



## Extract from the National Native Title Register

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### Determination Information:

**Determination Reference:** Federal Court Number(s): QUD6025/1999  
NNTT Number: QCD2012/007

**Determination Name:** [Aplin on behalf of the Pitta Pitta People v State of Queensland](#)

**Date(s) of Effect:** 17/01/2014

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

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

**Determination Date:** 28/08/2012

**Determining Body:** Federal Court of Australia

### ADDITIONAL INFORMATION:

This determination was handed down by the Federal Court on 28 August 2012 and was conditional on the registration of 21 Indigenous Land Use Agreements:

QI2013/018	Pitta Pitta People/Alderly ILUA
QI2013/021	Pitta Pitta People/Bengeacca and Stockport ILUA
QI2013/024	Pitta Pitta People/Blair Athol (aka Hyllass) ILUA
QI2013/011	Pitta Pitta People/Breaside ILUA
QI2013/012	Pitta Pitta People/Canary ILUA
QI2013/014	Pitta Pitta People/Cazna Downs, Elrose, Granton and Warendra ILUA
QI2013/013	Pitta Pitta People/Coorabulka and Marion Downs ILUA
QI2013/015	Pitta Pitta People/Datchet South and Strathelbiss ILUA
QI2013/020	Pitta Pitta People/Hartnell Downs ILUA
QI2013/022	Pitta Pitta People/Kheri ILUA
QI2013/028	Pitta Pitta People/Lorna Downs (aka Milkamungra) ILUA
QI2013/019	Pitta Pitta People/Momedah ILUA

QI2013/025	Pitta Pitta People/Pollygammon and Tour-ur-rong ILUA
QI2013/023	Pitta Pitta People/Toolebuc and Wilgunya ILUA
QI2013/074	Pitta Pitta People/Warra ILUA
QI2013/016	Pitta Pitta People/Waterford ILUA
QI2013/017	Pitta Pitta People/Westward Ho ILUA
QI2012/074	Pitta Pitta People and Ergon Energy ILUA
QI2003/012	Pitta Pitta People Exploration Permit Backlog Project
QI2012/077	Pitta Pitta People Boulia Tenure Resolution ILUA
QI2012/068	Pitta Pitta People and Local Government ILUA

All of the ILUAs were registered on the Register of Indigenous Land Use Agreements as at 17 January 2014.

The conditions attached to the determination have therefore now been met and the determination came into effect on 17 January 2014.

**REGISTERED NATIVE TITLE BODY CORPORATE:**

Pitta Pitta Aboriginal Corporation RNTBC  
Trustee Body Corporate  
15 Beta Street  
MOUNT ISA Queensland 4825

*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:**

**NATIVE TITLE HOLDERS**

The group of persons claiming to hold the common or group rights comprising the native title is the Pitta Pitta People.

A person is a Pitta Pitta person if and only if the other Pitta Pitta People recognise that he or she is biologically descended from a person who they recognise as a Pitta Pitta ancestor, including the following deceased persons:

- (a) King Bob 'Walpa Currie'
- (b) King Bob 'Wheelpoolie'
- (c) Dinah Aplin nee Craigie
- (d) Geraldine Craigie aka 'Cherida Craigie' aka 'May Cherita'
- (e) Juno
- (f) Linda 'Junnaburri' Allen
- (g) Jacob 'Tulikamali' Cameron
- (h) Joseph 'Joe' Allen

(i) Pilot Jack

**MATTERS DETERMINED:**

**THE COURT DETERMINES THAT:**

5. Native title exists in that part of the Determination Area identified in Schedule 3 and does not exist in that part of the Determination Area identified in Schedule 4.
6. The native title is held communally by the group of people described in Schedule 2 (“the Native Title Holders”).
7. Subject to paragraphs 9, 10 and 11, 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 3, the non-exclusive rights to:
    - (i) be present on, by accessing, traversing and Camping on the area.
    - (ii) hunt and gather on the area for non-commercial; personal, domestic, social, cultural and communal purposes;
    - (iii) take and use Natural Resources from the area for non-commercial; personal, domestic, social, cultural and communal purposes;
    - (iv) 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;
    - (v) conduct ceremonies on the area;
    - (vi) teach on the area the physical and spiritual attributes of the area; and
    - (vii) light fires on the area for domestic purposes including cooking, but not for the purpose of hunting or clearing vegetation.
8. In relation to Water in that part of the Determination Area identified in Schedule 3 and subject to paragraphs 9, 10 and 11 the non-exclusive rights to:

- (a) hunt, fish and gather from the Water for personal, domestic, social, cultural and non-commercial communal purposes; and
  - (b) take and use the Water for personal, domestic and non-commercial communal purposes.
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 7 and 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) or any other minerals which are vested in the Crown.
12. The nature and extent of other rights and interests in relation to that part of the Determination Area identified in Schedule 3 are the rights and interests set out in Schedule 7 (the "Other Interests").
13. The relationship between the native title rights and interests described in paragraphs 7 and 8 and the Other Interests described in Schedule 7 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, 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 but do not extinguish them except in accordance with law.
14. The Court determines pursuant to section 56 of the *Native Title Act 1993* (Cth), that, upon the Determination taking effect, the native title is to be held in trust for the common law holders by the Pitta Pitta Aboriginal Corporation, ICN 3943 incorporated under the *Corporations (Aboriginal and Torres*

*Strait Islander) Act 2006* (Cth).

