



Extract from the National Native Title Register

Determination Information:

Determination Reference: Federal Court Number(s): QUD156/2011
NNTT Number: QCD2014/011

Determination Name: [Coconut on behalf of the Northern Cape York #2 Native Title Claim Group v State of Queensland](#)

Date(s) of Effect: 27/10/2014

Determination Outcome: Native title exists in the entire determination area

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

Determination Date: 20/06/2014

Determining Body: Federal Court of Australia

ADDITIONAL INFORMATION:

This determination was handed down by the Federal Court on 20 June 2014 and was conditional on the registration of three Indigenous Land Use Agreements (ILUAs):

QI2014/038 - Mapoon Aboriginal Shire Council Northern Cape York Group #2 ILUA; QI2014/037 - Northern Cape York Group #2 Napranum Aboriginal Shire Council ILUA; and QI2014/036 Northern Cape York Group #2 and Ergon Energy ILUA.

All of the ILUAs were registered on 27 October 2014. The conditions attached to the determination have therefore now been met.

REGISTERED NATIVE TITLE BODY CORPORATE:

Mokwiri Aboriginal Corporation RNTBC
Trustee Body Corporate
c/- Weipa Post Office
Weipa Queensland 4874

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 Northern Cape York #2 Native Title Claim Group, being the persons descended from the apical ancestors described in Sch 3 ("the native title holders").

The native title holders are the Northern Cape York #2 Native Title Claim Group, being the persons descended from the following apical ancestors:

- (a) Jimmy Pine River;
- (b) Ardirramina (father of Toeboy);
- (c) Bosen;
- (d) Tjantayn;
- (e) Henry Mailman Brown;
- (f) Peter Cockatoo;
- (g) Mammus Aorotwan;
- (h) Charlie Hall;
- (i) York Downs Mammus aka Olkolkon;
- (j) Charlie Fletcher;
- (k) Nuarutty;
- (l) Jack Batavia aka Jack Bellyfull;
- (m) Bob Andoran (the father of Catfish/JosephAndoran);
- (n) Douglas;
- (o) Mary Price;
- (p) Bumu, Mother of Condia;
- (q) Grace;
- (r) Bullock;
- (s) Alec Red Beach;
- (t) Peter;
- (u) Archie;
- (v) Charlie Cooktown;
- (w) Lorna;
- (x) Billy Barkley/Wombi;
- (y) Maffra Reid;
- (z) Cockatoo;
- (aa) Mona;
- (bb) Victor;
- (cc) James Andrews;
- (dd) Billy Bigfoot (Miller).

MATTERS DETERMINED:

BY CONSENT THE COURT ORDERS THAT:

1. There be a determination of native title in the terms set out below (“the determination”).
2. The determination will take effect upon the last of the agreements referred to in paras 4(b), 4(c) and 4(d) of Sch 4 being registered on the Register of Indigenous Land Use Agreements.
3. In the event that the agreements referred to in para 2 are not registered on the Register of Indigenous Land Use Agreements within six (6) months of the date of this order or such later time as this Court may order, the matter is to be listed for further directions.

BY CONSENT THE COURT DETERMINES THAT:

5. Native title exists in relation to that part of the Determination Area described in Pt 1 and Pt 2 of Sch 1.

6. The native title is held by the Northern Cape York #2 Native Title Claim Group, being the persons descended from the apical ancestors described in Sch 3 (“the native title holders”).

7. Subject to paras 9, 10 and 12 below, the nature and extent of the native title rights and interests in relation to the land and waters described in Pt 1 of Sch 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 cultural, personal, domestic and communal purposes.

8. Subject to paras 9, 10, 11 and 12 below, the nature and extent of the native title rights and interests in relation to the land and waters described in Pt 2 of Sch 1 are the non-exclusive rights to:

(a) access, be present on, move about on and travel over the area;

(b) hunt and fish in or on, and gather from, the area;

(c) take, use, share and exchange Natural Resources on the area;

(d) take and use Water from the area for cultural, personal, domestic and communal purposes;

(e) live and camp on the area and for those purposes to erect shelters and other structures thereon;

(f) light fires on the area for cultural, spiritual or domestic purposes, including cooking, but not for the purpose of hunting or clearing vegetation;

(g) be buried and to bury native title holders within the area;

(h) conduct ceremonies on the area;

(i) hold meetings on the area;

(j) teach on the area the physical and spiritual attributes of the area;

(k) maintain places of importance and areas of significance to the native title holders under their traditional laws and customs on the area and to protect those places and areas from harm;

