



Extract from the National Native Title Register

Determination Information:

Determination Reference: Federal Court Number(s): QUD380/2008; QUD492/2013

NNTT Number: QCD2016/009

Determination Name: [Les Budby And Cecil Brown Jnr & Ors On Behalf Of The Barada Barna People; and Eileen Beryl Pegler & Ors On Behalf Of The Widi People Of The Nebo Estate #2 v State of Queensland](#)

Date(s) of Effect: 30/08/2016

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: 29/06/2016

Determining Body: Federal Court of Australia

ADDITIONAL INFORMATION:

This determination was handed down by the Federal Court of Australia on 29 June 2016 and was conditional on the registration of two Indigenous Land Use Agreements:

QI2016/014 Barada Barna People, Widi People and Local Government ILUA; and

QI2016/009 Widi People of the Nebo Estate #2, Barada Barna and Ergon Energy Shared Country ILUA.

All of the ILUAs were on the Register of Indigenous Land Use Agreements as at 30 August 2016. The conditions attached to the determination have therefore now been met and the determination came into effect on 30 August 2016.

REGISTERED NATIVE TITLE BODY CORPORATE:

Gangali Narra Widi Aboriginal Corporation RNTBC
Agent Body Corporate
Level 8 Waterfront Place
1 Eagle Street
BRISBANE CITY Queensland 4000

Barada Barna Aboriginal Corporation RNTBC
Trustee Body Corporate
43 Bacon Street
Moranbah Queensland 4744

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

ORIGINAL REGISTERED NATIVE TITLE BODY CORPORATE(S):

Barada Barna Aboriginal Corporation, Gangali Narra Widi Aboriginal Corporation

Note: details of the Corporation name change can be found on the Office of the Registrar of Indigenous Corporations website www.oric.gov.au

COMMON LAW HOLDER(S) OF NATIVE TITLE:

The native title holders in respect of the Shared Country Native Title Area (as described in Schedule 1.A, Part 2, Table1) are the Barada Barna People and the Widi People, in accordance with the shared traditional laws acknowledged and the traditional customs observed by them.

Part 1 Barada Barna People

The Barada Barna People are the descendants of one or more of the following people:

- (a) Bob Lotus;
- (b) Lizzy Payne;
- (c) Daisy (wife of Booyah McDonald);
- (d) Maggie (wife of Toby Barker & Peter Darwin & Michael Angus);
- (e) "Polly" Mary (wife of Robert Noble & Bert Fox);
- (f) Lizzie (wife of Paddy Flynn);
- (g) Polly (wife of Thomas Mitchell);
- (h) Lucy Ross;
- (i) Laura (wife of Duke/George Barker, Neddy/Teddy Sauney and Adam Bowen); or
- (j) Charles Budby (father of George "Saltbush" Budby).

Part 2 Widi People

The Widi People are the biological or adopted descendants of one or more of the following people:

- (a) Jean White, mother of Albert Butterworth;
- (b) Mr Clark ("of Suttor Station") & Jinny ("of Stockton Station"), whose known children are Charlie Clark and Dick Clark;

- (c) Jinny (“of Stockton Station”), whose known child (with Mr Watson) is Charlie Watson;
- (d) Siblings Tommy Emmerson/Iffley and Arthur Emmerson;
- (e) Roger (“of Nebo district”), whose known child is Emily Rogers;
- (f) Neddy Thorney, whose known child is Sarah Mate Mate nee Thorney/Sauney;
- (g) Sophie (“of Nebo”), whose known children are Jack Skeen, William Skeen, Norman Skeen, Elsie Skeen and Mary Skeen;
- (h) Dick (“of Nebo”), whose known child is Sam Murray;
- (i) Billy (“of Nebo”) & Molly (“of Oxford Downs Station”), whose known children are Jessie and Billy Sullivan;
- (j) Harry Monsell Snr (“of Lake Elphinstone”) whose known children are Lily Sullivan, Flora Doyle and Harry Monsell Jnr;
- (k) King (“of Fort Cooper”) & Meg (“of Fort Cooper”), whose known children are Johnny, Mick, Mitchell Dalton, Paddy, Emma and Annie;
- (l) Ida, whose known child is Rene Hess (“from Nebo”); or
- (m) Maggie, whose known children are Norman Brown Snr, George “Duke” Barker and Ina Darwin.

**MATTERS DETERMINED:
BY CONSENT THE COURT ORDERS THAT:**

1. There be a determination of native title in the terms set out below (the “determination”).
2. The determination will take effect upon the agreements referred to in paragraph 1 of Schedule 4.A being registered on the Register of Indigenous Land Use Agreements.
3. In the event that the agreements referred to in paragraph 2 above are not registered on the Register of Indigenous Land Use Agreements within six (6) months of the date of this order, or such later time as this Court may order, the matter is to be listed for further directions.

BY CONSENT THE COURT DETERMINES THAT:

5. The Shared Country Determination Area comprises all of the land and waters of the Shared Country Area, being land and waters included in the areas described in Schedule 1.A, Part 1, Table 1 and depicted in Schedule 1.B within the Shared Country Boundary but does not include the areas described in Schedule 2, Part 1, Table 1 and Part 2, Table 1. To the extent of any inconsistency between the written description and the map, the written description prevails.
6. Native title exists in those parts of the Shared Country Determination Area described in Part 2, Table 1 of Schedule 1.A (“the Shared Country Native Title Area”).

7. Native title does not exist in those parts of the Shared Country Determination Area described in Part 3, Table 1 of Schedule 1.A.

8. The native title holders in respect of the Shared Country Native Title Area (as described in Schedule 1.A, Part 2, Table 1) are the Barada Barna People and the Widi People, in accordance with the shared traditional laws acknowledged and the traditional customs observed by them.

9. Subject to paragraphs 10, 11 and 12 below, the nature and extent of the native title rights and interests held by the native title holders referred to in paragraph 8 above are the non-exclusive rights to:

- (a) access, be present on, move about on and travel over the area;
- (b) camp, and live temporarily on the area as part of camping, and for that purpose build temporary shelters;
- (c) hunt, fish and gather on the land and waters of the area for personal, domestic and non-commercial communal purposes;
- (d) take, use, share and exchange Natural Resources from the land and waters of the area for personal, domestic and non-commercial communal purposes;
- (e) take and use the Water of the area for personal, domestic and non-commercial communal purposes;
- (f) conduct ceremonies on the area;
- (g) be buried and bury native title holders within the area;
- (h) 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;
- (i) teach on the area the physical and spiritual attributes of the area;
- (j) hold meetings on the area; and
- (k) light fires on the area for domestic purposes including cooking, but not for the purpose of hunting or clearing vegetation.

10. The native title rights and interests referred to in paragraph 9 above are subject to and exercisable in accordance with:

- (a) the Laws of the State and the Commonwealth;
- (b) the traditional laws acknowledged and traditional customs observed by the native title holders; and
- (c) the terms and conditions of the agreements referred to in paragraphs 1 and 2 of Schedule 4.A, insofar as those agreements apply to the Shared Country Determination Area.

