



Extract from the National Native Title Register

Determination Information:

Determination Reference: Federal Court Number(s): QUD6244/1998
NNTT Number: QCD2016/001

Determination Name: [Miller on behalf of the Birriah People v State of Queensland](#)

Date(s) of Effect: 23/03/2016

Determination Outcome: Native title exists in the entire determination area

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

Determination Date: 23/03/2016

Determining Body: Federal Court of Australia

ADDITIONAL INFORMATION:

The ILUA referred to in Order 2 and 3 of the judgment - Q12016/035 Birriah People Tenure Resolution ILUA, was registered on 27 September 2016.

REGISTERED NATIVE TITLE BODY CORPORATE:

Birriah Aboriginal Corporation RNTBC
Trustee Body Corporate
PO BOX 1989
Aitkenvale Queensland 4814

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:

The native title is held by the Birriah People described in Schedule 3 (the "native title holders").

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

(a) Jinnie Tiers;

- (b) Kuburu, the father of Billy Lightning Banbari;
- (c) John Smallwood;
- (d) Rosie Schilling;
- (e) Peggy Barker;
- (f) Sambo Callaghan;
- (g) Tommy Morgan;
- (h) the mother of Lizzie Limburner;
- (i) Nellie Skeen or William (Billy) Skeen Snr;
- (j) Caroline Roger; or
- (k) Maggie or her husband Harry Shepherd (Snr).

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 exercise of the native title rights and interests referred to in paragraph 8 of the determination in relation to Lot 3 on Plan SP149509 be suspended for a period of nine months from the date of the determination or until the indigenous land use agreement referred to in paragraph 1(b) of Schedule 4 is registered (whichever occurs first).
3. The exercise of the native title rights and interests referred to in paragraph 9 of the determination in relation to Lot 20 on Plan G112828 be suspended for a period of nine months from the date of the determination or until the indigenous land use agreement referred to in paragraph 1(b) of Schedule 4 is registered (whichever occurs first).

BY CONSENT THE COURT DETERMINES THAT:

5. The Determination Area is the land and waters described in Schedule 1, and depicted in the map attached to Schedule 1. To the extent of any inconsistency between the written description and the map, the written description prevails.
6. Native title exists in relation to that part of the Determination Area described in Part 1 and Part 2 of Schedule 1.
7. The native title is held by the Birriah People described in Schedule 3 (the “native title holders”).
8. Subject to paragraphs 10, 11 and 12 below the nature and extent of the native title rights and interests in relation to the land and waters described in Part 1 of Schedule 1 are:
 - (a) other than in relation to Water, the right to possession, occupation, use and enjoyment of the area to the exclusion of all others; and
 - (b) in relation to Water, the non-exclusive rights to:
 - (i) hunt, fish and gather from the Water of the area;
 - (ii) take and use the Natural Resources of the Water in the area; and
 - (iii) take and use the Water of the area,

for personal, domestic and non-commercial communal purposes.

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

- (a) access, be present on, move about on and travel over the area;
- (b) camp, and for that purpose build temporary shelters;
- (c) hunt, fish and gather on the land and waters of the area for personal, domestic and non-commercial communal purposes;
- (d) take, use, share and exchange Natural Resources from the land and waters of the area for personal, domestic and non-commercial communal purposes;
- (e) take and use the Water of the area for personal, domestic and non-commercial communal purposes;
- (f) conduct ceremonies on the area;
- (g) be buried and 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 and protect those places and areas from physical harm;
- (i) teach on the area the physical and spiritual attributes of the area;
- (j) hold meetings on the area; and
- (k) light fires on the area for domestic purposes including cooking, but not for the purpose of hunting or clearing vegetation.

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

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

11. The native title rights and interests referred to in paragraphs 8(b) and 9 do not confer possession, occupation, use or enjoyment to the exclusion of all others.

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

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

14. The relationship between the native title rights and interests described in paragraphs 8 and 9 and the other interests described in Schedule 4 (the "other interests") is that:

- (a) the other interests continue to have effect, and the rights conferred by or held under the other interests may be exercised notwithstanding the existence of the native title rights and interests;
- (b) to the extent the other interests are inconsistent with the continued existence, enjoyment or exercise of the native title rights and interests in relation to the land and waters of the Determination Area, the native title continues to exist in its entirety but the native title rights and interests have no effect in relation to the other interests to the extent of the inconsistency for so long as the other interests exist;
- (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; and
- (d) in relation to pastoral leases wholly or partly within the Determination Area, and without limiting the operation of paragraphs 14(a) to 14(c) above, as set out in Schedule 5.

DEFINITIONS AND INTERPETATION

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

“land” and “waters”, respectively, have the same meanings as in the *Native Title Act 1993* (Cth);

“Laws of the State and the Commonwealth” means the common law and the laws of the State of Queensland and the Commonwealth of Australia, and includes legislation, regulations, statutory instruments, local planning instruments and local laws;

“Natural Resources” means:

- (a) any animal, plant, fish and bird life found on or in the lands and waters of the Determination Area; and
- (b) any clays, soil, sand, gravel or rock found on or below the surface of the Determination Area,

that have traditionally been taken and used by the native title holders, but does not include:

- (a) animals that are the private personal property of another;
- (b) crops that are the private personal property of another; and
- (c) minerals as defined in the *Mineral Resources Act 1989* (Qld) or petroleum as defined in the *Petroleum Act 1923* (Qld) and the *Petroleum and Gas (Production and Safety) Act 2004* (Qld);

“Water” means:

- (a) water which flows, whether permanently or intermittently, within a river, creek or stream;
- (b) any natural collection of water, whether permanent or intermittent; and
- (c) water from an underground water source.

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

THE COURT DETERMINES THAT:

16. The native title is held in trust.

17. The Birriah Aboriginal Corporation ICN 8261, incorporated under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (Cth), is to:

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

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

Part 1 – Exclusive Areas

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

Area description (as at date of determination)	Determination map sheet number
Lot 1 on Plan AP2845	59
That part of Lot 1 on Plan AP10097 that is within the external boundary described in Part 3	75

Lot 1 on Plan AP11729	37
Lot 1 on Plan AP13613	58, 59, 60
Lot 1 on Plan AP13640	58
Lot 1 on Plan AP15549	26
Lot 1 on Plan AP15858	13
Lot 1 on Plan AP2086	28, 48
Lot 1 on Plan AP2859	38
Lot 1 on Plan AP3534	12
Lot 1 on Plan AP3540	12
Lot 1 on Plan AP9323	12, 23
Lot 1 on Plan BKN26	3
Lot 1 on Plan D9153	40, 41
Lot 1 on Plan M91011	35
Lot 1 on Plan M91012	35
Lot 1 on Plan M9103	34
Lot 1 on Plan M9109	32
Lot 1 on Plan SP247468	38
Lot 10 on Plan AP2789	11, 13
Lot 10 on Plan GS949	42
Lot 10 on Plan M91011	35
Lot 10 on Plan M91012	35
Lot 10 on Plan M9102	35
Lot 10 on Plan M9103	34
Lot 10 on Plan M9104	34
Lot 101 on Plan E4741	25
Lot 101 on Plan R1628	24
Lot 102 on Plan E4741	25
Lot 102 on Plan R1628	24
Lot 103 on Plan E4741	25
Lot 103 on Plan R1628	24
Lot 104 on Plan E4741	25
Lot 104 on Plan R1628	24
Lot 105 on Plan E4741	25
Lot 105 on Plan R1628	24

Lot 106 on Plan E4741	25
Lot 106 on Plan R1628	24
Lot 107 on Plan E4741	25
Lot 107 on Plan R1628	24
Lot 108 on Plan E4741	25
Lot 108 on Plan R1628	24
Lot 109 on Plan E4741	25
Lot 109 on Plan R1628	24
Lot 11 on Plan D91513	41
Lot 11 on Plan GS949	42
Lot 11 on Plan M91011	35
Lot 11 on Plan M91012	35
Lot 11 on Plan M9102	35
Lot 11 on Plan M9103	34
Lot 11 on Plan M9104	34
Lot 110 on Plan E4741	25
Lot 110 on Plan R1628	24
Lot 111 on Plan E4741	25
Lot 111 on Plan R1628	24
Lot 112 on Plan E4741	25
Lot 112 on Plan GS329	32
Lot 112 on Plan R1628	24
Lot 113 on Plan E4741	25
Lot 113 on Plan R1628	24
Lot 114 on Plan E4741	25
Lot 114 on Plan R1628	24
Lot 115 on Plan E4741	25
Lot 115 on Plan R1628	24
Lot 116 on Plan E4741	25
Lot 116 on Plan R1628	24
Lot 117 on Plan E4741	25
Lot 117 on Plan R1628	24
Lot 118 on Plan E4741	25
Lot 118 on Plan R1628	24

Lot 119 on Plan R1628	24
Lot 12 on Plan D9155	39, 40, 41
Lot 12 on Plan GS949	42
Lot 12 on Plan M91011	35
Lot 12 on Plan M91012	35
Lot 12 on Plan M9102	35
Lot 12 on Plan M9103	34
Lot 12 on Plan M9104	34
Lot 120 on Plan R1628	24
Lot 120 on Plan SP143384	28
Lot 121 on Plan SP143384	28
Lot 1246 on Plan MPH4893	4
Lot 1247 on Plan MPH4893	4
Lot 1248 on Plan MPH4893	4
Lot 128 on Plan USL48036	23, 27
Lot 13 on Plan AP15670	5
Lot 13 on Plan AP15858	13
Lot 13 on Plan AP9323	12, 23, 25, 26
Lot 13 on Plan GS949	42
Lot 13 on Plan M91012	34, 35
Lot 13 on Plan M9102	35
Lot 13 on Plan M9103	34
Lot 13 on Plan M9104	34
Lot 14 on Plan AP13640 *	59
Lot 14 on Plan D91512	40
Lot 14 on Plan GS949	42
Lot 14 on Plan M9102	35
Lot 14 on Plan M9104	34
Lot 14 on Plan MRY12	48
Lot 14 on Plan USL46733	10, 48
Lot 14 on Plan USL48141	4
Lot 15 on Plan AP13640 *	59
Lot 15 on Plan D9154	42
Lot 15 on Plan GS949	42