(l) be accompanied on to the area by those persons who, though not native title holders, are:

- (i) spouses or partners of native title holders;
 - (ii) people who are members of the immediate family of a spouse or partner of a native title holder; or
 - (iii) people reasonably required by the native title holders under traditional law and custom for the performance of ceremonies or cultural activities on the area.
9. 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 para 4 of Sch 4.
10. The native title rights and interests referred to in paras 7(b) and 8 do not confer possession, occupation, use or enjoyment to the exclusion of all others.
11. The native title rights and interests referred to in para 8 do not extend to a right to control access to or a right to control the use of the land and waters described in Pt 2 of Sch 1.
12. 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).
13. The nature and extent of any other interests in relation to the Determination Area (or respective parts thereof) are set out in Sch 4 and where applicable, Sch 5.
14. The relationship between the native title rights and interests described in paras 7 and 8 and the other interests described in Sch 4 (the "other interests") and, where applicable, Sch 5 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.
15. For the avoidance of doubt, the relationship between the native title rights and interests described in paras 7 and 8 and the other interests of RTA Weipa Pty Ltd and Rio Tinto Aluminium Limited in para 5 of Sch 4 is that on the enactment of the *Comalco Act* in 1957, the making of the Comalco Agreement, the grant of Special Bauxite Mining Lease 1 or the registration of the WCCCA, the Comalco Act, the Comalco Agreement, the conferral of the Comalco Interests, the performance of the Comalco Activities or the WCCCA, whether done before or after the date of this determination, prevail over the native title rights and interests to the extent of any inconsistency.
16. For the avoidance of doubt, the relationship between the native title rights and interests described in paras 7 and 8 and the other interests of Alcan South Pacific Pty Ltd in para 6 of Sch 4 is that the other interests continue to have effect and the rights conferred by or held under those other interests (including new rights and interests conferred pursuant to those other interests after the date of this determination) may be exercised notwithstanding the existence of the native title rights and interests, and any activity that is required or permitted by or held under, and done in accordance with, the other interests (including new rights and interests conferred pursuant to the rights and interests after the date of this determination) or any activity that is associated with or incidental to, such an activity, prevails over the native title rights and interests and any exercise of the native title rights and interests, but, subject to any application of s 24JA of the *Native Title Act 1993* (Cth), does not extinguish them.

DEFINITIONS AND INTERPRETATION

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

“Alcan Act” has the meaning given in cl 6 of Sch 4;

“Comalco Act” has the meaning given in cl 5 of Sch 4;

“Comalco Activities” has the meaning given in the WCCCA;

“Comalco Agreement” has the meaning given in cl 5 of Sch 4;

“Comalco Interests” has the meaning given in the WCCCA;

“High Water Mark” means the ordinary high water mark at spring tides;

“Determination Area” means the areas of land and waters described in Pt 1 and Pt 2 of Sch 1, to the extent that those areas are within the External Boundary, and depicted in the map attached to Sch 1, and does not include those areas in Sch 2;

“External Boundary” means the boundary described in Pt 3 of Sch 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;

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

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

“Natural Resources” means:

- (a) animals;
- (b) plants; and
- (c) charcoal, wax, resin, clay, soil, sand, shell, gravel, rock or other such material naturally occurring in the land and waters of the Determination Area,

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);

“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;
- (c) tidal water;

“WCCCA” has the meaning given in Note B.

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

THE COURT DETERMINES THAT:

18. Upon the determination taking effect:

(a) The native title is held in trust;

(b) The Mokwiri Aboriginal Corporation (ICN: 7972), incorporated under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (Cth), is to:

(i) be the prescribed body corporate for the purpose of ss 56(2)(b) and 56(3) of the *Native Title Act 1993* (Cth); and

(ii) perform the functions mentioned in s 57(1) of the *Native Title Act 1993* (Cth) after becoming a registered native title body corporate.

SCHEDULE 1 - DETERMINATION AREA

A. Description of Determination Area

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)	Determination Map Sheet Number
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That part of Lot 21 on Plan SP266617 within

the External Boundary	4 and 5
Lot 4 on Plan WP50	3 and 4
Lot 5 on Plan WP50	3
Lot 6 on Plan WP50	3
Lot 7 on Plan WP50	3
Lot 8 on Plan WP50	3
Lot 9 on Plan WP50	4
Lot 1 on SP252492	2
Lot 1 on Plan SP204113	1
Lot 2 on Plan SP204113	1
Lot 3 on Plan SP204113	1
Lot 4 on Plan SP204113	2
Lot 5 on Plan SP204113	2
Lot 6 on Plan SP140905	4
Lot 2 on Plan SP252512	1
Lot 4 on Plan SP252512	1
Lot 5 on Plan SP252512	1
Lot 34 on Plan AP15881	3
Lot 602 on Plan MP37322	3

