



Extract from the National Native Title Register

Determination Information:

Determination Reference: Federal Court Number(s): QUD6024/1999
NNTT Number: QCD2011/002

Determination Name: [Delaney on behalf of the Quandamooka People #2 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 that part of the Determination Area identified in Part A of Schedule 2 and does not exist in that 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.
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 to:
- (a) be present on the area, including by accessing and traversing the area; and
 - (b) take, use, share and exchange Traditional Natural Resources and seawater for any non-commercial purpose.
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), 4 and 5 do not confer possession, occupation, use or enjoyment to the exclusion of all others.
9. The nature and extent of any other rights and interests in relation to the Determination Area (or respective parts thereof) are set out in Schedule 6 ('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 6, 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 and 5, 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 purpose of sections 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 Body 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 AP20077 (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)
- 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.

SCHEDULE 2 - THE DETERMINATION AREA

Excluding the areas in Schedule 3, the Determination Area comprises:-

PART A

The land and waters within the area described as Lots 1 - 26 on AP20077 covering:

- (i) Lot 1 on CP815735;
- (ii) Part of Lot 3 on AP15879 being that part of Lot 1 on PER207993 subject to former Mt Scott Holding No. 2721;
- (iii) Part of Lot 4 on AP15879 being that part of Lot 1 on PER207993 subject to former Mt Scott Holding No. 2721;
- (iv) That part of Lot 1 on NPW1120 subject to former Lots 1 to 4 on SL607, part of former Lot 1 on USL20664, former Lot 2 on USL32112, former Lot 3 on USL32112, that part of former Lot 2 on USL32113 subject to former Mt Scott Holding No.2721, part of former Lot 1 on USL32114, that part of former Lot 1 on USL32128 subject to former Mt Scott Holding No.2721 and former Lot 3 on USL32129;
- (v) Balance Lot 1 on USL20664;
- (vi) Part of Balance Lot 15 on AP19769 being that part of former Lot 1 on USL32114 subject to former Mt Scott Holding No.2721;
- (vii) That part of Balance Lot 1 on USL32128 subject to former Mt Scott Holding No.2721;
- (viii) Lot 20 on SL552;
- (ix) That part of Lot 2 on USL32113 subject to former Mt Scott Holding No.2721;
- (x) Lot 46 on SP164082 (part of former Lot 46 on SL2482);
- (xi) Lot 47 on SP164076 (part of former Lot 46 on SL2482);
- (xii) Part of Lot 132 on SP164081 (part of former Lot 46 on SL2482);
- (xiii) Part of Lot 134 on SP164082 (part of former Lot 46 on SL2482);
- (xiv) Lot 48 on SP164081 (part of former Lot 46 on SL2482);
- (xv) An area identified as road (part of George Nothling Drive) and delineated by stations 4, 5, 12, 14, 15, 16, 7, 8, 16a, 15a, 14a, 12a, 4 on Plan SP164076 (part of former Lot 46 on SL2482);
- (xvi) Lot 83 on PL85427;
- (xvii) That part of Lot 17 on SL8399 subject to former Mt Scott Holding No.2721;
- (xviii) Lot 116 on SL7337;
- (xix) Lot 117 on SL7338;
- (xx) Lot 121 on SL8307;
- (xxi) Lot 131 on AP15835 (part of former Balance Lot 131 on SL9330);
- (xxii) Lot 14 on D90442;
- (xxiii) Lot 1601 on D90417;
- (xxiv) Lot 160 on SL7650 being Goat Island;
- (xxv) Lot 161 on SL7650 being Bird Island;
- (xxvi) Lot 165 on SL9059;
- (xxvii) Lot 173 on SL12391;
- (xxviii) Lot 2 on USL32069;
- (xxix) Lot 4 on USL32069;
- (xxx) Lot 7 on USL20273;
- (xxxi) Part of Lot 100 on SP143470 (former Lot 7 on USL20267);
- (xxxii) Lot 9 on USL20273;

