



Extract from the National Native Title Register

Determination Information:

Determination Reference: Federal Court Number(s): QUD6010/1998
NNTT Number: QCD2011/001

Determination Name: [Delaney on behalf of the Quandamooka People #1 v State of Queensland](#)

Date(s) of Effect: 9/12/2011

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: 04/07/2011

Determining Body: Federal Court of Australia

ADDITIONAL INFORMATION:

This determination was handed down by the Federal Court on 4 July 2011 and was conditional on the registration of 2 Indigenous Land Use Agreements: QI2011/038 - Quandamooka State ILUA and QI2011/039 Quandamooka Redland City Council ILUA. The Quandamooka State ILUA (QI2011/038) was registered on the Register of Indigenous Land Use Agreements on 8 December 2011. The Quandamooka Redland City Council ILUA (QI2011/039) was registered on the Register of Indigenous Land Use Agreements on 9 December 2011. The conditions attached to the determination have therefore now been met.

REGISTERED NATIVE TITLE BODY CORPORATE:

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

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 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:

Being satisfied that an order in the terms set out below is within the power of the Court, and it appearing appropriate to the Court to do so, pursuant to s 87 of the Native Title Act 1993 (Cth)

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 on the agreements referred to in items 1(a) and 1(b) of Schedule 7 of the determination being registered on the Register of Indigenous Land Use Agreements.
3. In the event that the agreements referred to in order 2 are not registered on the Register of Indigenous Land Use Agreements within 6 (six) 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.

THE COURT DETERMINES THAT:

1. Native title exists in the part of the Determination Area identified in Part A of Schedule 2 and does not exist in the part of the Determination Area identified in Part B of Schedule 2.
2. The native title is held communally by the group of people described in Schedule 1 ('the native title holders').
3. Subject to paragraphs 4, 5, 6, 7 and 8 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 identified in Schedule 4, the rights to possession, occupation, use and enjoyment to the exclusion of all others;
 - (b) in relation to that part of the Determination Area identified in Schedule 5, 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.

(c) in relation to that part of the Determination Area identified in Schedule 6, the non-exclusive rights to:

(i) be present on the area, including by accessing and traversing the area;

(ii) take, use, share and exchange Traditional Natural Resources and seawater for any non-commercial purpose.

4. Subject to paragraphs 5, 6, 7 and 8 in relation to any parts of the Determination Area which fall within Schedule 4 or Schedule 5 but which extend from the High Water Mark to the Highest Astronomical Tide, the native title rights and interests, except in relation to Water, are the non-exclusive rights and interests set out in paragraph 3(c).

5. Subject to paragraphs 6, 7 and 8, 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.

6. There are no native title rights in '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).

7. 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.

8. The native title rights and interests referred to in paragraphs 3(b), 3(c), 4 and 5 do not confer possession, occupation, use or enjoyment to the exclusion of all others.

9. The nature and extent of other rights and interests in relation to the Determination Area (or respective parts thereof) are the rights and interests set out in Schedule 7 ('Other Interests').

10. The relationship between the native title rights and interests described in paragraphs 3, 4 and 5 and the Other Interests described in Schedule 7 in so far as they validly affect native title, 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 any part of the Determination Area identified in Schedules 4, 5 and 6, 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.

11. Pursuant to section 56 of the Native Title Act 1993 (Cth), the Court determines that the native title is not to be held in trust.

12. 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 purposes of s 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.

DEFINITIONS AND INTERPRETATION

13. The words and expressions used in this determination have the same meanings as they have in Part 15 of the Native Title Act 1993 (Cth) except for the following defined words and expressions:

'Determination Area' means the land and waters described in Part A and Part B of Schedule 2 and shown on Native Title Determination Plan AP20079 (excluding those areas identified at Schedule 3);

'High Water Mark' has the meaning given in the Land Act 1994 (Qld);

'Highest Astronomical Tide' means the highest level of the tides that can be predicted to occur under average meteorological conditions and under any combination of astronomical conditions;

'Laws of the State and the Commonwealth' means the common law and the laws of the State 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).