11. The native title rights and interests referred to in paragraph 9 above do not confer possession, occupation, use or enjoyment to the exclusion of all others.

12. There are no native title rights in or in relation to minerals as defined by the *Mineral Resources Act 1989* (Qld) and petroleum as defined by the *Petroleum Act 1923* (Qld) and the *Petroleum and Gas (Production*

and Safety) Act 2004 (Qld).

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

14. The relationship between the native title rights and interests described in paragraph 9 above and the other interests described in Schedule 4.A (the “other interests”) is that:

- (a) the other interests continue to have effect, and the rights conferred by or held under the other interests may be exercised notwithstanding the existence of the native title rights and interests;
- (b) to the extent the other interests are inconsistent with the continued existence, enjoyment or exercise of the native title rights and interests in relation to the land and waters of the Shared Country Native Title 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 interest, prevail over the native title rights and interests and any exercise of the native title rights and interests.

DEFINITIONS AND INTERPRETATION

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

“Barada Barna Claim” means the application for native title made in Federal Court proceeding No. QUD 380 of 2008;

“Barada Barna People” means the native title claim group on whose behalf the native title claim in proceedings No QUD 380 of 2008 is made;

“land” and “waters”, respectively, have the same meanings as in the *Native Title Act 1993* (Cth);

“Laws of the State and the Commonwealth” means the common law and the other 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 and bird life found on or in the lands and waters of the Shared Country Native Title Area; and
- (b) any clays, soil, sand, gravel or rock found on or below the surface of the Shared Country Native Title Area,

that have traditionally been taken and used by the native title holders, but does not include:

- (a) animals that are the private personal property of another;

(b) crops that are the private personal property of another; and

(c) minerals as defined in the *Mineral Resources Act 1989* (Qld) or petroleum as defined in the *Petroleum Act 1923* (Qld) and the *Petroleum and Gas (Production and Safety) Act 2004* (Qld);

“Shared Country Area” means the area within the Shared Country Boundary, excluding any areas in Schedule 2, Part 1 (a), Part 1(b) Table 1 and Part 2, Table 1;

“Shared Country Boundary” means the external boundary described at Schedule 1.A, Part 1, Table 1;

“Shared Country Determination Area” means the Shared Country Area, being land and waters included in the areas described in Schedule 1.A, Part 1, Table 1 and depicted in Schedule 1.B within the Shared Country Boundary but does not include the areas described in Schedule 2, Part 1(a), Part 1(b) Table 1 and Part 2, Table 1;

“Shared Country Native Title Area” means those parts of the Shared Country Determination Area described in Part 2, Table 1 of Schedule 1.A where native title exists;

“Water” means:

(a) water which flows, whether permanently or intermittently, within a river, creek or stream;

(b) any natural collection of water, whether permanent or intermittent; and

(c) water from an underground water source;

“Widi #2 Claim” means the application for native title made in Federal Court proceeding No. QUD 492 of 2013;

“Widi People” means the native title claim group on whose behalf the native title claim in proceedings No QUD 492 of 2013 is made; and

Other words and expressions used in this determination have the same meanings as they have in Part 15 of the *Native Title Act 1993* (Cth).

THE COURT DETERMINES THAT:

16. Upon the determination taking effect:

(a) The native title of the Barada Barna People in the Shared Country Native Title Area is to be held in trust by the Barada Barna Aboriginal Corporation (ICN: 8343);

(b) The native title of the Widi People in the Shared Country Native Title Area is to be held (not in trust) by the Gangali Narra Widi Aboriginal Corporation (ICN: 8363);

(c) Subject to paragraph 16(a) above, the Barada Barna Aboriginal Corporation (ICN: 8343), incorporated under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (Cth) is to:

(i) be the prescribed body corporate for the purpose of ss 56(2)(b) and 56(3) of the *Native Title Act 1993* (Cth); and

(ii) perform the functions mentioned in s 57(1) of the *Native Title Act 1993* (Cth) after becoming a registered native title body corporate.

(d) Subject to paragraph 16(b) above, the Gangali Narra Widi Aboriginal Corporation (ICN: 8363), incorporated under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (Cth), is to:

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

Schedule 1 – DETERMINATION AREA

A. Description of Determination Area

The Determination Area comprises all of the land and waters described in Parts 2 and 3 below, to the extent that they are within the Shared Country Boundary, Barada Barna Boundary and the Widi #2 Boundary described in Part 1 below, but does not include the areas described in Schedule 2.

Part 1 -External Boundaries

Table 1: Shared Country Boundary

The Shared Country area covers all land and waters within the external boundary described as:

Commencing at a point on the southern boundary of Lot 2 on SP214117 at Easting 607842.233, a point on the southern boundary of QUD372/2006 Widi People of the Nebo Estate #1 Native Title Determination Application; then north easterly along the boundary of that application to a point at Easting 608395.458. Then generally north easterly passing through the following coordinate points:

Easting	Northing
610142.680	7610908.600
610323.830	7611633.340
611169.350	7611874.940
613947.490	7615015.490

Then north easterly to the southern boundary of Widi People of the Nebo Estate #1 Native Title Determination Application at Easting 614453.605; then north easterly along that boundary passing through the following coordinate points:

Easting	Northing
615431.364	7616894.441
617202.832	7618576.856
619038.294	7619867.846
620678.341	7621225.083
621794.745	7622390.28
623041.198	7623359.141
624222.422	7624328.303
625730.999	7625360.166
626683.284	7626485.922

Then generally north easterly and south easterly passing through the following coordinate points:

Easting	Northing
627415.370	7626973.480
627958.950	7627819.080
631703.420	7629389.290
633575.550	7629389.300
633756.740	7629087.360

Then south easterly to the southern boundary of Widi People of the Nebo Estate #1 Native Title Determination Application at Easting 634833.410; then south easterly along that boundary passing through the following coordinate points:

Easting	Northing
635159.767	7627897.128
635610.012	7626460.262
635862.898	7624829.299
636310.146	7622871.21
636889.723	7621237.684
638052.092	7618622.26
639742.296	7616979.959
640459.562	7616441.347

Then southerly to a coordinate point at Easting 640586.410, Northing 7616008.780; then south easterly to the southern boundary of Widi People of the Nebo Estate #1 Native Title Determination Application at Easting 643743.692; then generally south easterly along that boundary passing through the following coordinate points:

Easting	Northing
644490.792	7613162.312
645201.323	7611787.951
646237.209	7610215.518
647988.658	7608180.622
649414.303	7606343.947
650840.828	7604702.527
652333.075	7603190.649
653434.321	7601812.561
654665.424	7600367.916
655769.252	7599445.668
657197.199	7598194.747
658171.929	7597534.106
659188.309	7596951.834

Then generally south easterly, generally north easterly, easterly, and generally north easterly passing through the following coordinate points:

Easting	Northing
659363.940	7596293.280
660450.990	7595568.600
661296.510	7595327.020
664618.200	7595508.130
665826.100	7595870.570
668604.240	7595930.910
669449.720	7596112.100

Then north easterly to the southern boundary of Widi People of the Nebo Estate #1 Native Title Determination Application at Easting 672777.104; then generally north easterly along that boundary passing through the following coordinate points:

Easting	Northing
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673779.576	7598165.356
676460.946	7598724.353
679991.108	7599274.071
684240.454	7599880.447
685605.658	7600162.468

Then generally easterly and north easterly passing through the following coordinate points:

Easting	Northing
688551.370	7600446.120
694652.390	7601132.200
695129.050	7601132.200

Then north easterly to a point on the eastern boundary of Lot 3 on WHS25 at Northing 7601823.527; then generally south easterly and south westerly along the boundaries of that lot and eastern boundaries of Lot 8 on WHS379 to Northing 7597986.159; then generally southerly and generally south westerly along a ridgeline passing through the following coordinate points:

Easting	Northing
695623.489	7597629.275
695489.301	7597241.764
695662.300	7596943.746
695522.571	7596500.599
695488.106	7596237.341
694661.976	7595914.52
694164.294	7595787.898
693906.083	7595373.754
693779.302	7595123.352
692951.433	7594099.478

Then south easterly to the northernmost north western corner of Lot 79 on FTY1932; then southerly and generally north westerly along the boundaries of that lot and southern boundaries of Lot 1 on AP19298 to Easting 688571.114; then north westerly, generally westerly, generally north westerly and generally south westerly passing through the following coordinate points:

Easting	Northing
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688019.732	7593922.918
687343.006	7593796.538
686434.478	7593725.103
686351.744	7593718.649
684676.569	7592887.301
680715.486	7592887.856
677187.715	7591360.168
676738.630	7591454.728
675972.655	7591373.606
674972.333	7590444.378
674539.938	7587941.709
673049.626	7587702.611
672688.440	7588629.357
670651.617	7589020.345
663344.835	7591219.236
660990.509	7592292.814
659428.148	7593517.359
658184.043	7595096.663
657468.210	7595506.644
656569.189	7595605.042
653283.586	7595502.560
652072.677	7595917.024
651366.829	7597401.147
651015.700	7598344.572
647699.094	7599808.062
645329.441	7601530.976
644475.970	7601717.712
640742.020	7601929.931
638951.124	7603020.004
633382.308	7602983.662
632575.254	7602972.414
631340.941	7603456.285
630977.942	7604157.380

630631.392	7607204.790
631102.368	7608031.380
631385.531	7608582.611
631387.228	7608790.396
631149.206	7609142.397
628725.948	7609967.242
625231.329	7607863.164
622992.060	7607833.059
622852.479	7608436.471
622124.513	7609915.932
622018.838	7610834.25
622165.132	7612310.156
621989.831	7612938.068
621630.705	7613097.427
621180.318	7613100.818
618299.436	7610235.418
617839.737	7608940.909
616888.267	7608119.793
616345.550	7607788.077
615313.810	7608310.161
613765.191	7605792.540
610530.044	7603375.937
610485.033	7603376.247

Then generally northerly and generally north westerly passing through the following coordinate points:

Easting	Northing
610149.966	7603736.556
609806.091	7606111.000
609428.976	7606919.137
607555.763	7609753.391
607629.847	7609841.344

Then north easterly back to the commencement point.

The area within the Shared Country Boundary excludes any areas subject to:

Native Title Determination Application QUD372/2006 Widi People of the Nebo Estate #1 (QC2006/014) as accepted for registration (12 August 2014).

Note:

Data Reference and source

Cadastral data sourced from Queensland Digital Cadastral Database (November 2015)

Ridgeline interpreted from 1:250,000 Topographic Image © Commonwealth of Australia, Geoscience Australia (2008)

Reference Datum

Geographical coordinates are referenced to Map Grid of Australia 1994 (MGA94) Zone 55, in Eastings and Northings shown to three decimal places and are based on the spatial reference data acquired from the various custodians at the time.

Table 2: Barada Barna Boundary

The Barada Barna area covers all land and waters within the external boundary described below:

Easting	Northing
716752.310	7524129.210
716038.050	7523804.540
715648.450	7523220.150
715648.450	7522700.690
715258.850	7522376.020
714999.130	752166 1.770
715064.060	7520947.510
714025.140	7520363.110
714090.070	7519259.270

713310.880	7518934.600
712531.700	7519194.330
712142.100	7518739.800
711297.970	7518609.940
710453.850	7519129.390
710194.120	7518220.340
708830.530	7517830.750
708311.080	7518285.280
707661.760	7518545.000
706882.560	7519713.800
706298.160	7519454.060
706168.300	7518934.600
705843.640	7518609.940
704934.580	7519064.470
703700.870	7516726.890
704415.120	7516142.490
704285.260	7515363.310
704544.990	7514584.120
705324.180	7514064.650
705324.180	7513739.990
704934.580	7513025.740
704674.860	7511402.430
705259.250	7511207.630
705973.500	7510623.240
706233.230	7510038.830
706298.160	7509259.640
706103.370	7508415.520
706038.440	7507831.130
705908.580	7507441.530
705259.240	7507116.870
705843.630	7506077.950
705843.630	7505623.420
706752.700	7505039.030

706687.770	7503870.240
707142.300	7503805.310
707402.020	7503415.710
707402.020	7502766.390
707661.760	7502052.130
708051.340	7501337.880
708895.470	7501078.150
710518.780	7501143.080
710843.440	7500493.750
711427.830	7499909.360
711752.500	7499260.030
711622.630	7497831.520
712077.160	7497052.330
711427.840	7496467.940
712856.350	7493935.560
713245.940	7493935.560
713830.350	7494455.030
714869.260	7494000.500
715128.990	7493740.750
716427.650	7494000.490
717466.560	7494065.430
717401.640	7493545.970
717856.160	7492312.250
717726.300	7491533.050
718635.350	7490494.130
717336.710	7490624.010
716817.240	7491078.530
716622.440	7490753.870
715518.590	7490818.800
713700.480	7491597.990
712986.220	7491792.790
712466.770	7491792.790
711297.970	7492961.570

710648.640	7492701.840
710194.120	7493286.230
709739.600	7492831.710
708830.530	7492507.040
706882.570	7493156.370
705843.630	7494584.890
704350.200	7495688.750
703571.000	7495558.870
702532.080	7494000.500
702532.090	7493221.310
701168.490	7491922.650
701298.360	7490883.730
700908.770	7488156.570
701103.570	7487182.580
700713.960	7486792.980
700649.030	7486 143.660
700129.570	7486013.780
699415.320	7485429.390
699415.320	7485039.800
698506.260	7484390.480
698116.660	7483221.690
697402.410	7482961.960
697467.330	7481663.310
696428.410	7480429.580
696038.830	7478092.020
695649.220	7477702.420
695714.160	7476793.360
695324.560	7476663.500
693701.250	7476858.300
692532.460	7477247. 890
692337.670	7476858.300
692986.990	7476014.170
691688.340	7475105.120