Lot 15 on Plan M91012	34, 35
Lot 15 on Plan M9102	35
Lot 15 on Plan M9103	34
Lot 15 on Plan M9104	34
Lot 16 on Plan AP13640	59
Lot 16 on Plan D9154	42
Lot 16 on Plan GS949	42
Lot 16 on Plan M9102	35
Lot 16 on Plan M9103	34
Lot 16 on Plan M9104	34
Lot 16 on Plan USL48171	11
Lot 161 on Plan USL48036	23, 27
Lot 17 on Plan D9154	42
Lot 17 on Plan GS949	42
Lot 17 on Plan M91012	35
Lot 17 on Plan M9102	35
Lot 17 on Plan M9103	34
Lot 17 on Plan USL48036	25
Lot 18 on Plan AP15535	41
Lot 18 on Plan AP3534	12, 22
Lot 18 on Plan GS949	42
Lot 18 on Plan M91012	35
Lot 18 on Plan M9102	35
Lot 18 on Plan M9103	34
Lot 19 on Plan D9155	41
Lot 19 on Plan D9157	40, 41
Lot 19 on Plan GS949	42
Lot 19 on Plan M91011	35
Lot 19 on Plan M9103	34
Lot 2 on Plan AP11729	37
Lot 2 on Plan AP13613	58, 59, 60
Lot 2 on Plan AP15549	26
Lot 2 on Plan AP15858	13
Lot 2 on Plan AP3534	12, 22

Lot 2 on Plan AP7731	38
Lot 2 on Plan D9153	40
Lot 2 on Plan M91011	35
Lot 2 on Plan M91012	35
Lot 2 on Plan M91015	32
Lot 2 on Plan M9103	34
Lot 2 on Plan M9109	32
Lot 2 on Plan USL35667	36, 40
Lot 20 on Plan D9155	41
Lot 20 on Plan D9158	40, 41
Lot 20 on Plan GS949	42
Lot 20 on Plan M9103	34
Lot 201 on Plan E4741	25, 26
Lot 201 on Plan R1628	24
Lot 202 on Plan E4741	25, 26
Lot 202 on Plan R1628	24
Lot 203 on Plan E4741	25, 26
Lot 203 on Plan R1628	24
Lot 204 on Plan E4741	25, 26
Lot 204 on Plan R1628	24
Lot 205 on Plan E4741	25, 26
Lot 205 on Plan R1628	24
Lot 206 on Plan E4741	25, 26
Lot 206 on Plan R1628	24
Lot 207 on Plan E4741	25, 26
Lot 207 on Plan R1628	24
Lot 208 on Plan R1628	24
Lot 209 on Plan R1628	24
Lot 21 on Plan AP15671	5, 6
Lot 21 on Plan D9155	41
Lot 21 on Plan GS949	42
Lot 21 on Plan M91011	35
Lot 21 on Plan M9103	34
Lot 210 on Plan R1628	24

Lot 211 on Plan R1628	24
Lot 212 on Plan R1628	24
Lot 213 on Plan R1628	24
Lot 214 on Plan R1628	24
Lot 215 on Plan R1628	24
Lot 216 on Plan R1628	24
Lot 217 on Plan R1628	24
Lot 218 on Plan R1628	24
Lot 218 on Plan SP107454	30
Lot 219 on Plan R1628	24
Lot 219 on Plan SP119463	30
Lot 22 on Plan GS949	42
Lot 22 on Plan M91011	35
Lot 22 on Plan M91012	35
Lot 22 on Plan M9103	34
Lot 220 on Plan R1628	24
Lot 23 on Plan GS949	42
Lot 23 on Plan M91011	35
Lot 23 on Plan M91012	35
Lot 23 on Plan M9108	33
Lot 24 on Plan GS949	42
Lot 24 on Plan M91011	35
Lot 24 on Plan M91012	35
Lot 25 on Plan M91011	35
Lot 26 on Plan M91011	35
Lot 27 on Plan M91011	35
Lot 27 on Plan USL48006	8
Lot 27 on Plan USL48141	4
Lot 28 on Plan D91510	41
Lot 28 on Plan M91011	35
Lot 28 on Plan USL48006	8
Lot 3 on Plan AP15549	26
Lot 3 on Plan AP15858	13
Lot 3 on Plan AP3534	11, 12, 22

Lot 3 on Plan AP7731	38, 39
Lot 3 on Plan DK12	69
Lot 3 on Plan DK3	54
Lot 3 on Plan M91011	35
Lot 3 on Plan M91012	35
Lot 3 on Plan M9103	34
Lot 3 on Plan M9107	33
Lot 3 on Plan M9109	32
Lot 3 on Plan SP149509	39
Lot 3 on Plan USL46755	57
Lot 3 on Plan USL48036	23, 27
Lot 301 on Plan R1628	24
Lot 302 on Plan R1628	24
Lot 303 on Plan R1628	24
Lot 304 on Plan R1628	24
Lot 305 on Plan R1628	24
Lot 306 on Plan AP15784	24
Lot 306 on Plan E4741	26
Lot 307 on Plan AP15784	24
Lot 307 on Plan E4741	26
Lot 308 on Plan E4741	26
Lot 309 on Plan E4741	26
Lot 31 on Plan M9104	34
Lot 310 on Plan E4741	26
Lot 311 on Plan E4741	26
Lot 32 on Plan M9104	34
Lot 33 on Plan M9104	34
Lot 34 on Plan AP13540	8
Lot 35 on Plan AP13540	8
Lot 35 on Plan M9104	34
Lot 37 on Plan M9104	34
Lot 38 on Plan M9104	34
Lot 39 on Plan M9104	34
Lot 4 on Plan AP11729	37

Lot 4 on Plan AP13640	60
Lot 4 on Plan AP15535	40, 41
Lot 4 on Plan AP15712	33
Lot 4 on Plan AP15858	13
Lot 4 on Plan AP7731	39
Lot 4 on Plan D91513	40, 41
Lot 4 on Plan D9154	42
Lot 4 on Plan M91011	35
Lot 4 on Plan M91012	35
Lot 4 on Plan M9102	35
Lot 4 on Plan M9103	34
Lot 4 on Plan SP149509	39
Lot 40 on Plan M9104	34
Lot 405 on Plan E4741	27
Lot 406 on Plan E4741	27
Lot 407 on Plan E4741	27
Lot 41 on Plan AP15672	6
Lot 41 on Plan M9104	34
Lot 42 on Plan M9104	34
Lot 43 on Plan M9104	34
Lot 43 on Plan USL35659	34
Lot 44 on Plan M9104	34
Lot 45 on Plan M9104	34
Lot 46 on Plan M9104	34
Lot 46 on Plan USL48172	13
Lot 47 on Plan M9104	34
Lot 48 on Plan M9104	34
Lot 49 on Plan M9104	34
Lot 49 on Plan USL45977	11
Lot 5 on Plan AP11729	29, 37
Lot 5 on Plan AP13640	60
Lot 5 on Plan AP15858	13
Lot 5 on Plan AP2859	39, 40
Lot 5 on Plan AP7731	39

Lot 5 on Plan M91011	35
Lot 5 on Plan M91012	35
Lot 5 on Plan M9103	34
Lot 5 on Plan USL46755	57
Lot 50 on Plan M9104	34
Lot 501 on Plan E4741	27
Lot 502 on Plan E4741	27
Lot 503 on Plan E4741	27
Lot 504 on Plan E4741	27
Lot 505 on Plan E4741	27
Lot 506 on Plan E4741	27
Lot 507 on Plan E4741	27
Lot 51 on Plan M9104	34
Lot 52 on Plan M9104	34
Lot 53 on Plan M9104	34
Lot 54 on Plan M9104	34
Lot 55 on Plan M9104	34
Lot 56 on Plan M9104	34
Lot 566 on Plan CP893180	46
Lot 57 on Plan M9104	34
Lot 58 on Plan M9104	34
Lot 59 on Plan USL48036	26
Lot 6 on Plan AP11729	29, 37
Lot 6 on Plan D91514	40
Lot 6 on Plan M91011	35
Lot 6 on Plan M91012	35
Lot 6 on Plan M9103	34
Lot 6 on Plan MRY27	51
Lot 61 on Plan AP15673	1, 6, 7
Lot 62 on Plan AP15674	6
Lot 7 on Plan M91011	35
Lot 7 on Plan M91020	34
Lot 7 on Plan M9103	34
Lot 7 on Plan MRY27	51

Lot 7 on Plan USL35667	28
Lot 72 on Plan USL48172	13
Lot 73 on Plan USL48172	13
Lot 74 on Plan USL48036	26
Lot 8 on Plan AP15713	32
Lot 8 on Plan M91011	35
Lot 8 on Plan M9103	34
Lot 80 on Plan USL35658	33
Lot 81 on Plan AP15675	7, 9, 11
Lot 83 on Plan GS736	39
Lot 86 on Plan USL35672	39, 40, 42
Lot 87 on Plan USL35672	42
Lot 9 on Plan AP15858	13
Lot 9 on Plan D91512	40, 42
Lot 9 on Plan GS949	42
Lot 9 on Plan M91011	35
Lot 9 on Plan M9103	34
Lot 90 on Plan USL48036	27
Lot 901 on Plan E4741	25
Lot 91 on Plan AP15676	11
That part of Lot 1 on Plan AP7731 formerly described as Lot 5 on Plan USL35664	38
That part of Lot 3 on Plan AP11729 formerly described as Lot 13 on Plan USL35660	37
That part of Lot 399 on Plan AP2789 which does not include the area of ML 1326 and the area formerly described as Lot 399 on Plan OL87	11, 12, 14
That part of Lot 405 on Plan AP2789 which does not include the area of ML 1326 and the area formerly described as Lot 405 on Plan OL89	11, 12, 13
That part of Lot 539 on Plan AP3540 which does not include the area formerly described as Lot 539 on Plan OL95	12

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

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 (as at date of determination)	Determination map sheet number
Lot 1 on Plan AP11567	19
Lot 1 on Plan AP11631	57, 63
Lot 1 on Plan AP13573	18

