



Extract from the National Native Title Register

Determination Information:

Determination Reference: Federal Court Number(s): QUD66/2005
NNTT Number: QCD2015/003

Determination Name: [Taylor on behalf of the Gangalidda and Garawa Peoples #2 v State of Queensland](#)

Date(s) of Effect: 21/01/2016

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:

The determination was conditional on the registration of the following nine agreements on the Register of Indigenous Land Use Agreements:

QI2014/091 Gangalidda People Birkalla, Little Doab, Nierrina, Beamesbrook and other interests ILUA;
QI2014/092 Gangalidda People Finucane Island ILUA;
QI2015/002 Gangalidda & Garawa People #2 and Burketown Land Exchange ILUA;
QI2015/006 Gangalidda People Kotupna Pastoral ILUA;
QI2015/007 Gangalidda and Garawa People Westmoreland Pastoral ILUA;
QI2015/008 Gangalidda People Almora Pastoral ILUA;
QI2015/009 Gangalidda People Armraynald, Part Doab, Yarrum and Iluka Pastoral ILUA;
QI2015/010 Garawa People Wentworth Pastoral ILUA; and
QI2015/011 Gangalidda People Punjaub Pastoral ILUA.

The last of these ILUAs was registered on the Register of Indigenous Land Use Agreements on 21 January 2016. The conditions attached to the determination have therefore been met and the determination came into effect on 21 January 2016.

REGISTERED NATIVE TITLE BODY CORPORATE:

Gangalidda and Garawa Native Title Aboriginal Corporation
RNTBC
Agent Body Corporate
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 Gunyarbadijarri, 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, Garruwala 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 Marrgarrayi, Violet Man.gali, Dildol Charley Lujunguynyi, Gandiyari, Jangurungurama, Wirrangala, Gurrungumaji, Banjiramaji (Bob) Yellow Jack, Gabugabumanyi Jack, Wanjirrigama Sandy, Dirrdungga, Baramalinya Bandaguyi, Wambilangu, 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, Thalmarrurkimara, Karringamaji (King Peter), Widalamara, Malarrkudu (Kabajuju) (Barramundi Billy), Dukala, Rukulamara, Albert Doomadgee, Ned Doomadgee, Kukurrinya (Yabiwayngka), Jack Nadinku, Nukuthu, Minnie Munjanagurru, Waguwiganda, Jangulamara, Gilmarri (or Landilimarra) and Willy Murradoo,

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

"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 2 of Schedule 8 being registered on the Register of Indigenous Land Use Agreements.
3. In the event that the agreements referred to in paragraph 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 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 11.
6. Section 47A of the *Native Title Act 1993* (Cth) applies to the areas denoted with a * described in Schedule 2.
7. Section 47B of the *Native Title Act 1993* (Cth) applies to the areas denoted with a + described in Schedule 2.
8. Native title is held by the Gangalidda People in that part of the Determination Area described in Schedule 4.
9. Native title is held by the Garawa People in that part of the Determination Area described in Schedule 5.
10. The Gangalidda People are those people described in Schedule 6.
11. The Garawa People are those people described in Schedule 7.
12. Subject to orders 16, 17 and 20, 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 11, other than in relation to the use and enjoyment of Water (which is dealt with in order 14), is the right to possession, occupation, use and enjoyment of the Determination Area to the exclusion of all others.
13. Subject to orders 16, 17, 18 and 20, 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 11, other than in relation to the use and enjoyment of Water (which is dealt with in order 14) and land and waters on the seaward side of the High Water Mark (which is dealt with in order 15), 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.

14. Subject to orders 16, 17, 18 and 20, the nature and extent of the native title rights and interests in relation to the use and enjoyment of Water within the Determination Area, other than in relation to waters on the seaward side of the High Water Mark (which is dealt with in order 15), 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.

15. Subject to orders 16, 17, 18 and 20, the nature and extent of the native title rights and interests in relation to the use and enjoyment of land and waters on the seaward side of the High Water Mark within that part of the Determination Area described in Schedule 3 and shown in Schedule 11 are non-exclusive rights:

- (a) to access, to be present on and to traverse the area;
- (b) to fish, hunt and gather Natural Resources on the area for personal, domestic or 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 take and consume fresh drinking water from fresh water springs in the inter tidal zone for domestic or non commercial purposes;
- (e) to conduct religious and spiritual activities or ceremonies on the area; and
- (f) to visit places or 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.

16. 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).

17. 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.

18. The native title rights and interests in relation to that part of the Determination Area 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.