SCHEDULE 1 - NATIVE TITLE HOLDERS

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)
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- l. Kindarra

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

SCHEDULE 2 - THE DETERMINATION AREA

[See NNTR Attachment 1: 'Schedule 2 ' The Determination Area']

SCHEDULE 3 - AREAS NOT INCLUDED IN THE DETERMINATION AREA

The following areas are wholly excluded from the determination area on the grounds that they have been the subject

of a previous exclusive possession act, as defined in section 23B of the Native Title Act 1993 (Cth), that none of sections 47A or 47B of the Native Title Act 1993 (Cth) applied to them at the time at which the Application was made and therefore, in accordance with section 61A of the Native Title Act 1993 (Cth), could not be claimed. The following areas are also delineated within the red boundary on the attached map A Schedule 3 'Areas not included in the Determination Area'.

1. The areas described below covered by public works that are agreed to be previous exclusive possession acts:-

(i) Part of Lot 118 on SL9795 containing the water purification plant within compound, bores 1 and 2 and bitumen road as shown on attached map B Schedule 3;

(ii) Part of Lot 153 on SL7991 containing the supply, treatment and storage plant, bores 1, 2, 3 and 4, bitumen road as shown on attached map C Schedule 3;

(iii) Part of Lot 98 on SL5460 containing the 2 electricity poles as shown on attached map D Schedule 3;

(iv) Part of Lot 130 Bal on SL13002 containing the bitumen road as shown on attached map C Schedule 3;

(v) Part of Lot 72 on SP212935 containing the transfer station and landfill as shown on attached map E Schedule 3; and

(vi) Part of Lot 130 on SL13002 containing the community hall as shown on attached map F Schedule 3.

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

3. The area covered by the following lots or parts of lots as described:-

(i) Part of Lot 129 on SL9090 (that part of the lot subject to former Lot 59 on SL3327 ' Special Lease No. 24154);

(ii) Part of Lot 445 on NPW834 (that part of former Lot 12 on USL32998 above High Water Mark subject to former Road on SL5314);

(iii) Part of Lot 566 on NPW834 (that part of former Lot 12 on USL32998 above High Water Mark subject to former Road on SL5314 and former Lot 100 on SL6487 ' Special Lease No. 32680);

(iv) Lot 135 on SL12422 (former Lot 135 on SL8770 ' Trustee Lease 602825685);

(v) Part of Lot 143 on SL6158 (that part of the lot subject to former Lot 12 on SL2663 ' Special Lease No. 20166);

(vi) Lot 14 on SL10870 (former Lot 59 on SL3327 ' Special Lease No. 24154);

(vii) Part of Lot 147 on SL7542 (that part of the lot subject to former Lots 1v & 2v on S312978 - Deed of Grant No. 89425);

(viii) Lot 159 on SL8330 (former Lot 19 on SL8330 - Trustee Lease);

(ix) Part of Lot 166 on SL 9005 (that part of the lot subject to former Road on A3399);

(x) Lot 171 on SL12421 (former Lot 135 on SL8770 ' Trustee Lease 60282685);

(xi) Part of Lot 1 on NPW1120 being that part of former Lot 1951 on NPW115 to former Lot 77 on SL4704 - Special Lease No. 29280);

(xii) Part of Lot 19 on SL806442 (that part of the lot subject to former Lot 26 on SL1423- Special Lease No.13833 and Trustee Lease 602824887);

(xiii) Lot 1 on D90414 (Lot 1 on D90414 - former Special Lease No. 18419);

(xiv) Part of Lot 2 on D90450 (that part of the lot subject to Lot B on SL12818 - Trustee Lease L661254F);

(xv) Lot 2 on PL8543 (Lot 2 on PL8543 - former Perpetual Town Lease No. 12962);

(xvi) Part of Lot 36 on SL6802 (that part of the lot subject to former Lot 36 on SL2671 ' Special Lease No. 17358);

(xvii) Part of Lot 80 on SL4783 (that part of the lot subject to former Road);

(xviii) Parts of Balance Lot 130 on SL13002 (that part of the lot subject to former Lot 1, 2, 12 to 20 subject to Perpetual Town Leases No's. 17786, 17787, 17819, 17820, 17821, 17822, 17823, 17824, 17825, 17826, 11821 respectively, all on PL8545 & former Roads abutting the above mentioned lots on PL8545 and former Lot 96 on SL5398 - Special Lease No. 31320).