Lot 1 on Plan AP13635	58, 64	
Lot 1 on Plan AP13636	63, 64	
Lot 1 on Plan AP13637	63	
That part of Lot 1 on Plan AP15505 that is within the external boundary described in Part 3		30
Lot 1 on Plan AP15923	20	
Lot 1 on Plan AP2844 *	61	
Lot 1 on Plan AP7728	19	
Lot 1 on Plan C74043	59	
That part of Lot 1 on Plan CP866146 that is within the external boundary described in Part 3		68, 73
Lot 1 on Plan CP884891	75	
Lot 1 on Plan DK230	68, 69, 73	
Lot 1 on Plan DK265	57, 59	
Lot 1 on Plan DK4	52, 55	
Lot 1 on Plan GS949	42	
Lot 1 on Plan M9102	35	
Lot 1 on Plan M9107	33	
Lot 1 on Plan MPH23	65	
Lot 1 on Plan MPH25896	20	
Lot 1 on Plan MPH31062	63	
Lot 1 on Plan MPH40566	16	
Lot 1 on Plan MPH40906	63	
Lot 1 on Plan MRY31	28, 48, 50, 51, 52	
Lot 1 on Plan R16227	18	
Lot 1 on Plan SB24	28, 29, 31, 32	
Lot 1 on Plan SP108591 *	53	
Lot 1 on Plan SP108602 *	1	
Lot 10 on Plan AP13636	64	
Lot 10 on Plan AP13640 *	57, 59, 61, 62	
Lot 10 on Plan AP19503 *	59	
Lot 10 on Plan C8243	6	
Lot 10 on Plan DK7	54	
Lot 10 on Plan GS46	11	
Lot 10 on Plan GS894	29, 32	
Lot 10 on Plan MPH40596	62	

Lot 10 on Plan SP143787	37	
Lot 109 on Plan DK111	65	
Lot 109 on Plan R16220	14, 15	
Lot 11 on Plan AP13636	64	
Lot 11 on Plan AP13640	62	
Lot 11 on Plan C7406	61	
Lot 11 on Plan DK112	54	
Lot 11 on Plan GS1065	10	
Lot 11 on Plan GS1095	18, 19	
Lot 11 on Plan MPH25920	19, 21	
Lot 11 on Plan MPH40434	19	
That part of Lot 11 on Plan SP208044 that is within the external boundary described in Part 3		73, 75
Lot 111 on Plan AP15677	12, 14, 16	
Lot 111 on Plan CP851562	57, 63	
Lot 112 on Plan AP15754	20, 21	
Lot 113 on Plan R16220	14	
Lot 114 on Plan MPH25920	20, 21	
Lot 114 on Plan R16220	14	
Lot 115 on Plan MPH25920	20, 21	
Lot 115 on Plan R16220	14	
Lot 116 on Plan R16220	14	
Lot 117 on Plan R16210	20	
Lot 117 on Plan R16220	14	
Lot 118 on Plan R16210	20	
Lot 118 on Plan R16220	14	
Lot 119 on Plan MPH40565	19	
Lot 119 on Plan R16220	14	
Lot 12 on Plan AP13640 *	59	
Lot 12 on Plan CP865773	48, 49, 50	
Lot 12 on Plan MPH40434	19	
That part of Lot 12 on Plan SB768 that is within the external boundary described in Part 3		28, 29, 31
Lot 120 on Plan R16220	14	
Lot 122 on Plan MPH40565	18	
Lot 127 on Plan USL46685	61, 65	

Lot 13 on Plan AP13636	64	
Lot 13 on Plan AP13640 *	59	
Lot 13 on Plan GS1083	40	
Lot 13 on Plan HLN253	68, 73, 74	
Lot 13 on Plan HR1842	46	
Lot 13 on Plan MPH40434	19	
Lot 14 on Plan AP13525	57, 64	
Lot 14 on Plan D9154	42	
Lot 14 on Plan HLN253	66, 73, 74	
Lot 14 on Plan MPH40434	19	
That part of Lot 14 on Plan SP271185 that is within the external boundary described in Part 3	68, 70, 71, 72, 73	
Lot 14 on Plan SB413	45, 46, 54, 56	
Lot 142 on Plan GS890	32	
Lot 149 on Plan S7427	63	
That part of Lot 1496 on Plan CP851494 that is within the external boundary described in Part 3	48, 51, 52	
Lot 15 on Plan AP13636	57, 64	
Lot 15 on Plan AP5727	65	
Lot 15 on Plan C74049	58	
Lot 15 on Plan MPH31317	63	
Lot 15 on Plan MPH40434	19	
Lot 150 on Plan GS896	31, 32	
Lot 151 on Plan GS899	32	
That part of Lot 1510 on Plan SP171920 that is within the external boundary described in Part 3	68, 70	
That part of Lot 1522 on Plan SP272352 that is within the external boundary described in Part 3	66, 73	
That part of Lot 156 on Plan CP826173 that is within the external boundary described in Part 3	31	
Lot 157 on Plan CP826173	31	
Lot 158 on Plan SP105722	1, 4, 5	
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Lot 16 on Plan MPH31319	63	
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Lot 18 on Plan GS972	16
Lot 18 on Plan M9104	34
Lot 18 on Plan M9106	33
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Lot 19 on AP5727	65
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Lot 19 on Plan DK180	59
Lot 19 on Plan GS1001	12
Lot 19 on Plan M91012	35
Lot 19 on Plan M9104	34
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Lot 2 on Plan CP866147	68, 69, 73
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Lot 20 on Plan GS35	12	
Lot 20 on Plan M91012	35	
Lot 20 on Plan M9104	34	
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Lot 204 on Plan R16210	20	
Lot 21 on Plan BKN113	1	
Lot 21 on Plan C74013	60	
Lot 21 on Plan C74036	59	
Lot 21 on Plan D9158	39, 40	
Lot 21 on Plan G112827	75	
Lot 21 on Plan M2612	4	
Lot 21 on Plan M91012	35	
Lot 21 on Plan M9104	34	
Lot 21 on Plan R16221	18	
Lot 210 on Plan M2611	4	
Lot 22 on Plan D9159	39, 40	
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Lot 22 on Plan DK252	61	
Lot 22 on Plan GS43	21	
Lot 22 on Plan M9104	34	
Lot 2245 on Plan SP250322	28, 48	
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Lot 23 on Plan C74048	58	
Lot 23 on Plan D9157	40	
Lot 23 on Plan DK279	54	
Lot 23 on Plan MPH25916	18	
Lot 24 on Plan AP17229	59	
Lot 24 on Plan C8280	12	
Lot 24 on Plan DK190	59, 60	
Lot 24 on Plan M9108	33	
Lot 25 on Plan O2951	2	
Lot 25 on Plan T3491	13	
Lot 26 on Plan BKN137	2	
Lot 26 on Plan SP106412	64	
Lot 27 on Plan DK46	65	
Lot 27 on Plan SP101002	3	
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Lot 28 on Plan DK65	61	
Lot 28 on Plan EP1054	1	
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Lot 2890 on Plan CP904534	1	
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Lot 305 on Plan AP15783	16	
Lot 31 on Plan DK217	60	
Lot 316 on Plan SP112738	3	
Lot 32 on Plan M2611	4	
Lot 33 on Plan M2611	4	
Lot 3351 on Plan SP263506	10, 28, 48, 49, 52	
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Lot 34 on Plan M2611	4	
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Lot 35 on Plan M2611	4	
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Lot 364 on Plan OL76	22	
Lot 37 on Plan DK104	65	
Lot 37 on Plan M2611	4	
Lot 38 on Plan M2611	4	
Lot 382 on Plan OL77	10, 12, 22, 23, 24, 25	
Lot 386 on Plan AP2788	8	
Lot 386 on Plan OL78	8	
Lot 3867 on Plan SP169835	1, 3, 4, 5, 6	
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Lot 387 on Plan AP4710	11, 12, 22
Lot 39 on Plan M2611	4
Lot 393 on Plan OL81	10, 23
Lot 3941 on Plan SP256887	1, 6, 8
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Lot 396 on Plan OL86	11
Lot 4 on Plan AP11631	57, 63,
Lot 4 on Plan AP13636	63, 64
Lot 4 on Plan AP13637	63
Lot 4 on Plan BKN133	8
Lot 4 on Plan CP815690	59
Lot 4 on Plan CP817140	54
Lot 4 on Plan DK114	55
Lot 4 on Plan EP1159	4
Lot 4 on Plan G112858	75
Lot 4 on Plan GS926	10, 23
Lot 4 on Plan GS949	42
Lot 4 on Plan HLN240	73, 74
Lot 4 on Plan M9104	34
Lot 4 on Plan MPH25920	21
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Lot 4 on Plan SM60	53
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Lot 401 on Plan AP15783	16
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Lot 4026 on Plan SP112067	1, 6, 10
Lot 403 on Plan R16220	16
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Lot 407 on Plan OL91	10, 23	
Lot 407 on Plan R16210	18	
Lot 4075 on Plan CP904535	1, 9, 11, 22	
Lot 408 on Plan M2611	4	
Lot 4091 on Plan SP273452	1, 5, 6	
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Lot 4899 on Plan SP270185	28, 45	
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Lot 5 on Plan AP13635	64, 65	
Lot 5 on Plan AP13636	64	
Lot 5 on Plan AP13637	63, 64	
Lot 5 on Plan BKN134	8	
Lot 5 on Plan CP884891	75	

Lot 5 on Plan K103312	14, 15
Lot 5 on Plan M9104	34
That part of Lot 5 on Plan SM7 that is within the external boundary described in Part 3	52
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Lot 50 on Plan C74044	59
Lot 501 on Plan R16210	18
Lot 501 on Plan R16220	16
Lot 5015 on Plan SP104511	1, 7, 9, 11, 22
Lot 5016 on Plan CP904533	1, 6, 7, 9, 11
Lot 502 on Plan R16220	16
Lot 503 on Plan M2611	4
Lot 503 on Plan R16220	16
Lot 504 on Plan M2611	4
Lot 505 on Plan M2611	4
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Lot 506 on Plan M2611	4
Lot 506 on Plan R16210	18
Lot 507 on Plan M2611	4
Lot 508 on Plan E4741	27
Lot 508 on Plan M2611	4
Lot 509 on Plan M2611	4
Lot 51 on Plan MPH25920	19
Lot 510 on Plan M2611	4
Lot 511 on Plan PH459	1, 2
Lot 5188 on Plan SP250844	1, 3
Lot 5347 on Plan SP260076	28
Lot 5348 on Plan SP260076	28
Lot 56 on Plan MPH25920	19
Lot 56 on Plan S7427	63
Lot 57 on Plan G112837	75
Lot 57 on Plan MPH25920	19, 21
Lot 58 on Plan G112837	75
Lot 58 on Plan G112842	75
Lot 58 on Plan MPH25920	19, 21