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)	Determination Map Sheet Number
That part of Lot 8 on Plan MP14466 within the External Boundary	1, 2 and 4
That part of the area subject to the WCCCA excluding Lot 602 on Plan MP37322, including that part of Lot 7024 on Plan MP41159 within the External Boundary	1, 2, 3 and 4
Lot 3 on Plan SP252506	1
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: Pennefather River, Wenlock River, Janie Creek, Turtle Creek, Ducie River, Pargon Creek and Mission River	1, 2 and 4

Part 3 - External Boundary

The External Boundary is described below and is depicted in red on the determination map:

Commencing at the southern most corner of Lot 1 on SP252492 being part of Old Mapoon DOGIT and extending south westerly along the boundary of Lot 4 on SP222990 (Bertiehaugh Pastoral Holding) and onwards to the centreline of the Wenlock River; then generally easterly and generally south easterly along the centreline of that river to the centreline of Moonlight Creek; then generally southerly along the centreline of that creek and Cox Creek to the northern boundary of Lot 1 on SP201111 (Sudley Pastoral Holding); then westerly along that boundary of that lot to the centreline of Myall Creek; then generally north easterly and generally north westerly along the centreline of that creek to the centreline of the Mission River; then generally westerly along the centreline of that river to a western boundary of Lot 7024 on MP41159; then northerly along that boundary to the south east corner of Lot 4 on WP50; then generally westerly, generally north westerly and generally north easterly along the southern boundaries of that Lot, Esplanade, again the southern boundaries of that Lot, again Esplanade, south western and north western boundaries of again that Lot to a northern boundary of Lot 7024 on MP41159; then north easterly along that boundary to the southernmost corner of Lot 8 on WP50; then generally north westerly along the southern boundaries of that Lot to a southern boundary of again Lot 7024 on MP41159; then north westerly along that boundary to the easternmost corner of Lot 5 on WP50; then generally westerly along the southern boundaries of that Lot to a southern boundary of Lot 602 on MP37322; then north westerly along that boundary to an eastern boundary of Lot 6 on WP50; then generally southerly, generally south easterly and generally south westerly along the eastern boundaries of that Lot to again Lot 602 on MP37322; then generally westerly along the southern boundaries of that Lot, Lot 27 on AP15881, Lot 3 on WP28 and Lot 34 on AP15881 to the southernmost corner of Lot 7 on WP50; then generally north easterly along the coastline of the Gulf of Carpentaria at the High Water Mark and across the mouths of any waterways flowing into the Gulf of Carpentaria between the seaward extremities at High Water Mark of each of the opposite banks of each such waterway to the mouth of Port Musgrave; then generally southerly and generally easterly along the coastline of Port Musgrave at the High Water Mark and across the mouths of any waterways flowing into that

port between the port extremities at High Water Mark of each of the opposite banks of each such waterway to the centreline of the Ducie River; then generally north easterly and generally south easterly along the centreline of that river to a point at Longitude 142.326059° then south westerly to the eastern most corner of Lot 1 on SP252492; then south westerly along the boundary of that lot back to the commencement point.

B. Map of Determination Area

[See NNTR attachment 1: “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.

1. Those land and waters within the External Boundary, which at the time the native title determination application was made:

(i) were the subject of one or more Previous Exclusive Possession Acts, within the meaning of s 23B of the *Native Title Act 1993* (Cth); and

(ii) to which none of ss 47, 47A or 47B of the *Native Title Act 1993* (Cth) applied at the time of the native title determination application;

are excluded from the Determination Area as they could not be claimed in accordance with s 61A of the *Native Title Act 1993* (Cth).

2. In addition to the land and waters described in cl 1 above, those land and waters within the External Boundary where native title has otherwise been validly extinguished by operation of the laws of the State and the Commonwealth are excluded from the Determination Area.