[See:

- NNTR Attachment 2: 'Schedule 3 ' Map A: Areas Not Included in the Determination Area The Determination Area'
- NNTR Attachment 3: Schedule 3 'Map B: Areas Not Included in the Determination Area
- NNTR Attachment 4: Schedule 3 ' Map C: Areas Not Included in the Determination Area
- NNTR Attachment 5: Schedule 3 ' Map D: Areas Not Included in the Determination Area
- NNTR Attachment 6: Schedule 3 ' Map E: Schedule 3 'Areas Not Included in the Determination Area
- NNTR Attachment 7: Schedule 3 ' Map F: Schedule 3 'Areas Not Included in the Determination Area]

SCHEDULE 4 - EXCLUSIVE NATIVE TITLE AREA

This area is covered by the following lots or parts of lots and delineated on the attached map Schedule 4 Exclusive Native Title Area.

- (i) Lot 11 on AP19788 (former Lot 11 on USL32070);
- (ii) An area identified as road (Industrial Court) and delineated by stations numbers 1-5-8-9-12-15-1 on SP104037 (part of former Lot 11 on USL32070);
- (iii) Lot 200 on SP104018 (part of former Lot 14 on USL20341);
- (iv) Part of Lot 100 on AP15913 (that part of former Lot 14 on USL20341 not subject to Mining Lease 1109);
- (v) Lot 15 on SP179632 (former Lot 15 on USL20272);
- (vi) An area identified as road (part of Rainbow Crescent) and delineated by stations numbers 12-11-10-9-7-2-3-6-8-12 on SP179632 (part of former Lot 15 on USL20272);
- (vii) Part of Lot 17 on USL20278 not subject to Mining Leases 1123 and 1124;
- (viii) Part of Lot 1 on AP17595 (that part of former Lot 1 on USL20277 not subject to Mining Leases 1112, 1160 and 1172);
- (ix) Lot 2 on SP222080 (part of former Lot 1 on USL20277);
- (x) Part of Lot 3 on USL32024 not subject to Mining Leases 1109 and 1132;
- (xi) Lot 60 on USL20670;
- (xii) Part of Lot 78 on USL20278 not subject to Mining Lease 1124);
- (xiii) Lot 81 on USL20272;
- (xiv) Part of Lot 1 on AP19791 (that part of former Lot 82 on USL20272 not subject to Mining Leases 1103 and 1118);
- (xv) Part of Lot 2 on SP117361 (that part of former Lot 82 on USL20272 not subject to Mining Lease 1118);
- (xvi) Part of Lot 83 USL20278 not subject to Mining Lease 1124;
- (xvii) Lot 8 on USL32024;
- (xviii) Lot 9 on USL32070;
- (xix) Lot 9 on SP179632 (former Lot 9 on USL20272);
- (xx) An area identified as road (part of Rainbow Crescent) and delineated by stations 44-32-33-34-35-36-37-21-20-19-38-39-40-41-42-43-44 on SP179632 (part of former Lot 9 on USL20272);
- (xxi) An area identified as road (part of Rainbow Crescent) and delineated by stations 27-26-25-24-23-23a-28-29-29a-50a-50-27 on SP179632 (part of former Lot 9 on USL20272); and

(xxii) An area identified as road (part of Rainbow Crescent) and delineated by stations 15-14-16-15 on SP179632 (part of former Lot 9 on USL20272).