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Lot 6 on Plan AP13636	64
Lot 6 on Plan AP13637	64
Lot 6 on Plan DK1	54
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Lot 6 on Plan M9104	34
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Lot 648 on Plan PH63	52, 55
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Lot 7 on Plan AP13636	64
Lot 7 on Plan AP13637	63, 64
Lot 7 on Plan AP13640	59
Lot 7 on Plan D91513	41
Lot 7 on Plan GS1064	10, 29, 36, 38
Lot 7 on Plan M91012	35
Lot 7 on Plan M9104	34
Lot 7 on Plan MPH40566	14
Lot 7 on Plan SB730	28, 36
Lot 7 on Plan SM69	43
Lot 7 on Plan SP112066	6

Lot 701 on Plan M2611	4	
Lot 702 on Plan M2611	4	
Lot 703 on Plan M2611	4	
Lot 704 on Plan M2611	4	
Lot 706 on Plan M2611	4	
Lot 708 on Plan R16218	18	
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Lot 711 on Plan R16218	18	
Lot 712 on Plan R16218	18	
Lot 713 on Plan R16218	18	
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Lot 715 on Plan R16218	18	
Lot 716 on Plan R16218	18	
Lot 73 on Plan DK104	65	
Lot 73 on Plan MPH13515	60	
Lot 74 on Plan MPH13515	60	
Lot 75 on Plan MPH13515	60	
Lot 76 on Plan GS612	38	
Lot 8 on Plan AP13636	64	
Lot 8 on Plan AP13637	63, 64	
Lot 8 on Plan AP13640 *	61	
Lot 8 on GS286	12	
Lot 8 on Plan M91012	35	
Lot 8 on Plan M9104	34	
Lot 8 on Plan R16221	18	
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Lot 807 on Plan R16218	15
Lot 808 on Plan R16218	15
Lot 809 on Plan R16218	15
Lot 81 on Plan CP903172	57
Lot 810 on Plan R16218	15
Lot 82 on Plan M2611	4
Lot 85 on Plan MPH40507 *	59
Lot 88 on Plan SP106415	58
Lot 89 on Plan SP232119	58
Lot 9 on Plan AP13636	64
Lot 9 on Plan AP13637	63
Lot 9 on Plan AP13640	61
Lot 9 on Plan C7406	61
Lot 9 on Plan GS903	31
Lot 9 on Plan M91012	35
Lot 9 on Plan M9104	34
Lot 9 on Plan MRY33	50
Lot 9 on Plan SP235000	46
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Lot 902 on Plan R16218	15
Lot 903 on Plan R16218	15
Lot 904 on Plan R16218	15
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Lot 906 on Plan R16218	15
Lot 907 on Plan R16218	15
Lot 910 on Plan R16218	15
Lot 911 on Plan R16218	15
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An area identified as road (part of Walker Street) and delineated by stations 15-16-17-37a-37-38-45-15 on Plan SP106415 * 58

An area identified as road (part of Collinsville - Elphinstone Road) and formerly described as Lot 1 on SP171919 * 71

An area identified as New Road (part of Collinsville - Elphinstone Road) and delineated by stations 213-212-20-26-32-38-44-9-8-45-39-33-27-21-213 on Plan SP225054 * 71

An area identified as New Road and delineated by stations 9a-10-11-35-15-36-18-19-20a-9a on Plan SP271185 * 72

An area identified as road and delineated by stations A-B-C-D-A on Plan SP111980 * 1

An area identified as road (part of Flinders Highway) and delineated by stations A-B-C-D-G-J-K-H-A on Plan SP101002 * 3

An area identified as road (part of Flinders Highway) and formerly described as Lot 315 on Plan SP112738 * 3

An area identified as road and delineated by stations D-E-F-G-D on Plan SP104504 * 1, 7

An area identified as road and formerly described as Lot 1 on Plan AP2101 * 8

An area identified as road and formerly described as Lot 2 on Plan AP2101 * 8

An area identified as road and formerly described as Lot 1 on Plan AP2082 * 11

An area identified as road and formerly described as Lot 2 on Plan AP2082 * 11

An area identified as road and formerly described as Lot 1 on AP2789 * 14

An area identified as road and formerly described as Lot 1 on Plan AP2790 * 12, 23

An area identified as road and formerly described as Lot 1 on Plan AP2080 * 22

An area identified as road and formerly described as Lot 1 on Plan AP2081 * 22

An area identified as road (part of Ayr - Dalbeg Road) and formerly described as Lot 9 on Plan SP143786 * 37

An area identified as road (part of Ayr - Dalbeg Road) and formerly described as Lot 13 on Plan SP143787 * 37

An area identified as road (part of Ayr - Dalbeg Road) and formerly described as Lot 15 on Plan SP143789 * 37

An area identified as road (part of Bowen Developmental Road) and formerly described as Lot 1 on SP240432 * 56

An area identified as road (part of Bowen Developmental Road) and formerly described as Lot 2 on SP240432 * 56

An area identified as road (part of Bowen Developmental Road) and formerly described as Lot 4 on SP240432 * 56

An area identified as road (part of Corduroy Creek Road) and formerly described as Lot 12 on Plan AP13525 * 64

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That part of Lot 122 on Plan SP153757 identified by stations 10-11-15-10 to the north-east of Easement AA on Plan SP196126 54

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That part of Lot 19 on Plan CP857101 which does not include the areas identified as a Ten Chain Road and part of the Flinders Highway on Plan BKN69 and as Roads to be Closed on Plan RA1589 1, 3, 4

That part of Lot 2 on Plan S7426 which does not include the area described in Schedule 2 63

That part of Lot 26 on Plan DK276 which does not include the area described in Schedule 2 57

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That part of Lot 3 on Plan AP11729 which does not include the area formerly described as Lot 1 on Plan PER6640 37

That part of Lot 3 on Plan R16236 which does not include the area formerly described as MHL 156 on Plan MPH25900 20

That part of Lot 32 on Plan DK92 which does not include the area described in Schedule 2 64

That part of Lot 399 on Plan AP2789 that is subject to an area identified as ML 1326 and an area formerly described as Lot 399 on Plan OL87 10, 11, 14

That part of Lot 405 on Plan AP2789 that is subject to an area identified as ML 1326 and an area formerly described as Lot 405 on Plan OL89 10, 11, 13

That part of Lot 539 on Plan AP3540 formerly described as Lot 539 on Plan OL95 10, 12, 13

Save for any waters forming part of a lot on plan, all waterways, natural lakes, creeks and rivers within the external boundary described in Part 3 including but not limited to: Barrabas Creek, the Bogie River, the Bowen River, Brittany Creek, the Broken River, Buchanan Creek, the Burdekin River, Carpet Snake Creek, Cerito Creek, Connolly Creek, Corduroy Creek, Crush Creek, Dead Man Creek, Eight Mile Creek, the Elliot River, Elphinstone Creek, Emu Creek, Euri Creek, Expedition Pass Creek, the Fanning River, Frederick Creek, Glenmore Creek, Green Creek, Gibraltar Creek, the Haughton River, the Kirk River, Kirkie Creek, Landers Creek, Millaroo Creek, Oakey Creek, One Mile Creek, Pandanus Creek, Parakeet Creek, Pelican Creek, Pink Lily Lagoon, Plum Tree Creek, Sandalwood Creek, Sandy Creek, Slaughteryard Creek, Suhr Creek and Swans Lagoon

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

Part 3 - External Boundary Description

Commencing at a point on the centreline of the Burdekin River at Longitude 146.407413° East, a point on the boundary of native title determination application QUD80/05 Gudjala People (QC05/6) as accepted for registration by the NNTT on 22 April 2005 and extending generally northeasterly along boundaries of that native title determination application through the following coordinate points:

Longitude (East)	Latitude (South)
146.416086	19.985842
146.429911	19.965524
146.473331	19.911258
146.523795	19.880315
146.563847	19.862509
146.601231	19.849477
146.614965	19.846002

then generally easterly and generally southeasterly through the following coordinate points:

Longitude (East)	Latitude (South)
146.634938	19.840948
146.695907	19.833473
146.763284	19.827504
146.812475	19.824020
146.834858	19.823719
146.839520	19.822980
146.847118	19.819992
146.857378	19.814739
146.871291	19.810022
146.884634	19.808172
146.898609	19.808032
146.909544	19.807921
146.921088	19.807804
146.932688	19.811693
146.949564	19.820395
146.957787	19.824602
146.977406	19.836420
146.995187	19.847111
147.016671	19.861194
147.035600	19.866711
147.057647	19.877346
147.069902	19.883508
147.076782	19.896030
147.082402	19.905702
147.094708	19.918733
147.110247	19.936310
147.126912	19.951580
147.145379	19.965108
147.165639	19.976322
147.179809	19.987033
147.182781	19.988564
147.193926	19.994307

147.206742	19.996441
147.229866	19.995497
147.252990	19.995860
147.270637	19.995634
147.284633	19.995453
147.302938	19.998079
147.327918	19.999467
147.351133	20.004312
147.373154	20.010315
147.397631	20.016852
147.422122	20.025104
147.443563	20.032250
147.461952	20.038863
147.477961	20.048372
147.493994	20.059026
147.510607	20.067950
147.534574	20.079055
147.555432	20.086765
147.584900	20.098352
147.612466	20.105950
147.646114	20.112874
147.681103	20.125499
147.713519	20.131280
147.746609	20.139907
147.772380	20.148076
147.798701	20.153365
147.821432	20.161576
147.850806	20.166802
147.874685	20.171545
147.904038	20.175614
147.929141	20.180326
147.953092	20.187919
147.973352	20.190211

then southwesterly to the intersection of an eastern bank of Euri Creek and a southern boundary of Mt

