



Extract from the National Native Title Register

Determination Information:

Determination Reference: Federal Court Number(s): QUD84/2004
NNTT Number: QCD2015/002

Determination Name: [Taylor on behalf of the Gangalidda and Garawa Peoples #1 v State of Queensland](#)

Date(s) of Effect: 18/09/2015

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

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

Determination Date: 01/04/2015

Determining Body: Federal Court of Australia

ADDITIONAL INFORMATION:

This determination took effect upon the registration of the following two agreements on the Register of Indigenous Land Use Agreements:

QI2015/007 Gangalidda and Garawa People Westmoreland Pastoral ILUA; and
QI2015/010 Garawa People Wentworth Pastoral ILUA;

The Gangalidda and Garawa People Westmoreland Pastoral ILUA was registered on the Register of Indigenous Land Use Agreements on 3 August 2015, and the Garawa People Wentworth Pastoral ILUA was registered on the Register of Indigenous Land Use Agreements on 18 September 2015.

REGISTERED NATIVE TITLE BODY CORPORATE:

Gangalidda and Garawa Native Title Aboriginal Corporation
RNTBC
Agent Body Corporate
c/- Carpentaria Land Council Aboriginal
Corporation, PO Box 71
BURKETOWN Queensland 4830

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. Native title is held by the Gangalidda People in that part of the Determination Area described in Schedule 4.
2. Native title is held by the Garawa People in that part of the Determination Area described in Schedule 5.
3. The Gangalidda People are those people described in Schedule 6.
4. The Garawa People are those people described in Schedule 7.

Description of the Gangalidda People

The Gangalidda People are all of the descendants of one or more of the following people:-

Greg Thompson, Sophie Thompson, Ernest Thompson, Walter Thompson, Jimmy, Dawudawu Jimmy (King), Grant, George Nark Mirrabaliyajari, Bob Scoles Gunyarbadjarri, Lirragujarri, Bob Weber Milgalajarri, Maggie (or Minnie), Kitty, Kitty Wulnanda, Kitty Lirragujarri, Dolly, Old Nim, Stumpy Paddy, Mickey Charles, Barny Guldangara, Limilimilda, Johnny Balawayinda, Daisy Lirragawanjinda, Sandy, Gunalumbu, Ngarilgudu, Malurgudu, Myrna Malalairunanda, Didmanja, Sandy, Garuwala and Charly (Gundirri/Ngarrguyumbu/Gulawi)

who identify, and are identified by other Gangalidda People, as belonging to the Gangalidda People according to Gangalidda traditional laws and customs.

"**Descendants**" for the purposes of this description includes those individuals who have been adopted by the Gangalidda People.

Description of the Garawa People

The Garawa People are all of the descendants of one or more of the following people:-

Dixon Yiliwagu, Murdering Tommy Mayarwagu, Dick Gawardalagayi, Mardu, 'Strike-a-light' Yalagu, Bindi Bindi, Illibarra (or Yilibarra), Charley Marrgarranyi, Violet Man.gali, Dildol Charley Lujunguyni, Gandiyari, Jangurungurama, Wirrangala, Gurrunggumaji, Banjiramaji (Bob) Yellow Jack, Gabugabumanyi Jack, Wanjirrigama Sandy, Dirrdungga, Baramalinya Bandaguyi, Wambilangunu, Dunggula, Yalbindirri, Topsy Landurimara, Jack Boy Walbungga, Paul Gayjbalala, Tobacco Jack, Ned Bamalurri, Old Rory Mawulawula (Buraji), Bamy (Barney) Barrgudugudu, Jack Calvert, Masterton Jack, Wudungkamarra, Thalmarrurrkimara, Karringamaji (King Peter), Widalamara, Malarrkudu (Kabajuju) (Barramundi Billy), Dukala, Rukulamara, Albert Doomadgee, Ned Doomadgee, Kukurrinya (Yabiwayngka), Jack Nadinku, Nukuthu, Minnie Munjanagurru, Waguwiganda, Jangulamara, Gilmajarri (or Landilimarra) and Willy Murrando,

who identify, and are identified by other Garawa People, as belonging to Garawa People in accordance with Garawa traditional law and custom.