15. The said corporation is to perform the functions mentioned in section 57(1) of the *Native Title Act 1993* (Cth) after becoming a registered native title body corporate.
16. 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:

**“Camping”** means the act of residing on the Determination Area on a temporary basis and for that purpose, erecting temporary shelters on the area and does not include permanent residence or the construction of permanent structures or fixtures;

**“Determination Area”** means the land and waters described in Schedules 3 and 4 excluding areas in Schedule 5 as shown in Schedule 6, and to the extent of any inconsistency Schedules 3, 4 and 5 prevail over Schedule 6;

**“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 or bird (excluding any that are the private or personal property of another); and
- (b) ochre,

that has traditionally been taken and used by the Native Title Holders;

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

## SCHEDULE 1 - OTHER RESPONDENT PARTIES

BOULIA SHIRE COUNCIL

CLONCURRY SHIRE COUNCIL

DIAMANTINA SHIRE COUNCIL

WINTON SHIRE COUNCIL

ERGON ENERGY CORPORATION LIMITED  
IVANHOE (OSBORNE) PTY LTD  
ROVERTON PTY LTD  
AUSTRALIAN AGRICULTURAL COMPANY LIMITED  
BEAUCHAMP, VIDA FELICIA  
BEAUCHAMP, REGINALD HASTED  
BLACKET, ROSLYN ANN  
BLACKET, ROBERT STIRLING  
CAMERON, WILLIAM HENRY  
CLUFF, KALINDA LOUISE  
CLUFF, WILLIAM PATRICK  
ELLIOT, GLADYS MAY  
FEGAN, JOHN MAXMILLIAN  
PRINCE, PHILIP GREGORY  
SCHOLEFIELDS BOULIA PTY LTD AS TRUSTEE FOR THE JBS TRUST  
SCHOLEFIELD, JAMES BRITAIN  
WELLS, ADRIAN JOSEPH  
WELLS, VICKI ANN

## **SCHEDULE 2 - NATIVE TITLE HOLDERS**

The group of persons claiming to hold the common or group rights comprising the native title is the Pitta Pitta People.

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- (a) King Bob 'Walpa Currie'
- (b) King Bob 'Wheelpoolie'
- (c) Dinah Aplin nee Craigie
- (d) Geraldine Craigie aka 'Cherida Craigie' aka 'May Cherita'
- (e) Juno
- (f) Linda 'Junnaburri' Allen

- (g) Jacob 'Tulikamali' Cameron
- (h) Joseph 'Joe' Allen
- (i) Pilot Jack

### **SCHEDULE 3 - DETERMINATION AREA - AREAS WHERE NON-EXCLUSIVE NATIVE TITLE RIGHTS AND INTERESTS EXIST**

The land and waters comprised of the lots and part lots listed below:

1. Lot 10 on WI22 (referred to as Kalkadoon) not subject to Schedule 4(2);
2. Lot 11 on GI844080 (referred to as Badalia) not subject to Schedule 4(2);
3. Part of Lot 11 on B2678 (Local Government Reserve) not subject to Schedule 5;
4. Lot 12 on WI18 (referred to as Clear View) not subject to Schedule 4(2);
5. Lot 12 on WI19 (referred to as Montagu Downs) not subject to Schedule 4(2);
6. Part of Lot 13 on B2679 (Recreation Reserve) not subject to Schedule 5;
7. Lot 16 on WI40 (Pound Reserve);
8. Lot 17 on WNR14 (referred to as Hyllass) not subject to Schedule 4(2);
9. Part of Lot 18 on WNR14 (referred to as Hyllass) not subject to Schedule 4;
10. Lot 1 on MW7 (referred to as Milkamungra) not subject to Schedule 4(2);
11. Lot 1 on WB14 (referred to as Warenda) not subject to Schedule 4(2);
12. Lot 1 on WI20 (referred to as Montagu Downs) not subject to Schedule 4(2);
13. Lot 1 on WI22 (referred to as Kalkadoon) not subject to Schedule 4(2);
14. Lot 1 on WI26 (referred to as Mudgeacca) not subject to Schedule 4(2);
15. Lot 1 on WI4 (referred to as Hartnell Downs) not subject to Schedule 4(2);
16. Lot 1 on WNR13 (referred to as Momedah) not subject to Schedule 4(2);
17. Part of Lot 2 on HL13 (referred to as Canary) not subject to Schedule 4;
18. Lot 2 on WI20 (referred to as Montagu Downs) not subject to Schedule 4(2);
19. Lot 2 on WI24 (referred to as Mudgeacca) not subject to Schedule 4(2);
20. Lot 2 on WNR12 (referred to as Pathungra) not subject to Schedule 4(2);
21. Lot 3203 on PH804 (referred to as Waterford) not subject to Schedule 4(2);
22. Lot 3247 on PH2088 (referred to as Wirrilyerna) not subject to Schedule 4(2);
23. Lot 3275 on PH805 (referred to as Tour-ur-rong) not subject to Schedule 4(2);
24. Lot 3328 on PH2098 (referred to as Neena) not subject to Schedule 4(2);