Aberdeen Road reserve; then generally southerly along eastern banks of that creek to a northern boundary of Lot 38 on RP908340; then westerly along northern boundaries of that lot to the northeastern most corner of Lot 161 on SP122361; then generally southerly along eastern boundaries of that lot to the northern boundary of an unnamed road reserve at Latitude 20.301603° South; then southerly to the intersection of a southern boundary of that road reserve and the western boundary of another unnamed road reserve at Longitude 147.930488° East, Latitude 20.302171° South; then generally southwesterly along western boundaries of that unnamed road reserve to Latitude 20.305425° South, being a corner of a western boundary of native title determination application QUD6023/99 Gia People (QC99/24) as accepted for registration by the NNTT on 7 October 2004; again southwesterly along western boundaries of that unnamed road reserve to the northern bank of the Bogie River; then generally southeasterly along northern and eastern banks of that river to the southwestern most corner of Lot 5 on RP908355; then generally easterly, generally southeasterly and generally southwesterly along eastern boundaries of Lot 34 on HR1358 to an eastern boundary of Normanby Road reserve; then generally southerly along eastern boundaries of that road reserve to a western boundary of Lot 3 on HLN243; then generally northeasterly and generally southeasterly along northern boundaries of that lot to the northwestern most corner of Lot 4 on HLN248; then generally easterly, generally southerly and again generally easterly along northern and eastern boundaries of that lot to the western boundary of an unnamed road reserve at Longitude 148.306913° East; then easterly to the northern boundary of that road reserve at Longitude 148.308779° East; then generally easterly, generally southwesterly and again generally easterly along eastern boundaries of that road reserve to a western boundary of Lot 4611 on PH1535 (Mount Crompton Pastoral Holding); then generally southerly and generally easterly along western and southern boundaries of that lot to its southern most southeastern corner; then generally southwesterly through the following coordinate points:

Longitude (East)	Latitude (South)
148.346562	20.825836
148.328231	20.853924
148.307467	20.887850
148.286743	20.927596
148.268468	20.964993
148.250184	21.002388
148.235545	21.031604
148.217284	21.076961
148.215213	21.081956
148.214411	21.083889
148.197838	21.123860
148.177147	21.175238
148.162832	21.221641
148.146892	21.269584
148.134672	21.305785
148.124952	21.331620
148.121914	21.339330
148.118495	21.348010
148.117124	21.351488
148.116997	21.351812
148.115834	21.354763

then northwesterly through the following coordinate points to the northeastern corner of QUD6230/98 Jangga People (QC98/10) as accepted for registration by the NNTT on 19 October 2004

Longitude (East)	Latitude (South)
-------------------------	-------------------------

148.105965	21.349136
------------	-----------

148.105722	21.348997
------------	-----------

then generally northwesterly along boundaries of that native title determination application through the following coordinate points:

Longitude (East)	Latitude (South)
-------------------------	-------------------------

148.034572	21.315974
------------	-----------

148.010434	21.305170
------------	-----------

147.969782	21.291235
------------	-----------

147.951109	21.282499
------------	-----------

147.928638	21.266527
------------	-----------

147.916374	21.259376
------------	-----------

147.899767	21.250141
------------	-----------

147.882577	21.234604
------------	-----------

147.864779	21.218489
------------	-----------

147.847596	21.203521
------------	-----------

147.829828	21.183967
------------	-----------

147.811556	21.167020
------------	-----------

147.791196	21.149991
------------	-----------

147.773438	21.131577
------------	-----------

147.761195	21.118916
------------	-----------

147.744091	21.099903
------------	-----------

147.727536	21.084380
------------	-----------

147.711610	21.071122
------------	-----------

147.695697	21.056717
------------	-----------

147.677332	21.041151
------------	-----------

147.664360	21.028477
------------	-----------

then generally northwesterly through the following coordinate points to again a point on the boundary of QUD6230/98 Jangga People (QC98/10):

Longitude (East)	Latitude (South)
-------------------------	-------------------------

147.660824	21.025023
------------	-----------

147.641870	21.007159
------------	-----------

147.632739	20.993365
------------	-----------

147.624228	20.979574
147.615058	20.971501
147.605516	20.964638

then generally northwesterly along boundaries of that native title determination application passing through the following coordinate points:

Longitude (East)	Latitude (South)
147.602206	20.962258
147.585072	20.950124
147.566109	20.936257
147.549622	20.921262
147.531275	20.908541
147.511086	20.895803
147.489063	20.882476
147.471947	20.870901
147.454215	20.859891
147.432825	20.845989
147.410820	20.832650
147.382493	20.819079
147.356993	20.805879
147.334377	20.793667
147.316057	20.782635
147.295263	20.773295
147.275702	20.763962
147.258630	20.754968
147.245779	20.747956
147.233562	20.741255
147.214601	20.734208
147.191982	20.724833
147.174847	20.719516
147.155827	20.713230
147.131388	20.707633
147.108734	20.702248
147.087902	20.698595
147.067658	20.692528

147.043246	20.685527
147.015126	20.676062
146.994318	20.671251
146.972313	20.664136
146.956424	20.658803
146.943613	20.652933

then northwesterly to a western boundary of Lot 13 on MR51 at Latitude 20.652816° South; then generally northerly along western boundaries of that lot to the centreline of the Burdekin River; then generally northwesterly along the centreline of that river back to the commencement point.

Reference datum

Geographical coordinates have been provided by the NNTT Geospatial Unit 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.

Data Reference and source

Amended QUD6244/98 Birri People (QC98/12) boundary data compiled by NNTT.

Abutting application boundary data compiled by NNTT based on data sourced from the Department of Natural Resources, Mines & Water (Queensland).

Cadastre and watercourse data sourced from Department of Natural Resources, Mines & Water, Queensland (December 2003).

Parts of the centreline of the Burdekin River and Euri Creek digitised from 1:100,000 topographic image data supplied by Geoimage Pty Ltd under licence from Geoscience Australia (© Commonwealth of Australia).

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, NNTT (21 June 2006).

B. Map of Determination Area

[See NNTR attachment 1: "Schedule 1 - Map of Determination Area - Key Map and Sheets 1 to 37"]

[See NNTR attachment 2: "Schedule 1 - Map of Determination Area - Sheets 38 to 75"]

SCHEDULE 2 – AREAS NOT FORMING PART OF THE DETERMINATION AREA

The areas described below do not form part of the Determination Area.

Part A

1. Those land and waters within the external boundary described in Part 3 of Schedule 1, which at the time the native title determination application was made:

(a) were the subject of one or more previous exclusive possession acts, as defined in s 23B of the *Native Title Act 1993* (Cth) (despite the fact that the areas, or parts of them, may have been subject to earlier acts that extinguished native title); and

(b) to which none of ss 47, 47A or 47B of the *Native Title Act 1993* (Cth) applied,

do not form part of the Determination Area on the basis that they could not be claimed, in accordance with s 61A

of the *Native Title Act 1993* (Cth).

2. Specifically, and to avoid any doubt, the land and waters referred to in paragraph 1 above include the acts described in 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 include, but are not limited to, the whole of the land and waters described as:

- (a) Lot 2 on Plan MRY30;
- (b) Lot 9 on Plan DK239;
- (c) Lot 22 on Plan C74037;
- (d) Lot 77 on Plan GS618;
- (e) Lot 152 on Plan GS583;
- (f) Lot 40 on Plan RP802431;
- (g) Lot 84 on Plan DK178;
- (h) Lot 22 on Plan CP857100;
- (i) Lot 3 on Plan DK198;
- (j) Lot 2 on Plan SP171918;
- (k) Lot 12 on Plan SP171912;
- (l) Lot 19 on Plan DK205;
- (m) Lot 1 on Plan SP271184;
- (n) Lot 1026 on Plan MPH40902;
- (o) Lot 112 on Plan MPH35514;
- (p) Lot 13 on Plan MPH13506;
- (q) Lot 14 on Plan MPH13506;
- (r) Lot 15 on Plan MPH13506;
- (s) Lot 1 on Plan DK261;
- (t) Lot 1 on Plan MPH26;
- (u) Lot 1 on Plan MPH30800;
- (v) Lot 1 on Plan MPH31666;
- (w) Lot 1 on Plan MPH34460;
- (x) Lot 1 on Plan MPH37;
- (y) Lot 1 on Plan MPH40275;
- (z) Lot 1 on Plan MPH50;
- (aa) Lot 2 on Plan DK835445;
- (bb) Lot 2 on Plan MPH13516;
- (cc) Lot 2 on Plan MPH34460;
- (dd) Lot 36 on Plan MPH20096;

- (ee) Lot 39 on MPH20098;
- (ff) Lot 3 on Plan MPH13516;
- (gg) Lot 3 on Plan MPH20120;
- (hh) Lot 40 on Plan MPH20098;
- (ii) Lot 41 on Plan MPH20098;
- (jj) Lot 43 on Plan MPH20099;
- (kk) Lot 48 on Plan MPH13514;
- (ll) Lot 4 on Plan MPH20120;
- (mm) Lot 70 on Plan MPH30821;
- (nn) Lot 74 on Plan DK267;
- (oo) Lot 94 on Plan DK804336; and
- (pp) Lot 96 on Plan DK257.

3. The land and waters described in paragraph 1 above include the land or waters upon which any public work, as defined in s 253 of the *Native Title Act 1993* (Cth), is or was constructed, established, or situated, and to which ss 23B(7) and 23C(2) of the *Native Title Act 1993* (Cth) and/or s 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).