"**Descendants**" for the purposes of this description includes those individuals who have been adopted by the Garawa People.

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 agreements referred to in paragraph 1 of Schedule 8 being registered on the Register of Indigenous Land Use Agreements.

BY CONSENT THE COURT DETERMINES THAT:

5. Native title exists in relation to the area described in Schedule 1, being areas that are also described in:

- (a) Schedule 2 - which describes that part of the Determination Area in which there are exclusive native title rights and interests; or
- (b) Schedule 3 - which describes that part of the Determination Area in which there are non-exclusive native title rights and interests,

and shown on the Determination Map at Schedule 10.

6. Section 47A of the *Native Title Act 1993* (Cth) applies to the area described in Schedule 2.

7. Native title is held by the Gangalidda People in that part of the Determination Area described in Schedule 4.

8. Native title is held by the Garawa People in that part of the Determination Area described in Schedule 5.

9. The Gangalidda People are those people described in Schedule 6.

10. The Garawa People are those people described in Schedule 7.

11. Subject to orders 14, 15 and 18, the nature and extent of the native title rights and interests in relation to that part of the Determination Area described in Schedule 2 and shown in Schedule 10, other than in relation to the use and enjoyment of Water (which is dealt with in order 13), is the right to possession, occupation, use and enjoyment of the Determination Area to the exclusion of all others.

12. Subject to orders 14, 15, 16 and 18, the nature and extent of the native title rights and interests in relation to that part of the Determination Area described in Schedule 3 and shown in Schedule 10, other than in relation to the use and enjoyment of Water (which is dealt with in order 13) are non exclusive rights:

- (a) to access, to be present on and to traverse the area;
- (b) to hunt, fish and gather Natural Resources on the area for personal, domestic, and non-commercial communal purposes;
- (c) to take, use, share and exchange Natural Resources from the area for personal, domestic, and non-commercial communal purposes;
- (d) to camp on the area but not to reside permanently or to erect permanent structures or fixtures;
- (e) to light fires on the area for domestic purposes including cooking but not for the purposes of hunting or clearing vegetation;
- (f) to conduct religious and spiritual activities and ceremonies on the area;
- (g) to be buried on, and bury Native Title Holders on the area; and
- (h) to maintain places and areas of importance or significance to the Native Title Holders under their traditional laws and customs and protect those places and areas from physical harm.

13. Subject to orders 14, 15 and 18, the nature and extent of the native title rights and interests in relation to the use and enjoyment of Water within the Determination Area are non-exclusive rights:

- (a) to hunt and fish in and on and gather Natural Resources from the Water;
- (b) to take, use, share and exchange Natural Resources from the Water; and
- (c) to take, use and enjoy the Water,

for personal, domestic and non-commercial communal purposes.

14. There are no native title rights or interests 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).

15. The native title rights and interests are subject to and exercisable in accordance with:
- (a) the Laws of the State and the Commonwealth; and
 - (b) the traditional laws acknowledged and traditional customs observed by the Native Title Holders.
16. The native title rights and interests in relation to the areas described in Schedule 3 do not confer possession, occupation, use and enjoyment of the area on the Native Title Holders to the exclusion of all others.
17. The nature and extent of other interests in the Determination Area are the rights and interests described in Schedule 8 (the "Other Interests") that are current at the date of this Determination.
18. The relationship between the native title rights and interests and the Other Interests is that:
- (a) the Other Interests continue to have effect;
 - (b) in the area where s 47A of the *Native Title Act 1993* (Cth) applies, and prior extinguishment is disregarded in accordance with s 47A(2) of the *Native Title Act 1993* (Cth), the non extinguishment principle in s 238 of the *Native Title Act 1993* (Cth) applies to any prior interest in relation to the area in accordance with s 47A(3)(b) of the *Native Title Act 1993* (Cth); and
 - (c) the Other Interests, and any activity that is required or permitted by or under and done in accordance with the Other Interests, prevail over the native title rights and interests and any exercise of the native title rights and interests, but do not extinguish them except in accordance with law.
19. Pursuant to s 56 of the *Native Title Act 1993* (Cth), the Court determines that native title is not held in trust.
20. Gangalidda and Garawa Native Title Aboriginal Corporation RNTBC ICN 7365, incorporated under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (Cth), is to:
- (a) be the prescribed body corporate for the purposes of ss 57(2) and 57(3) of the *Native Title Act 1993* (Cth); and
 - (b) not hold the native title in trust;
 - (c) act as agent for the Gangalidda and Garawa Peoples who are the common law holders of the native title rights and interests; and
 - (d) perform the functions set out in the *Native Title Act 1993* (Cth) and the *Native Title (Prescribed Bodies Corporate) Regulations 1999* (Cth).