3. Specifically, and to avoid doubt, the land and waters described in cl 1 above includes the tenure based exclusions under ss 23B(2) and 23B(3) of the *Native Title Act 1993* (Cth) to which s 20 of the *Native Title (Queensland) Act 1993* (Qld) applies, and includes but is not limited to, the whole of the land and waters described as:

Area Description (at date of Determination)	Determination Map Sheet Number
Lot 9 on CP843317	Sheet 4
Lot 2 on WP28	Inset 2 of Sheet 3 as shown on Sheet 6
Lot 3 on WP28	Inset 2 of Sheet 3 as shown on Sheet 6
Lot 1 on WP4	Inset 2 of Sheet 3 as shown on Sheet 6
Part of Lot 4 on SP252512	Inset 1 of Sheet 1 as shown on Sheet 6

4. Specifically, and to avoid doubt, the land and waters described in cl 1 above includes 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 prior to 23 December 1996, and to which ss 23B(7) and 23C(2) of the *Native Title Act 1993* (Cth) and to which 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), and includes, but is not limited to, the whole of the land and waters described as that part of Lot 4 on SP252512 shown on Inset 1 of Sheet 1 of the Determination Map, which inset is depicted in detail on Sheet 6 of the Determination Map.

SCHEDULE 3 - NATIVE TITLE HOLDERS

1. The native title holders are the Northern Cape York #2 Native Title Claim Group, being the persons

descended from the following apical ancestors:

- (a) Jimmy Pine River;
- (b) Ardirramina (father of Toeboy);
- (c) Bosen;
- (d) Tjantayn;
- (e) Henry Mailman Brown;
- (f) Peter Cockatoo;
- (g) Mammus Aorotwan;
- (h) Charlie Hall;
- (i) York Downs Mammus aka Olkolkon;
- (j) Charlie Fletcher;
- (k) Nuarutty;
- (l) Jack Batavia aka Jack Bellyfull;
- (m) Bob Andoran (the father of Catfish/Joseph Andoran);
- (n) Douglas;
- (o) Mary Price;
- (p) Bumu, Mother of Condia;
- (q) Grace;
- (r) Bullock;
- (s) Alec Red Beach;
- (t) Peter;
- (u) Archie;
- (v) Charlie Cooktown;
- (w) Lorna;
- (x) Billy Barkley/Wombi;
- (y) Maffra Reid;
- (z) Cockatoo;
- (aa) Mona;
- (bb) Victor;
- (cc) James Andrews;
- (dd) Billy Bigfoot (Miller).

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 beneficiaries under Deed of Grant Title Reference No. 50911383.
2. The rights and interests of the beneficiaries under Deed of Grant Title Reference No. 50948514.
3. The rights and interests of the grantee and beneficiaries of an estate in fee simple under Deed of Grant Title Reference No. 50914995.
4. The rights and interests of the parties under the following agreements:
 - (a) the WCCCA;
 - (b) the rights and interests of the native title holders and Mapoon Aboriginal Shire Council as parties to the Northern Cape York Group People #2 ILUA dated 3 June 2014;
 - (c) the rights and interests of the parties under the Indigenous Land Use Agreement between Maryanne Coconut, Grace John, Malcolm Callope, Charles Budby, Gabriel Mairu, Florence Hector, Ivy Gordon, Andrea Toby, Maurice Woodley, Victoria Kennedy, Celia Fletcher, Agnes Mark, Alma Day, Harriet Flinders, Florence Luff, Neville Motton, Rhonda Parry, Allison Sailor, Raymond AhMat, Linda McLachlan, Michelle Kosteki (nee AhMat) as the applicant for Native Title Determination Application Northern Cape York Group No. 2 QUD 156/2011 and Napranum Aboriginal Shire Council dated 23 May 2014;
 - (d) the rights and interests of the native title holders and Ergon Energy Corporation Limited as parties to the Northern Cape York People #2 and Ergon Energy ILUA dated 28 May 2014.
5. The rights and interests of RTA Weipa Pty Ltd and Rio Tinto Aluminium Limited (and any successors in title) under:
 - (a) the *Commonwealth Aluminium Corporation Pty Limited Agreement Act 1957* (Qld) ("Comalco Act") and the Commonwealth Aluminium Corporation Pty Limited Agreement (which is given statutory force by the Comalco Act) ("Comalco Agreement") to mine and/or perform other activities on the Determination Area, including the Comalco Interests and the rights to perform the Comalco Activities;
 - (b) the WCCCA; and
 - (c) Mining Lease No. 7024.
6. The rights and interests of Alcan South Pacific Pty Ltd (and any successors in title) under:
 - (a) the *Alcan Queensland Pty Limited Agreement Act 1965* (Qld) ("Alcan Act") and the agreement made and varied pursuant to the Alcan Act (which is given statutory force by the Alcan Act) to mine and/or perform other activities on, and to obtain other rights and interests with respect to, the Determination Area; and
 - (b) Mining Lease No. 7031.
7. The rights and interests of Telstra Corporation Limited ACN 051 775 556:
 - (a) as the owner or operator of telecommunications facilities installed 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;
 - (d) under any licences, leases, access agreements or easements relating to its telecommunications facilities in the Determination Area.