19. The nature and extent of other interests in relation to the Determination Area are the rights and interests described in Schedule 8 (the "Other Interests") that are current at the date of this determination.
20. 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 areas 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);
 - (c) in areas where s 47B of the *Native Title Act 1993* (Cth) applies, and prior extinguishment is disregarded in accordance with s 47B(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 47B(3)(b) of the *Native Title Act 1993* (Cth); and
 - (d) 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.
21. Pursuant to s 56 of the *Native Title Act 1993* (Cth), the Court determines that native title is not held in trust.
22. 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);
 - (b) not hold the native title in trust;
 - (c) act as agent for the Gangalidda People and the Garawa People 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

23. 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 on the Determination Map at Schedule 11, and to the extent of any inconsistency between the Schedules, Schedule 1 prevails.

"Finucane Island ILUA Area" means that part of Lot 442 on NPW906 described in Schedule 1 and shown on the Determination Map in Schedule 11, and to the extent of any inconsistency between the Schedules, Schedule 1 prevails.

"High Water Mark" means the ordinary high water mark at spring tides.

"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) or petroleum as defined in the *Petroleum Act 1923* (Qld) and the *Petroleum and Gas (Production and Safety) Act 2004* (Qld).

"Other Interests" has the meaning given in order 19.

"seaward side" has the meaning that it has in the *Land Act 1994* (Qld).

"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;

(c) water from an underground water source; or

(d) tidal water.

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

SCHEDULE 1

Description of Determination Area

The Determination Area comprises all of the following land and waters described in Part 1(a), (b) and (c) of this schedule to the extent that they fall within the External Boundary Description at Schedule 1 Part 2, and depicted in the Determination Map in Schedule 11, excluding the areas described in Schedule 9 and Schedule 10.

Part 1 - Determination Area

(a) The land and waters comprised of the lots and part lots listed below:

Area Description

That part of Lot 6 on SP243581 that falls within the External Boundary Description excluding an area known as the Historical Burial Ground which is bounded by the following coordinates and depicted in the Determination Map in Schedule 11

Longitude East **Latitude South**

138.841236	-17.936342
138.841649	-17.936467
138.841506	-17.936914
138.841085	-17.93678

Lot 16 on BK13

Lot 98 on PC18

Lot 105 on PC18

That part of Lot 442 on NPW906 that falls within the External Boundary Description

Lot 78 on B1369

Lot 4 on BK10

Lot 14 on BK20

Lot 16 on BK24

That part of Lot 122 on PC12 excluding those areas outlined in Schedule 10

Lot 97 on PC19

Lot 102 on PC19

Lot 103 on PC19

Lot 74 on PC21

Lot 6 on PC22

That part of Lot 111 on PC30 excluding former Lots 10 and 11 on B1363

Lot 115 on PC38

That part of Lot 13 on BK32 that falls within the External Boundary Description

That part of Lot 5 on BK39 that falls within the External Boundary Description

That part of Lot 1 on BLR5 that falls within the External Boundary Description

Lot 2 on CP817875

That part of Lot 3 on CP847166 that falls within the External Boundary Description

That part of Lot 1 on CP887914 that falls within the External Boundary Description

That part of Lot 1 on CP889414 that falls within the External Boundary Description

Lot 3210 on CP891359

That part of Lot 3505 on PH1038 that falls within the External Boundary Description

That part of Lot 2353 on PH1515 not subject to Exploration Permit Applications 14264 and 14265

That part of Lot 3143 on PH2080 that falls within the External Boundary Description

That part of Lot 3298 on PH375 that falls within the External Boundary Description

That part of Lot 3345 on PH731 that falls within the External Boundary Description

Lot 3234 on PH788

Lot 4444 on PH888

That part of Lot 5 on SP111112 that falls within the External Boundary Description

That part of Lot 1 on SP217472 subject to former Lot 1 on WTH4 and not subject to Exploration Permit Application 14264

That part of Lot 2 on SP217472 subject to former Lot 1 on WTH4

Lot 5 on BK38

Lot 117 on PC43

That part of Lot 111 on B1361 excluding the area outlined in Schedule 10

Lot 112 on B1361

That part of Lot 113 on B1361 excluding the area outlined in Schedule 10

Lot 114 on B1361

Lot 121 on AP15578

Lot 123 on B1361

Lot 301 on B1361

Lot 41 on B1364

Lot 42 on B1364

Lot 49 on B1364

Lot 50 on B1364

Lot 51 on B1364

Lot 53 on B1364

Lot 106 on B1364

Lot 108 on B1364

Lot 71 on B1365

Lot 96 on PC15

Lot 100 on PC19

Lot 104 on PC20

Lot 110 on PC28

Lot 92 on PC3

Lot 72 on PC31

That part of Lot 86 on PC5 excluding the area outlined in Schedule 10

Lot 22 on PC9

Lot 1 on SP143489

That part of Lot 54 on USL103 excluding the area outlined in Schedule 10

Lot 69 on USL103

Lot 77 on USL103

Lot 1 on USL136

Lot 78 on USL157

Lot 2 on CP884324

(b) The waters within the External Boundary Description including but not limited to:

(i) Albert River;

(ii) Nicholson River;

(iii) Woods Lake;

(iv) Beames Brook;

(v) Barkly River;

(vi) Landsborough Inlet;

(vii) Leichhardt River; and

(viii) Gregory River.

