



Extract from the National Native Title Register

Determination Information:

Determination Reference: Federal Court Number(s): QUD157/2011
NNTT Number: QCD2014/017

Determination Name: [Woosup on behalf of the Northern Cape York Group #1 v State of Queensland](#)

Date(s) of Effect: 2/04/2015

Determination Outcome: Native title exists in the entire determination area

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

Determination Date: 30/10/2014

Determining Body: Federal Court of Australia

ADDITIONAL INFORMATION:

This determination was handed down by the Federal Court on 30 October 2014 and was to take effect upon the registration of four Indigenous Land Use Agreements (ILUAs) on the Register of Indigenous Land Use Agreements:

QI2004/001 - Northern Peninsula Area Infrastructure ILUA (Registered 12/12/2005)
QI2014/078 - Northern Cape York Group #1 Protected Areas ILUA (Registered 26/03/2015)
QI2014/075 - Northern Peninsula Area Regional Council Northern Cape York Group #1 ILUA QI2014/075 (Registered 02/04/2015)
QI2014/076 - Ergon Energy and Northern Cape York Group #1 ILUA (Registered 02/04/2015)

The last of these ILUAs was registered on the Register of Indigenous Land Use Agreements on 2 April 2015. The conditions attached to the determination have therefore been met and the determination came into effect on 2 April 2015.

Note: The Registered Native Title Body Corporate identified at Order 15 changed name to 'Ipima Ikaya Aboriginal Corporation' effective from 5/02/2015.

REGISTERED NATIVE TITLE BODY CORPORATE:

Ipima Ikaya Aboriginal Corporation RNTBC
Trustee Body Corporate
C/- Cape York Land Council
32 Florence Street
Cairns Queensland 4870

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:

1. The native title holders are the Northern Cape York #1 Native Title Claim Group, being the persons descended by birth or adoption from the following apical ancestors:

- (a) Peter (Pahding) Pablo;
- (b) Wymarra (Wymara Outaiakindi);
- (c) Mathew (Charlie) Gelapa;
- (d) Annie Blanco;
- (e) Ela / Illa (father of Tommy Dodd, Polly Polly and Tommy Somerset);
- (f) Woonduinagrun and Tariba (parents of Tom Redhead);
- (g) Charlotte Ware;
- (h) Queen Baki and Chief Tchiako/Tchiaku/Chiaku;
- (i) Jipsit and Dolly;
- (j) Mary McDonnell and Jack Snake;
- (k) Ourinda and Emara McDonnell Charcoal (grandparents of Willy and Louisa Charcoal);
- (l) Ralph Coconut;
- (m) Charlie Nataki;
- (n) William McDonnell;
- (o) Charlie Otomo McDonnell and his wife, Agemo (parents of Charlie Woolhead (Pascoe));
- (p) Wondorognu Alligator McDonnell and Mary Brown;
- (q) Wargo (father of Kitty McDonnell, Jacko, and Frank Doyle);
- (r) Clara and Jimmy McDonnell;
- (s) Epidin and Eteman (parents of Doris Harry);
- (t) Kaio;
- (u) Sambo Wooleye (father of Simon and Sarah Peter);
- (v) Woobumu and Inmare;
- (w) Bullock (father of Mamoose Pitt, husband of Rosie/Lena Braidley);
- (x) Charlie Mamoose (father of Silas, Larry, Johnny and Harry Mamoose);
- (y) Charlie Seven River;

- (z) Toby Seven River (father of Jack Toby);
- (aa) Asai Charlie;
- (bb) Sam and Nellie (parents of George Stephen);
- (cc) Mammus/Mamoos/Mark/Mamoose plus his siblings Peter and Elizabeth;
- (dd) Charlie Maganu (husband of Sarah McDonnell);
- (ee) Polly (wife of Wautaba Charlie Ropeyarn).

MATTERS DETERMINED:

THE COURT NOTES THAT:

A. The parties to the Application have reached an agreement as to the terms of a determination of native title to be made in relation to the Determination Area.