8. The rights and interests of Ergon Energy Corporation Limited ACN 087 646 062:
- (a) as the owner and operator of and “works” as that term is defined the *Electricity Act 1994* (Qld) within the Determination Area;
 - (b) created under the terms of the trustee lease described as Lease C on SP109761, commencing 1 July 2000, and granted pursuant to s 57 of the *Land Act 1994* (Qld);
 - (c) as a Distribution Entity and the holder of a Distribution Authority under the *Electricity Act 1994* (Qld);
 - (d) created under the *Electricity Act 1994* (Qld) and the *Government Owned Corporations Act 1993* (Qld), including:
 - (i) rights in relation to any agreements 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.
9. The rights and interests of Cook Shire Council (the “Council”) including any rights the Council, its employees, agents or contractors have:
- (a) under its 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 its local government area, as defined in the *Local Government Act 2009* (Qld);
 - (b) to enter the land described in para 9(a) to:
 - (i) exercise any of the rights and interests referred to in para 9(a);
 - (ii) inspect, maintain and repair infrastructure, facilities and other improvements; and
 - (iii) undertake operational activities in its capacity as a local government such as feral animal control, weed control, erosion control, waste management and fire management.
10. The rights and interests of Mapoon Aboriginal Shire Council (the “Council”) including any rights the Council, its employees, agents or contractors have:
- (a) under its 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 its local government area, as defined in the *Local Government Act 2009* (Qld);
 - (b) as the:
 - (i) lessor under any leases which were entered into as at the date of the Determination;
 - (ii) grantor of any licences or other rights and interests which were granted as at the date of the Determination;
 - (iii) holder of any estate or interest in land, and as trustee of any reserves, that exist in the Determination Area as at the date of the Determination;
 - (c) as the owner and operator 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 Council;
 - (ii) gravel pits operated by Council;
 - (iii) undedicated but constructed roads except for those not operated by Council;
 - (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 paras 10(a) to 10(c) to:
 - (i) exercise any of the rights and interests referred to in paras 10(a) to 10(c);
 - (ii) inspect, maintain and repair the infrastructure, facilities and other improvements referred to in para 10(c); and
 - (iii) undertake operational activities in its capacity as a local government such as feral animal control, weed control, erosion control, waste management and fire management.

11. The rights and interests of Napranum Aboriginal Shire Council as the Local Government for that part of the Determination Area within its local government area, including:

- (a) its rights and interests in land and waters within the Determination Area including as the trustee of the Deed of Grant in Trust over land described as Lot 21 on SP266617, Lot 4 on Plan WP50, Lot 5 on Plan WP50, Lot 6 on Plan WP50, Lot 7 on Plan WP50, Lot 8 on Plan WP50 and Lot 9 on Plan WP50 being part of the land described in Title Reference 50948514;
- (b) its powers, functions, responsibilities and jurisdiction under the *Local Government Act 2009* (Qld);
- (c) the rights to use, operate, maintain, replace, restore, remediate, repair and otherwise exercise all other rights as the owner and operator of valid infrastructure, roads, structures, earthworks, access works, facilities and other improvements within the Determination Area;
- (d) the rights under any valid agreements between Council and any third party which relate to land or water in the Determination Area; and
- (e) the rights of its employees, agents and contractors to enter upon the Determination Area for the purpose of performing its powers and responsibilities under paras 11(a) to 11(d).

12. The rights and interests of the Australian Maritime Safety Authority as the holder of rights as a statutory authority exercising powers and functions under the *Navigation Act 2012* (Cth).

13. 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.

14. The rights and interests of members of the public arising under the common law, including but not limited to the following:

- (a) any subsisting public right to fish; and
- (b) the public right to navigate.

15. 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.

16. 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.

**SCHEDULE 5 - EXTRACTS OF THE WESTERN CAPE COMMUNITIES CO-EXISTENCE AGREEMENT
DATED 14 MARCH 2001**

[See NNTR attachment 2: "Schedule 5 - Extracts of the Western Cape Communities Co-Existence Agreement dated 14 March 2001"]

REGISTER ATTACHMENTS:

1. Schedule 1 - Map of Determination Area, 7 pages - A4, 20/06/2014
2. Schedule 5 - Extracts of the Western Cape Communities Co-Existence Agreement dated 14 March 2001, 29 pages - A4, 20/06/2014

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.