(c) That part of the land and waters below High Water Mark including the sea-bed and subsoil within the following boundary description:

Commencing at a point at the High Water Mark on the Queensland/Northern Territory State Border in the Gulf of Carpentaria; then north-easterly along the Queensland/Northern Territory adjacent area boundary as defined in Schedule 2 of the *Petroleum (Submerged Land) Act 1967* (Cth) to a point 5 nautical miles seaward of the High Water Mark; then generally south-easterly along a boundary 5 nautical miles seaward of the High Water Mark to a western boundary of native title determination QG207/1997 *The Lardil Peoples v State of Queensland*; then generally south westerly along western boundaries of that determination to the High Water Mark of the Gulf of Carpentaria; then generally north-westerly along the High Water Mark of the Gulf of Carpentaria back to the point of commencement.

Part 2 - External Boundary Description

The External Boundary Description means the land and waters bounded by the following description:

Commencing at the intersection of the western bank of Leichhardt River and the southern bank of Landsborough Inlet and extending south westerly passing through Longitude 139.769059° East, Latitude 17.688131° South to a western bank of Saltwater Arm at Latitude 17.726036° South; then generally south westerly along the western banks of Saltwater Arm and Harris Creek to Latitude 17.968260° South; then again generally south westerly passing through the western bank of Twelve Mile Creek at Latitude 18.093510° South to the western bank of Four Mile Creek at Latitude 18.140880° South; then south westerly and westerly through the following coordinate points:

Longitude East	Latitude South
139.344679	18.152815
139.316754	18.168737
139.291086	18.175717

139.264606	18.179197
139.236167	18.181510
139.202258	18.182652
139.148844	18.182613

Then westerly to the western boundary of Lot 13 on BK32 (Punjaub Pastoral Holding) at Latitude 18.182297° South, then generally northerly along that western boundary, the western boundary of Lot 16 on BK13 and again the western boundary of Lot 13 on BK32 (Punjaub Pastoral Holding) to Longitude 139.124747° East; then generally north westerly through the following coordinate points:

Longitude East	Latitude South
139.072883	18.071115
139.029097	18.066608
139.012999	18.062101
139.002052	18.056949
138.996901	18.051798
138.994969	18.035056
138.989174	18.027329
138.982091	18.024109
138.971144	18.024753
138.956319	18.019431

Then north westerly to a point on the northern bank of the Nicholson River at Longitude 138.944745° East; then generally westerly and generally northerly along that bank to Longitude 138.840387° East (being south east of Doomadgee); then northerly and generally westerly through the following coordinate points:

Longitude East	Latitude South
138.840340	17.923187
138.784619	17.923275
138.766427	17.900186
138.641622	17.869594
138.594116	17.864824
138.340969	17.702018
138.174418	17.617281
138.139445	17.601666
138.121771	17.596390
138.080543	17.611232
138.032331	17.634817
138.008674	17.654384

Then south westerly to a point on the Queensland/Northern Territory State Border at Latitude 17.677553°

South; then northerly along that border to the High Water Mark of the Gulf of Carpentaria; then north easterly along the Queensland/Northern Territory adjacent area boundary as defined in Schedule 2 of the *Petroleum (Submerged Land) Act 1967* (Cth) to a point 5 nautical miles seaward of the High Water Mark; then generally south easterly along a boundary 5 nautical miles seaward of the High Water Mark to a western boundary of native title determination QG207/1997 *The Lardil Peoples v State of Queensland*; then generally south westerly along western boundaries of that determination to the High Water Mark of the Gulf of Carpentaria; then generally south easterly along that High Water Mark to the eastern bank of the Leichhardt River; then generally southerly along the eastern bank of that river to Latitude 17.669084° South; then south westerly back to the commencement point.

Exclusions

The Determination Area specifically excludes all lands and waters covered by:

QG207/1997 *The Lardil Peoples v State of Queensland* native title determination, as determined in the Federal Court of Australia on 23 March 2004;

QUD66/2005 *Gangalidda & Garawa People #2 v State of Queensland* native title determination, as determined in the Federal Court of Australia on 23 June 2010;

QUD84/2004 *Gangalidda and Garawa Peoples v State of Queensland* native title determination, as determined in the Federal Court of Australia on 23 June 2010;

QUD6022/1999 *Waanyi Peoples v State of Queensland* native title determination, as determined in the Federal Court of Australia on 9 December 2010;

QUD84/2004 *Gangalidda and Garawa Peoples* native title determination application, as accepted for registration on 26 August 2011;

Lot 4597 on PH1605 (Pendine Pastoral Lease);

Lot 4536 on SP204559 (Konka Pastoral Lease); and

Lots 1 and 2 on SP204559 (within Konka Pastoral Lease).