4. Specifically, and to avoid any doubt, the areas described in paragraph 3 above include but are not limited to the whole of the land and waters described as:

- (a) Lot 1 on Plan DK269;
- (b) Lot 27 on Plan DK161;
- (c) Lot 10 on Plan C7406;
- (d) Lot 1 on Plan C74027;
- (e) Lot 46 on Plan DK65;
- (f) Lot 1 on S7424;
- (g) Lot 1 on Plan GS946;
- (h) Lot 14 on Plan MRY52;
- (i) Lot 10 on Plan MRY33;
- (j) Lot 11 on Plan SP171912;

(k) that part of Lot 32 on Plan DK92* commencing at the intersection of the southern boundary of Scottville Road and 586,850.31 mE and extending easterly, southerly and north westerly along the boundaries of Lot 32 on Plan DK92 to a corner of that lot at 586,982.64 mE, 7,725,221.54 mN; then north westerly, northerly and generally westerly passing through the following coordinate points:

Easting mE	Northing mN
586,935.62	7,725,357.38
586,950.64	7,725,498.66
586,911.05	7,725,500.71
586,846.90	7,725,535.5

then northerly back to the commencement point. (Geographical coordinates have been provided by the NNTT Geospatial Services and are referenced to the Geocentric Datum of Australia 1994 (GDA94), in Map Grid of Australia, Zone 55 coordinates and are based on the spatial reference data acquired from the various custodians at the time);

(l) that part of Lot 2 on Plan S7426* commencing at the westernmost corner of Lot 2 on Plan S7426 and extending north easterly along the boundary of that lot to 585584.51 mE; then south easterly and south westerly passing through 585,653.44 mE, 7,725,172.49 mN to the intersection of the south western boundary of that lot at 585,587.92mE mE; then generally north westerly along the boundaries of that lot back to the commencement point. (Geographical coordinates have been provided by the NNTT Geospatial Services and are referenced to the Geocentric Datum of Australia 1994 (GDA94), in Map Grid of Australia, Zone 55 coordinates and are based on the spatial reference data acquired from the various custodians at the time);

(m) that part of Lot 26 on Plan DK276* commencing at the easternmost corner of Lot 26 on Plan DK276 and extending south westerly along the southeast boundary of that lot to Easting 589367.10 mE; then north westerly, south westerly, again north westerly, north easterly, again north westerly and again north easterly passing through the following coordinate points:

Easting mE	Northing mN
589292.17	7722023.04
587989.39	7721480.75
587945.36	7721656.83
589188.21	7722186.93
589137.63	7722317.12
589228.49	7722356.46

then northerly to the boundary of Lot 26 on Plan DK276 at Easting 589248.15 mE; then easterly along that boundary to Easting 589292.11 mE; then southerly, north easterly and south easterly passing through the following coordinate points:

Easting mE	Northing mN
589274.38	7722385.49
589344.62	7722407.03
589357.73	7722379.84

then north easterly to the boundary of Lot 26 on Plan DK276 at Easting 589575.02 mE; then easterly and south easterly back to the commencement point. (Grid coordinates have been provided by the NNTT Geospatial Services and are referenced to the Geocentric Datum of Australia 1994 (GDA94) (Zone 55), in metres and are based on the spatial reference data acquired from the various custodians at the time.)

* areas depicted on the map included in this Part A of Schedule 2. Note that to the extent of any inconsistency between the written description and the map, the written description prevails.

Part A - Map

[See NNTR attachment 3: "Schedule 2 - Part A Map"]

Part B

Land and waters the subject of one or more category A intermediate period acts, as defined in s 232B of the *Native Title Act 1993* (Cth) and to which s 13AA of the *Native Title (Queensland) Act 1993* (Qld) applies (notwithstanding that the areas, or parts of them, may have been subject to an earlier act or acts that extinguished native title), do not form part of the Determination Area. Specifically, and to avoid any doubt, such areas include (but are not limited to) the whole of the land and waters described as:

(a) Lot 1 on Plan DK235; and

- (b) Lot 1 on Plan MPH40904.

Part C

Land and waters the subject of pre-existing rights-based acts, as defined in s 24IB of the *Native Title Act 1993* (Cth), which wholly extinguished any native title pursuant to s 24ID(1)(b) of the *Native Title Act 1993* (Cth) (notwithstanding that the areas, or parts of them, may have been subject to an earlier act or acts that extinguished native title) do not form part of the Determination Area. Specifically, and to avoid any doubt, such areas include (but are not limited to) the whole of the land and waters described as Lot 17 on Plan GS964.

Part D

Land and waters specifically excluded from QUD6244/1998 Birriah People native title determination application (QC98/12) filed on 22 January 2016, being land and waters subject to:

- QUD6230/1998 Jangga People (QC98/10) native title determination application, as accepted for registration by the NNTT on 19 October 2004;
- QUD6023/1999 Gia People (QC99/24) as accepted for registration by the NNTT on 7 October 2004; and
- QUD80/2005 Gudjala People (QC05/6) as accepted for registration by the NNTT on 22 April 2005.

SCHEDULE 3 – NATIVE TITLE HOLDERS

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

- (a) Jinnie Tiers;
- (b) *Kuburu*, the father of Billy Lightning *Banbari*;
- (c) John Smallwood;
- (d) Rosie Schilling;
- (e) Peggy Barker;
- (f) Sambo Callaghan;
- (g) Tommy Morgan;
- (h) the mother of Lizzie Limburner;
- (i) Nellie Skeen or William (Billy) Skeen Snr;
- (j) Caroline Roger; or
- (k) Maggie or her husband Harry Shepherd (Snr).

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 Birriah People protected areas indigenous land use agreement (body corporate agreement) between David Miller, Colin McLennan, Gracelyn Smallwood, Algon Walsh Jnr, and Frank Fisher on their own behalf and on behalf of the Birriah People, the Birriah Aboriginal Corporation ICN 8261, the State of Queensland, and the Birriah Aboriginal Corporation RNTBC ICN 8261, which agreement was authorised by the native title claim group on 19 December 2015 and executed by David Miller, Colin McLennan, Gracelyn Smallwood, Algon Walsh Jnr, and Frank Fisher on 19 December 2015, the Birriah Aboriginal Corporation ICN 8261 on 15 January 2016, and the State of Queensland on _____ and _____, and that agreement once it becomes registered as a body corporate indigenous land use agreement following execution of the agreement by the registered native title body corporate;

- (b) the Birriah People tenure resolution indigenous land use agreement (body corporate agreement) between David Miller, Colin McLennan, Gracelyn Smallwood, Algon Walsh Jnr, and Frank Fisher on their own behalf and on behalf of the Birriah People, the Birriah Aboriginal Corporation ICN 8261, the State of Queensland, and the Birriah Aboriginal Corporation RNTBC ICN 8261, which agreement was authorised by the native title claim group on 19 December 2015 and executed by David Miller, Colin McLennan, Gracelyn Smallwood, Algon Walsh Jnr, and Frank Fisher on 19 December 2015, the Birriah Aboriginal Corporation ICN 8261 on 15 January 2016, and the State of Queensland on _____, and that agreement once it becomes registered as a body corporate indigenous land use agreement following execution of the agreement by the registered native title body corporate;
- (c) the Birriah People and local government indigenous land use agreement QI2014/090 registered on 19 May 2015;
- (d) the Birriah People and Adani Mining North Galilee Basin Rail Project indigenous land use agreement QI2014/080 registered on 24 April 2015;
- (e) the Birri People and Comerford indigenous land use agreement QI2011/021 registered on 21 October 2011;
- (f) the Hancock Alpha Coal Pty Ltd and Birri Native Title Claim Group indigenous land use agreement QI2011/004 registered on 11 July 2011;
- (g) the Burdekin Pipeline indigenous land use agreement QI2005/013 registered on 17 March 2006;
- (h) the Birri and Kudjala Peoples Joint indigenous land use agreement - exploration permit backlog project QI2003/039 registered on 23 February 2004; and
- (i) the Birri indigenous land use agreement for backlog exploration permits QI2003/032 registered on 11 December 2003.

2. The rights and interests of Glencore Coal Queensland Pty Ltd:

- (a) as the holder of exploration permits EPC588, EPC727, EPC734, EPC773, EPC774, EPC964, EPC977, EPC1700 and EPC1914 granted under the *Mineral Resources Act 1989* (Qld);
- (b) as the holder of mineral development licence MDL368 granted under the *Mineral Resources Act 1989* (Qld);
- (c) as the holder of mining leases ML1005, ML1006, ML1007, ML1008, ML1037, ML4748, ML4754, ML4771, ML4774, ML1009, ML1015, ML1064, ML4755, ML10111, ML10250, ML10176, ML10316, ML10317, ML10322, ML10333, ML10348, ML10352, ML10361 and ML10362 granted under the *Mineral Resources Act 1989* (Qld);
- (d) arising under the Deed regarding the inclusion of land pursuant to s 31 of the *Native Title Act 1993* (Cth) for EPC 588 between Glencore Coal Queensland Pty Ltd (formerly Xstrata Coal Queensland Pty Ltd), Itochu Coal Resources Australia Pty Limited, ICRA NCA Pty Ltd and Sumisho Coal Australia Pty Limited, the applicant at the time for the Birri People (Colin McLennan, David Miller, Frank Fisher, Patrick Walsh, Allan Fisher, Heather Tilberoo, Gracelyn Smallwood and Algon Walsh Jnr acting on their own behalf and on behalf of the Birri People) and the State of Queensland and the associated Exploration Permit Consent Agreement between Glencore Coal Queensland Pty Ltd (formerly Xstrata Coal Queensland Pty Ltd), Itochu Coal Resources Australia Pty Limited, ICRA NCA Pty Ltd, Sumisho Coal Australia Pty Limited and the applicant at the time for the Birri People (Colin McLennan, David Miller, Frank Fisher, Patrick Walsh, Allan Fisher, Heather Tilberoo, Gracelyn Smallwood and Algon Walsh Jnr acting on their own behalf and on behalf of the Birri People);
- (e) arising under the Deed regarding the renewal of exploration permit(s) pursuant to s 31 of the *Native Title Act 1993* (Cth) for EPC 727 between Glencore Coal Queensland Pty Ltd (formerly Xstrata Coal Queensland Pty Ltd), Itochu Coal Resources Australia Pty Limited, ICRA NCA Pty Ltd and Sumisho Coal Australia Pty Limited, the applicant at the time for the Birri People (Allan Fisher, Frank Fisher, Colin McLennan, David Miller, Gracelyn Smallwood, Heather Tilberoo, Algon Walsh Jnr and Patrick Walsh on their own behalf and on behalf of the Birri People) and the State of Queensland dated 18 September 2007 and the associated Exploration Permit Consent Agreement between Glencore Coal Queensland Pty Ltd (formerly Xstrata Coal Queensland Pty Ltd), Itochu Coal Resources Australia Pty Limited, ICRA NCA Pty Ltd, Sumisho Coal Australia Pty Limited and the applicant at the time for the Birri People (Colin McLennan, David Miller, Frank Fisher, Allan Fisher, Heather Tilberoo, Gracelyn Smallwood and Algon Walsh Jnr acting on their own behalf and on behalf of the Birri People) dated 29 June 2007;