- (xxxiii) Lot 12 on USL32069;
- (xxxiv) Lot 14 on USL32069;
- (xxxv) Lot 14 on USL20674;
- (xxxvi) An area of Esplanade (former Lot 55 on USL20268);
- (xxxvii) Lot 58 on SL3326;
- (xxxviii) Lot 90 on CP816530;
- (xxxix) Lot 54 on SP161605 (part of former Lot 54 on SL2991);
- (xl) An area identified as road (part of George Nothling Drive) and delineated by stations 35, 34, F, B, 35 on SP161605 (part of former Lot 54 on SL2991);
- (xli) Lot 55 on AP19782 (part of former Lot 55 on USL20670);
- (xlii) Lot 56 on USL20670;
- (xlili) Lot 1 on AP19741 (part of former Lot 74 on USL20274);
- (xliv) Part of Lot 2 on AP19741 (part of former Lot 74 on USL20274 and part of former Lot 55 on USL20670 exclusive of that part which is subject to former Lot 1 on PER208125);
- (xlv) Lot 3 on AP19741 (part of former Lot 74 on USL20274);
- (xlvi) An area identified as road (Chettle Street) and delineated by stations 3, 7, 8, 10, 14, 16, 3 on SP104039 (part of former Lot 74 on USL20274); and
- (xlvii) Lot 195 on USL20275.

and

PART B

The areas acquired under s 24MD Native Title Act 1993 (Cth) and shown on attached map Schedule 2 Part B being:

- (i) Lot 47 on SP164076 (part of former Lot 46 on SL2482);
- (ii) Lot 48 on SP164081 (part of former Lot 46 on SL2482);
- (iii) Part of Lot 132 on SP164081 (part of former Lot 46 on SL2482); and
- (iv) Part of Lot 134 on SP164082 (part of former Lot 46 on SL2482).

[See NNTR Attachment 1: 'Schedule 2 Maps']

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 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 on the attached map Schedule 3 'Areas not included in the Determination Area'.

1. 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.
2. The area covered by the following lots or parts of lots as described:-

- (i) Lot 14 on USL20674;
- (ii) Lot 14 on D90442.

[See NNTR Attachment 2: 'Schedule 3 Map ' Areas not included in the determination']

SCHEDULE 4 - EXCLUSIVE NATIVE TITLE AREA

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

- (i) Lot 2 on USL32069;
- (ii) Lot 4 on USL32069;
- (iii) Lot 7 on USL20273;
- (iv) Part of Lot 100 on SP143470 (former Lot 7 on USL20267);
- (v) Lot 9 on USL20273;
- (vi) Lot 12 on USL32069;
- (vii) Lot 14 on USL32069;
- (viii) Lot 58 on SL3326;
- (ix) Lot 55 on AP19782 (part of former Lot 55 on USL20670);
- (x) Lot 56 on USL 20670;
- (xi) Lot 1 on AP19741 (part of former Lot 74 on USL20274);
- (xii) Part of Lot 2 on AP19741 (part of former Lot 74 on USL20274 and part of former Lot 55 on USL20670 exclusive of that part which is subject to former Lot 1 on PER208125);
- (xiii) Lot 3 on AP19741 (part of former Lot 74 on USL20274); and
- (xiv) An area identified as road (Chettle Street) and delineated by stations 3, 7, 8, 10, 14, 16, 3 on SP104039 (part of former Lot 74 on USL20274).

[See NNTR Attachment 3: 'Schedule 4 ' Map Showing Exclusive Native Title Area']

SCHEDULE 5 - NON-EXCLUSIVE NATIVE TITLE AREA

This area is covered by the following lots or parts of lots and delineated on attached Map Schedule 5 'Non-exclusive Native Title Area'.

- (i) Lot 1 on CP815735;
- (ii) Part of Lot 3 on AP15879 being that part of Lot 1 on PER207993 subject to former Mt Scott Holding No.2721;
- (iii) Part of Lot 4 on AP15879 being that part of Lot 1 on PER207993 subject to former Mt Scott Holding No.2721;
- (iv) That part of Lot 1 on NPW1120 subject to former Lots 1 to 4 on SL607, part of former Lot 1 on USL20664, former Lot 2 USL32112, former Lot 3 on USL32112, that part of former Lot 2 on USL32113 subject to former Mt Scott Holding No.2721, part of former Lot 1 on USL32114, that part of former Lot 1 on USL32128 subject to former Mt Scott Holding No.2721, and former Lot 3 on USL32129;
- (v) Balance Lot 1 on USL20664;
- (vi) Part of Balance Lot15 on AP19769 being that part of former Lot 1 on USL32114 subject to former Mt Scott Holding No.2721;
- (vii) That part of Balance Lot 1 on USL32128 subject to former Mt Scott Holding No.2721;
- (viii) Lot 20 on SL552;
- (ix) That part of Lot 2 on USL32113 subject to former Mt Scott Holding No.2721;
- (x) Lot 46 on SP164082 (part of former Lot 46 on SL2482);
- (xi) An area identified as road (part of George Nothling Drive) and delineated by stations 4, 5, 12, 14, 15, 16, 7, 8, 16a, 15a, 14a, 12a, 4 on Plan SP164076 (part of former Lot 46 on SL2482);
- (xii) Lot 4 on SL607;