25. Part of Lot 33 on SP158998 (Township Reserve);
26. Lot 3412 on PH2113 (referred to as Kewpie) not subject to Schedule 4(2);
27. Lot 3416 on PH657 (referred to as Bengeacca) not subject to Schedule 4(2);
28. Lot 3560 on PH2144 (referred to as Strathelbiss) not subject to Schedule 4(2);
29. Part of Lot 3642 on PH1212 (referred to as Westward Ho) not subject to Schedule 4;
30. Lot 1 on SP249543 (referred to as Wilgunya) not subject to Schedule 4(2);
31. Part of Lot 3872 on PH1148 (referred to as Granton) not subject to Schedule 4;
32. Part of Lot 3906 on PH1761 (referred to as Scarsdale) not subject to Schedule 4;
33. Lot 3 on HL12 (referred to as Slashes Creek) not subject to Schedule 4(2);
34. Lot 3 on HL14 (referred to as Warra) not subject to Schedule 4(2);
35. Lot 3 on WI22 (referred to as Old Goodwood) not subject to Schedule 4(2);
36. Lot 3 on WI25 (referred to as Mudgeacca) not subject to Schedule 4(2);
37. Lot 3 on WI39 (referred to as Montagu Downs) not subject to Schedule 4(2);
38. Part of Lot 4017 on PH1061 not subject to Schedule 4(2) (referred to as Stockport) and east of the eastern bank of Cottonbush Creek;
39. Lot 4171 on PH133 (referred to as Berrimilla) not subject to Schedule 4(2);
40. Part of Lot 4197 on PH1680 (referred to as Macsland) not subject to Schedule 4;
41. Lot 4737 on PH1764 (referred to as Black Mountain) not subject to Schedule 4(2);
42. Lot 4739 on PH2236 (referred to as Dover) not subject to Schedule 4(2);
43. Lot 4751 on PH1665 (referred to as Pollygammon) not subject to Schedule 4(2);
44. Part of Lot 4 on HL6 (referred to as Cazna Downs) not subject to Schedule 4;
45. Lot 4 on WI19 (referred to as Old Goodwood) not subject to Schedule 4(2);
46. Lot 4 on WI5 (referred to as Hartnell Downs) not subject to Schedule 4(2);
47. Lot 4 on WI62 (Camping and Water Reserve) not subject to Schedule 4(2);
48. Lot 5051 on PH392 (referred to as Braeside) not subject to Schedule 4(2);
49. Lot 5210 on PH1762 (referred to as Datchet South) not subject to Schedule 4(2);
50. Lot 5 on WI37 (referred to as Kalkadoon) not subject to Schedule 4(2);
51. Lot 5 on WI49 (Term Lease) not subject to Schedule 4(2);
52. Lot 5 on WI60 (Police Paddock Reserve) not subject to Schedule 4(2);
53. Lot 6 on WI37 (referred to as Cazna Downs) not subject to Schedule 4(2);
54. Lot 6 on WI49 (Term Lease) not subject to Schedule 4(2);
55. Lot 73 on B2672 (Electrical Works Reserve);
56. Lot 75 on B2672 (Pound Reserve);
57. Lot 78 on B2672 (Building Reserve);



58. Lot 7 on WI63 (Camping and Water Reserve);
59. Lot 35 on CP903937 (Aboriginal Land Act freehold Deed of Grant in Trust);
60. Part of Lot 5354 on PH1831 (referred to as Kheri) not subject to Schedule 4(2);
61. Part of Lot 346 on PH1950 (referred to as Toolebuc) not subject to Schedule 4(2);
62. Part of Lot 4170 on PH1127 (referred to as Alderley) not subject to Schedule 4(2) and east of the eastern bank of Cottonbush Creek;
63. Part of Lot 3 on AM805052 (referred to as Marion Downs) not subject to Schedule 4(2) as shown on the Plan in Schedule 6. To avoid doubt, the boundary follows the northern bank of the Georgina River and eastern bank of Cottonbush Creek;
64. Part of Lot 550 on SP106516 (referred to as Coorabulka) not subject to Schedule 4(2);
65. Lot 26 on WI44;
66. Lot 24 on WI33.

#### **SCHEDULE 4 - DETERMINATION AREA - AREAS WHERE NATIVE TITLE HAS BEEN EXTINGUISHED**

1. Native Title has been extinguished over the land and waters described below in respect of which native title rights and interests were taken by the State of Queensland by Proclamation dated 30 January 1997 as amended by the Proclamation dated 11 June 1998:
  - (a) Easements U and V on SP101046 over Lot 2 on HL13;
  - (b) Easements S and T on SP101045 over Lot 3642 on PH1212;
  - (c) Easements N, P and R on SP101044 over Lot 4197 on Plan PH1680;
  - (d) Easements K, L and M on SP101043 over 3872 on PH1148;
  - (e) Easement J on SP101042 over Lot 4 on HL6;
  - (f) Easement H on SP101041 over Lot 3906 on PH1761.
  
2. Native Title has been extinguished over the areas of land and waters within the boundaries of the pastoral leases listed at paragraph 17 of Schedule 7 on which any permanent improvement consisting of:
  - (a) a house, shed or other outbuilding;
  - (b) an airstrip;
  - (c) a dam, stock watering point, bore, turkey nest, squatters' tank or any other water;
  - (d) storage facility; or
  - (e) stock yard or trap yard,

has, at the date of the Determination, been constructed (including any adjacent land the exclusive use of which is necessary for the enjoyment of the improvement) in accordance with the rights of the lessee under the pastoral lease.