(f) arising under the Deed regarding the renewal of exploration permit(s) pursuant to s 31 of the *Native Title Act 1993* (Cth) for EPC 734 between Glencore Coal Queensland Pty Ltd (formerly Xstrata Coal Queensland Pty Ltd), Itochu Coal Resources Australia Pty Limited, ICRA NCA Pty Ltd and Sumisho Coal Australia Pty Limited, the applicant at the time for the Birri People (Allan Fisher, Frank Fisher, Colin McLennan, David Miller, Gracelyn Smallwood, Heather Tilberoo, Algon Walsh Jnr and Patrick Walsh on their own behalf and on behalf of the Birri People) and the State of Queensland dated 18 September 2007 and the associated Exploration Permit Consent Agreement between Glencore Coal Queensland Pty Ltd (formerly Xstrata Coal Queensland Pty Ltd), Itochu Coal Resources Australia Pty Limited, ICRA NCA Pty Ltd, Sumisho Coal Australia Pty Limited and the applicant at the time for the Birri People (Colin McLennan, David Miller, Frank Fisher, Allan Fisher, Heather Tilberoo, Gracelyn Smallwood and Algon Walsh Jnr acting on their own behalf and on behalf of the Birri People) dated 29 June 2007;

(g) arising under the Deed regarding the grant and renewal(s) of a right to mine pursuant to s 31 of the *Native Title Act 1993* (Cth) for ML 10316 between Glencore Coal Queensland Pty Ltd (formerly Xstrata Coal Queensland Pty Ltd), Itochu Coal Resources Australia Pty Limited, ICRA NCA Pty Ltd and Sumisho Coal Australia Pty Limited, the applicant at the time for the Birri People (Allan Fisher, Frank Fisher, Colin McLennan, David Miller, Gracelyn Smallwood, Heather Tilberoo, Algon Walsh Jnr and Patrick Walsh on their own behalf and on behalf of the Birri People) and the State of Queensland dated 16 August 2005 and the associated Mining Lease Consent Agreement between Glencore Coal Queensland Pty Ltd (formerly Xstrata Coal Queensland Pty Ltd), Itochu Coal Resources Australia Pty Limited, ICRA NCA Pty Ltd, Sumisho Coal Australia Pty Limited and the applicant at the time for the Birri People (Colin McLennan, David Miller, Frank Fisher, Patrick Walsh, Allan Fisher, Heather Tilberoo, Gracelyn Smallwood and Algon Walsh Jnr acting on their own behalf and on behalf of the Birri People);

(h) arising under the Deed regarding the grant and renewal of a right to mine pursuant to s 31 of the *Native Title Act 1993* (Cth) for ML 10333 between Glencore Coal Queensland Pty Ltd (formerly Xstrata Coal Queensland Pty Ltd), Itochu Coal Resources Australia Pty Limited, ICRA NCA Pty Ltd and Sumisho Coal Australia Pty Limited, the applicant at the time for the Birri People (Frank Fisher, Colin McLennan, David Miller, Gracelyn Smallwood, Heather Tilberoo, Algon Walsh Jnr on their own behalf and on behalf of the Birri People) and the State of Queensland dated 23 November 2010 and the associated Colinta Weir Mining Lease Consent Agreement between Glencore Coal Queensland Pty Ltd (formerly Xstrata Coal Queensland Pty Ltd), Itochu Coal Resources Australia Pty Limited, ICRA NCA Pty Ltd, Sumisho Coal Australia Pty Limited and the applicant at the time for the Birri People (Colin McLennan, David Miller, Frank Fisher, Heather Tilberoo, Gracelyn Smallwood and Algon Walsh Jnr acting on their own behalf and on behalf of the Birri People) dated 5 October 2010;

(i) arising under the Deed regarding the grant and renewal(s) of a right to mine pursuant to s 31 of the *Native Title Act 1993* (Cth) for ML 10336 between Glencore Coal Queensland Pty Ltd (formerly Xstrata Coal Queensland Pty Ltd), Itochu Coal Resources Australia Pty Limited, ICRA NCA Pty Ltd and Sumisho Coal Australia Pty Limited, the applicant at the time for the Birri People (Frank Fisher, Colin McLennan, David Miller, Gracelyn Smallwood, Heather Tilberoo, Algon Walsh Jnr on their own behalf and on behalf of the Birri People) and the State of Queensland dated 22 November 2010 and the associated Sarum Mining Lease Consent Agreement between Glencore Coal Queensland Pty Ltd (formerly Xstrata Coal Queensland Pty Ltd), Itochu Coal Resources Australia Pty Limited, ICRA NCA Pty Ltd, Sumisho Coal Australia Pty Limited and the applicant at the time for the Birri People (Colin McLennan, David Miller, Frank Fisher, Heather Tilberoo, Gracelyn Smallwood and Algon Walsh Jnr acting on their own behalf and on behalf of the Birri People) dated 5 October 2010;

(j) arising under the Deed regarding the grant and any subsequent renewal of a right to mine pursuant to s 31 of the *Native Title Act 1993* (Cth) for ML 10352 between Glencore Coal Queensland Pty Ltd (formerly Xstrata Coal Queensland Pty Ltd), Itochu Coal Resources Australia Pty Limited, ICRA NCA Pty Ltd and Sumisho Coal Australia Pty Limited, the applicant at the time for the Birri People (Frank Fisher, Colin McLennan, David Miller, Gracelyn Smallwood, Heather Tilberoo, Algon Walsh Jnr on their own behalf and on behalf of the Birri People) and the State of Queensland dated 12 July 2012 and the associated Eastern Creek Mining Leases Consent Agreement between Glencore Coal Queensland Pty Ltd (formerly Xstrata Coal Queensland Pty Ltd), Itochu Coal Resources Australia Pty Limited, ICRA NCA Pty Ltd, Sumisho Coal Australia Pty Limited and the applicant at the time for the Birri People (Colin McLennan, David Miller, Frank Fisher, Heather Tilberoo, Gracelyn Smallwood and Algon Walsh Jnr acting on their own behalf and on behalf of the Birri People) dated 22 May 2012;

(k) arising under the Deed regarding the grant and any subsequent renewal of a right to mine pursuant to s 31 of the *Native Title Act 1993* (Cth) for ML 10361 and ML 10362 between Glencore Coal Queensland Pty Ltd (formerly Xstrata Coal Queensland Pty Ltd), Itochu Coal Resources Australia Pty Limited, ICRA NCA Pty Ltd and Sumisho Coal Australia Pty Limited, the applicant at the time for the Birri People (Frank Fisher, Colin

McLennan, David Miller, Gracelyn Smallwood, Heather Tilberoo, Algon Walsh Jnr on their own behalf and on behalf of the Birri People) and the State of Queensland dated 12 July 2012 and the associated Eastern Creek Mining Leases Consent Agreement between Glencore Coal Queensland Pty Ltd (formerly Xstrata Coal Queensland Pty Ltd), Itochu Coal Resources Australia Pty Limited, ICRA NCA Pty Ltd, Sumisho Coal Australia Pty Limited and the applicant at the time for the Birri People (Frank Fisher, Colin McLennan, David Miller, Gracelyn Smallwood, Heather Tilberoo, Algon Walsh Jnr on their own behalf and on behalf of the Birri People) dated 22 May 2012;

(l) arising under the Deed regarding the grant and any subsequent renewal of a right to mine pursuant to s 31 of the *Native Title Act 1993* (Cth) for ML 10365 between Glencore Coal Queensland Pty Ltd, Itochu Coal Resources Australia Pty Limited, ICRA NCA Pty Ltd and Sumisho Coal Australia Pty Limited, the applicant for the Birriah People and the State of Queensland dated 18 August 2014 and the associated Mining Lease Consent Agreement between Glencore Coal Queensland Pty Ltd, Itochu Coal Resources Australia Pty Limited, ICRA NCA Pty Ltd, Sumisho Coal Australia Pty Limited and the applicant for the Birriah People dated 14 July 2014; and

(m) arising under the Deed regarding the grant of a petroleum lease pursuant to s 31 of the *Native Title Act 1993* (Cth) for PL 394 between Glencore Coal Queensland Pty Ltd, Itochu Coal Resources Australia Pty Limited, ICRA NCA Pty Ltd and Sumisho Coal Australia Pty Limited, the applicant for the Birriah People and the State of Queensland dated 18 August 2014 and the associated Petroleum Lease Consent Agreement between Glencore Coal Queensland Pty Ltd, Itochu Coal Resources Australia Pty Limited, ICRA NCA Pty Ltd, Sumisho Coal Australia Pty Limited and the applicant for the Birriah People dated 14 July 2014.

3. The rights and interests of Bowen River Coal Pty Ltd:

(a) as the holder of mining lease ML10345 granted under the *Mineral Resources Act 1989* (Qld); and

(b) arising under the Deed regarding the grant and any subsequent renewal of exploration permit(s) pursuant to s 31 of the *Native Title Act 1993* (Cth) for EPC 586 between QCoal Pty Ltd (and assigned to Bowen River Coal Pty Ltd on 10 December 2009) and Heather Tilberoo, Frank Fisher, Allan Fisher, Colin McLennan, Algon Walsh Jr, Patrick Walsh, David Miller and Grace Smallwood on their own behalf and on behalf of the Birri People and the State of Queensland dated 2 March 2006 and the associated EPC Agreement between QCoal Pty Ltd and Heather Tilberoo, Frank Fisher, Allan Fisher, Colin McLennan, Algon Walsh Jr, Patrick Walsh, David Miller and Grace Smallwood on their own behalf and on behalf of the Birri People dated 17 February 2006.

4. The rights and interests of Byerwen Coal Pty Ltd:

(a) as the holder of exploration permit for minerals EPM18548 granted under the *Mineral Resources Act 1989* (Qld); and

(b) arising under the EPC Agreement regarding the grant of exploration permit(s) pursuant to the *Mineral Resources Act 1989* (Qld) for EPC 739 between Christopher Ian Wallin (and assigned to QCoal Pty Ltd on 4 December 2009 and to Byerwen Coal Pty Ltd on 11 December 2009) and Heather Tilberoo, Frank Fisher, Allan Fisher, Colin McLennan, Algon Walsh Jr, Patrick Walsh, David Miller and Grace Smallwood on their own behalf and on behalf of the Birri People dated 17 February 2006.