[See NNTR Attachment 8: 'Schedule 4 ' Map Showing Exclusive Native Title Area']

SCHEDULE 5- NON-EXCLUSIVE NATIVE TITLE AREA (ONSHORE)

[See NNTR Attachment 9: 'Schedule 5 ' Non-exclusive Native Title Area (Onshore)']

SCHEDULE 6 - NON-EXCLUSIVE NATIVE TITLE AREA (OFFSHORE)

This area comprises that part of Lots 30 and 31 on AP20079 which covers offshore areas including tidal waters, shores, littoral zones, beaches and foreshores to the High Water Mark and further described as being within the following boundary description.

Commencing at a point, in Moreton Bay, at 531 605 mE, 6 980 687 mN (MGA ' Zone 56 ' GDA94), being the north-western corner of the Determination Area and extending east to a point on the High Water Mark of the western shoreline of Moreton Island at 6 980 687 mN; then generally south-easterly and generally northerly along that High Water Mark, around the southern end of Moreton Island, to 6 980 687 mN; then east to a point 200m seaward of that High Water Mark at 6 980 687mN; then generally southerly along a line 200m seaward of that High Water Mark to 6 972 987 mN; then south westerly to intersect a line 200m seaward of the High Water Mark of North Stradbroke Island at 544 605 mE; then generally north easterly, generally south easterly, generally southerly and generally westerly along that line, 200 metres seaward of the High Water Mark, to a point southwest of Swan Bay at 543 152 mE; then north westerly to the High Water Mark on Stingaree Island at 543 110 mE; then generally south westerly and generally north westerly along that High Water Mark to the southern bank of Duck Creek; then north westerly across that creek to the High Water Mark of North Stradbroke Island; then generally north westerly and generally northerly along that High Water Mark of the western shorelines of that Island to 6 947 096 mN; then northerly to again a point on the High Water Mark of that Island at 6 947 168 mN; then generally northerly again along that High Water Mark to 6 949 321 mN; then generally northerly passing through the following coordinate points:

540 792 mE 6 949 416 mN

540 792 mE 6 949 505 mN

540 805 mE 6 949 587 mN

Then north westerly to a point at 531 605 mE, 6 955 687 mN; then northerly back to the commencement point.

Including those parts of Lots 445 and 556 on NPW834 that are below High Water Mark.

SCHEDULE 7 - OTHER INTERESTS IN THE DETERMINATION AREA

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

1. The rights and interests of the parties under the following agreements and authorities:

(a) The Indigenous Land Use Agreement ('ILUA') between Ian Delaney on behalf of the Quandamooka People, the Quandamooka Yoolooburrabee Aboriginal Corporation and the State of Queensland entitled the 'Quandamooka People's Land and Sea ILUA' executed on 15 June 2011; and

(b) The Indigenous Land Use Agreement ('ILUA') between Ian Delaney on behalf of the Quandamooka People, the Quandamooka Yoolooburrabee Aboriginal Corporation and the Redland City Council entitled the 'Quandamooka Peoples and Local Government ILUA' executed on 4 July 2011.

2. The following interests held by Stradbroke Rutile Pty Ltd:

(a) Mining Leases ML1103, ML1105, ML1109, ML1112, ML1113, ML1117, ML1118, ML1119, ML1120, ML1121, ML1122, ML1129, ML1130, ML1140, ML1153 and ML1163;

(b) Term lease 0/218144 over part of Lot 1 on SP156237; and

(c) Permit to Occupy PO 0/233333 in Lots A,B,C,D,E and F on Crown plan AP 19725.

3. The following interests held by ACI Operations Pty Ltd:

(a) Mining Leases ML1124 and ML7064.

4. The following interest held by Sibelco Australia Limited:

(a) ML1108.

5. The rights and interests of the State of Queensland in the following protected areas pursuant to the Nature Conservation Act 1992 (Qld) and relevant regulations and conservation plans made under that Act; and the rights and interests of the persons in whom they are vested and interests of the persons entitled to access and use those protected areas for the respective purposes for which they are dedicated:

(a) Blue Lake National Park;

(b) Peel Island National Park;

(c) Naree Budjong Djara; and

(d) Myora Conservation Park.