Definitions and Interpretations

21. The words and expressions used in the Determination, including the words "**land**" and "**waters**", have the same meanings as they have in Part 15 of the *Native Title Act 1993* (Cth) except for the following defined words and expressions:

"Determination Area" means the land and waters within the area described in Schedule 1 and shown in Schedule 10, and to the extent of any inconsistency between the Schedules, Schedule 1 prevails.

"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 regulations, statutory instruments, local planning instruments and local laws.

"Native Title Holders" means:

- (a) in relation to the land and waters described in Schedule 4, the Gangalidda People described in Schedule 6; and

(b) in relation to the land and waters described in Schedule 5, the Garawa People described in Schedule 7.

"Natural Resources" means:

- (a) "animals" as defined in the *Nature Conservation Act 1992* (Qld) and, for certainty, includes honey, but not including animals or honey that are the private personal property of another;
- (b) "plants" as defined in the *Nature Conservation Act 1992* (Qld) and, for certainty, includes charcoal, sap, wax and resin, but not including crops grown on a Crown lease by a lessee; and
- (c) any clay, soil, sand, gravel, or rock on or below the surface of the Determination Area but does not include minerals (except ochre taken in accordance with the traditional laws and customs of the Native Title Holders) as defined in the *Mineral Resources Act 1989* (Qld) as at the date of this determination or petroleum as defined in the *Petroleum Act 1923* (Qld) and the *Petroleum and Gas (Production and Safety) Act 2004* (Qld) as at the date of this determination.

"Other Interests" has the meaning given in order 17.

"Water" means all or any of the following:

- (a) water that permanently or intermittently is in, or flows in, a watercourse, lake or spring, regardless of the frequency;
- (b) any natural collection of water, whether permanent or intermittent; or
- (c) water from an underground water source.

"watercourse" has the meaning that it has in the *Water Act 2000* (Qld).

SCHEDULE 1

Description of the Determination Area

The Determination Area comprises all of the following land and waters as depicted in the Determination Map at Schedule 10:

1. That part of Lot 4601 on Plan PH1676 (Troutbeck Pastoral Holding) that is not covered by Lot 6 on Native Title Determination Plan AP14236;
2. That part of Lot 1 on Plan SP217472 (Westmoreland Pastoral Holding) subject to Exploration Permit Application 14264; and
3. That part of Lot 2353 on Plan PH1515 (Wentworth Pastoral Holding) subject to Exploration Permit Applications 14264 and 14265,

but excluding all land and waters covered by:

4. Native title determination QG207/97 *The Lardil Peoples v State of Queensland* as determined by the Federal Court of Australia on 23 March 2004;
5. Native title determination QUD84/2004 *Gangalidda and Garawa Peoples v State of Queensland* as determined by the Federal Court of Australia on 23 June 2010;
6. Native title determination application QUD66/2005 *Gangalidda and Garawa People #2* as accepted for registration on 7 April 2005; and
7. The areas described in Schedule 9.

SCHEDULE 2

Description of that part of the Determination Area where exclusive native title rights and interests are recognised

All the land and waters that comprise that part of Lot 4601 on PH1676 to the west of Massacre Inlet (Part Troutbeck Pastoral Holding) that is not covered by Lot 6 on Native Title Determination Plan AP14236 as shown on the Determination Map in Schedule 10 but excluding the areas identified in Schedule 9.

