559776	18.019424
4	145.559901	18.021176
5	145.559151	18.022803
6	145.559901	18.024304
7	145.559901	18.025805
8	145.559276	18.027307

9	145.558900	18.028683
10	145.559026	18.030309
11	145.559151	18.032435
12	145.558400	18.033562
13	145.556648	18.034313
14	145.555773	18.035564
15	145.554772	18.036689
16	145.554647	18.038441
17	145.555272	18.040568
18	145.555022	18.043195
19	145.555022	18.046073
20	145.555272	18.047449
21	145.555272	18.053205
22	145.556023	18.055332
23	145.558025	18.056332
24	145.559651	18.057458
25	145.560402	18.058084
26	145.561027	18.059585
27	145.561153	18.061462
28	145.560153	18.064089
29	145.559026	18.065716
30	145.558776	18.066967
31	145.559777	18.068343
32	145.561653	18.069344
33	145.563281	18.071096

then on to a western boundary of the national park being Lot 67 on Plan NPW1148, formerly Lot 18 on Plan NPW667 at Latitude 18.073150° South (being a point on the north western boundary of discontinued native title determination application QUD6029/99 Badjulla People (QC99/37) filed in the Federal Court on 3 November 1999); then generally south westerly along that national park boundary to a south western corner at Latitude 18.075990° South; then south westerly to the eastern boundary of Cashmere Pastoral Lease (Lot 2 on Plan CWL3600) at Latitude 18.076254° South; then generally southerly and generally south westerly along the eastern boundaries of that pastoral lease and Goshen Pastoral Lease (Lot 480 on Plan SP179213, formerly Lot 4801 on Plan PH2275), to the northern bank of the Herbert River; then south westerly along a north western boundary of Lot 18 on Plan NPW936 to the southern bank of that river; then generally westerly along the southern banks of that river to an eastern boundary of Lot 2 on Plan GU31; then southerly, westerly, again southerly and generally south easterly along the south eastern boundaries of that lot, the eastern boundary of Yammanie Pastoral Lease (Lot 4573 on Plan PH820) and the northern boundaries of Wairuna Pastoral Lease (Lot 3 on Plan WU32) to the western boundary of the former forest reserve being Lot 750 on Plan AP6351 (being a corner on the western boundary of Lot 18 on Plan NPW936) at Longitude 145.672729° East; then generally north westerly along the western boundary of that former forest reserve to Latitude 18.408324° South;



then generally south easterly through the following coordinate points:

<b>Point</b>	<b>Longitude ° (East)</b>	<b>Latitude ° (South)</b>
1	145.662335	18.411034
2	145.665468	18.412663
3	145.669227	18.415295
4	145.676496	18.418428
5	145.678626	18.421560
6	145.678125	18.426573
7	145.678501	18.428202

then to an eastern boundary of Wairuna Pastoral Lease (Lot 3 on Plan WU32) at Longitude 145.680249° East; then generally south easterly along the eastern boundaries of that lot to Latitude 18.479744° South; then generally southerly through the following coordinate points:

<b>Point</b>	<b>Longitude ° (East)</b>	<b>Latitude ° (South)</b>
1	145.712628	18.488147
2	145.711914	18.493238
3	145.709502	18.493238
4	145.707090	18.493417
5	145.705439	18.497637
6	145.703811	18.501271
7	145.706443	18.500519
8	145.708447	18.501271
9	145.709575	18.503903
10	145.709449	18.505156
11	145.707569	18.507036
12	145.706317	18.508163
13	145.705564	18.510670
14	145.705063	18.513803
15	145.705564	18.515808
16	145.706192	18.518815
17	145.704312	18.522449
18	145.701806	18.526836
19	145.701179	18.529592