## SCHEDULE 5 - AREAS NOT INCLUDED IN OR EXCLUDED FROM THE DETERMINATION AREA

1. The parties have agreed that the following areas are 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) and that none of sections 47, 47A or 47B of the *Native Title Act 1993* (Cth) applied to them at the time at which the Application was made:

(a) **Tenure Based Exclusions (s 23B (2) and (3) NTA):**

- (i) Lot 10 on Plan GI844079 and as shown on Determination Plan AP 20092;
- (ii) Lot 1 on Plan HL11 and as shown on Determination Plan AP 20092;
- (iii) Lot 1 on Plan WI77 and as shown on Determination Plan AP 20092;
- (iv) Lot 2 on Plan WI77 and as shown on Determination Plan AP 20092;
- (v) Lot 3 on Plan WI77 and as shown on Determination Plan AP 20092;
- (vi) Lot 8 on Plan WI31 and as shown on Determination Plan AP 20092;
- (vii) Lot 25 on Plan SP127205 and as shown on Determination Plan AP 20092;
- (viii) Lot 701 on Plan B2671 and as shown on Determination Plan AP 20092;
- (ix) Lot 710 on Plan B2671 and as shown on Determination Plan AP 20092;
- (x) Lot 14 on Plan SP158998 and as shown on Determination Plan AP 20092;
- (xi) Lot 14 on Plan SP197816 and as shown on Determination Plan AP 20092;
- (xii) Lot 15 on Plan SP127194 and as shown on Determination Plan AP 20092;
- (xiii) Lot 32 on Plan SP127174 and as shown on Determination Plan AP 20092;
- (xiv) Lot 17 on WI19 and as shown on Determination Plan AP 20092;
- (xv) Lot 1 on Plan AP9339 and as shown on Determination Plan AP 20092;
- (xvi) Lot 33 on Plan AP9339 and as shown on Determination Plan AP 20092;
- (xvii) Lot 7 on AP15903 and as shown on Determination Plan AP 20092;
- (xviii) Lot 902 on Plan B2672 and shown on Determination Plan AP 20092;
- (xix) Lot 903 on Plan B2672 and as shown on Determination Plan AP 20092;
- (xx) Lot 904 on Plan B2672 and as shown on Determination Plan AP 20092; and

(b) **Public Works Based Exclusions:**

The land and waters on which a public work, as defined in section 253 of the *Native Title Act 1993* (Cth), is constructed, established or situated, and to which sections 23B(7) and 23C(2) of the *Native Title Act 1993* (Cth) and/or section 23B(7) of the *Native Title Act 1993* (Cth) and section 21 of the *Native Title (Queensland) Act 1993*, applies, together with any adjacent land or waters in accordance with section 251D of the *Native Title Act 1993* (Cth).

- (c) Specifically, and to avoid any doubt, the land and waters described in paragraph (b) above includes the whole of the land and waters described as:
- (i) Lot 1 on SP210358 and as shown on Determination Plan AP 20092;
  - (ii) Lot 2 on SP210358 and as shown on Determination Plan AP 20092;
  - (iii) Lot 79 on Plan B2672 and as shown on Determination Plan AP 20092;
  - (iv) Lot 27 on Plan WI73 and as shown on Determination Plan AP 20092;
  - (v) Part of Lot 33 on Plan SP158998 and as shown on Determination Plan AP 20092 at sheet 14;
  - (vi) Lot 48 on B2672 and as shown on Determination Plan AP 20092;
  - (vii) Lot 16 on WI61 (Recreation Reserve) and as shown on Determination Plan AP 20092.

#### **SCHEDULE 6 - DETERMINATION AREA PLAN**

[See NNTR attachment 1: "Schedule 6 - Determination Area Plan"]

#### **SCHEDULE 7 - OTHER INTERESTS IN THAT PART OF THE DETERMINATION AREA IDENTIFIED IN SCHEDULE 3**

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

1. The rights and interests of the parties under the following Indigenous Land Use Agreements (ILUAs):
  - (a) "Pitta Pitta People/Alderley ILUA" between Alfred Nathan, Jean Jacks, Neville Aplin, Carmel Belford, Noel Doyle, Florence Melville and Robert Stirling & Roslyn Ann Blackett authorised on 27 May 2012;
  - (b) "Pitta Pitta People/Bengeacca and Stockport ILUA" between Alfred Nathan, Jean Jacks, Neville Aplin, Carmel Belford, Noel Doyle, Florence Melville and Reginald Hasted & Vida Felicia Beauchamp authorised on 27 May 2012;
  - (c) "Pitta Pitta People/Blair Athol (aka Hyllass) ILUA" between Alfred Nathan, Jean Jacks, Neville Aplin,

Carmel Belford, Noel Doyle, Florence Melville and William Patrick & Kalinda Louise Cluff authorised on 27 May 2012;