Note:

Reference Datum

Geographical coordinates are referenced to the Geocentric Datum of Australia (GDA94), in decimal degrees and are based on the spatial reference data acquired from the various custodians at the time.

Data Reference and Source

External boundary data compiled by the National Native Title Tribunal.

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

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.

SCHEDULE 2

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

The exclusive native title areas comprise all the land and waters listed below and shown on the Determination Map in Schedule 11, to the extent they are within the Determination Area:

AREA DESCRIPTION

* That part of Lot 6 on SP243581 that falls within the External Boundary Description excluding an area known as the Historical Burial Ground which is bounded by the following coordinates and depicted in the Determination Map in Schedule 11

Longitude East	Latitude South
138.841236	-17.936342
138.841649	-17.936467
138.841506	-17.936914
138.841085	-17.93678

+ That part of Lot 122 on PC12 excluding those areas identified in Schedule 10

+ That part of Lot 111 on B1361 excluding the area identified in Schedule 10

+ Lot 112 on B1361

+ That part of Lot 113 on B1361 excluding the area identified in Schedule 10

+ Lot 114 on B1361

- + Lot 121 on AP15578
- + Lot 123 on B1361
- + Lot 301 on B1361
- + Lot 41 on B1364
- + Lot 42 on B1364
- + Lot 49 on B1364
- + Lot 50 on B1364
- + Lot 51 on B1364
- + Lot 53 on B1364
- + Lot 106 on B1364
- + Lot 108 on B1364
- + Lot 71 on B1365
- + Lot 96 on PC15
- + Lot 100 on PC19
- + Lot 104 on PC20
- + Lot 110 on PC28
- + Lot 92 on PC3
- + Lot 72 on PC31
- + That part of Lot 86 on PC5 excluding the area identified in Schedule 10
- + Lot 22 on PC9
- + Lot 1 on SP143489
- + That part of Lot 54 on USL103 excluding the area identified in Schedule 10
- + Lot 69 on USL103
- + Lot 77 on USL103
- + Lot 1 on USL136
- + Lot 78 on USL157

* Denotes areas to which s 47A of the *Native Title Act 1993* (Cth) applies.

+ Denotes areas to which s 47B of the *Native Title Act 1993* (Cth) applies.

SCHEDULE 3

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

recognised

The non-exclusive native title areas comprise the land and waters described in parts (a), (b), and (c) of this schedule and shown on the Determination Map in Schedule 11, to the extent they are within the Determination Area:

(a) Area Description

Lot 16 on BK13

Lot 98 on PC18

Lot 105 on PC18

That part of Lot 442 on NPW906 that falls within the External Boundary Description

Lot 78 on B1369

Lot 4 on BK10

Lot 14 on BK20

Lot 16 on BK24

Lot 97 on PC19

Lot 102 on PC19

Lot 103 on PC19

Lot 74 on PC21

Lot 6 on PC22

That part of Lot 111 on PC30 excluding former Lots 10 and 11 on B1363

Lot 115 on PC38

That part of Lot 13 on BK32 that falls within the External Boundary Description

That part of Lot 5 on BK39 that falls within the External Boundary Description

That part of Lot 1 on BLR5 that falls within the External Boundary Description

Lot 2 on CP817875

That part of Lot 3 on CP847166 that falls within the External Boundary Description

That part of Lot 1 on CP887914 that falls within the External Boundary Description

That part of Lot 1 on CP889414 that falls within the External Boundary Description

Lot 3210 on CP891359

That part of Lot 3505 on PH1038 that falls within the External Boundary Description

That part of Lot 2353 on PH1515 not subject to Exploration Permit Applications 14264 and 14265

That part of Lot 3143 on PH2080 that falls within External Boundary Description

That part of Lot 3298 on PH375 that falls within the External Boundary Description

That part of Lot 3345 on PH731 that falls within the External Boundary Description

Lot 3234 on PH788

Lot 4444 on PH888

That part of Lot 5 on SP111112 that falls within the External Boundary Description

That part of Lot 1 on SP217472 subject to former Lot 1 on WTH4 and not subject to Exploration Permit Application 14264

That part of Lot 2 on SP217472 subject to former Lot 1 on WTH4

Lot 5 on BK38

Lot 117 on PC43

Lot 2 on CP884324

(b) The waters within the External Boundary Description including but not limited to:

- (i) Albert River;
- (ii) Nicholson River;
- (iii) Woods Lake;
- (iv) Beames Brook;
- (v) Barkly River;
- (vi) Landsborough Inlet;
- (vii) Leichhardt River; and
- (viii) Gregory River.

