



# Extract from the National Native Title Register

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## Determination Information:

**Determination Reference:** Federal Court Number(s): QUD147/2006  
NNTT Number: QCD2016/014

**Determination Name:** [Dodd on behalf of the Gudjala People Core Country Claim #2 v State of Queensland](#)

**Date(s) of Effect:** 13/12/2016

**Determination Outcome:** Native title exists in the entire determination area

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

**Determination Date:** 13/12/2016

**Determining Body:** Federal Court of Australia

### ADDITIONAL INFORMATION:

Not Applicable

### REGISTERED NATIVE TITLE BODY CORPORATE:

Ngrragoonda Aboriginal Corporation RNTBC  
Agent Body Corporate  
Shop 2/11  
Church Street  
Charters Towers Queensland 4820

*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](http://www.oric.gov.au)*

### COMMON LAW HOLDER(S) OF NATIVE TITLE:

7. The native title is held by the Gudjala People described in Schedule 3 (“the native title holders”).

The native title holders are the Gudjala People. The Gudjala People are the descendants of one or more of the following people:

(a) Alice Anning (also known as Alice White) of Bluff Downs Station;

- (b) Cissy McGregor;
- (c) Maggie "Ton Ton" Thompson;
- (d) Topsy Hann; or
- (e) Zoe (mother of Hoya Siemon/Bowman).

**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 Applicant is given leave to discontinue that part of the Application which covers any area not included in this determination;
3. The Applicant file and serve a notice of discontinuance in accordance with paragraph 2 above within seven days.

**BY CONSENT THE COURT DETERMINES THAT:**

5. The Determination Area is the land and waters described in Schedule 1A, and depicted in the map attached to Schedule 1B.
6. Native title exists in relation to the Determination Area described in Schedule 1.
7. The native title is held by the Gudjala People described in Schedule 3 ("the native title holders").
8. Subject to paragraphs 9, 10 and 11 below the nature and extent of the native title rights and interests in relation to the land and waters described in Schedule 1 is the non-exclusive right to access, be present on, move about on and travel over the area.
9. The native title rights and interests are subject to and exercisable in accordance with:
  - (a) the Laws of the State and the Commonwealth; and
  - (b) the traditional laws acknowledged and traditional customs observed by the native title holders.
10. The native title rights and interests referred to in paragraph 8 do not confer possession, occupation, use or enjoyment to the exclusion of all others.
11. There are no native title rights in or in relation to minerals as defined by the *Mineral Resources Act*

1989 (Qld) and petroleum as defined by the *Petroleum Act 1923* (Qld) and the *Petroleum and Gas (Production and Safety) Act 2004* (Qld).

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

13. The relationship between the native title rights and interests described in paragraph 8 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; and
- (c) the other interests and any activity that is required or permitted by or under, and done in accordance with, the other interests, or any activity that is associated with or incidental to such an activity, prevail over the native title rights and interests and any exercise of the native title rights and interests.

## DEFINITIONS AND INTERPRETATION

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

"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;

"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:

15. The native title is not held in trust.

16. The Ngrragoonda Aboriginal Corporation (ICN 7982), incorporated under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (Cth), is to:

- (a) be the prescribed body corporate for the purpose of s 57(2) of the *Native Title Act 1993* (Cth); and
- (b) perform the functions mentioned in s 57(3) of the *Native Title Act 1993* (Cth) after becoming a registered native title body corporate.

**Schedule 1 – DETERMINATION AREA**

**Schedule 1A – Description of Determination Area**

The Determination Area comprises all of the land and waters described below and depicted in the determination map contained in Schedule 1B, excluding the areas described in Schedule 2.

To the extent of any inconsistency, the written description prevails over the determination map contained in Schedule 1B.

**Non-Exclusive Urban Areas**

All of the land and waters described in the following table and depicted in tan on the determination map at Schedule 1B:

<b>Area Description (as at date of determination)</b>	<b>Determination map sheet number</b>
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Part of Lot 101 on Plan MPH40533, excluding the area within the following coordinate points:

1 - Inset 2

<b>Longitude (East)</b>	<b>Latitude (South)</b>
146.2738699	20.07242282
146.2738049	20.07248530
146.2737597	20.07246317
146.2737112	20.07217043
146.2739082	20.07219972
146.2738779	20.07237634
146.2738699	20.07242282

146.2736944	20.07216793
146.2737358	20.07245150
146.2734421	20.07230780
146.2734709	20.07213470
146.2736944	20.07216793

Part of Lot 158 on Plan SP118958, excluding the area within the following coordinate points:

1 - Inset 1

<b>Longitude (East)</b>	<b>Latitude (South)</b>
146.2761239	20.06116653
146.2760445	20.06188194
146.2750757	20.06178593
146.2747888	20.06175748
146.2742231	20.06170142
146.2742237	20.06147137
146.274295	20.06112955
146.2755419	20.06037859
146.2761458	20.06096929
146.2761239	20.06116653

\*Lot 4926 on Plan MPH21152 1

\*Lot 4927 on Plan MPH21152 1

That part of Lot 230 on Plan DV444 excluding the area covered by native title determination application QUD80/05 Gudjala People #1 as accepted for registration on 14 July 2014 1

\*denotes areas to which ss 47A or 47B of the *Native Title Act 1993* (Cth) apply

**Data reference and source**

Cadastral data sourced from the Department of Natural Resources and Mines, Qld (May 2016).