- (d) "Pitta Pitta People/Braeside ILUA" between Alfred Nathan, Jean Jacks, Neville Aplin, Carmel Belford, Noel Doyle, Florence Melville and Australian Agricultural Company Limited authorised on 27 May 2012;
- (e) "Pitta Pitta People/Canary ILUA" between Alfred Nathan, Jean Jacks, Neville Aplin, Carmel Belford, Noel Doyle, Florence Melville and Gordon Leonard Robinson authorised on 27 May 2012;
- (f) "Pitta Pitta People/Cazna Downs, Elrose, Granton and Warena ILUA" between Alfred Nathan, Jean Jacks, Neville Aplin, Carmel Belford, Noel Doyle, Florence Melville and Adrian Joseph & Vicki Ann Wells authorised on 27 May 2012;
- (g) "Pitta Pitta People/Coorabulka and Marion Downs ILUA" between Alfred Nathan, Jean Jacks, Neville Aplin, Carmel Belford, Noel Doyle, Florence Melville and North Australian Pastoral Company Pty Ltd authorised on 27 May 2012;
- (h) "Pitta Pitta People/Datchet South and Strathelbiss ILUA" between Alfred Nathan, Jean Jacks, Neville Aplin, Carmel Belford, Noel Doyle, Florence Melville and Jersey Plains Pastoral Company Pty Ltd authorised on 27 May 2012;
- (i) "Pitta Pitta People/Hartnell Downs ILUA" between Alfred Nathan, Jean Jacks, Neville Aplin, Carmel Belford, Noel Doyle, Florence Melville and M & M Campbell Pty Ltd authorised on 27 May 2012;
- (j) "Pitta Pitta People/Kheri ILUA" between Alfred Nathan, Jean Jacks, Neville Aplin, Carmel Belford, Noel Doyle, Florence Melville and William Henry Cameron authorised on 27 May 2012;
- (k) "Pitta Pitta People/Lorna Downs (aka Milkamungra) ILUA" between Alfred Nathan, Jean Jacks, Neville Aplin, Carmel Belford, Noel Doyle, Florence Melville and John Maximillian Fegan authorised on 27 May 2012;
- (l) "Pitta Pitta People/Momedah ILUA" between Alfred Nathan, Jean Jacks, Neville Aplin, Carmel Belford, Noel Doyle, Florence Melville and Ian Charles & Marianna Campbell authorised on 27 May 2012;
- (m) "Pitta Pitta People/Pollygammon and Tour-ur-rong ILUA" between Alfred Nathan, Jean Jacks, Neville Aplin, Carmel Belford, Noel Doyle, Florence Melville and Scholefields Boulia Pty Ltd authorised on 27 May 2012;
- (n) "Pitta Pitta People/Toolebuc and Wilgunya ILUA" between Alfred Nathan, Jean Jacks, Neville Aplin, Carmel Belford, Noel Doyle, Florence Melville and Andrew William Jesse Daniels, Samuel Donald James Daniels and Gabrielle Kennedy authorised on 27 May 2012;

- (o) “Pitta Pitta People/Warra ILUA” between Alfred Nathan, Jean Jacks, Neville Aplin, Carmel Belford, Noel Doyle, Florence Melville and Gladys May & Rodney Harold & Charles Samuel Werner Elliot authorised on 27 May 2012;
  - (p) “Pitta Pitta People/Waterford ILUA” between Alfred Nathan, Jean Jacks, Neville Aplin, Carmel Belford, Noel Doyle, Florence Melville and Dale Reginald Nielson authorised on 27 May 2012;
  - (q) “Pitta Pitta People/Westward Ho ILUA” between Alfred Nathan, Jean Jacks, Neville Aplin, Carmel Belford, Noel Doyle, Florence Melville and Gregory Phillip Prince authorised on 27 May 2012;
  - (r) Indigenous Land Use Agreement between Alfred Nathan, Jean Jacks, Neville Aplin, Carmel Belford, Noel Doyle, Florence Melville and Ergon Energy Corporation Limited executed on/registered on 8 August 2012;
  - (s) “Pitta Pitta People Exploration Permit Backlog Project Indigenous Land Use Agreement (Area Agreement)” registered on the Register of Indigenous Land Use Agreements on 6 November 2003;
  - (t) “Boulia Tenure Resolution Indigenous Land Use Agreement (Area Agreement)” between Alfred Nathan, Jean Jacks, Neville Aplin, Carmel Belford, Noel Doyle, Florence Melville and the State of Queensland executed on 23 July 2012; and
  - (u) The Pitta Pitta People and Local Government Indigenous Land Use Agreement between Alfred Nathan, Jean Jacks, Neville Aplin, Carmel Belford, Noel Doyle, Florence Melville and Boulia Shire Council, Cloncurry Shire Council and Diamantina Shire Council executed on 14 June 2012.
2. The rights and interests of the State of Queensland in the following reserves, the rights and interests of the persons in whom they are vested and the rights and interests of the persons entitled to access and use those reserves for the respective purpose for which they are reserved:
- (a) Lot 5 on W160 (Police Paddock Reserve); and
  - (b) Lot 78 on B2672 (Building Reserve)
3. The rights and interests of the State of Queensland 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.
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 *Transport Infrastructure Act 1994* (Qld) and relevant regulations made under that Act;