20	145.700427	18.533101
21	145.700678	18.535858
22	145.702432	18.539116
23	145.703059	18.540996
24	145.701931	18.542124
25	145.700427	18.542625
26	145.699299	18.544254
27	145.699425	18.545382
28	145.701304	18.546635
29	145.703184	18.550520
30	145.705315	18.554656
31	145.706818	18.556285
32	145.707069	18.556911
33	145.706944	18.558039
34	145.706693	18.560671
35	145.705315	18.562926
36	145.702683	18.564806
37	145.701018	18.566034
38	145.700214	18.567016
39	145.699857	18.567820
40	145.700392	18.568624
41	145.700839	18.569517
42	145.701196	18.571661
43	145.701375	18.573448
44	145.700571	18.575145
45	145.699425	18.577463
46	145.700051	18.579969
47	145.703310	18.583854
48	145.706568	18.586611
49	145.708698	18.590370
50	145.709200	18.594130
51	145.709450	18.600145
52	145.709074	18.603152
53	145.708573	18.605408

then south to a northern corner of Lot 6 on Plan AP20093 (shown on sheet 13 of 51 (Diagram 'D') of the plan forming part of the determination made by the Federal Court on 1 August 2012 in QUD85/05 Gugu Badhun People #2 (QC05/7)) at Longitude 145.711079 East°; then generally southerly, north westerly, generally south westerly, generally northerly and generally south westerly along the northern boundary of that lot back to the commencement point, further described as:

Point	Longitude ° (East)	Latitude ° (South)
1	145.711079	18.608541
2	145.711581	18.610045
3	145.711706	18.611549
4	145.711079	18.614180
5	145.710077	18.614932

then south westerly to the northern bank of the Burdekin River at Longitude 145.708573° East; then generally north-westerly along that bank to a point opposite the intersection of that river and the western bank of Good Camp Creek at Latitude 18.502172° South; then westerly across to the western bank of Good Camp Creek and generally south westerly along the western banks of that creek to Latitude 18.519819° South; then generally south westerly through the following coordinate points:

Point	Longitude ° (East)	Latitude ° (South)
1	145.542669	18.519793
2	145.541777	18.519693
3	145.540649	18.520320
4	145.539772	18.522200
5	145.538644	18.522701
6	145.536889	18.523578
7	145.535636	18.524831
8	145.534258	18.525583
9	145.533631	18.526962
10	145.533631	18.528215
11	145.532503	18.528716
12	145.532378	18.529593
13	145.532879	18.529969
14	145.532378	18.530596
15	145.532002	18.531223
16	145.531626	18.532100

17	145.530623	18.533228
18	145.529872	18.533478
19	145.528869	18.533478
20	145.528744	18.534105
21	145.527115	18.535107
22	145.526488	18.535734
23	145.525611	18.536486
24	145.524985	18.537238
25	145.524483	18.537864
26	145.524108	18.538741
27	145.524232	18.539869
28	145.524483	18.540496
29	145.524232	18.541122
30	145.523480	18.540997
31	145.522353	18.540371
32	145.521602	18.540872
33	145.520347	18.541749
34	145.519345	18.541874
35	145.518093	18.541498
36	145.517341	18.540120
37	145.516338	18.539117
38	145.515085	18.538491
39	145.513831	18.538115
40	145.511702	18.537614
41	145.510950	18.536611
42	145.510574	18.535483
43	145.509321	18.534606
44	145.508693	18.533604
45	145.507190	18.533353
46	145.505435	18.532977
47	145.502929	18.533478
48	145.500924	18.534230
49	145.499421	18.534230
50	145.498042	18.533604

51	145.496037	18.532225
52	145.494408	18.531724
53	145.493155	18.531348

then to the northern bank of Nobb Creek at Longitude 145.491776° East; then generally south westerly along the northern banks of that creek and the northern banks of Lucy Creek and generally north easterly along the eastern banks of Back Creek to Latitude 18.470696° South; then generally northerly through the following coordinate points:

<b>Point</b>	<b>Longitude ° (East)</b>	<b>Latitude ° (South)</b>
1	145.415834	18.468942
2	145.417212	18.467313
3	145.419092	18.465558
4	145.421347	18.463553
5	145.422977	18.461924
6	145.424230	18.460421
7	145.421347	18.457663
8	145.417337	18.454906
9	145.414706	18.451773
10	145.411823	18.446635
11	145.409317	18.441623
12	145.409066	18.437989
13	145.409441	18.435984
14	145.409818	18.435107
15	145.409317	18.433979
16	145.408440	18.432976
17	145.407312	18.431472
18	145.404805	18.428214
19	145.403176	18.424580
20	145.402173	18.422199

then to the northern bank of the Burdekin River at Longitude 145.401979° East, then generally south westerly along the northern banks of that river bank back to the commencement point.

The eastern boundaries of the External Boundary Description, as described in this Part 3, are coincident with the western and southern boundaries of discontinued native title determination application QUD6029/99 Badjuballa People (QC99/37) filed in the Federal Court on 3 November 1999.

The southern boundaries of the External Boundary Description, as described in this Part 3, are coincident with the northern boundaries of the determination made by the Federal Court on 1 August 2012 in QUD85/05 Gugu Badhun People #2 (QC05/7).

### **Reference datum**

Geographical coordinates are in decimal degrees referenced to the Geocentric Datum of Australia (GDA94).

### **Data reference and source**

Land tenure information obtained from the Digital Cadastral Database, Department of Natural Resources and Mines (Queensland) (February 2013).

Watercourse boundaries and road boundaries are based where possible on cadastral boundaries obtained from the Digital Cadastral Database, Department of Natural Resources and Mines (Queensland) (February 2013) otherwise digitised from 100K Topographic Map sheets © Commonwealth of Australia and supplied by Geoimage Pty Ltd under licence from Geoscience Australia.

Native title determination application boundary data compiled by the Department of Natural Resources and Mines (Queensland) or sourced from the National Native Title Tribunal.

### **Use of coordinates**

Where coordinates are used within the description to represent cadastral or topographical boundaries or the intersection with such, they are intended as a guide only. As an outcome to the custodians of cadastral and topographic data continuously recalculating the geographic position of their data based on improved survey and data maintenance procedures, it is not possible to accurately define such a position other than by detailed ground survey.

Prepared by Client Mapping Services, Spatial Data & Mapping, Land & Spatial Information, Department of Natural Resources and Mines (Queensland) (April 2013).

### **SCHEDULE 1 - Map of the Determination Area**

[See NNTR attachment 1: "Schedule 1 - Map of the Determination Area"]

### **Schedule 2 – AREAS NOT FORMING PART OF THE DETERMINATION AREA**

For the avoidance of doubt, the areas described below are excluded from the Determination Area:

A. The 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. 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:

(i) a homestead, house, shed or other building;

(ii) an airstrip;

(iii) a constructed dam or any other constructed stock watering point, bore, turkey nest, squatters' tank or other water storage facility; or

(iv) 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:

Pastoral Holding 22/593 comprising Lot 4 on Plan SP232791 and commonly known as Valley of Lagoons;

Pastoral Holding 22/2944 comprising Lot 2944 on Plan PH1182 and commonly known as Yourka;

Pastoral Holding 22/3825 comprising Lot 3825 on Plan PH1908 and commonly known as Kent (also known as Wombino);

Pastoral Holding 22/5203 comprising Lot 5203 on Plan PH1063 and commonly known as Lamonds Lagoon;

Pastoral Holding 24/5318 comprising Lot 2 on Plan WU33 and commonly known as Oak Hills;

Preferential Pastoral Holding 22/4573 comprising Lot 4573 on Plan PH820 and commonly known as Yammanie;

Preferential Pastoral Holding 22/4984 comprising Lot 2 on Plan K1241104 and Lot 3 on Plan K1241105 and commonly known as Glendhu (also known as New Farm);

Term Lease 222061 comprising Lot 2 on Plan CWL3600 and commonly known as Glen Ruth;

Term Lease 222107 comprising Lot 480 on Plan SP179213 and commonly known as Goshen;

Term Lease 231453 comprising Lot 2 on Plan SP205224 and commonly known as Seaview (also known as Kilclooney); and

Term Lease 233086 comprising Lot 537 on Plan SP132224 and commonly known as Meadowbank (also known as Kinrara).