SCHEDULE 3

Description of that part of the Determination Area where non-exclusive native title rights and interests are recognised

All the land and waters that comprise:

8. That part of Lot 1 on Plan SP217472 (Westmoreland Pastoral Holding) which is subject to Exploration Permit Application 14264; and

9. That part of Lot 2353 on Plan PH1515 (Wentworth Pastoral Holding) which is subject to Exploration Permit Applications 14264 and 14265,

as shown on the Determination Map in Schedule 10 but excluding the areas identified in Schedule 9.

SCHEDULE 4

Description of that part of the Determination Area where Gangalidda People hold native title

All the following land and waters described in (a) that comprise that part of the Determination Area that falls to the east and south of the Gangalidda Garawa Boundary Line defined at (b) and depicted in the Determination Map in Schedule 10.

(a) Area Description

That part of Lot 1 on Plan SP217472 (Westmoreland Pastoral Holding) subject to Exploration Permit application 14264

That part of Lot 4601 on PH1676 (Troutbeck Pastoral Holding)

(b) Description of Gangalidda Garawa Boundary Line

The Gangalidda Garawa Boundary Line is bounded by the following coordinates:

Longitude East	Latitude South
137.994665	-16.538711
138.048922	-16.471921
138.052435	-16.474542
138.057719	-16.479205
138.062583	-16.48427
138.065951	-16.488331
138.067508	-16.490334
138.072584	-16.493883
138.079322	-16.498966
138.084576	-16.502632
138.089692	-16.506479
138.093415	-16.509501
138.095975	-16.511663
138.096916	-16.512502
138.105392	-16.520173
138.111118	-16.525872
138.115151	-16.530631
138.117871	-16.534294
138.12313	-16.5418
138.128465	-16.54548
138.133828	-16.549495
138.137572	-16.552714
138.139832	-16.554849
138.152391	-16.56716
138.170126	-16.581684
138.198299	-16.597289
138.205694	-16.601879
138.211339	-16.606137
138.216597	-16.610826
138.220367	-16.614329
138.228585	-16.619048

138.259126	-16.632456
138.271577	-16.63533
138.274733	-16.636119
138.277033	-16.636772
138.278252	-16.637145
138.294132	-16.642124
138.301023	-16.644598
138.306677	-16.647128
138.310723	-16.649243
138.316915	-16.652686
138.324304	-16.65729
138.325545	-16.658004
138.332726	-16.657825
138.339898	-16.658214
138.347012	-16.65917
138.354019	-16.660686
138.360872	-16.662751
138.363839	-16.663835
138.365704	-16.664554
138.369106	-16.666054
138.366574	-16.66663
138.35881	-16.668893
138.351208	-16.671613
138.347106	-16.673367
138.33492	-16.741832
138.333543	-16.746632
138.331546	-16.751722
138.32942	-16.755974
138.327874	-16.757134
138.325877	-16.757843
138.323622	-16.759067
138.322204	-16.760291
138.321496	-16.762159
138.320529	-16.765831

138.3204	-16.767442
138.320529	-16.770406
138.320658	-16.772338
138.3204	-16.773305
138.319434	-16.774658
138.316535	-16.777042
138.316084	-16.778072
138.31623	-16.77944
138.31446	-16.7801
138.31252	-16.78058
138.3112	-16.78134
138.31001	-16.78317
138.30842	-16.7885
138.3076	-16.7899
138.30534	-16.7923
138.30177	-16.79503
138.30146	-16.79526
138.30104	-16.79647
138.30123	-16.79745
138.30255	-16.80043
138.30273	-16.80218
138.30236	-16.80349
138.30145	-16.80674
138.2998	-16.80963
138.29611	-16.81357
138.29579	-16.81483
138.29599	-16.81519
138.29633	-16.81581
138.29831	-16.81677
138.29829	-16.81746
138.2982	-16.81817
138.29785	-16.81866
138.29808	-16.819
138.29937	-16.81946