- (b) the *Integrated Planning Act 1997* (Qld) or the *Sustainable Planning Act 2009* (Qld);
  - (c) the *Fire and Rescue Services Act 1990* (Qld) and the *Ambulance Service Act 1991* (Qld); and
  - (d) any subordinate legislation or regulations made under those Acts.
5. The rights and interests of the holders of any leases, licences, permits or authorities issued or made under the *Forestry Act 1959* (Qld).
  6. The rights and interests of the holders of any authority, licences or permits under the *Water Act 2000* (Qld) and any relevant regulations, plans or subordinate legislation made under that Act.
  7. The rights and interests granted under the *Land Act 1994* (Qld), and any relevant regulations or subordinate legislation made under that Act, including, the rights and interests of the holders of any leases, licences, reservations, permits, easements or authorities.
  8. The rights and interests of holders of any interests granted under the *Mineral Resources Act 1989* (Qld) and under the *Petroleum Act 1923* (Qld) and the *Petroleum and Gas (Production and Safety) Act 2004* (Qld) and any subordinate legislation or any other resources legislation or declarations.
  9. The rights and interests of the Pitta Pitta Land Trust as the grantee and as an entity exercising statutory powers under the Deed of Grant of Land dated 23 October 2003 on behalf of Aboriginal people and their ancestors and descendants, being Title Reference No. 40039541 comprising Lot 35 on CP903937 and pursuant to the *Aboriginal Land Act 1991* (Qld) and the *Aboriginal and Torres Strait Islander Communities (Justice, Land and other Matters) Act 1984* (Qld).
  10. The rights and interests of Ergon Energy Corporation Limited:
    - (a) as the owner and operator of any "Works" as that term is defined in the *Electricity Act 1994* (Qld);
    - (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;
      - (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.
11. The rights and interests of the State of Queensland, of Boulia Shire Council, Cloncurry Shire Council, Diamantina Shire Council and Winton 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 roads.
12. The rights and interests of each of Boulia Shire Council and Diamantina Shire Council:
- (a) under its local government jurisdiction and functions under the *Local Government Act 2009* (Qld), under the *Land Protection (Pests 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 Council's local government area;
  - (b) as the:
    - (i) lessor under any leases which were 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 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, and as trustee of any reserves, that exist on or before the date on which these Orders are made;
  - (c) as the owner and operator of infrastructure, facilities and other improvements located in the Determination Area on or before the date on which these Orders are made, including but not limited to:
    - (i) dedicated roads operated by Council;
    - (ii) gravel pits operated by Council;
    - (iii) undedicated but constructed roads except for those not operated by Council;
    - (iv) water pipelines and other water supply infrastructure;
    - (v) drainage facilities;

- (vi) cemetery and cemetery related facilities;
- (d) to enter the land described in paragraphs 12(b), 12(c) and 12(d) above by its employees, agents or contractors to:-
  - (i) exercise any of the rights and interests referred to in paragraph 11 of this Schedule;
  - (ii) inspect, maintain and repair the infrastructure, facilities and other improvements referred to in paragraph 12(d) above; and
  - (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.
- 13. The rights and interests of each of Winton Shire Council and Cloncurry Shire Council under its local government jurisdiction and functions under the *Local Government Act 2009* (Qld), under the *Land Protection (Pests and Stock Route Management) Act 2002* (Qld) and under any other legislation, for that part of the Determination Area within the declared Local Government Area.
- 14. The rights and interests of Telstra Corporation Limited:
  - (a) as the owner or operator of telecommunications facilities;
  - (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;
    - (iii) to alter, remove, replace, maintain, repair and ensure the proper functioning of its existing and any new telecommunication facilities; and
    - (iv) to occupy its Hamilton Radio Telecommunications site being a 4 hectare square the centre point of which is at Latitude -22.774179 and Longitude 140.590168;
  - (c) for its employees, agents or contractors to access its telecommunications facilities in and in the vicinity of the Determination Area in performance of their duties; and;



(d) under any lease, licence or access agreement relating to its telecommunications facilities.

15. The rights and interests of Roverton Pty Ltd:

(a) as the owner and operator of gaseous petroleum and associated liquid petroleum distribution facilities within the Determination Area;

(b) as the holder of Pipeline Licence No.41 dated 20 March 1997 granted under the *Petroleum Act 1923* (Qld);

(c) the Miscellaneous Transport Infrastructure Corridor easement created pursuant to the *Transport Infrastructure Act 1994* (Qld);

(d) as the holder of a Corridor Licence dated 27 March 1997 between Roverton Pty Ltd and the Chief Executive created under the *Transport Infrastructure Act 1994* (Qld) ("Corridor Licence") including rights:

(i) to access, inspect and patrol (including aerial patrol) the land;

(ii) to construct and operate gaseous petroleum and associated liquid petroleum distribution facilities both above ground and under ground;

(iii) to maintain, repair, replace, alter, remove and ensure the proper functioning of its existing and any new gaseous petroleum and associated liquid petroleum distribution facilities;

(iv) to install any new gaseous petroleum and associated liquid petroleum distribution facilities within the areas referred to in the Corridor Licence; and

(v) for its employees, agents or contractors to access the Determination Area for the purpose of exercising the rights in (i), (ii), (iii) and (iv) above in respect of gaseous petroleum and associated liquid petroleum distribution facilities in the Determination Area.

16. The rights and interests of APT Pipelines (Qld) Pty Limited:

(a) as the owner and operator of gaseous petroleum and associated liquid petroleum distribution facilities within the Determination Area; and

(b) as the holder of Pipeline Licence No.42 dated 14 May 1998 granted under the *Petroleum Act 1923* (Qld).