B. On 20 June 2014 a determination that native title exists was made by consent by the Federal Court of Australia over the land and waters covered by the Native Title Determination Application QUD 156/2011.

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 87 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. The determination will take effect upon the agreements referred to in para 1 of Sch 4 being registered on the Register of Indigenous Land Use Agreements.
3. In the event that the agreements referred to in para 1 of Sch 4 are not registered on the Register of Indigenous Land Use Agreements within six 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 #1 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 11 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 and 11 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 the 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) conduct ceremonies on the area;
- (g) be buried and to bury native title holders within the area;
- (h) 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;
- (i) teach on the area the physical and spiritual attributes of the area;
- (j) hold meetings on the area;
- (k) light fires on the area for cultural, spiritual or domestic purposes including cooking, but not for the purpose of hunting or clearing vegetation; and
- (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 1 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. 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).

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

13. 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") 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 INTERPRETATION

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

“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;

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

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

“Local Government Areas” has the meaning 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).

“Reserves” means reserves that are dedicated or taken to be reserves 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) tidal water.

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:

15. Upon the determination taking effect:

- (a) the native title is held in trust; and
- (b) the Northern Cape #1 Aboriginal Corporation (ICN: 8114), 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
That part of Lot 12 on Plan SO25 excluding Lease FG on SP249801	11, 12
Lot 15 on Plan SO28	13
Lot 76 on Plan SO59	14
Lot 7 on Plan SP243595	2, 6, 11, 12, 13, 14, 15
Lot 30 on Plan SP243594	2, 6, 7, 10, 11, 12
Lot 58 on Plan SP243591	1, 2, 4-6, 11, 12, 13, 15
Lot 65 on Plan SP243593	2, 5
Lot 11 on Plan SP243595	11, 12
Lot 7 on Plan SP104552	9
Lot 43 on Plan SP104552	6, 9
Lot 103 on Plan SP104552	6, 15
Lot 7 on Plan SP243592	1-4, 6
Lot 102 on Plan SP120089	1, 2, 6
Lot 103 on Plan SP120089	1, 6
Lot 1 on Plan SP120090	1, 16, inset 1 of Keymap
Lot 2 on Plan SP161905	16
That part of Lot 8 on Plan SP252492 within the External Boundary further described as Area 3 in Schedule 1, Part 3	17
Lot 14 on Plan SO81	2, 5
Lot 9 on Plan SO78	10
Lot 4959 on Plan SP230783	6, 7, 8

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
Lot 46 on Plan SO84	6
Lot 47 on Plan SO84	2, 6
That part of Lot 3 on Plan JD8 within the External Boundary	Inset 1 of the Keymap
That part of Lot 26 on Plan NPW404 within the External Boundary	1, 6
Lot 1 on Plan SO806056	Keymap
Lot 107 on Plan SO53	11, 13, 14
Lot 27 on Plan SO54	10

Lot 28 on Plan SO54	10
Lot 56 on Plan SP243591	2, 4
Lot 57 on Plan SP243591	2, 4
Lot 59 on Plan SO57	1, 6, 13, 11
Lot 95 on Plan SO57	2, 4
Lot 81 on Plan SO60	11, 13, 14
Lot 97 on Plan SO63	2, 3
Lot 100 on Plan SO66	1
Lot 110 on Plan SP243593	2, 5
Lot 106 on Plan SO72	13
Lot 108 on Plan SO74	11, 13
Lot 109 on Plan SO74	11, 13
Lot 111 on Plan SO76	10
Lot 113 on Plan SP243592	2, 3
Lot 94 on Plan SO841790	2, 5
Lot 11 on Plan SP104552	15
Lot 12 on Plan SP104552	15
Lot 105 on Plan SP104552	15
Lot 101 on Plan SP120089	1
Lot 104 on Plan SP104552	15
Lot 89 on Plan SP243595	13
Lot 33 on Plan SO58	11, 14
Lot 36 on Plan SO58	11, 14
Lot 39 on Plan SO58	11, 14
Lot 41 on Plan SO58	11, 14
Lot 42 on Plan SO58	11, 14
Lot 43 on Plan SO58	11, 14
Lot 44 on Plan SO58	11, 14
Lot 45 on Plan SO58	11, 14
Lot 48 on Plan SP243595	11, 14
Lot 49 on Plan SP243595	11, 14
Lot 50 on Plan SO58	11, 14
Lot 51 on Plan SO58	11, 14
Lot 52 on Plan SO58	11, 14