(c) That part of the land and waters below the High Water Mark including the sea-bed and subsoil within the following boundary description:

Commencing at a point at the High Water Mark on the Queensland/Northern Territory State Border in the Gulf of Carpentaria; then north-easterly along the Queensland/Northern Territory adjacent area boundary as defined in Schedule 2 of the *Petroleum (Submerged Land) Act 1967* (Cth) to a point 5 nautical miles seaward of the High Water Mark; then generally south-easterly along a boundary 5 nautical miles seaward of the High Water Mark to a western boundary of native title determination QG207/1997 *The Lardil Peoples v State of Queensland*; then generally south westerly along western boundaries of that determination to the High Water Mark of the Gulf of Carpentaria; then generally north-westerly along the High Water Mark of the Gulf of Carpentaria back to the point of commencement.

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 11.

(a) **Area Description**

That part of Lot 6 on SP243581 that falls within the External Boundary Description excluding an area known as the Historical Burial Ground which is bounded by the following coordinates and depicted in the Determination Map in Schedule 11

Longitude East	Latitude South
138.841236	-17.936342
138.841649	-17.936467
138.841506	-17.936914
138.841085	-17.93678

Lot 16 on BK13

Lot 98 on PC18

Lot 105 on PC18

That part of Lot 442 on NPW906 that falls within the External Boundary Description

Lot 78 on B1369

Lot 4 on BK10

Lot 14 on BK20

Lot 16 on BK24

That part of Lot 122 on PC12 excluding those areas identified in Schedule 10

Lot 97 on PC19

Lot 102 on PC19

Lot 103 on PC19

Lot 74 on PC21

Lot 6 on PC22

That part of Lot 111 on PC30 excluding former Lots 10 and 11 on B1363

Lot 115 on PC38

That part of Lot 13 on BK32 that falls within the External Boundary Description

That part of Lot 5 on BK39 that falls within the External Boundary Description

That part of Lot 1 on BLR5 that falls within the External Boundary Description

Lot 2 on CP817875

That part of Lot 3 on CP847166 that falls within the External Boundary Description

That part of Lot 1 on CP887914 that falls within the External Boundary Description

That part of Lot 1 on CP889414 that falls within the External Boundary Description

Lot 3210 on CP891359

That part of Lot 3505 on PH1038 that falls within the External Boundary Description
That part of Lot 3143 on PH2080 that falls within the External Boundary Description
That part of Lot 3298 on PH375 that falls within the External Boundary Description
That part of Lot 3345 on PH731 that falls within the External Boundary Description
Lot 3234 on PH788
Lot 4444 on PH888
That part of Lot 5 on SP111112 that falls within the External Boundary Description
That part of Lot 1 on SP217472 subject to former Lot 1 on WTH4 and not subject to Exploration Permit Application 14264
That part of Lot 2 on SP217472 subject to former Lot 1 on WTH4
Lot 5 on BK38
Lot 117 on PC43
That part of Lot 111 on B1361 excluding an area identified at Schedule 10
Lot 112 on B1361
That part of Lot 113 on B1361 excluding an area identified at Schedule 10
Lot 114 on B1361
Lot 121 on AP15578
Lot 123 on B1361
Lot 301 on B1361
Lot 41 on B1364
Lot 42 on B1364
Lot 49 on B1364
Lot 50 on B1364
Lot 51 on B1364
Lot 53 on B1364
Lot 106 on B1364
Lot 108 on B1364
Lot 71 on B1365
Lot 96 on PC15
Lot 100 on PC19
Lot 104 on PC20
Lot 110 on PC28
Lot 92 on PC3
Lot 72 on PC31

That part of Lot 86 on PC5 excluding an area identified at Schedule 10

Lot 22 on PC9

Lot 1 on SP143489

That part of Lot 54 on USL103 excluding an area identified at Schedule 10

Lot 69 on USL103

Lot 77 on USL103

Lot 1 on USL136

Lot 78 on USL157

Lot 2 on CP884324

Waters

That part of the land and waters below High Water Mark including the sea bed and subsoil outlined in paragraph (c) of Schedule 1.

(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 paragraph (b) of Schedule 4 and depicted in the Determination Map in Schedule 11.

(a) Area Description

That part of Lot 2353 on PH1515 not subject to Exploration Permit Applications 14264 and 14265

That part of Lot 1 on SP217472 subject to former Lot 1 on WTH4 and not subject to Exploration Permit Application 14264

That part of Lot 1 on CP887914 that falls within the External Boundary Description

Waters

That part of the land and waters below High Water Mark including the sea bed and subsoil outlined in paragraph (c) of Schedule 1.

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, 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, Garruwala 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.

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, 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, Thalmarrurkimara, 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 Murradoo,

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

"**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 State of Queensland and the interests of any permittees or licencees pursuant to the *Nature Conservation Act 1992* (Qld) and subordinate legislation in relation to the Finucane Island ILUA Area.