138.2996	-16.81969
138.2996	-16.82025
138.29866	-16.82115
138.29889	-16.82194
138.29865	-16.82273
138.29876	-16.82364
138.29808	-16.82437
138.29805	-16.82578
138.29769	-16.82657
138.29604	-16.82803
138.2952	-16.8313
138.29461	-16.83209
138.29309	-16.83254
138.2925	-16.83321
138.29249	-16.83434
138.29307	-16.83502
138.29647	-16.8356
138.29717	-16.83606
138.29728	-16.8382
138.29617	-16.84024
138.29592	-16.84096
138.29524	-16.84339
138.29423	-16.8447
138.28979	-16.84626
138.2884	-16.84741
138.28716	-16.84872
138.28683	-16.85048
138.28639	-16.85488
138.28575	-16.85663
138.28581	-16.85781
138.28652	-16.85905
138.28753	-16.86025
138.28949	-16.8616
138.29016	-16.86256

138.2903	-16.86381
138.28997	-16.86579
138.28994	-16.86748
138.29069	-16.86844
138.29163	-16.86898
138.311929	-16.997173
138.315113	-17.024345
138.323208	-17.052579
138.327947	-17.075285
138.334463	-17.120498
138.339202	-17.165712
138.343941	-17.237975
138.338216	-17.304118
138.334925	-17.361379
138.338287	-17.4611
138.339853	-17.487471
138.343889	-17.498636
138.343825	-17.510419
138.337848	-17.528351
138.327886	-17.546282
138.31892	-17.56272
138.311448	-17.569693
138.299992	-17.575173
138.270263	-17.578301
138.203069	-17.579152
138.169986	-17.585633
138.142591	-17.594599
138.121771	-17.59639
138.080543	-17.611232
138.032331	-17.634817
138.008674	-17.654384
137.995262	-17.677553

SCHEDULE 5

Description of that part of the Determination Area where Garawa People hold native title

All the following land and waters described in (a) that comprise that part of the Determination Area that falls to the west and north of the Gangalidda Garawa Boundary Line defined at Schedule 4(b) and depicted in the Determination Map at Schedule 10.

(a) Area Description

That part of Lot 1 on Plan SP217472 (Westmoreland Pastoral Holding) subject to Exploration Permit Application 14264

That part of Lot 2353 on Plan PH1515 (Wentworth Pastoral Holding) subject to Exploration Permit Applications 14264 and 14265

That part of Lot 4601 on PH1676 (Troutbeck Pastoral Holding) that is not covered by Lot 6 on Native Title Determination Plan AP14236

SCHEDULE 6

Description of the Gangalidda People

The Gangalidda People are all of the descendants of one or more of the following people:-

Greg Thompson, Sophie Thompson, Ernest Thompson, Walter Thompson, Jimmy, Dawudawu Jimmy (King), Grant, George Nark Mirrabaliyajari, Bob Scoles Gunyarbadjarri, Lirragajarri, Bob Weber Milgalajarri, Maggie (or Minnie), Kitty, Kitty Wulnanda, Kitty Lirragajarri, Dolly, Old Nim, Stumpy Paddy, Mickey Charles, Barny Guldangara, Limilimilda, Johnny Balawayinda, Daisy Lirgawanjinda, Sandy, Gunalumbu, Ngarilgudu, Malurgudu, Myrna Malalairunanda, Didmanja, Sandy, Garruwala and Charly (Gundirrirri/Ngarrguyumbu/Gulawi)

who identify, and are identified by other Gangalidda People, as belonging to the Gangalidda People according to Gangalidda traditional laws and customs.

"Descendants" for the purposes of this description includes those individuals who have been adopted by the Gangalidda People.

SCHEDULE 7

Description of the Garawa People

The Garawa People are all of the descendants of one or more of the following people:-

Dixon Yiliwagu, Murdering Tommy Mayarwagu, Dick Gawardalagayi, Mardu, 'Strike-a-light' Yalagu, Bindi Bindi,