691233.810	7475170.050
690649.410	7475949.240
690519.550	7476663.500
689545.570	7476533.630
688571.570	7475559.640
687272.930	7475559.630
686493.730	7474910.320
685909.340	7474975.250
685260.010	7474845.390
684805.490	7475105.120
684286.030	7474715.510
683376.960	7475429.780
682338.050	7475429.780
682013.390	7475234.980
679812.430	7474399.080
6776 18.110	7473433.600
675072 .720	7472555.890
672760.500	7471696.160
669968.400	7471566.300
665154.550	7470449.360
661731.470	7469747.190
657957.240	7468781.680
654839.100	7468124.870
650847.680	7467552.870
647241.990	7467085.950
641280.550	7466499.610
637242.380	7466047.020
635943.730	7469163.780
635359.340	7472605.210
632502.300	7480202.330
631268.590	7481825.640
631268.580	7486825.450
629190.740	7495526.420

628541.420	7496240.660
627892.090	7499097.700
626203.850	7500850.880
624970.120	7502863.790
623671.480	7504097.500
621788.430	7505071.500
620554.710	7504941.630
619191.120	7505785.750
616853.560	7509162.250
614321.190	7514032.190
610684.960	7517863.210
608772.400	7523636.600
606204.610	7531239.320
604905.960	7534421.010
603347.580	7539810.410
601269.750	7542732.390
599062.040	7547732.190
598477.640	7552212.540
594971.280	7559095.400
593542.760	7567147.030
590620.800	7574029.890
589127.350	7579159.560
593120.700	7588087.790
593120.700	7592698.000
596724.460	7597340.670
597633.520	7601106.760
603315.120	7607827.280

Then north easterly toward a point at Easting 608089.26, Northing 7610485.900 until its intersection with a western boundary of Red Hill Road (being a western boundary of Widi People of the Nebo Estate #1 Native Title Application); then southerly along the western boundary of that road and that application boundary to Northing 7607799.584; then generally north easterly along that application boundary through Easting 606317.949, Northing 7608285.445 to Easting 607555.763; then generally south easterly and generally south passing through the following coordinate points:

Easting	Northing
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609428.976	7606919.137
609806.091	7606111.000
610149.966	7603736.556
610485.033	7603376.247

Then generally north easterly, generally south easterly, and generally north easterly passing through the following coordinate points:

Easting	Northing
610530.044	7603375.937
613765.191	7605792.540
615313.810	7608310.161
616345.550	7607788.077
616888.267	7608119.793
617839.737	7608940.909
618299.436	7610235.418
621180.318	7613100.818
621630.705	7613097.427
621989.831	7612938.068
622165.132	7612310.156
622018.838	7610834.250
622124.513	7609915.932
622852.479	7608436.471
622992.060	7607833.059
625231.329	7607863.164
628725.948	7609967.242
631149.206	7609142.397
631387.228	7608790.396
631385.531	7608582.611
631102.368	7608031.380
630631.392	7607204.790
630977.942	7604157.380
631340.941	7603456.285
632575.254	7602972.414

633382.308	7602983.662
638951.124	7603020.004
640742.020	7601929.931
644475.970	7601717.712
645329.441	7601530.976
647699.094	7599808.062
651015.700	7598344.572
651366.829	7597401.147
652072.677	7595917.024
653283.586	7595502.560
656569.189	7595605.042
657468.210	7595506.644
658184.043	7595096.663
659428.148	7593517.359
660990.509	7592292.814
663344.835	7591219.236
670651.617	7589020.345
672688.440	7588629.357
673049.626	7587702.611
674539.938	7587941.709
674972.333	7590444.378
675972.655	7591373.606
676738.630	7591454.728
677187.715	7591360.168
680715.486	7592887.856
684676.569	7592887.301
686351.744	7593718.649
686434.478	7593725.103
687343.006	7593796.538
688019.732	7593922.918

Then south easterly to a point on the southern boundary of Lot 1 on AP19298 at Easting 688571.114; then generally south easterly and generally northerly along the borders of that lot and continuing along the northern borders of Lot 79 on FTY1932 to the northernmost north western corner of Lot 79 on FTY1932. Then north

westerly, generally north easterly and generally northerly along a ridgeline passing through the following points:

Easting	Northing
692951.433	7594099.478
693779.302	7595123.352
693906.083	7595373.754
694164.294	7595787.898
694661.976	7595914.52
695488.106	7596237.341
695522.571	7596500.599
695662.300	7596943.746
695489.301	7597241.764
695623.489	7597629.275

Then north easterly to a point on the eastern boundary of Lot 8 on WHS379 at Northing 7597986.159; then generally north easterly along that boundary and continuing along the eastern boundary of Lot 3 on WHS25 to Northing 7601823.527. Then generally easterly, generally southerly and generally north westerly passing through the following coordinate points:

Easting	Northing
700086.300	7602498.620
705488.430	760361 0.840
708253.050	7604437.050
709174.590	7605009.030
709969.020	7604691 .270
710731.680	7602466.860
713146.750	7601799.540
713369.190	7601259.330
714195.4 00	7600814.450
714672.060	7600083.570
715816.040	7600242.450
716769.360	7600719.120
717118.910	7601227.550
717055.350	7602021.980
717881.560	7604182.830

718707.770	7605612.810
719343.310	7605835.260
719375.090	7606566.130
721281.730	7606979.230
724078.120	7605167.940
725666.990	7602625.760
726842.750	7601322.890
727573.630	7599797.580
730338.250	7595857.210
732880.440	7592965.480
732935.110	7587842.380
733007.560	7582733.210
734410.450	7577574.190
736058.180	7571325.170
739898.620	7564001.280
743144.530	7557788.070
744147.530	7554677.260
745445.830	7550133.280
746390.010	7546297.460
747370.920	7541931.220
747983.370	7539215.950
748691.520	7535616.170
749517.690	7531662.320
750199.100	7528203.450
749812.750	7524344.740
748991.580	7518320.720
748769.140	7518257.160
748809.530	7515669.890
748673.810	7513141.020
747983.360	7510889.850
747243.840	7508565.090
747148.510	7508565.090
747021.400	7508914.640

746354.080	7508342.650
746226.970	7508374.430
746163.410	7508692.200
745496.090	7508851.090
745178.310	7508660.420
744796.990	7509105.300
743811.900	7509295.970
743271.690	7509677.300
742000.590	7509581.960
741746.370	7509200.640
741015.500	7509295.970
740793.060	7509327.740
740221.060	7509200.640
739553.740	7508946.420
739108.860	7509423.070
738219.090	7509645.510
737424.660	7509677.290
736789.120	7510503.500
736979.780	7511647.480
736248.910	7511647.480
735994.690	7511933.470
736026.460	7512505.460
736121.800	7512982.130
735772.240	7513903.670
734342.270	7513141.000
733547.830	7513109.230
731831.860	7514094.320
730656.100	7514443.870
729893.450	7514412.090
729416.790	7515047.630
729925.230	7515905.630
729829.900	7516 159.850
728844.800	7516223.400

728527.020	7516922.490
728209.250	7516382.280
7269 69.940	7517558.040
725444.620	7518384.250
724650.190	7520576.880
723760.430	7520926.430
722171.570	7522229.290
721631.350	7523023.720
721408.910	7524517.260
720455.590	7524898.580
719692.930	7526709.880
718676.060	7527027.660
718231.180	7527536.090
717945.180	7528235.190
717563.860	7527853.870
717309.640	7527250. 100
716832.980	7526868.770
716356.320	7526582.780
716070.330	7526550.990
716419.880	7525788.340

Then south easterly back to the commencement point.