Lot 53 on Plan SO58	11, 14
Lot 60 on Plan SP243595	11, 14
Lot 61 on Plan SO59	11, 14
Lot 62 on Plan SO59	11, 14
Lot 63 on Plan SO59	11, 14
Lot 64 on Plan SO59	11, 14
Lot 66 on Plan SO59	11, 14
Lot 70 on Plan SO59	11, 14
Lot 71 on Plan SO59	11, 14
Lot 73 on Plan SO59	11, 14
Lot 74 on Plan SO59	11, 14
Lot 77 on Plan SO59	11, 14
Lot 78 on Plan SO59	11, 14
Lot 80 on Plan SO59	11, 14
Lot 90 on Plan SO59	11, 14
Lot 91 on Plan SO59	11, 14
Lot 83 on Plan SO60	11, 14
Lot 87 on Plan SO60	11, 14
Lot 29 on Plan SO70	11, 12, 13, 14
Lot 82 on Plan SP120467	11, 14
Lot 34 on Plan SO58	11, 14
Lot 35 on Plan SO58	11, 14
Lot 37 on Plan SO58	11, 14
Lot 38 on Plan SO58	11, 14
Lot 47 on Plan SO58	11, 14
Lot 92 on Plan SO59	11, 14
Lot 84 on Plan SO60	11, 14
Lot 98 on Plan SP243592	3

That part of Lot 8 on Plan SP252492 within the External Boundary further described as Area 2 in Schedule 1, Part 3 17

Save for waters forming part of the lot on plan, all waterways, natural lakes, creeks and rivers within the External Boundary including but not limited to: Skardon River, Nona Creek, Jackey Jackey Creek, Jardine Swamps, Crystal Creek, Jardine River, Cowal Creek, Punsand Bay and part of the Ducie River 1 - 3, 6, 8, 11, 12, 13, 17