**Reference datum**

Geographical coordinates are referenced to the Geocentric Datum of Australia 1994 (GDA94) in decimal degrees.

## 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 Department of Natural Resources and Mines (15 July 2016).

## Schedule 1B – Map of Determination Area

[See NNTR attachment 1: “Schedule 1B - Map of Determination Area”]

## Schedule 2 – AREAS NOT FORMING PART OF THE DETERMINATION AREA

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

1. Land and waters within the Determination Area that at the time at which 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 neither of ss 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 described in (1) above includes 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 following areas:

Area Description (as at date of determination)	Determination map sheet number
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Part of Lot 1 on Plan DV836175, excluding the area within the following coordinate points:

1 - Inset 2

Longitude (East)	Latitude (South)
146.2738049	20.07248530
146.273769	20.07251972
146.2737597	20.07246317

146.2738049	20.07248530
146.273163	20.07201200
146.273226	20.07206600
146.272807	20.07230800
146.272476	20.07251500
146.272452	20.07253000
146.2724429	20.07253570
146.2722753	20.07232980
146.2729755	20.07188204
146.273005	20.07190200
146.273031	20.07192100
146.273056	20.07193800
146.273091	20.07196200
146.273129	20.07198800
146.273132	20.07199000
146.273133	20.07199000
146.27314	20.07199500
146.273163	20.07201200
146.273226	20.07206600
146.273203	20.07203900
146.273163	20.07201200
146.273136	20.07198800
146.273135	20.07198800
146.273133	20.07198600
146.273022	20.07189100
146.2729963	20.07186873
146.273198	20.07173975
146.2734706	20.07175071
146.2734638	20.07194036
146.2735024	20.07194610
146.2734709	20.07213470
146.2734421	20.07230780
146.2737358	20.07245150
146.2737486	20.07253930

146.2732699	20.07299871
146.2732011	20.07306460
146.2730175	20.07324171
146.2724699	20.07256886
146.272997	20.07221900
146.273226	20.07206600

Part of Lot 65 on Plan SP118958, excluding the area within the following coordinate points:

1 - Inset 1

<b>Longitude (East)</b>	<b>Latitude (South)</b>
146.2761239	20.06116653
146.2761458	20.06096929
146.2755419	20.06037859
146.274295	20.06112955
146.2742237	20.06147137
146.274234	20.05726800
146.274234	20.05714900
146.274234	20.05711000
146.274237	20.05601700
146.2742	20.05601700
146.2736544	20.05601584
146.273843	20.05433546
146.2750112	20.05445068
146.2785942	20.05480498
146.2814221	20.05509484
146.2813857	20.05544917
146.2807901	20.06125280
146.279649	20.06114465
146.2797034	20.06064930
146.2776066	20.06104356

Lot 229 on Plan DV445	1
Lot 12 on Plan RP 908315	1

3. The land and waters described in (1) above includes 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).

### Schedule 3 – NATIVE TITLE HOLDERS

The native title holders are the Gudjala People. The Gudjala People are the descendants of one or more of the following people:

- (a) Alice Anning (also known as Alice White) of Bluff Downs Station;
- (b) Cissy McGregor;
- (c) Maggie “Ton Ton” Thompson;
- (d) Topsy Hann; or
- (e) Zoe (mother of Hoya Siemon/Bowman).

### 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) Elizabeth Dodd, Andrew (Smokey) Anderson, Gloria Santo, Christine Hero and Priscilla Michelle Huen on their own behalf and on behalf of the Gudjala People, the Ngrragoonda Aboriginal Corporation ICN 7982, Flinders Shire Council and Charters Towers Regional Council as parties to the Indigenous Land Use Agreement QI2014/031 entered on the Register of Indigenous Land Use Agreements on 3 October 2014; and
- (b) Elizabeth Dodd, Andrew (Smokey) Anderson, Gloria Santo, Christine Hero and Priscilla Michelle Huen on their own behalf and on behalf of the Gudjala People and Ergon Energy Corporation Limited ACN 087 646 062 as parties to the Indigenous Land Use Agreement QI2013/082 entered on the Register of Indigenous Land Use Agreements on 24 April 2014.

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

- (a) as the owner and operator of any “Works” as that term is defined in the *Electricity Act 1994* (Qld) within the Determination Area;
- (b) as a distribution entity and the holder of a distribution authority under the *Electricity Act 1994* (Qld);
- (c) created under the *Electricity Act 1994* (Qld) and the *Government Owned Corporations Act 1993* (Qld) including:
  - (i) rights in relation to any agreement relating to the Determination Area existing or entered into before the date on which these orders are made;

- (ii) rights to enter the Determination Area by its employees, agents or contractors to exercise any of the rights and interests referred to in this paragraph; and
- (iii) to inspect, maintain and manage any Works in the Determination Area.

3. The rights and interests of the State of Queensland and the Charters Towers Regional Council and Flinders 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 the roads.

4. The rights and interests of Charters Towers Regional Council:

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

(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 paragraph 4 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.

5. The rights and interests of the holders of any permits, claims, licences or leases granted under the *Mineral Resources Act 1989* (Qld), including (but not limited to) those held by Citigold Corporation Limited ACN 060 397 177 and its related bodies corporate.

6. 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.

7. To avoid any doubt paragraph s 6(a) and 6(b) include, 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) stock routes; and
- (d) areas that were public places at the end of 31 December 1993.

**REGISTER ATTACHMENTS:**

1. Schedule 1B - Map of Determination Area, 3 pages - A4, 13/12/2016

*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.*