- 2 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 the State of Queensland, entitled Gangalidda People Finucane Island ILUA dated 16 December 2014;
 - (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, the State of Queensland and the Burke Shire Council entitled Burketown ILUA dated 16 December 2014;
 - (c) 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;
 - (d) 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;
 - (e) 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 Norman Leonard Clarke, entitled the Gangalidda People Almora Pastoral ILUA dated 11 March 2015;
 - (f) 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 John Geoffrey Nelson and Janice Nelson, entitled the Gangalidda People Birkalla, Little Doab, Nierrina, Beamesbrook and Other Interests ILUA dated 18 December 2014;
 - (g) 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 Paraway Pastoral Company Limited, entitled the Gangalidda People Armraynald, Part Doab, Yarrum and Iluka Pastoral ILUA dated 17 March 2015;
 - (h) 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 Lorna Ann Elizabeth Smith, John Ross Smith, Judith Anne Goodall, Frederick James Edwards and Patricia Joy White, entitled the Gangalidda People Kotupna Pastoral ILUA dated 5 March 2015; and
 - (i) 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 Venlock Pty Ltd, entitled the Gangalidda People Punjaub Pastoral ILUA dated 27 March 2015.

3 The rights and interests of the grantee and others under the Deed of Grant of Land (Reference 50875488) over that part of Lot 6 on SP243581 ("Doomadgee DOGIT").

4 The rights and interests of Westmoreland Pastoral Company Pty Ltd ACN 009 711 602 under PH08/1406, over Lot 1 on SP217472 ("Westmoreland Pastoral Holding").

5 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").

6 The rights and interests of Norman Leonard Clarke as lessee under PH8/4876, over Lot 5 on Crown Plan BK39 and Lot 1 on Crown Plan BLR5 ("Almora Pastoral Holding").

7 The rights and interests of John Geoffrey Nelson and Janice Nelson as lessees under:

- (a) PH08/3218, over Lot 2 on CP817875 ("Birkalla Pastoral Holding");

- (b) PH08/4444, over Lot 4444 on PH888 (“Little Doab Pastoral Holding”);
- (c) PH08/3298, over Lot 3298 on PH375 (“Nierrina Pastoral Holding”);
- (d) Beamesbrook Term Lease (Title Reference 40064761) over Lot 3210 on Crown Plan 891359 (“Beamesbrook Term Lease”); and
- (e) Term Lease TL0/215966 over Lot 4 on Crown Plan BK10 (“TL 0/215966”).

8 The rights and interests of Paraway Pastoral Company Limited ABN 14 122 572 641 as lessee under:

- (a) PH08/1907, over Lot 3 on CP847166 (“Armraynald Pastoral Holding”);
- (b) PH08/4697, over Lot 1 on CP889414 (“Part Doab Pastoral Holding”);
- (c) PH08/3143, over Lot 3143 on PH2080 (“Yarrum Pastoral Holding”); and
- (d) PH08/3234, over Lot 3234 on PH788 (“Iluka Pastoral Holding”).

9 The rights and interests of Turn Off Lagoons Pastoral Holding Company Pty Ltd ACN 085 377 304 as lessee under PH8/5440, over Lot 1 on CP887914 (“Turn Off Lagoons Pastoral Holding”).

10 The rights and interests of Juanita Mary Clarke and Leslie Gordon Clarke as lessees under PH08/3345, over Lot 3345 on CP PH731 (“Brinawa Pastoral Holding”).

11 The rights and interests of Venlock Pty Ltd ACN 010 198 893 as lessee under PH8/5027, over Lot 13 on CP BK32 (“Punjaub Pastoral Holding”).

12 The rights and interests of Lawn Hill and Riversleigh Pastoral Holding Company Pty Ltd ACN 083 607 470 as lessee under TL0/221407 over Lot 5 on SP111112 (“Lawn Hill Pastoral Holding”).

13 The rights and interests of Lorna Ann Elizabeth Smith, John Ross Smith, Judith Anne Goodall, Frederick James Edwards and Patricia Joy White as lessees under PH8/3505 over Lot 3505 on CP PH1038 (“Kotupna”).

14 The rights and interests of William Archibald Olive and McRae Investments Pty Ltd ACN 008 696 731 as lessees under TL0/237237 over Lot 2 on SP217472 (“Cliffdale Term Lease”).

15 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 including under:
 - (i) Term Lease 0/233251 over Lot 117 on Crown Plan PC43 (Title Reference 40058255);
 - (ii) Term Lease 0/221724 over Lot 5 on Crown Plan BK38 (Title Reference 40046528); and
 - (iii) a permissive occupancy issued by the Department of Community Services Queensland on 10 June 1986 providing for the use of an area measuring 150m by 150m on the Doomadgee DOGIT.

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

- (a) as the owner and operator of "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 entered into before the date on which these orders are made relating to the Determination Area and to which ss 113A or 113B of the *Electricity Act 1994* (Qld) apply;
 - (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.