Part 3 - External Boundary

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

Area 1

Commencing at the northeast corner of Lot 8 on SP252492, also being a point on the southern bank of the Dulhunty River, and extending generally westerly along the southern bank of that river to the eastern boundary of Lot 8 on MP14466; then northerly and westerly along the eastern and northern boundaries of that Lot to the eastern boundary of Lot 13 on SP204113; then north easterly, generally north westerly and generally southerly along the boundaries of that lot to a northern boundary of Lot 7024 on MP41159; then south westerly along the northern boundary of that lot to the eastern most corner of Lot 12 on SP204113; then generally westerly and generally southerly along the northern and western boundaries of that lot to again a northern boundary of Lot 7024 on MP41159; then south westerly along the northern boundary of that lot to the eastern boundary of Lot 11 on SP204113; then generally northern and generally westerly along the eastern and northern boundaries of that lot to its intersection with the High Water Mark of the mainland; then generally northerly along that High Water Mark, crossing the mouths of any waterways between the seaward extremities of each of the opposite banks of each such waterway, to the southern boundary of Lot 7024 on MP41159; then north easterly and westerly along the southern and northern boundaries of that lot to the south west corner of Lot 102 on SP120089 (being a point on the High Water Mark); then generally north easterly along the western boundary of that lot to a point at approximate Longitude 142.153176° East, Latitude 11.129126° South (being a point on the High Water Mark); then northerly to again a point on the western boundary of that lot at approximate Longitude 142.155196° East, Latitude 11.120049° South (being a point on the High Water Mark); then generally northerly along that High Water Mark, again crossing the mouths of any waterways between the seaward extremities of each of the opposite banks of each such waterway, to the westernmost corner of Lot 1 on SO67; then south easterly, north easterly, generally north westerly and generally north easterly along the boundaries of that lot to its intersection with the High Water Mark at the mouth of the Jardine River; then south easterly across the mouth of the Jardine River to a point on the western boundary of Lot 102 SP120089 at approximate Longitude 142.216610° East, Latitude 10.922577° South (being a point on the High Water Mark); then generally easterly and generally north easterly along that High Water Mark, again crossing the mouths of any waterways between the seaward extremities of each of the opposite banks of each such waterway, to approximate Longitude 142.496948° East (being a point on the High Water Mark); then easterly to again a point on the High Water Mark at approximate Longitude 142.499479° East; then generally easterly and generally north easterly along the High Water Mark, again crossing the mouths of any waterways between the seaward extremities of each of the opposite banks of each such waterway to the tip of Cape York; then generally south easterly and generally south westerly along the High Water Mark of the mainland (crossing the mouths of any waterways between the seaward extremities of each of the opposite banks of each such waterway) and onwards along eastern and southern boundaries of Lot 103 on SP104552, Lot 58 on SP243591 and Lot 102 on SP120089 to a point on the northern bank of Jackey Jackey Creek at Latitude 11.005345° South; then south easterly to a point on the southern bank of Jackey Jackey Creek at Longitude 142.401269° East, also being a point on a northern boundary of Lot 26 on NPW404; then generally easterly along that northern boundary of that lot to the western bank of Escape River at Longitude 142.678800° East; then south easterly to the eastern bank of Escape River at Longitude 142.678930° East, also being a point on the western boundary of Lot 1 on SO806056; then generally northerly, generally easterly and generally south easterly along the western, northern and eastern boundaries of that lot to an eastern boundary of Lot 26 on NPW404 (being a point on the High Water Mark); then generally south easterly along that High Water Mark crossing the mouths of any waterways between the seaward extremities of each of the opposite banks of each such waterway to Latitude 11.592880° South; then due west to the eastern boundary of Lot 1 on SP120090; then generally southerly along the eastern boundaries of that lot, northern, eastern and southern boundaries of Lot 2 on SP161905, and again along eastern boundaries of Lot 1 on SP120090 and onwards across the Dulhunty River back to the commencement point.

Area 2

Commencing at the intersection of the centreline of the Ducie River and the northern boundary of Lot 4 on SP222990 and extending generally north westerly along the centreline of that river to the eastern boundary of Lot 8 on MP14466; then northerly along the eastern boundary of that lot to the northern bank of Ducie River; then generally easterly and generally south easterly along the northern bank of that river to the northern boundary of Lot 4 on SP222990; then south westerly along that northern boundary back to the commencement point.

Area 3

Commencing at the intersection of the northern bank of South Palm Creek and the northern boundary of Lot 4 on SP222990 and extending south westerly along the northern boundary of that Lot to the northern bank of the

Ducie River; then generally north easterly and generally south easterly along the northern bank of that river and South Palm Creek back to the commencement point.

Exclusions

This application does not include land and waters within the:

QUD 269/2008 Gudang Yadhaykenu People (QC2008/008) native title determination application as registered on 3 March 2009.

QUD 6158/1998 Ankamuthi People (QC1999/026) native title determination application as registered on 21 September 1999.

Mining Leases ML 7031 and ML 7024.

NOTE

Data Reference and source

Application boundary data compiled by National Native Title Tribunal based on information supplied by Cape York Land Council.

Native title determination application QUD 6158/1998 Ankamuthi People (QC1999/026) as accepted for registration on 21 September 1999.

Native title determination application QUD 269/2008 Gudang Yadhaykenu People (QC2008/008) as accepted for registration on 3 March 2009.

Cadastral data sourced from Department of Natural Resources and Mines, Qld (February, 2014).

Rivers / Creeks and High Water Mark based on cadastral data (August 2013) - else Topographic vector data is © Commonwealth of Australia (Geoscience Australia) 2008.