6. The rights and interests of the State of Queensland and any other person existing under or by reason of the force and operation of:

(a) The Nature Conservation Act 1992 (Qld) and relevant regulations and conservation plans made under that Act;

(b) The Marine Parks Act 2004 (Qld) and relevant regulations, declarations and management plans made under that Act;

(c) the Fisheries Act 1994 (Qld) and relevant regulations, declarations and management plans made under that Act;

(d) the Coastal Protection and Management Act 1995 (Qld) and relevant regulations and management plans made under that Act;

(e) the Transport Operations (Marine Safety) Act 1994 (Qld) and any relevant regulations or subordinate legislation made under that Act;

(f) the Transport Operations (Marine Pollution) Act 1995 (Qld) and any relevant regulations or subordinate legislation made under that Act;

(g) the Transport Infrastructure Act 1994 (Qld) and relevant regulations made under that Act;

(h) the Integrated Planning Act 1997 (Qld) or the Sustainable Planning Act 2009 (Qld);

(i) the Forestry Act 1959 (Qld) and any subordinate legislation, declarations or management plans made under that Act; and

(j) the Fire and Rescue Services Act 1990 (Qld) and the Ambulance Service Act 1991 (Qld) and any subordinate legislation or regulations made under those Acts.

7. The rights and interests of the holders of any licences, permits or allocations under the Water Act 2000 (Qld) and any relevant regulations or subordinate legislation made under that Act.

8. The rights and interests of the holders of any leases, licences, reservations, permits, easements or authorities granted under the Land Act 1994 (Qld), and any relevant regulations or subordinate legislation made under that Act.

9. The rights and interests of holders of any permits, claims, licences or leases under the Mineral Resources Act 1989 (Qld) and any subordinate legislation, declarations or management plans made under that Act.

10. The rights and interests of Telstra Corporation Limited (or its corporate successor):

(a) as the owner or operator of telecommunications facilities installed 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 existing and new telecommunication facilities, including cabling, customer terminal sites, customer radio sites and ancillary facilities;

(iii) to alter, remove, replace, maintain, repair and ensure the proper functioning of its existing and any new

telecommunications facilities including cabling, customer terminal sites, customer radio sites, and ancillary facilities;

(iv) for its employees, agents or contractors to access the Determination Area for the purposes of exercising the rights in (i)(ii) and (iii) above in respect of telecommunication facilities in and in the vicinity of the Determination Area;

(c) under any licences, leases, access agreements or easements relating to its telecommunications facilities in the Determination Area; and

(d) as lessee of term lease TLO/214132 in respect of Lot 1 on CP895583.

11. The rights and interests of Energex Limited:

(a) as the owner and operator of electricity distribution, generation and transmission facilities within the Determination Area;

(b) as an Electricity Entity under the Electricity Act 1994 (Qld), including but not limited to:

(i) as the holder of a distribution authority;

(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 to inspect, maintain and manage any distribution, generation and transmission facilities in the Determination Area;

(c) in relation to any connection contract, way leave agreement, permit to occupy or easement relating to the Determination Area existing as at the date of these orders.

12. The rights and interests of Stradbroke Ferries Limited:

(a) as lessee of Term Lease TL216885 and permittee of Permit to Occupy PO216884;

(b) to use the waters adjacent to Lot 86 on CP SL810075, the ferry terminal and water taxi pontoon for marine facility purposes; and

(c) as a vessel operator, under the Transport Operations (Marine Safety) Act 1994 (Qld) and Regulations (including national and international standards, codes and conventions referred to in the Act and Regulations) and any other act, regulation or statutory authority or direction from time to time applicable to:-

(i) the operation of ferry and water taxi services; and/or

(ii) the safe navigation of waterways;

to, from and within the Determination Area.

13. The rights and interests of Redland City Council:

(a) under its local government jurisdiction and functions under the Local Government Act 2009 (Qld), including undertaking operational activities in its capacity as a local government including feral animal control, weed control, erosion control, waste management and fire management and any other legislation, for that part of the Determination Area within the area declared to be Council's 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;

(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) drainage facilities;

(iii) the cemetery and cemetery related facilities on North Stradbroke Island; and

(iv) camping and holiday park facilities on North Stradbroke Island; and

(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 13 of this Schedule; and

(ii) inspect, maintain and repair the infrastructure, facilities and other improvements referred to in paragraph 13(a), (b) and (c) of this Schedule.