17 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.

18 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).

19 The rights, interests or powers of the Doomadgee Aboriginal Shire Council:

- (a) under the *Local Government Act 2009* (Qld) and under any other legislation, for that part of the Determination Area within the Doomadgee local government area under the *Local Government Regulations 2012* (Qld); and
- (b) as the holder of any estate or interest in land that exists in the Determination Area, including as the trustee under the Doomadgee DOGIT,
including:
 - (c) as the owner, operator or holder of any interest in infrastructure, facilities, or other site improvements, including:
 - (i) roads as defined in the *Local Government Act 2009* (Qld);
 - (ii) buildings or other structures, including fencing;

- (iii) gravel pits; and
- (iv) water bores, water point facilities and other infrastructure for the supply of water; and
- (d) any rights of its employees, agents or contractors to enter land, including:
 - (i) to perform its local government operational activities such as feral animal and weed control, erosion control, waste management, and fire and land management; and
 - (ii) to operate, inspect, maintain and repair its infrastructure, facilities and other site improvements.

20 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.

21 In relation to the land and waters comprising that part of the Determination Area on the seaward side of the High Water Mark:

- (a) the rights and interests granted by the State of Queensland or the Commonwealth pursuant to statute including, but not limited to, the rights and interests of persons holding licences, certificates, permits, authorities and permissions pursuant to:
 - (i) the *Transport Operations (Marine Safety) Act 1994* (Qld) and the *Transport Operations (Marine Safety) Regulation 1995* (Qld); and
 - (ii) the *Fisheries Act 1994* (Qld), the *Fisheries Regulation 1995* (Qld) and the *Fisheries Management Act 1991* (Cth); and
- (b) the rights and interests of members of the public arising under:
 - (i) the common law public right to navigate; and
 - (ii) the common law public right to fish; and
- (c) the rights under the international right of innocent passage.

22 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.

23 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

Areas Not Forming Part of the Determination Area

Previous Exclusive Possession Acts

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:

(a) 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 and waters the use of which is or was necessary for, or incidental to, the construction, establishment or operation of the work.

(b) The following land or waters the subject of previous exclusive possession acts (defined in s 23B of the *Native Title Act 1993* (Cth)):

- (i) Lot 75 on PC 26; and
- (ii) Lot 1 on SP 194674.

Pre-Existing Rights Based Act

On the basis that native title has been extinguished and is not claimed pursuant to s 241B of the *Native Title Act 1993* (Cth), the parties have agreed that Lot 7 on CP847163 is wholly excluded from the Determination Area.

SCHEDULE 10

Areas where native title has been extinguished

The parties have agreed that native title has been extinguished over the land and waters described below pursuant to the Indigenous Land Use Agreement referred to in clause 2(b) of Schedule 8.

Area Description

That part of Lot 122 on PC12 bounded by the following coordinates and depicted in the Determination Map in Schedule 11

Longitude East	Latitude South
139.535091	-17.740662
139.532268	-17.740543
139.532395	-17.739953

139.533607	-17.740004
139.533545	-17.739094
139.536821	-17.739228
139.537066	-17.739486
139.536631	-17.739834
139.536682	-17.740729
139.536504	-17.740722
139.536566	-17.739368
139.535153	-17.739308
139.535091	-17.740662

That part of Lot 122 on PC12 bounded by the following coordinates and depicted in the Determination Map in Schedule 11

Longitude East	Latitude South
139.536682	-17.740729
139.536631	-17.739834
139.537066	-17.739486
139.536628	-17.739024
139.536724	-17.738948
139.534643	-17.735512
139.536352	-17.735099
139.537646	-17.739393
139.537224	-17.740752
139.536682	-17.740729

That part of Lot 122 on PC12 bounded by the following coordinates and depicted in the Determination Map in Schedule 11

Longitude East	Latitude South
139.523318	-17.749509
139.525198	-17.753627
139.524059	-17.754353
139.522070	-17.750185
139.523318	-17.749509

That part of Lot 122 on PC12 bounded by the following coordinates and depicted in the Determination Map in Schedule 11

Longitude East	Latitude South
139.538213	-17.741591

139.538271	-17.744903
139.537888	-17.745188
139.531207	-17.745452
139.538213	-17.741591

That part of Lot 122 on PC12 bounded by the following coordinates and depicted in the Determination Map in Schedule 11

Longitude East	Latitude South
139.521965	-17.745340
139.520984	-17.743419
139.526338	-17.741327
139.526884	-17.743276
139.521965	-17.745340

That part of Lot 122 on PC12 bounded by the following coordinates and depicted in the Determination Map in Schedule 11

Longitude East	Latitude South
139.522829	-17.747031
139.522088	-17.745581
139.526957	-17.743536
139.527344	-17.744915
139.522829	-17.747031