High Water Mark is as defined in the *Land Act 1994* (Qld).

Reference datum

Geographical coordinates have been provided by the NNTT Geospatial Services and are referenced to the Geocentric Datum of Australia 1994 (GDA94), in decimal degrees and are based on the spatial reference data acquired from the various custodians at the time

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 Geospatial Services, National Native Title Tribunal (9 July 2014)

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:

(a) 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

(b) 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 para 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. *Tenure Based Exclusions (ss 23B(2) and 23B(3))*

Specifically, and to avoid doubt, the land and waters described in para 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 3 on Plan SO4	6
Lot 1 on Plan JD7	Inset 1 of Keymap
Lot 1 on Plan PER6530	7
Lot 22 on Plan SO47	8
Lot 11 on Plan SO804387	7
Lot 8 on Plan SO83	6, 8
Lot 7 on Plan SO838304	7
Lot 23 on Plan SO47	8
Lot 24 on Plan SO47	8
Lot 25 on Plan SO47	8
Lot 26 on Plan SO47	8
Lot 1 on Plan SO85	6
Lot 2 on Plan SO85	6
Lot 3 on Plan SO87	6
Lot 31 on Plan SO88	10
Lot 239 on Plan SO86	11, 14
Lot 252 on Plan SO86	11, 14

4. *Public Works Based Exclusions:*

(a) The land or waters on which any public work, as defined in s 253 of the *Native Title Act 1993* (Cth), is 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/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) Specifically, and to avoid any doubt, the land and waters described in para 4(a) immediately above includes the whole of the land and waters described as:

Area Description (at date of Determination)	Determination Map Sheet Number
Lease FG on SP249801 in Lot 12 on Plan SO25	11, 12

Lot 99 on Plan SP243592	3
Lot 25 on Plan SP243595	11, 12
Lot 18 on Plan SP243595	11, 14
Lot 19 on Plan SO39	11, 14
Lot 54 on Plan SO58	11, 14
Lot 55 on Plan SO58	11, 14
Lot 31 on Plan SO59	11, 14
Lot 32 on Plan SO59	11, 14
Lot 40 on Plan SO59	11, 14
Lot 69 on Plan SO59	11, 14
Lot 24 on Plan SO60	11, 14
Lot 85 on Plan SO60	11, 14
Lot 86 on Plan SP243595	11, 14
Lot 88 on Plan SO71	12
Lot 16 on Plan SP243595	11, 14
Lot 20 on Plan SO40	11, 14
Lot 72 on Plan SO59	11, 14
Lot 79 on Plan SO59	11, 14
Lot 105 on Plan SO71	12

SCHEDULE 3 – NATIVE TITLE HOLDERS

1. The native title holders are the Northern Cape York #1 Native Title Claim Group, being the persons descended by birth or adoption from the following apical ancestors:

- (a) Peter (Pahding) Pablo;
- (b) Wymarra (Wymara Outaiakindi);
- (c) Mathew (Charlie) Gelapa;
- (d) Annie Blanco;
- (e) Ela / Illa (father of Tommy Dodd, Polly Polly and Tommy Somerset);
- (f) Woonduinagrun and Tariba (parents of Tom Redhead);
- (g) Charlotte Ware;
- (h) Queen Baki and Chief Tchiako/Tchiaku/Chiaku;
- (i) Jipsit and Dolly;
- (j) Mary McDonnell and Jack Snake;
- (k) Ourinda and Emara McDonnell Charcoal (grandparents of Willy and Louisa Charcoal);
- (l) Ralph Coconut;