The Barada Barna area excludes all land and waters within the external boundaries of the following areas:

1. Native Title Determination QUD6230/1998 Jangga People (QCD2012/009) as determined by the Federal Court on 9 October 2012, further described as excluding:

That part west of a line extending southerly passing through the following coordinate points:

Longitude (East)	Latitude (South)
147.900723	21.778853
147.900636	21.795472
147.896515	21.820494

147.889236	21.841270
147.881728	21.853844
147.872336	21.870422
147862920	21.891011
147.856013	21.913952

2. Native Title Determination Application QUD372/2006 Wiri People Core Country Claim (QC2006/014) as per the amended application filed in the Federal Court of Australia on 18 December 2006, further described as excluding:

That part north of a line commencing at the intersection of the southern boundary of Lot 2 on SP214117 and the western boundary of Red Hill Road Reserve and extending south along that road reserve to Latitude 21.629817° South; then extending generally north easterly, generally south easterly and generally easterly passing through the following coordinate points:

Longitude ° (East)	Latitude ° (South)
148.027288	21.625385
148.039862	21.611251
148.058737	21.594760
148.075109	21.584155
148.088949	21.571786
148.100268	21.560008
148.114738	21.547050
148.131725	21.531737
148.149354	21.519954
148.165089	21.507584
148.175781	21.496983
148.187741	21.488146
148.199070	21.479310
148.213552	21.469884
148.222657	21.459648
148.226125	21.455750
148.234926	21.445739
148.245628	21.438081
148.262012	21.431596

148.271601	21.429522
148.283152	21.427887
148.293449	21.429871
148.299886	21.435692
148.304337	21.446283
148.308797	21.459228
148.311369	21.473941
148.315844	21.491594
148.321571	21.506305
148.333006	21.529840
148.349460	21.544543
148.369065	21.558067
148.386133	21.567472
148.395635	21.578648
148.402616	21.591004
148.412758	21.605122
148.429855	21.623357
148.443791	21.639827
148.457721	21.654532
148.472277	21.668060
148.483045	21.680412
148.495076	21.693353
148.505830	21.701586
148.519749	21.712758
148.529233	21.718638
148.539346	21.723928
148.548827	21.728631
148.563982	21.732152
148.579757	21.732142
148.604365	21.732126
148.632102	21.723868
148.652907	21.718557
148.670356	21.713936

148.680017	21.711476
148.705871	21.706163
148.739926	21.700844
148.780921	21.694932
148.794081	21.692243
148.815603	21.687845
148.845243	21.682529
148.884967	21.674264
148.911247	21.669742
148.915869	21.668947
148.943614	21.663042
148.970089	21.655374
148.995318	21.651826
149.013300	21.646868
149.027475	21.644742
149.038833	21.644735
149.047673	21.646495
149.059058	21.654728
149.067911	21.660607
149.076755	21.663544
149.086224	21.664714
149.092534	21.664710
149.096926	21.657645
149.104464	21.647046
149.122097	21.636440
149.139111	21.629367
149.140930	21.628416
149.160528	21.618170

3. Native Title Determination Application QUD6004/2000 Southern Barada and Kabalbara People (QC2000/004) as accepted for registration on 29 April 2002, further described as excluding:

That part of Lot 9 on KL70 east of the eastern bank of the Connors River;

That part of Lot 4 on KL210 (Croydon Station) east of the eastern bank of the Connors River and south of the

southern bank of Lotus Creek;

Lot 14 on ROP84;

Lot 14 on ROP89; and

Lot 23 on SP100966.

4. Native Title Determination Application QUD6223/1998 Yuibera People (QC1998/037) as accepted for registration on 08 July 1998, further described as excluding:

That part of 179 on FTY 1934 being that part of former lot 179 on FTY 1336 as far south as Craigs Road.

Note

Data Reference and source

Application boundary compiled by National Native Title Tribunal based on information or instructions provided by the applicants.

Cadastral data sourced from Department of Natural Resources and Mines, Qld (February, 2015).

Rivers and creeks based on casement data (Aug, 2015) where available, else Queensland Topographic Map Cache Service 1:25,000 (2014) data sourced from Department of Natural Resources and Mines, Qld.

Reference datum

Coordinates were provided to the NNTT Geospatial Services and are referenced to the Map Grid of Australia 1994 (MGA94) Zone 55, in Eastings and Northings shown to three decimal places.

Geographical coordinates are referenced to the Geocentric Datum of Australia 1994 (GDA94), in decimal degrees and are based on the spatial reference data acquired from the various custodians at the time

Use of Coordinates

Where coordinates are used within the description to represent cadastral or topographical boundaries or the intersection with such, they are intended as a guide only. As an outcome of the custodians of cadastral and topographic data continuously recalculating the geographic position of their data based on improved survey and data maintenance procedures, it is not possible to accurately define such a position other than by detailed ground survey.

Table 3: Widi #2 Boundary

The Widi #2 area consists of five distinct, non-contiguous boundaries, covering all land and waters within the external boundaries described as:

Boundary 1:

Commencing at a point on the southern boundary of QUD372/2006 Widi People of the Nebo Estate #1 Native Title Determination Application at Easting 608395.458; then generally north easterly along that boundary passing through the following coordinate points:

Easting	Northing
609365.515	7611441.212
609596.067	7611653.628
611299.080	7612815.929
612741.542	7614175.160
613922.735	7615470.694
614453.605	7615971.947

Then generally south westerly passing through the following coordinate points:

Easting	Northing
613947.490	7615015.490
611169.350	7611874.940
610323.830	7611633.340
610142.680	7610908.600

Then south westerly back to the commencement point of Boundary 1.

Boundary 2:

Commencing at a point on the southern boundary of QUD372/2006 Widi People of the Nebo Estate #1 Native Title Determination Application at Easting 626683.284; then generally north easterly and generally south easterly along that boundary passing through the following coordinate points:

Easting	Northing
627046.033	7626914.610
627966.797	7628015.638
629082.637	7628854.583
630786.468	7629558.877
631782.190	7629780.436
632980.904	7629951.675
634046.367	7629723.279
634708.206	7629073.380
634833.410	7628747.316

Then generally north westerly, westerly, and generally south westerly passing through the following coordinate points:

Easting	Northing
633756.740	7629087.360
633575.550	7629389.300
631703.420	7629389.290
627958.950	7627819.080
627415.370	7626973.480

Then south westerly back to the commencement point of Boundary 2.