17. The rights and interests of the following pastoral lessees:
- (i) Adrian Joseph Wells and Vicki Ann Wells under term lease for pastoral purposes dated 21 November 1963 being Title Reference No. 17663241 comprising Lot 1 on WI22, Lot 5 on WI37 and Lot 10 on WI22 and known locally as Kalkadoon Pastoral Lease.
  - (ii) Leonard, Veronica May and Shayne Percival Brooke McGlinchey under the term lease for pastoral purposes dated 4 August 1983 being Title Reference No. 17663250 comprising Lot 11 on GI844080 known locally as Badalia Pastoral Lease.
  - (iii) Athol Vincent Prince under the term lease for pastoral purposes dated 9 August 1962 being Title Reference No. 17663246 comprising Lot 12 on WI19, Lot 1 & 2 on WI20 and Lot 3 on WI39 known locally as Montagu Downs Pastoral Lease.
  - (iv) William Patrick and Kalinda Louise Cluff under the term lease for pastoral purposes dated 13 August 1962 being Title Reference No. 17663235 comprising Lot 17 & 18 on WNR14 known locally as Hyllass Pastoral Lease.
  - (v) John Maxmillian Fegan under the term lease for pastoral purposes dated 21 March 1985 being Title Reference No. 17664018 comprising Lot 1 on MW7 known locally as Milkamungra Pastoral Lease.
  - (vi) Adrian Joseph Wells and Vicki Ann Wells under the term lease for pastoral purposes dated 3 April 1986 being Title Reference No. 17669130 comprising Lot 1 on WB14 known locally as Warenda Pastoral Lease.
  - (vii) Montague Nominees Pty Ltd ACN 063 350 505 as trustee for Rural Investment trust under the term lease for pastoral purposes dated 23 August 1962 being Title Reference No. 17663246 comprising Lot 2 on WI24, Lot 3 on WI25 and Lot 1 on WI26 known locally as Mudgeacca Pastoral Lease.
  - (viii) M and M Campbell Pty Ltd under the term lease for pastoral purposes dated 13 June 1963 being Title Reference No. 17663239 comprising Lot 1 on WI4, Lot 4 on WI5, Lot 5 on WI5 and Lot 6 on WI5 known locally as Hartnell Downs Pastoral Lease.
  - (ix) Ian Charles Campbell and Marianna Campbell under the term lease for pastoral purposes dated 1 July 1984 being Title Reference No. 17664019 comprising Lot 1 on WNR13 known locally as Momedah Pastoral Lease.
  - (x) Leonard Gordon Robinson under the term lease for pastoral purposes dated 3 July 1986 being Title Reference No. 17664020 comprising Lot 2 on HL13 known locally as Canary Pastoral Lease.
  - (xi) John Harvey, Patricia Marshall and Graham Harvey Treloar under the term lease for pastoral purposes dated 21 March 1985 being Title Reference No. 17664017 comprising Lot 2 on WNR12 known locally

as Pathungra Pastoral Lease.

- (xii) Dale Reginald Nielson under the term lease for pastoral purposes dated 18 May 1972 being Title Reference No. 17663229 comprising Lot 3203 on PH804 known locally as Waterford Pastoral Lease.
- (xiii) Sanela Pty Ltd ACN 010 075 877 under the term lease for pastoral purposes dated 9 April 1959 being Title Reference No. 17663230 comprising Lot 3247 on PH2088 known locally as Wirriyerna Pastoral Lease.
- (xiv) Scholefields Boulia Pty Ltd under the term lease for pastoral purposes dated 18 May 1972 being Title Reference No. 17663231 comprising Lot 3275 on PH805 known locally as Tour-ur-ong Pastoral Lease.
- (xv) Louis Charles and Lynnette Eileen Britton as trustee for the Britton Family Superannuation Fund under the term lease for pastoral purposes dated 23 August 1962 being Title Reference No. 17663232 comprising Lot 3328 on PH2098 known locally as Neena Pastoral Lease.
- (xvi) Bric Charles Britton and Ann Mary Britton under the term lease for pastoral purposes dated 19 April 1962 being Title Reference No. 17663233 comprising Lot 3412 on PH2113 known locally as Kewpie Pastoral Lease.
- (xvii) Reginald Hasted Beauchamp and Vida Felicia Beauchamp under the term lease for pastoral purposes dated 26 June 1969 being Title Reference No. 17663234 comprising Lot 3416 on PH657 known locally as Bengeacca Pastoral Lease.
- (xviii) Jersey Plains Pastoral Company Pty Ltd the lessees under the term lease for pastoral purposes dated 23 August 1962 being Title Reference No. 17663238 comprising Lot 3560 on PH2144 known locally as Strathelbiss Pastoral Lease.
- (xix) Phillip Gregory Prince under the term lease for pastoral purposes dated 19 October 1961 being Title Reference No. 17663240 comprising Lot 3642 on PH1212 known locally as Westward Ho Pastoral Lease.
- (xx) Andrew William Jesse Daniels, Samuel Donald James Daniels, Gabrielle Kennedy, Jeffrey Robert James Daniels and Luke William Jesse Daniels the lessees under the term lease for pastoral purposes dated 12 February 1959 being Title Reference No. 17669171 comprising Lot 1 on SP249543 known locally as Wilgunya Pastoral Lease.
- (xxi) Adrian Joseph and Vicki Ann Wells under the term lease for pastoral purposes dated 13 August 1962 being Title Reference No. 17663242 comprising Lot 3872 on PH1148 known locally as Granton Pastoral Lease.
- (xxii) Eric Charles Britton under the term lease for pastoral purposes dated 23 January 1964 being Title Reference No. 17663243 comprising Lot 3906 on PH1761 known locally as Scarsdale Pastoral Lease.