- (m) Charlie Nataki;
- (n) William McDonnell;
- (o) Charlie Otomo McDonnell and his wife, Agemo (parents of Charlie Woolhead (Pascoe));
- (p) Wondorognu Alligator McDonnell and Mary Brown;
- (q) Wargo (father of Kitty McDonnell, Jacko, and Frank Doyle);
- (r) Clara and Jimmy McDonnell;
- (s) Epidin and Eteman (parents of Doris Harry);
- (t) Kaio;
- (u) Sambo Wooleye (father of Simon and Sarah Peter);
- (v) Woobumu and Inmare;
- (w) Bullock (father of Mamoose Pitt, husband of Rosie/Lena Braidley);
- (x) Charlie Mamoose (father of Silas, Larry, Johnny and Harry Mamoose);
- (y) Charlie Seven River;
- (z) Toby Seven River (father of Jack Toby);
- (aa) Asai Charlie;
- (bb) Sam and Nellie (parents of George Stephen);
- (cc) Mammus/Mamoos/Mark/Mamoose plus his siblings Peter and Elizabeth;
- (dd) Charlie Maganu (husband of Sarah McDonnell);
- (ee) Polly (wife of Wautaba Charlie Ropeyarn).

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) the Jardine River National Park, Jardine River Regional Park and Heathlands Regional Park Protected Areas ILUA between Larry Woosup, Asai Pablo, Charles Woosup, Walter Moses, Anzac McDonnell, Francis Brisbane, Meun Lifu, George Pausa and Bernard Charlie on their own behalf and on behalf of the Northern Cape York #1 Peoples (QUD 157/2011), and State of Queensland dated 17 October 2014;
 - (b) Larry Woosup, Asai Pablo, Charles Woosup, Walter Moses, Anzac McDonnell, Francis Brisbane, Meun Lifu, George Pausa and Bernard Charlie on their own behalf and on behalf of the Northern Cape York Group #1 (QUD 157/2011) and Ergon Energy Corporation Limited ACN 087 646 062 as parties to the indigenous land use agreement dated 20 October 2014; and
 - (c) Larry Woosup, Asai Pablo, Charles Woosup, Walter Moses, Anzac McDonnell, Francis Brisbane, Meun Lifu, George Pausa and Bernard Charlie on their own behalf and on behalf of the Northern Cape York Group #1 and Northern Peninsula Area Regional Council as parties to the Northern Cape York Group People #1 ILUA dated 15 October 2014.
 - (d) the Northern Peninsula Area Infrastructure ILUA (QI2004/001) registered 12 December 2005.
2. The rights and interests of the State of Queensland and the Northern Peninsula Area Regional Council in the lease dated 9 September 2009 in relation to Lease A and Lease B on SP224686 in Lot 7 on Survey Plan 120089.
3. The rights and interests of the holder of Water Licence No. 103767 granted under the *Water Act 2000*

(Qld).

4. The rights and interests of the holder of the special lease for grazing cattle and associated activities dated 21 December 1989 being title reference 17717191.
5. The rights and interests of the holder of the special lease for grazing cattle and associated activities dated 21 December 1989 being title reference 17717190.
6. The holder of exploration permit EPM 25147 granted under the *Mineral Resources Act 1989* (Qld).
7. The rights and interests of the grantee and others (including beneficiaries) under the Bamaga Deed of Grant in Trust registered 31 May 2013 being Title Reference 50914971 and/or any Deed of Grant granted or re-granted in substitution for, replacement of or in succession to the said Deed of Grant.
8. The rights and interests of the grantee and others (including beneficiaries) under the Seisia Deed of Grant in Trust registered 14 December 2012 being Title Reference 50900950 and/or any Deed of Grant granted or re-granted in substitution for, replacement of or in succession to the said Deed of Grant.
9. The rights and interests of the grantee and others (including beneficiaries) under the Umagico Deed of Grant in Trust registered 22 February 2013 being Title Reference 50906793 and/or any Deed of Grant granted or re-granted in substitution for, replacement of or in succession to the said Deed of Grant.
10. The rights and interests of the grantee and others (including beneficiaries) under the New Mapoon Deed of Grant in Trust registered 23 November 2012 being Title Reference 50898464 and/or any Deed of Grant granted or re-granted in substitution for, replacement of or in succession to the said Deed of Grant.
11. The rights and interests of the grantee and others (including beneficiaries) under the Injinoo Deed of Grant in Trust registered 22 February 2013 being Title Reference 50906792 and/or any Deed of Grant granted or re-granted in substitution for, replacement of or in succession to the said Deed of Grant.
12. The rights and interests of the grantee and beneficiaries of an estate in fee simple under deed of grant title reference No. 50307040.
13. The rights and interests of the grantee and beneficiaries of an estate in fee simple under deed of grant title reference No. 50467812.
14. The rights and interests of the grantee and beneficiaries of an estate in fee simple under deed of grant title reference No. 50914995.
15. The rights and interests of the grantee and beneficiaries of an estate in fee simple under deed of grant title reference No. 50828992.
16. 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 telecommunications facilities; and
 - (d) under any licences, leases, access agreements or easements relating to its telecommunications facilities in the Determination Area, including under:
 - (i) an authority issued under s 35 of the *National Parks and Wildlife Act 1975* (Qld) on 21 August 1985 to construct and maintain a radio telephone tower and ancillary equipment on a site described as Lease A in Lot 26 on Plan NPW49 in the Parish of Sanamere and County of Somerset.