Boundary 3:

Commencing at a point on the southern boundary of QUD372/2006 Widi People of the Nebo Estate #1 Native Title Determination Application at Easting 640459.562; then generally south easterly along that boundary passing through the following coordinate points:

Easting	Northing
641759.616	7615465.116
643517.912	7614408.327
643743.692	7614119.307

Then north westerly to a coordinate point at Easting 640586.410, Northing 7616008.780; then north westerly back to the commencement point of Boundary 3.

Boundary 4:

Commencing at a point on the southern boundary of QUD372/2006 Widi People of the Nebo Estate #1 Native Title Determination Application at Easting 659188.309; then generally south easterly, easterly, and generally north easterly along that boundary passing through the following coordinate points:

Easting	Northing
659212.297	7596938.073
660187.866	7596407.609
661751.619	7596002.021
663383.427	7595986.548
665928.965	7595962.123
668807.827	7596846.395
670966.396	7597411.564
672777.104	7597903.807

Then generally south westerly, westerly, generally south westerly and generally north westerly passing through the following coordinate points:

Easting	Northing
669449.720	7596112.100
668604.240	7595930.910
665826.100	7595870.570
664618.200	7595508.130
661296.510	7595327.020
660450.990	7595568.600
659363.940	7596293.280

Then north westerly back to the commencement point of Boundary 4.

Boundary 5:

Commencing at a point on the southern boundary of QUD372/2006 Widi People of the Nebo Estate #1 Native Title Determination Application at Easting 685605.658; then generally north easterly along that boundary passing through the following coordinate points:

Easting	Northing
687838.452	7600623.486
690912.720	7601175.869
695034.849	7602041.555

Then north easterly along the southern boundary of QUD372/2006 Widi People of the Nebo Estate #1 Native Title Determination Application to a point on the eastern boundary of Lot 3 on WHS25 at Easting 697760.876, Northing 7602508.929. Then south westerly, southerly and south easterly along the eastern boundaries of that lot to Northing 7601823.527; then south westerly, westerly, and south westerly passing through the following coordinate points:

Easting	Northing
695129.050	7601132.200
694652.390	7601132.200
688551.370	7600446.120

Then south westerly back to the commencement point of Boundary 5.

The Widi #2 area excludes any areas within Boundary 1 - Boundary 5 subject to:

Native Title Determination Application QUD372/2006 Widi People of the Nebo Estate #1 (QC2006/014) as accepted for registration (12 August 2014).

Note:

Data Reference and source

Cadastral data sourced from Queensland Digital Cadastral Database (November 2015)

Ridgeline interpreted from 1:250,000 Topographic Image © Commonwealth of Australia, Geoscience Australia (2008)

Reference Datum

Geographical coordinates are referenced to Map Grid of Australia 1994 (MGA94) Zone 55, in Eastings and Northings shown to three decimal places and are based on the spatial reference data acquired from the various custodians at the time.

Part 2 - Non-exclusive areas

[See NNTR attachment 1: "Schedule 1 - Determination Area - Part 2 - Non-exclusive areas"]

Part 3 - Areas within the Determination Area where native title does not exist

[See NNTR attachment 2: "Schedule 1 - Determination Area - Part 3 - Areas where native title does not exist"]

B. Map of Determination Area

[See NNTR attachment 3 and 4: "Schedule 1 B - Map of Determination Area Part 1 of 2; and Schedule 1 B - Map of Determination Area Part 2 of 2"]

Schedule 2 - AREAS NOT FORMING PART OF THE DETERMINATION AREA

[See NNTR attachment 5: "Schedule 2 - Areas Not Forming Part of the Determination Area"]

Schedule 3 – NATIVE TITLE HOLDERS

Part 1 Barada Barna People

The Barada Barna People are the descendants of one or more of the following people:

- (a) Bob Lotus;
- (b) Lizzy Payne;
- (c) Daisy (wife of Booyah McDonald);
- (d) Maggie (wife of Toby Barker & Peter Darwin & Michael Angus);
- (e) "Polly" Mary (wife of Robert Noble & Bert Fox);
- (f) Lizzie (wife of Paddy Flynn);

- (g) Polly (wife of Thomas Mitchell);
- (h) Lucy Ross;
- (i) Laura (wife of Duke/George Barker, Neddy/Teddy Sauney and Adam Bowen); or
- (j) Charles Budby (father of George "Saltbush" Budby).

Part 2 Widi People

The Widi People are the biological or adopted descendants of one or more of the following people:

- (a) Jean White, mother of Albert Butterworth;
- (b) Mr Clark ("of Suttor Station") & Jinny ("of Stockton Station"), whose known children are Charlie Clark and Dick Clark;
- (c) Jinny ("of Stockton Station"), whose known child (with Mr Watson) is Charlie Watson;
- (d) Siblings Tommy Emmerson/Iffley and Arthur Emmerson;
- (e) Roger ("of Nebo district"), whose known child is Emily Rogers;
- (f) Neddy Thorney, whose known child is Sarah Mate Mate nee Thorney/Sauney;
- (g) Sophie ("of Nebo"), whose known children are Jack Skeen, William Skeen, Norman Skeen, Elsie Skeen and Mary Skeen;
- (h) Dick ("of Nebo"), whose known child is Sam Murray;
- (i) Billy ("of Nebo") & Molly ("of Oxford Downs Station"), whose known children are Jessie and Billy Sullivan;
- (j) Harry Monsell Snr ("of Lake Elphinstone") whose known children are Lily Sullivan, Flora Doyle and Harry Monsell Jnr;
- (k) King ("of Fort Cooper") & Meg ("of Fort Cooper"), whose known children are Johnny, Mick, Mitchell Dalton, Paddy, Emma and Annie;
- (l) Ida, whose known child is Rene Hess ("from Nebo"); or
- (m) Maggie, whose known children are Norman Brown Snr, George "Duke" Barker and Ina Darwin.

Schedule 4 – OTHER INTERESTS IN THE NATIVE TITLE AREA

A. Shared Country Native Title Area

The nature and extent of the other interests in relation to the Shared Country Native Title Area of the Shared Country Determination Area as they exist as at the date of the determination, are the following:

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

(a) the agreement between the Barada Barna People, the Widi #2 People, Barada Barna Aboriginal Corporation (ICN: 8343), Gangali Narra Widi Aboriginal Corporation (ICN: 8363) and Isaac Regional Council dated 4 April 2016 and titled the Barada Barna People, Widi People and Local Government Indigenous Land Use Agreement; and

(b) the Barada Barna People, Widi People of the Nebo Estate #2 and Ergon Energy ILUA dated 16 February 2016 (“the Shared Country ILUA”).