5. The rights and interests of Drake Coal Pty Ltd as the holder of mining leases ML10349, ML10350 and ML10351 granted pursuant to the *Mineral Resources Act 1989* (Qld).

6. The rights and interests of Jax Coal Pty Ltd as the holder of mining lease ML10346 granted pursuant to the *Mineral Resources Act 1989* (Qld).

7. The rights and interests of Pelican Creek Coal Pty Ltd as the holder of exploration permit EPC639 granted pursuant to the *Mineral Resources Act 1989* (Qld).

8. The rights and interests of Rosella Creek Coal Pty Ltd as the holder of exploration permit EPC768 granted pursuant to the *Mineral Resources Act 1989* (Qld).

9. The rights and interests of Christopher Ian Wallin as the current lessee under Term Lease No. 230184 over Lot 10 on Plan DK7.

10. The rights and interests of Colinta Holdings Pty Ltd as the current lessee under:

(a) Term Lease No. 235986 over Lot 4914 on Plan SP255401;

(b) Term Lease No. 235865 over Lot 3 on Plan SP235898; and

(c) Term Lease No. 235642 over Lot 14 on Plan SP271185.

11. The rights and interests of Daniel Edward Comerford, Noel James Griffin Comerford, and Errol Henry Comerford as the current lessee under:

(a) Perpetual Lease No. PPL0/235567 over Lots 13 and 14 on Plan HLN253; and

(b) Rolling Term Lease No. TL0/235745 over Lot 2 on SP104779.

12. The rights and interests of Captain Nominees Pty Ltd as the current lessee under:

(a) Rolling Term Lease No. PDH 5/618 over Lot 618 on Plan SP271121; and

(b) Lease No. PDH5/4887 over Lots 3 and 4 on Plan DK114 and Lot 1 on Plan DK4.

13. The rights and interests of Aircservices Australia as the current lessee under Term Lease No. 235439 over Lot 23 on Plan DK279.

14. The rights and interests of Telstra Corporation Limited ACN 051 775 556:

(a) as the owner or operator of telecommunications facilities within the Determination Area;

(b) created pursuant to the *Post and Telegraph Act 1901* (Cth), the *Telecommunications Act 1975* (Cth), the *Australian Telecommunications Corporation Act 1989* (Cth), the *Telecommunications Act 1991* (Cth) and the *Telecommunications Act 1997* (Cth), including rights:

(i) to inspect land;

(ii) to install and operate telecommunication facilities; and

(iii) to alter, remove, replace, maintain, repair and ensure the proper functioning of its telecommunications facilities;

(c) for its employees, agents or contractors to access its telecommunication facilities in and in the vicinity of the Determination Area in performance of their duties;

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

(e) as the current lessee under Term Lease No. 212386 over Lot 1 on Plan SP108591.

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

(a) as the owner and operator of any "Works" as that term is defined in the *Electricity Act 1994* (Qld) within the Determination Area;

(b) as a distribution entity and the holder of a distribution authority under the *Electricity Act 1994* (Qld);

(c) created under the *Electricity Act 1994* (Qld) and the *Government Owned Corporations Act 1993* (Qld) including:

(i) rights in relation to any agreement relating to the Determination Area existing or entered into before the date on which these orders are made;

(ii) rights to enter the Determination Area by its employees, agents or contractors to exercise any of the rights and interests referred to in this paragraph; and

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

16. The rights and interests of Queensland Electricity Transmission Corporation Limited trading as Powerlink Queensland ACN 078 849 233 as an electricity entity exercising statutory functions, powers or rights and as the owner and operator of electricity transmission facilities and associated infrastructure situated upon the Determination Area, including but not limited to the right to enter upon the Determination Area in order to access, use, maintain, repair, replace, upgrade, or otherwise deal with those facilities and infrastructure in

accordance with the law.

17. The rights and interests of the State of Queensland and Burdekin Shire Council, Charters Towers Regional Council, Isaac Regional Council, Mackay Regional Council, and Whitsunday Regional 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 the roads.

18. The rights and interests of each of Burdekin Shire Council, Charters Towers Regional Council, Isaac Regional Council, Mackay Regional Council, and Whitsunday Regional Council:

(a) under their local government jurisdiction and functions under the *Local Government Act 2009* (Qld), under the *Lands Protection (Pest and Stock Route Management) Act 2002* (Qld) and under any other legislation, for that part of the Determination Area within the area declared to be their respective local government area;

(b) as the:

(i) lessor under any leases which were validly entered into before the date on which these orders are made and whether separately particularised in these orders or not;

(ii) grantor of any licences or other rights and interests which were validly granted before the date on which these orders were made and whether separately particularised in these orders or not;

(iii) holder of any estate or interest in land, including as trustee of any reserves, that exist in the Determination Area;

(c) as the owner and operator of infrastructure, and those facilities and other improvements located in the Determination Area validly constructed or established on or before the date on which these orders are made, including but not limited to:

(i) undedicated but constructed roads except for those not operated by Council;

(ii) water pipelines and water supply infrastructure;

(iii) drainage facilities;

(iv) watering point facilities; and

(v) recreational facilities;

(d) to enter the land for the purposes described in paragraphs (a), (b) and (c) above by its employees, agents or contractors to:

(i) exercise any of the rights and interests referred to in paragraphs 17 and 18 above;

(ii) inspect, maintain and repair the infrastructure, facilities and other improvements referred to in paragraph (c) above;

(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 the State of Queensland or any other person existing by reason of the force and operation of the laws of the State of Queensland, including those existing by reason of the following legislation or any regulation, statutory instrument, declaration, plan, authority, permit, lease or licence made, granted, issued or entered into under that legislation:

(a) the *Land Act 1994* (Qld);

(b) the *Nature Conservation Act 1992* (Qld);

(c) the *Forestry Act 1959* (Qld);

(d) the *Water Act 2000* (Qld);

(e) the *Petroleum Act 1923* (Qld) or *Petroleum and Gas Act 2004* (Qld);

- (f) the *Mineral Resources Act 1989* (Qld);
- (g) the *Fisheries Act 1994* (Qld);
- (h) the *Transport Infrastructure Act 1994* (Qld); and
- (i) the *Sustainable Planning Act 2009* (Qld).

20. So far as confirmed pursuant to s 212(2) of the *Native Title Act 1993* (Cth) and s 18 of the *Native Title Act (Queensland) Act 1993* (Qld) as at the date of this determination, any existing public access to, and enjoyment of, the following places in the Determination Area:

- (a) waterways;
- (b) beds and banks or foreshores of waterways;
- (c) stock routes; and
- (d) areas that were public places at the end of 31 December 1993.

21. 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 5 - EXERCISE OF NATIVE TITLE RIGHTS AND INTERESTS ON PASTORAL LEASES

1. Before the native title rights and interests referred to in paragraph 9 of the determination are exercised on a pastoral lease:

- (a) the lessee of each pastoral lease situated wholly or partly within the Determination Area (a "Lessee") must provide the Lessee's contact details (the "Lessee's Contact Details") to the contact person for the Birriah Aboriginal Corporation RNTBC ICN 8261 identified in the corporation extract available from the Office of the Registrar of Indigenous Corporations (the "Birriah Contact Person") within 60 days of the date of the determination; and
- (b) the native title holders, or the Birriah Contact Person, must:
 - (i) provide at least seven (7) days' prior notice to a Lessee (by way of the Lessee's Contact Details) of the native title holders' intention to exercise their native title rights and interests on the Lessee's pastoral lease; and
 - (ii) contact the Lessee to:
 - (A) discuss any safety issues associated with the proposed exercise of native title rights and interests; and
 - (B) agree upon a suitable route of access.

2. When the native title right to hunt (referred to in paragraph 9(c) of the determination) is intended to be conducted on a pastoral lease using firearms, it may only be exercised:

- (a) in areas where stock are not present; and, for the avoidance of doubt,
- (b) if paragraph 1(b) above has been satisfied.

3. When the native title right to maintain and protect places of importance and areas of significance (referred to in paragraph 9(h) of the determination) is intended to involve the erection of a structure to protect a place or area on a pastoral lease from physical harm, it may only be exercised if:

- (a) the structure will not materially impact on activities permitted or required by the pastoral lease; and, for the avoidance of doubt,
- (b) if paragraph 1(b) above has been satisfied.

4. In the event that a Lessee has not provided the Lessee's Contact Details to the Birriah Contact Person, the native title holder or the Birriah Contact Person must provide at least seven (7) days' prior written notice to the Lessee of an intention of a native title holder or holders to exercise native title rights and interests on the

Lessee's pastoral lease by:

(a) posting such a notice to the last known postal address of the Lessee as recorded by the Australian Electoral Commission; or

(b) delivering or causing to be delivered such a notice to a person otherwise responsible for the management of the pastoral lease, or a person permanently residing on the pastoral lease.

5. Provided that a native title holder has complied with or is prepared to comply with paragraphs 1 to 4 above, a Lessee shall not unreasonably withhold consent or refuse a request by that native title holder to exercise the native title rights and interests referred to in paragraph 9 of the determination.

6. The native title holders will not exercise the native title rights and interests referred to in paragraph 9 of the determination in respect of any land or waters on which permanent improvements consisting of:

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

(b) an airstrip;

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

(d) stock yards and trap yards,

have, at the date of the determination, been constructed (including adjacent land or waters, the use of which is necessary for, or incidental to, the construction, establishment or use of the permanent improvements) in accordance with the rights of a Lessee under, and within the boundaries of a pastoral lease.

7. In this Schedule:

(a) "firearm" has the same meaning as in the *Weapons Act 1990* (Qld); and

(b) "stock" has the same meaning as in the *Stock Act 1915* (Qld).

REGISTER ATTACHMENTS:

1. Schedule 1 - Map of Determination Area - Sheets 38 to 75, 38 pages - A4, 23/03/2016

2. Schedule 2 - Part A - Map, 2 pages - A4, 23/03/2016

3. Schedule 1 - Map of Determination Area - Key Map and Sheets 1 to 37, 38 pages - A4, 23/03/2016

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.