### **Schedule 3 – NATIVE TITLE HOLDERS**

1. The native title holders are the Warrungnu People. The Warrungnu People are the biological or adopted descendants of one or more of the following people:

- (a) Wombino;
- (b) Lena, sister of Wombino and wife of Old Billy Morganson;
- (c) Alf Palmer; or
- (d) Billy Simmonds.

### **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 agreements:

- (a) Reginald Joseph Morganson, Danny Hooligan and Walter Blohm on their own behalf and on behalf of the Warrungnu People, the Goondaloo Aboriginal Corporation ICN 7140, the Wet Tropics Management Authority, the State of Queensland, and the Goondaloo Aboriginal Corporation RNTBC ICN 7140 as parties to the Warrungnu protected areas indigenous land use agreement (body corporate agreement), which was authorised by the native title claim group on 19 April 2013 and executed by the Applicant on 19 April 2013, the Goondaloo Aboriginal Corporation ICN 7140 on 19 April 2013, the Wet Tropics Management Authority on 23 April 2013, and the State of Queensland on 13 May 2013 and 31 May 2013, and that agreement once it becomes registered as a body corporate ILUA following execution of the agreement by the registered native title body corporate;



(b) Doris Fred and Reginald Joseph Morganson on their own behalf and on behalf of the Warrungnu People #2 and the Tablelands Regional Council as parties to the indigenous land use agreement (area agreement) dated 3 April 2012 and registered on 24 January 2013;

(c) Doris Fred and Reginald Joseph Morganson on their own behalf and on behalf of the Warrungnu People #2 and Ergon Energy Corporation Limited ACN 087 646 062 as parties to the indigenous land use agreement registered on 20 December 2012;

(d) the Warrungnu People/Glen Ruth indigenous land use agreement;

(e) the Warrungnu People/Glendhu (also known as New Farm) indigenous land use agreement;

(f) the Warrungnu People/Goshen indigenous land use agreement;

(g) the Warrungnu People/Kent (also known as Wombino) indigenous land use agreement;

(h) the Warrungnu People/Lamonds Lagoon indigenous land use agreement;

(i) the Warrungnu People/Meadowbank (also known as Kinrara) indigenous land use agreement;

(j) the Warrungnu People/Oak Hills indigenous land use agreement;

(k) the Warrungnu People/Yammanie indigenous land use agreement; and

(l) the Warrungnu People/Yourka indigenous land use agreement.

2. 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 telecommunication 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 telecommunication facilities; and
- (d) under any licences, access agreements or easements relating to its telecommunications facilities in the Determination Area.

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

- (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) to inspect, maintain and manage any Works in the Determination Area.

4. The rights and interests of the Tablelands Regional Council for that part of the Determination Area within its Local Government Area, including:

- (a) as the owner and operator of infrastructure, facilities and other improvements which are in the Determination Area as at the date of this determination;
- (b) the right to enter the Determination Area and exercise its powers and responsibilities under Local Government Acts; and
- (c) under any lease, licence, access agreement, easement, reserve or other interest in the Determination

Area.

5. 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 that Act.

6. The rights and interests of members of the public arising under the common law, including but not limited to the public right to fish.

7. So far as confirmed pursuant to s 212(2) of the *Native Title Act 1993* (Cth) and s 18 of the *Native Title Act (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) stock routes; and

(d) areas that were public places at the end of 31 December 1993.

8. 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 or the Commonwealth.

Note: Entry of orders is dealt with in Rule 39.32 of the Federal Court Rules 20

**REGISTER ATTACHMENTS:**

1. Schedule 1 - Map of the Determination Area, 1 page - A4, 23/09/2013

*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.*