2. The rights and interests of the parties under the following registered agreements:

(a) the State of Queensland, SunWater Limited (ACN 131 034 985), Les Budby, Frank Budby and Cecil Brown Junior on their own behalf and on behalf of the Barada Barna People, and Graham Sauney, Jim Sauney, Nancy Rhiel, Kathy York, Ken Dodd, BT Sauney, Marie M McLennan, Owen McLennan, Colleen Sauney, Joanne Sauney, Thomas Wallace, Antony Morseu, Brad Sauney, Ross Sauney, Lance Sauney, Ian Whirisky, Nikita Sauney, Samantha White, Justine Sauney, Amanda Sauney and Ronald Watson as parties to the Connors River Dam and Pipelines Project ILUA registered on 5 September 2011 (QI2011/009); and

(b) the North Queensland Gas Pipeline Southern Indigenous Land Use Agreement (National Native Title Tribunal number QI2002/049) registered on 15 December 2003 between:

(i) Enertrade (NQ) Pipeline No.1 Pty Ltd and Enertrade (NQ) Pipeline No.2 Pty Ltd;

(ii) Harriet Tanna, Gibson Gela, Alison Douglas, Celeste Walsh, Les Budby, Norman Brown, Lynnette Brown, Albert Brown, Frank Budby, Nicole Muller and May James, together known as Barada Barna Kabalbara & Yetimarla #4 Registered Native Claimants on their own behalf and on behalf of the Barada, Barna, Kabalbara and Yetimarla #4 Native Title Claim Group;

(iii) Tyrone Tiers, Marie McLennan, Colin McLennan, Thomas Brown, James Gaston, Paul Butterworth, Dorothy Hustler together known as Jangga People Registered Native Title Claimants on their own behalf and on behalf of the Jangga People Native Title Claim Group;

(iv) Norman Johnson, Eric Blay, Pansy Colonel (Emmerson), Christopher Dunrobin, Effie Collins, Len Watson, Eileen Pegler, Marilyn Duncan, Harry Johnson, Oswald Skeen, Michael Watson together known as Wiri #2 Registered Native Title Claimants on their own behalf and on behalf of the Wiri #2 Native Title Claim Group; and

(v) Daisy Carlo, Graham Bell, Les Budby, Ron Dallachy, Graham Sauney, Jim Butterworth, Vivienne Schwartz, Grace Lenoy, Patricia Brimble, Linda Budby, Ian Dodd, Joan Macey, Enoch Tranby, Cynthia Tyson, Thomas Tyson on their own behalf and on behalf of their Combined Nebo Inland Group.

3. The rights and interests of Telstra Corporation Limited (ACN 051 775 556):

(a) as the owner or operator of telecommunications facilities installed within the Shared Country Native Title 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 telecommunication facilities; and

(iii) to alter, remove, replace, maintain, repair and ensure the proper functioning of its telecommunications facilities;

(c) for its employees, agents or contractors to access its telecommunications facilities in and in the vicinity of the Shared Country Native Title Area in performance of their duties; and

(d) under any lease, licence, access agreement or easement relating to its telecommunications facilities in the Shared Country Native Title Area.

4. The rights and interests of Ergon Energy Corporation (ACN 087 646 062):

(a) as the owner and operator of any "works" as that term is defined in the *Electricity Act 1994* (Qld) within the Shared Country Native Title Area;

(b) as a distribution entity and the holder of a distribution authority under the *Electricity Act 1994* (Qld);

(c) created under the *Electricity Act 1994* (Qld) and the *Government Owned Corporations Act 1993* (Qld) including:

(i) rights in relation to any agreement relating to the Shared Country Native Title Area existing or entered into before the date on which these orders are made;

(ii) rights to enter the Shared Country Native Title 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 Shared Country Native Title Area.

5. The rights and interests of Queensland Electricity Transmission Corporation Limited trading as Powerlink Queensland (ACN 078 849 233):

(a) as the owner and operator of works within the meaning of the *Electricity Act 1994* (Qld) (Works);

(b) as an electricity entity under the *Electricity Act 1994* (Qld) including rights to enter and pass through the Shared Country Native Title Area to access, use, maintain, repair, replace, upgrade or otherwise deal with Works; and

(c) under any lease, licence, easement, permit or agreement within the Shared Country Native Title Area.

6. The rights and interests of SunWater Limited (ACN 131 034 985) (SunWater) and Eungella Water Pipeline Pty Ltd (ACN 070 999 236) (Eungella Water Pipeline):

(a) SunWater in Lot 2 on SP214117 (Easement in Gross 711550803);

(b) Eungella Water Pipeline in Lot 2 on SP214117 (Easement in Gross 703257016);

7. The rights and interests of:

(a) Aurizon Network Pty Ltd (ACN 132 181 116) in relation to rail transport infrastructure under the *Transport Infrastructure Act 1994* (Qld); and

(b) Aurizon Network Pty Ltd (ACN 132 181 116), Aurizon Property Pty Ltd (ACN 145 991 724) or Aurizon Operations Limited (ACN 124 649 967) under any lease, licence, easement, permit or agreement within the Shared Country Native Title Area.

8. The rights and interests of Vale Australia (CQ) Pty Ltd and Nebo Central Coal Pty Ltd as holders of the Exploration Permit for Coal numbered 951.

9. The rights and interests of:

(a) Peabody West Burton Pty Ltd (ACN 117 316 695) as the holder of an interest in EPC 682 and EPC 836 granted pursuant to the *Mineral Resources Act 1989* (Qld);

(b) Peabody West Walker Pty Ltd (ACN 117 316 739) as the holder of an interest in EPC 657 and EPC 712 granted pursuant to the *Mineral Resources Act 1989* (Qld);

(c) Peabody (Burton Coal) Pty Ltd (ACN 077 679 513) as the holder of an interest in EPC 857 and ML 70109 granted pursuant to the *Mineral Resources Act 1989* (Qld); and

(d) Peabody Energy Australia PCI Rush Pty Ltd (ACN 128 817 461) as the holder of an interest in EPC 1607 granted pursuant to the *Mineral Resources Act 1989* (Qld).

10. The rights and interests of the holder from time to time of mining lease ML 4738 granted under the *Mining Act 1968-1975* (Qld) and administered under the *Mineral Resources Act 1989* (Qld), and who at the date of this determination is comprised of Queensland Coal Pty Limited (ACN 000 003 921), Nippon Steel & Sumitomo Metal Australia Pty Ltd (ACN 001 445 049), Marubeni Coal Pty Ltd (ACN 009 932 236) and Sumisho Coal Development Queensland Pty Ltd (ACN 082 435 149).

11. The rights and interests of the holder from time to time of exploration permits for coal EPCs 1635, 1860 and 1981 granted under the *Mineral Resources Act 1989* (Qld), and who at the date of this determination is Rio Tinto Exploration Pty Limited (ACN 000 057 125).

12. The rights and interests of the State of Queensland and Isaac Regional Council to access, use, operate, maintain and control the dedicated roads in the Shared Country Native Title Area and the rights and interests of the public to use and access the roads.