That part of Lot 122 on PC12 bounded by the following coordinates and depicted in the Determination Map in Schedule 11

Longitude East	Latitude South
139.517987	-17.749301
139.517246	-17.747851
139.521836	-17.745700
139.522576	-17.747150
139.517987	-17.749301

That part of Lot 122 on PC12 bounded by the following coordinates and depicted in the Determination Map in Schedule 11

Longitude East	Latitude South
139.484553	-17.756209
139.484562	-17.755441
139.485364	-17.755450
139.485355	-17.756218
139.484553	-17.756209

That part of Lot 122 on PC12 bounded by the following coordinates and depicted in the Determination Map in Schedule 11

Longitude East	Latitude South
139.526596	-17.741227
139.530218	-17.740790
139.534205	-17.740896
139.534249	-17.741018
139.534701	-17.741528
139.534075	-17.741754
139.527596	-17.744796
139.526596	-17.741227

Lot 116 on PC38

Lot 13 on B13616

Lot 16 on B13618

Lot 5 on B13619

Lot 3 on B13623

Lot 2 on B13624

Lot 18 on B13625

Lot 97 on B1364

That part of Lot 111 on B1361 north of a line that passes through the following coordinates and depicted in the Determination Map in Schedule 11

Longitude East	Latitude South
139.549737	-17.745545
139.550124	-17.745552

That part of Lot 113 on B1361 north of a line that passes through the following coordinates and depicted in the Determination Map in Schedule 11

Longitude East	Latitude South
139.549556	-17.745542
139.549737	-17.745545

Lot 8 on B13610

Lot 9 on B13610

Lot 10 on B13610

Lot 11 on B13610

Lot 12 on B13610

Lot 13 on B13610

Lot 14 on B13610
Lot 15 on B13610
Lot 16 on B13610
Lot 18 on B13610
Lot 22 on B13610
Lot 23 on B13610
Lot 24 on B13610
Lot 25 on B13610
Lot 26 on B13610
Lot 27 on B13610
Lot 28 on B13610
Lot 29 on B13610
Lot 30 on B13610
Lot 31 on B13610
Lot 32 on B13610
Lot 33 on B13610
Lot 34 on B13610
Lot 35 on B13610
Lot 36 on B13610
Lot 37 on B13610
Lot 38 on B13610
Lot 39 on B13610
Lot 42 on B13610
Lot 43 on B13610
Lot 44 on B13610
Lot 45 on B13610
Lot 46 on B13610
Lot 47 on B13610
Lot 48 on B13610
Lot 49 on B13610
Lot 50 on B13610
Lot 51 on B13610
Lot 52 on B13610
Lot 53 on B13610

Lot 54 on B13610
Lot 55 on B13610
Lot 56 on B13610
Lot 57 on B13610
Lot 58 on B13610
Lot 59 on B13610
Lot 64 on B13610
Lot 65 on B13610
Lot 66 on B13610
Lot 67 on B13610
Lot 68 on B13610
Lot 69 on B13610
Lot 70 on B13610
Lot 71 on B13610
Lot 72 on B13610
Lot 73 on B13610
Lot 74 on B13610
Lot 75 on B13610
Lot 76 on B13610
Lot 87 on B13610
Lot 88 on B13610
Lot 89 on B13610
Lot 90 on B13610
Lot 91 on B13610
Lot 92 on B13610
Lot 93 on B13610
Lot 94 on B13610
Lot 95 on B13610
Lot 96 on B13610
Lot 97 on B13610
Lot 21 on B1364
Lot 1 on B1365
Lot 2 on B1365
Lot 4 on B1365

Lot 5 on B1365
 Lot 12 on B1365
 Lot 13 on B1365
 Lot 16 on B1365
 Lot 17 on B1365
 Lot 39 on B1365
 Lot 40 on B1365
 Lot 52 on B1365
 Lot 68 on B1365
 Lot 69 on B1365
 Lot 70 on B1365
 Lot 52 on B1368
 Lot 66 on B1368
 Lot 67 on B1368
 Lot 65 on PC31
 Lot 114 on PC34
 Lot 119 on PC35
 Lot 2 on SP194674

That part of Lot 86 on PC5 east of a line that passes through the following coordinates and depicted in the Determination Map in Schedule 11

Longitude East	Latitude South
139.479318	-17.756785
139.479279	-17.756647
139.479311	-17.755635

Lot 127 on PC5

That part of Lot 54 on USL103 bounded by the following coordinates and depicted in the Determination Map in Schedule 11

Longitude East	Latitude South
139.414019	-17.746575
139.414752	-17.747405
139.413817	-17.748164
139.412912	-17.747140
139.414019	-17.746575

SCHEDULE 11 - Determination Map

[See NNTR attachment 1: "Schedule 11 - Determination Map"]

REGISTER ATTACHMENTS:

1. Schedule 11 - Determination Map, 16 pages - 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.