17. The rights and interests of Ergon Energy Corporation 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.

18. The rights and interests of Cook Shire 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 (Pest 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 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 water supply infrastructure;
 - (v) drainage facilities;
- (c) to enter the land described in paras 18(a) to 18(b):
 - (i) exercise any of the rights and interests referred to in paras 18(a) to 18(b);
 - (ii) inspect, maintain or 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.

19. The rights and interests of Northern Peninsula Area Regional 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 (Pest 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 licenses 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 water supply infrastructure;
 - (v) drainage facilities; and
 - (vi) cemetery and cemetery related facilities; and
- (d) to enter the land described in paras 19(a) to 19(c) to:
- (i) exercise any of the rights and interests referred to in paras 19(a) to 19(c);
 - (ii) inspect, maintain or repair infrastructure, facilities and other improvements referred to in para 19(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.

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

- (a) its powers, functions, responsibilities and jurisdiction under a Local Government Act;
- (b) its rights and valid interests under any interest in land or waters within the Determination Area including under any lease, licence, access agreement, easement or Reserve in the Determination Area;
- (c) the rights to use, operate, maintain, replace, restore, remediate, repair and otherwise exercise all other rights as the owners and operators of valid infrastructure, 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 relates to land or water in the Determination Area; and
- (e) the rights of their employees, agents and contractors to enter upon the Determination Area for the purpose of performing their powers and responsibilities under paras 20(a) to 20(d).

21. The rights and interests of the State of Queensland in Reserves, the rights and interests of the trustees of those Reserves and of the persons entitled to access and use those Reserves for the respective purpose for which they are reserved.

22. The rights and interests granted or available to Alcan South Pacific Pty Ltd (and any successors in title) under the Alcan Agreement, including, but not limited to, rights and interests in relation to the "bauxite field" (as defined in cl 1 of such Agreement) and areas adjacent to or in the vicinity or outside of such bauxite field, where:

- (a) "Alcan Act" means the *Alcan Queensland Pty Limited Agreement Act 1965* (Qld); and
- (b) "Alcan Agreement" means the agreement in Sch 1 to the Alcan Act, including as amended in accordance with such Act.

23. The rights and interests granted or available to RTA Weipa Pty Ltd and Rio Tinto Aluminium Limited (and any successors in title) under the Comalco Agreement, including, but not limited to, rights and interests in relation to the "bauxite field" (as defined in cl 1 of such Agreement) and areas adjacent to or in the vicinity or outside of such bauxite field, where:

- (a) "Comalco Act" means the *Commonwealth Aluminium Corporation Pty Limited Agreement Act 1957* (Qld);
- (b) "Comalco Agreement" means the agreement in Sch 1 to the Comalco Act, including as amended in accordance with such Act.

24. 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.

25. 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.

26. 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.

REGISTER ATTACHMENTS:

1. Schedule 1 - Map of Determination Area, 18 pages - A4, 30/10/2014

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.