Illibarra (or Yilibarra), Charley Marrgarranyi, Violet Man.gali, Dildol Charley Lujunguynyi, Gandiyari, Jangurungurama, Wirrangala, Gurrunggumaji, Banjiramaji (Bob) Yellow Jack, Gabugabumanyi Jack, Wanjirrigama Sandy, Dirrdungga, Baramalina Bandaguyi, Wambilangunu, Dunggula, Yalbindirri, Topsy Landurimara, Jack Boy Walbungga, Paul Gayjbalala, Tobacco Jack, Ned Bamalurri, Old Rory Mawulawula (Buraji), Bamy (Barney) Barrgudugudu, Jack Calvert, Masterton Jack, Wudungkamarra, Thalmarrurrimara, Karringamaji (King Peter), Widalamara, Malarrkudu (Kabajuju) (Barramundi Billy), Dukala, Rukulamara, Albert Doomadgee, Ned Doomadgee, Kukurrinya (Yabiwayngka), Jack Nadinku, Nukuthu, Minnie Munjanagurru, Waguwiganda, Jangulamarra, Gilmajarri (or Landilimarra) and Willy Murrandoo,

who identify, and are identified by other Garawa People, as belonging to Garawa People in accordance with Garawa traditional law and custom.

"Descendants" for the purposes of this description includes those individuals who have been adopted by the Garawa People.

SCHEDULE 8

Other Interests

The nature and extent of Other Interests in relation to the Determination Area are those rights and interests current at the date of the Determination which comprise the following:

1. The rights and interests of the parties under the following indigenous land use agreements ("ILUAs"):
 - (a) between Terrance Taylor and Jacky Green on behalf of the Gangalidda People and the Garawa People, Gangalidda and Garawa Native Title Aboriginal Corporation RNTBC and Westmoreland Pastoral Company Pty Ltd, entitled the Gangalidda and Garawa People Westmoreland Pastoral ILUA dated 5 March 2015.
 - (b) between Terrance Taylor and Jacky Green on behalf of the Gangalidda People and the Garawa People, Gangalidda and Garawa Native Title Aboriginal Corporation RNTBC and Panoy Pty Ltd, entitled the Garawa People Wentworth Pastoral ILUA dated 26 March 2015.
2. The rights and interests of Westmoreland Pastoral Company Pty Ltd ACN 009 711 602 under PH08/1406, over Lot 1 on Plan SP217472 ("Westmoreland Pastoral Holding").
3. The rights and interests of Panoy Pty Ltd ACN 010 023 346 as lessee under PH08/2353, over Lot 2353 on PH1515 ("Wentworth Pastoral Holding").
4. The rights and interests of Carpentaria Land Council Aboriginal Corporation as lessee of part of Lot 4601 on PH1676 ("Part Troutbeck Pastoral Holding").
5. 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 telecommunications 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 in, and in the vicinity of, the Determination Area in the performance of their duties; and

(d) under any lease, licence, access agreement or easement relating to its telecommunications facilities in the Determination Area.

6. The rights and interests of the State of Queensland and Burke Shire Council to access, use, operate, maintain and control the dedicated roads in the Determination Area and the rights and interests of the public to use and access those roads.

7. The rights and interests of Burke Shire Council as the local government to exercise its powers and responsibilities of a local government under the *Local Government Act 2009* (Qld) and any other legislation within the Burke local government area under the *Local Government Regulations 2012* (Qld).

8. The rights and interests of the holders of any leases, licences, permits or authorities granted under the *Forestry Act 1959* (Qld) as may be current at the date of this determination.

9. 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.

10. 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 and the Commonwealth.

SCHEDULE 9

Description of areas the subject of previous exclusive possession acts and thus wholly excluded from the determination area

The following areas are wholly excluded from the Determination Area on the grounds that they have been the subject of a previous exclusive possession act (defined in s 23B of the *Native Title Act 1993* (Cth)) and in accordance with s 61A of the *Native Title Act 1993* (Cth) cannot be claimed:

1. The land or waters on which any public work (defined in s 253 of the *Native Title Act 1993* (Cth)) that is a previous exclusive possession act (defined in s 23B of the *Native Title Act 1993* (Cth)) was, on or before 23 December 1996, constructed or established, including (in accordance with s 251D of the *Native Title Act 1993* (Cth)) any adjacent land or waters the use of which is or was necessary for, or incidental to, the construction, establishment or operation of the work.

SCHEDULE 10 - Determination Map

[See NNTR attachment 1: "Schedule 10 - Determination Map"]

REGISTER ATTACHMENTS:

1. Schedule 10 - Determination Map, 1 page - A4, 01/04/2015

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.