- (xxiii) Tewinga Pastoral Holdings Pty Ltd ACN 095 066 863 as trustee under the term lease for pastoral purposes dated 3 October 1985 being Title Reference No. 17664005 comprising Lot 3 on HL12 known locally as Slashes Creek Pastoral Lease.
- (xxiv) Gladys May Elliott, Rodney Harold Elliott and Charles Samuel Werner Elliott the lessees under the term lease for pastoral purposes dated 12 March 1987 being Title Reference No. 17664021 comprising Lot 3 on HL14 known locally as Warra Pastoral Lease.
- (xxv) Eric Charles and Ann Mary Britton under the term lease for pastoral purposes dated 2 August 1962 being Title Reference No. 17663244 comprising Lot 4 on WI19 and Lot 3 on WI22 known locally as Old Goodwood Pastoral Lease.
- (xxvi) Reginald Hasted Beauchamp and Vida Felecia Beauchamp under the term lease for pastoral purposes dated 23 August 1962 being Title Reference No. 17663245 comprising Lot 4017 on PH1061 known locally as Stockport Pastoral Lease.
- (xxvii) Victor Russell Jones under the term lease for pastoral purposes dated 1 October 1964 being Title Reference No. 17663248 comprising Lot 4171 on PH133 known locally as Berrimilla Pastoral Lease.
- (xxviii) Elrose Channel Country Beef Pty Ltd ACN 128 332 561 as trustee under the term lease for pastoral purposes dated 30 January 1964 being Title Reference No. 17663249 comprising Lot 4197 on PH1680 known locally as Macsland Pastoral Lease.
- (xxix) Eric Charles and Ann Mary Britton under the term lease for pastoral purposes dated 30 August 1962 being Title Reference No. 17664001 comprising Lot 4737 on PH1764 known locally as Black Mountain Pastoral Lease.
- (xxx) Brendon Robert and Theresa Louise Curr under the term lease for pastoral purposes dated 2 August 1962 being Title Reference No. 17664002 comprising Lot 4739 on PH2236 known locally as Dover Pastoral Lease.
- (xxxi) Scholefields Boulia Pty Ltd under the term lease for pastoral purposes dated 18 May 1972 being Title Reference No. 17664004 comprising Lot 4751 on PH1665 known locally as Pollygammon Pastoral Lease.
- (xxxii) Adrian Joseph and Vicki Ann Wells under the term lease for pastoral purposes dated 15 February 1962 being Title Reference No. 17664007 comprising Lot 4 on HL6 and Lot 6 on WI37 known locally as Cazna Downs Pastoral Lease.
- (xxxiii) Australian Agricultural Company Limited as under the term lease for pastoral purposes dated 25 November 1965 being Title Reference No. 17669106 comprising Lot 5051 on PH392 known locally as Braeside Pastoral Lease.

- (xxxiv) Jersey Plains Pastoral Company Pty Ltd under the term lease for pastoral purposes dated 28 August 1975 being Title Reference No. 17664009 comprising Lot 5210 on PH1762 known locally as Datchet South Pastoral Lease.
- (xxxv) William Henry Cameron under the term lease for pastoral purposes dated 24 May 1984 being Title Reference No. 17666108 comprising Lot 5354 on PH1831 known locally as Kheri Pastoral Lease.
- (xxxvi) Andrew William Jesse Daniels, Samuel Donald James Daniels, Gabrielle Kennedy, Jeffrey Robert James Daniels and Luke William Jesse Daniels the lessees under the term lease for pastoral purposes dated 4 June 1959 being Title Reference No. 17666010 comprising Lot 346 on PH1950 known locally as Toolebuc Pastoral Lease.
- (xxxvii) Fran Sterling Blacket and Rahda Blacket under the term lease for pastoral purposes dated 21 September 1961 being Title Reference No. 17663247 comprising Lot 4170 on PH1127 known locally as Alderley Pastoral Lease.
- (xxxviii) North Australian Pastoral Company Pty Ltd under the term lease for pastoral purposes dated 3 November 1983 being Title Reference No. 17664015 comprising Lot 3 on AM805052 known locally as Marion Downs Pastoral Lease.
- (xxxix) North Australian Pastoral Company Pty Ltd under the term lease for pastoral purposes dated 21 June 1956 being Title Reference No. 17663224 comprising Lot 550 on SP106516 known locally as Coorabulka Pastoral Lease.
- (xl) Boulia Shire Council under the term lease for grazing purposes dated 1 October 1998 being Title Reference No. 40017198 comprising Lot 4 on WI62.
- (xli) Brett William and Mari Louise Gundersen under the term lease for grazing purposes dated 17 December 1998 being Title Reference No. 40017531 comprising Lot 5 on WI49.
- (xlii) Trustee under the term lease for grazing purposes dated 20 November 1997 being Title Reference No. 40012668 comprising Lot 5 on WI60.
- (xliii) Brett William and Mari Louise Gundersen under the term lease for grazing purposes dated 1 October 1998 being Title Reference No. 40017187 comprising Lot 6 on WI49.
- 18. The rights and interest of AGL Pipelines (Qld) Pty Ltd with respect to Easement C on SP125345 in Lot 2 on WNR12 being Dealing No. 704479717.
- 19. The rights and interests of Ivanhoe (Osborne) Pty Ltd:
  - (a) as the holder of mining lease ML 90057 granted under the *Mineral Resources Act 1989* (Qld); and

- (b) as the holder of exploration permit EPM 9624 granted under the *Mineral Resources Act 1989* (Qld).
20. The rights and interests of members of the public arising under the common law, including but not limited to:
- (a) any subsisting public right to fish; and
  - (b) the public right to navigate.
21. So far as confirmed pursuant to section 212(2) of the *Native Title Act 1993* (Cth) and section 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:
- (a) waterways;
  - (b) beds and banks or waterways;
  - (c) stock routes; and
  - (d) areas that were public places at the end of 31 December 1993.
22. 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. Schedule 6 - Determination Area Plan, 26 pages - A4, 28/08/2012

*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.*