14. The rights and interests of Brisbane City Council under its local government jurisdiction and functions under the City of Brisbane Act 2010 (Qld) and any other legislation, for that part of the Determination Area within the area declared to be Council's local government area under the City of Brisbane (Operations) Regulations 2010 (Qld), including any rights and interests it or its employees, or agents have to enter land to perform those functions.

15. The rights and interests of members of the public arising under the common law, including but not limited to the following:

(a) any subsisting public right to fish; and

(b) the public right to navigate.

16. The rights under the international right of innocent passage.

17. So far as confirmed pursuant to section 212(2) of the Native Title Act 1993 (Cth) and section 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) coastal waters;

(d) beaches; and

(e) areas that were public places at the end of 31 December 1993.

18. Rights and interests granted by the Commonwealth pursuant to statute or otherwise in the exercise of its executive power including, but not limited to, the rights and interests of persons holding licences, permits, statutory fishing rights, or other statutory rights pursuant to:

(a) the Fisheries Management Act 1991 (Cth), or regulations or management plans made under that Act; and

(b) any other legislative scheme for the control, management and exploitation of the living resources within the Determination Area.

19. For the avoidance of doubt, rights or interests existing pursuant to the Historic Shipwrecks Act 1976 (Cth) (and regulations made there under), including (without being limited to) restrictions relating to historic shipwrecks, historic relics and protected zones within the Determination Area, noting that historic shipwrecks within the Determination Area include (but are not necessarily limited to):

(a) the Cambus Wallace;

(b) the Prosperity; and

(c) the Rufus King.

20. The rights and interests of the Commonwealth of Australia represented by the Bureau of Meteorology including:

(a) as the owner and operator of meteorological facilities within the Determination Area at Point Lookout; and

(b) for its employees, agents and contractors to access its facilities referred to in (a) in the exercise of powers and functions under the Meteorology Act 1955 (Cth).

21. The rights and interests of Australian Maritime Safety Authority:

(a) as the holder of rights under registered lease 702542791 to access land comprising Lot 169 on SL 12239; and

(b) as a statutory authority exercising powers and functions under the Lighthouses Act 1911 (Cth).

22. The rights and interests of the Commonwealth of Australia pursuant to the Environment Protection and Biodiversity Conservation Act 1999 (Cth) ('EPBC Act') and relevant regulations, declarations and plans made under the Act relating to the use and management of that part of the Determination Area that is a declared RAMSAR wetland within the meaning of the EPBC Act.

23. Any other rights and interests:

(a) held by the State or Commonwealth; or

(b) existing by reason of the force and operation of the Laws of the State or the Commonwealth.

REGISTER ATTACHMENTS:

1. Attachment 1 - Schedule 2 - The Determination Area, 51 pages - A4, 04/07/2011
2. Attachment 2 - Schedule 3 - Map A - Areas Not Included in the Determination Area, 1 page - A4, 04/07/2011
3. Attachment 3 - Schedule 3 - Map B - Areas Not Included in the Determination Area, 1 page - A4, 04/07/2011
4. Attachment 4 - Schedule 3 - Map C - Areas Not Included in the Determination Area, 1 page - A4, 04/07/2011
5. Attachment 5 - Schedule 3 - Map D - Areas Not Included in the Determination Area, 1 page - A4, 04/07/2011
6. Attachment 6 - Schedule 3 - Map E - Schedule 3 - Areas Not Included in the Determination Area, 1 page - A4, 04/07/2011
7. Attachment 7 - Schedule 3 - Map F - Schedule 3 - Areas Not Included in the Determination Area, 1 page - A4, 04/07/2011
8. Attachment 8 - Schedule 4 - Map Showing Exclusive Native Title Area, 1 page - A4, 04/07/2011
9. Attachment 9 - Schedule 5 - Non-exclusive Native Title Area (Onshore), 6 pages - A4, 04/07/2011

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.