- (xiii) Lot 83 on PL85427;
- (xiv) That part of Lot 17 on SL8399 subject to former Mt Scott Holding No.2721;
- (xv) Lot 116 on SL7337;
- (xvi) Lot 117 on SL7338;
- (xvii) Lot 121 on SL8307;
- (xviii) Lot 131 on AP15835 (part of former Balance Lot 131 on SL9330);
- (xix) Lot 1601 on D90417;
- (xx) Lot 160 on SL7650 being Goat Island;
- (xxi) Lot 161 on SL7650 being Bird Island;
- (xxii) Lot 165 on SL9059;
- (xxiii) Lot 173 on SL12391;
- (xxiv) An area of Esplanade(former Lot 55 on USL20268);
- (xxv) Lot 90 on CP816530;
- (xxvi) Lot 54 on SP161605 (part of former Lot 54 on SL2991);
- (xxvii) An area of identified as road (part of George Nothling Drive) and delineated by stations 35, 34, F, B, 35 on SP161605 (part of former Lot 54 on SL2991); and
- (xxviii) Lot 195 on USL20275.

[See NNTR Attachment 4: 'Schedule 5 Map ' Non-exclusive Native Title Area']

SCHEDULE 6 - OTHER INTERESTS IN THE DETERMINATION AREA

The nature and extent of other interests in relation to the Determination Area are those 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;
- (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; and
- (c) The Indigenous Land Use Agreement ('ILUA') between Dale Ruska and Ian Delaney on behalf of the Quandamooka People, the State of Queensland and the Redland City Council entitled the 'Dunwich Sewage Treatment Plant ILUA QIA2000/011' registered on 22 June 2001.

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

- (a) Mining Leases ML1109, ML1121 and ML1153;
- (b) Permit to Occupy 0/233333 in Lots A,B,C,D,E and F on Crown plan AP 19725;
- (c) Permit to Occupy 0/218885 affecting Lot 173 SL12391;
- (d) Permit to Occupy 0/232180 affecting Lot 117 SL7338;
- (e) Permit to Occupy 0/232180 affecting Lot 116 SL7337; and
- (f) Permit to Occupy 219075 affecting Lot 121 SL8307.

3. The rights and interests of the State of Queensland in the Naree Budjong Djara National Park 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 the Naree Budjong Djara National Park is vested and interests of the persons entitled to access and use the Naree Budjong Djara National Park for the purpose for which it is dedicated.

4. 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.

5. 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.

6. 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.

7. 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.

8. 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, lease, access agreements or easements relating to its telecommunications facilities in the Determination Area.

9. 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) 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.

10. 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 10 of this Schedule; and

(ii) inspect, maintain and repair the infrastructure, facilities and other improvements referred to in paragraph 10 (a), (b) and (c) of this Schedule.

11. 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 rights to fish; and

(b) the public right to navigate.

12. 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.

13. 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.

14. 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.

15. 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).

16. The rights and interests of Australian Maritime Safety Authority as a statutory authority exercising powers and functions under the Lighthouses Act 1911 (Cth).

17. 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.

18. 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 Maps, 15 pages - A4, 04/07/2011
2. Attachment 2 - Schedule 3 Map - Areas not included in the determination, 1 page - A4, 07/07/2011
3. Attachment 3 - Schedule 4 Map Showing Exclusive Native Title Area, 1 page - A4, 04/07/2011
4. Attachment 4 - Schedule 5 Map - Non-exclusive Native Title Area, 1 page - 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.