



# Extract from the National Native Title Register

---

## Determination Information:

**Determination Reference:** Federal Court Number(s): QUD601/2014  
NNTT Number: QCD2019/007

**Determination Name:** [Anderson on behalf of the Quandamooka People \(Mulgumpin/Moreton Island Claim\) v State of Queensland \(No 2\)](#)

**Date(s) of Effect:** 29/05/2020

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

---

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

**Determination Date:** 27/11/2019

**Determining Body:** Federal Court of Australia

### ADDITIONAL INFORMATION:

On 27 November 2019, the Federal Court made a determination that native title exists in parts of the determination area - see *Anderson on behalf of the Quandamooka People (Mulgumpin/Moreton Island Claim v State of Queensland (No 2))* [2019] FCA 2001. Among other things, the Court ordered that:

2. The determination will take effect:

(a) other than Part 4(b) of Schedule 2—upon the agreement referred to in paragraph 1(a) of Schedule 5 being registered on the Register of Indigenous Land Use Agreements;

(b) with respect to Part 4(b) of Schedule 2—upon the agreement referred to in paragraph 1(b) of Schedule 5 being registered on the Register of Indigenous Land Use Agreements.

On 29 May 2020 the agreements referred to above were registered on the Register of Indigenous Land Use Agreements, therefore this determination is in effect from 29 May 2020.

### REGISTERED NATIVE TITLE BODY CORPORATE:

Quandamooka Yoolooburrabee Aboriginal Corporation RNTBC  
Agent Body Corporate  
PO Box 235  
DUNWICH Queensland 4183

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

The native title holders for the Determination Area are the Quandamooka People who are the biological descendants, of the following people:

- (a) Nellie/Lilly Kidgeree;
- (b) Mary Indoole Compignie;
- (c) Elizabeth Ruska;
- (d) Charlie Moreton (Dandruba);
- (e) Sidney Rollands (Kingal/Winyeeaba);
- (f) Lillian Lyons (Dungoo);
- (g) King Billy Toompani;
- (h) Juno (Gonzales);
- (i) Liza Jungerboi (mother of Rose Martin *nee* Bain);
- (j) Tommy Nuggin (Gendarieba);
- (k) Tilly (mother of Tommy Dalton, Richard Dalton and Henry Lea);
- (l) Kindarra,

who identify as and are accepted by other Quandamooka People as Quandamooka People according to Quandamooka traditional law and custom.

### **MATTERS DETERMINED:**

#### **BY CONSENT THE COURT ORDERS THAT:**

1. There be a determination of native title in the terms set out below ("the determination").

2. The determination will take effect:

(a) other than Part 4(b) of Schedule 2 - upon the agreement referred to in paragraph 1(a) of Schedule 5 being registered on the Register of Indigenous Land Use Agreements;

(b) with respect to Part 4(b) of Schedule 2 - upon the agreement referred to in paragraph 1(b) of Schedule 5 being registered on the Register of Indigenous Land Use Agreements.

3. In the event that either of the agreements referred to in paragraph 2 are not registered on the Register of Indigenous Land Use Agreements within six (6) months of the date of this order or such later time as the Court may order, the matter is to be listed for further directions.

#### **BY CONSENT THE COURT DETERMINES THAT:**

5. The Determination Area is the land and waters described in Schedule 2, and depicted in the maps attached at Schedule 3. To the extent of any inconsistency between the written description of the Determination Area and the maps in Schedule 3, the written description of the Determination Area prevails.

6. As to the existence of native title:

(a) subject to paragraph 2(a):

(i) native title exists in relation to that part of the Determination Area described in Part 1 and Part 2 of Schedule 2;

(ii) native title does not exist in relation to that part of the Determination Area described in Part 4(a) of Schedule 2;

(b) subject to paragraph 2(b), native title does not exist in relation to that part of the Determination Area described in Part 4(b) of Schedule 2.

7. The native title is held communally by the Quandamooka People described in Schedule 1 ("the native title holders").

8. Subject to paragraphs 10, 11 and 12, the nature and extent of the native title rights and interests, other than in relation to Water, are:

(a) in relation to that part of the Determination Area described in Part 1 of Schedule 2, the rights to possession,

occupation, use and enjoyment of the area to the exclusion of all others;

(b) in relation to that part of the Determination Area described in Part 2 of Schedule 2, the non-exclusive rights to:

(i) Live and be present on the area;

(ii) take, use, share and exchange Traditional Natural Resources for personal, domestic and non-commercial communal purposes;

(iii) conduct burial rites;

(iv) conduct ceremonies;

(v) teach on the area about the physical and spiritual attributes of the area;

(vi) 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;

(vii) light fires for domestic purposes including cooking, but not for the purpose of hunting or clearing vegetation; and

(viii) be accompanied into the area by non-Quandamooka people being:

1. people required by traditional law and custom for the performance of ceremonies or cultural activities; and

2. people required by the Quandamooka people to assist in observing or recording traditional activities on the area.

9. Subject to paragraphs 10, 11 and 12, the nature and extent of the native title rights and interests in relation to Water within the Determination Area are the non-exclusive rights to:

(a) take and use Traditional Natural Resources from the Water for personal, domestic and non-commercial communal purposes; and

(b) take and use the Water for personal, domestic and non-commercial communal purposes.

10. 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.

11. The native title rights and interests referred to in paragraphs 8(b) and 9 do not confer possession, occupation, use or enjoyment of the area 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) ("the Other Interests") are set out in Schedule 5.

14. The relationship between the native title rights and interests described in paragraphs 8 and 9 of the determination and the Other Interests described in Schedule 5 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 to the extent of any inconsistency, but do not extinguish them except in accordance with the law.

## **DEFINITIONS AND INTERPRETATION**

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

“Determination Area” means the area described in Schedule 2, and shown on the maps in Schedule 3;

“High Water Mark” has the meaning given in the *Land Act 1994* (Qld);

“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;

“Live” means to reside and for that purpose to erect shelters and temporary structures but does not include a right to construct permanent structures;

“Traditional Natural Resources” means:

- (i) “animals” as defined in the *Nature Conservation Act 1992* (Qld);
- (ii) “plants” as defined in the *Nature Conservation Act 1992* (Qld);
- (iii) seaweed, charcoal, shells and resin; and
- (iv) any clay, soil, sand, ochre, gravel or rock on or below the surface of the Determination Area;

“Water” means water as defined by the *Water Act 2000* (Qld)

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. Pursuant to s 56 of the *Native Title Act 1993* (Cth), the native title is not to be held in trust.

17. The Quandamooka Yoolooburrabee Aboriginal Corporation ICN 7564, 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, 57(2) and 57(3) of the *Native Title Act 1993* (Cth);
- (b) act as agent for the native title holders; and
- (c) perform the functions set out in the *Native Title Act 1993* (Cth) and the *Native Title (Prescribed Bodies Corporate) Regulations 1999* (Cth) after becoming a registered native title body corporate.

#### **REGISTER ATTACHMENTS:**

- 1. Schedule 1 - Native title holders, 1 page - A4, 27/11/2019
- 2. Schedule 2 - Description of determination area, 4 pages - A4, 27/11/2019
- 3. Schedule 3 - Map of determination area, 11 pages - A4, 27/11/2019
- 4. Schedule 4 - Areas not forming part of the determination area, 1 page - A4, 27/11/2019
- 5. Schedule 5 - Other interests in the determination area, 3 pages - A4, 27/11/2019

*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.*