13. The rights and interests of Isaac Regional Council:

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

(b) as the:

- (i) lessor under any leases which were validly entered into before the date on which these orders are made and whether separately particularised in these orders or not;
- (ii) grantor of any licences or other rights and interests which were validly granted before the date on which these orders were made and whether separately particularised in these orders or not;
- (iii) holder of any estate or interest in land, as trustee of any reserves, that exist in the Shared Country Native Title Area;

(c) as the owner and operator of infrastructure, and those facilities and other improvements located in the Shared Country Native Title Area validly constructed or established on or before the date on which these orders are made, including but not limited to:

- (i) undedicated but constructed roads except for those not operated by Council;
- (ii) water pipelines and water supply infrastructure;
- (iii) drainage facilities;
- (iv) watering point facilities; and
- (v) recreational facilities.

(d) to enter the land for the purposes described in paragraphs (a), (b) and (c) above by their employees, agents or contractors to:

- (i) exercise any of the rights and interests referred to in paragraph 19 above;
- (ii) inspect, maintain and repair the infrastructure, facilities and other improvements referred to in subparagraph (c) 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.

14. The rights and interests of the State of Queensland or any other person existing by reason of the force and operation of the laws of the State of Queensland, including those existing by reason of the following legislation or any regulation, statutory instrument, declaration, plan, authority, permit, lease or licence made, granted, issued or entered into under that legislation:

- (a) the *Land Act 1994* (Qld);
- (b) the *Nature Conservation Act 1992* (Qld);
- (c) the *Forestry Act 1959* (Qld);
- (d) the *Water Act 2000* (Qld);
- (e) the *Petroleum Act 1923* (Qld) or *Petroleum and Gas Act 2004* (Qld);
- (f) the *Mineral Resources Act 1989* (Qld);

- (g) the *Fisheries Act 1994* (Qld);
- (h) the *Transport Infrastructure Act 1994* (Qld); and
- (i) the *Sustainable Planning Act 2009* (Qld).

15. The rights and interests of members of the public arising under the common law, including but not limited to any subsisting public right to fish.

16. So far as confirmed pursuant to s 212(2) of the *Native Title Act 1993* (Cth) and s 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 Shared Country Native Title Area:

- (a) waterways;
- (b) beds and banks or foreshores of waterways;
- (c) coastal waters;
- (d) beaches;
- (e) stock routes; and
- (f) areas that were public places at the end of 31 December 1993.

17. Any other rights and interests:

- (a) held by the State of Queensland or Commonwealth of Australia; or
- (b) existing by reason of the force and operation of the Laws of the State and the Commonwealth.

B. Barada Barna Native Title Area

The nature and extent of the other interests in relation to the Barada Barna Native Title Area of the Barada Barna Determination Area as they exist as at the date of the determination, are the following:

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

- (a) the Dipperu National Park Indigenous Land Use Agreement dated 18 March 2016;
- (b) the agreement between the Barada Barna People, Barada Barna Aboriginal Corporation (ICN: 8343), Central Highlands Regional Council, Isaac Regional Council and Mackay Regional Council dated 1 March 2016 and titled the Barada Barna People and Local Government Indigenous Land Use Agreement;
- (c) the Barada Barna People and Ergon Energy ILUA dated 16 February 2016;
- (d) the Barada Barna People/Logan Creek and Cherwell ILUA dated 14 March 2016;

- (e) the Barada Barna People/Oben Park (aka Harrybrandt West) ILUA dated 7 March 2016;
- (f) the Barada Barna People/Killarney ILUA dated 11 March 2016; and
- (g) the Moranbah Indigenous Land Use Agreement between the Barada Barna People, Barada Barna Limited (ACN 142 559 135), the Minister for Economic Development and the State of Queensland dated 2 December 2015.

19. The rights and interests of the parties under the following registered agreements:

- (a) the State of Queensland, SunWater Limited (ACN 131 034 985), Les Budby, Frank Budby and Cecil Brown Junior on their own behalf and on behalf of the Barada Barna People, and Graham Sauney, Jim Sauney, Nancy Rhiel, Kathy York, Ken Dodd, BT Sauney, Marie M McLennan, Owen McLennan, Colleen Sauney, Joanne Sauney, Thomas Wallace, Antony Morseu, Brad Sauney, Ross Sauney, Lance Sauney, Ian Whirisky, Nikita Sauney, Samantha White, Justine Sauney, Amanda Sauney and Ronald Watson as parties to the Connors River Dam and Pipelines Project ILUA registered on 5 September 2011 (QI2011/009); and
- (b) the SunWater Limited (ACN 131 034 985); Eungella Water Pipeline Pty Ltd (ACN 070 999 236); Harriet Tanna, Gibson Gela, Alison Douglas, Celeste Walsh, Les Budby, Norman Brown, Lynette Brown, Albert Brown, Frank Budby, Nicole Muller, May James on their own behalf and on behalf of the BBKY Native Title Group; Allan Fisher, Heather Tilberoo, Gracelyn Smallwood, Algon Walsh Junior, Colin McLennan, David Miller, Frank Fisher, Patrick Walsh on their own behalf and on behalf of the Birri Native Title Group; Colin McLennan, James Gaston, Thomas Brown, Tyrone Tiers, Dorothy Hustler, Marie McLennan on their own behalf and on behalf of the Jangga Native Title Group; Christopher Dunrobin, Len Watson, Michael Watson, Norman Abraham Johnson, Oswald Skeen, Effie Collins, Eileen Pegler, Pansy (Emmeron) Colonel, Marilyn Duncan on their own behalf and on behalf of the Wiri #2 Native Title Group; Graham Sauney, Rick Wilson on their behalf and on behalf of Wiri #3 Native Title Group as parties to the Burdekin Pipeline ILUA registered on 17 March 2006 (QI2005/013).
- (c) the North Queensland Gas Pipeline Southern Indigenous Land Use Agreement (National Native Title Tribunal number QI2002/049) registered on 15 December 2003 between:
 - (i) Enertrade (NQ) Pipeline No.1 Pty Ltd and Enertrade (NQ) Pipeline No.2 Pty Ltd;
 - (ii) Harriet Tanna, Gibson Gela, Alison Douglas, Celeste Walsh, Les Budby, Norman Brown, Lynette Brown, Albert Brown, Frank Budby, Nicole Muller and May James, together known as Barada Barna Kabalbara & Yetimarla #4 Registered Native Claimants on their own behalf and on behalf of the Barada, Barna, Kabalbara and Yetimarla #4 Native Title Claim Group;
 - (iii) Tyrone Tiers, Marie McLennan, Colin McLennan, Thomas Brown, James Gaston, Paul Butterworth, Dorothy Hustler together known as Jangga People Registered Native Title Claimants on their own behalf and on behalf of the Jangga People Native Title Claim Group;
 - (iv) Norman Johnson, Eric Blay, Pansy Colonel (Emmerson), Christopher Dunrobin, Effie Collins, Len Watson, Eileen Pegler, Marilyn Duncan, Harry Johnson, Oswald Skeen, Michael Watson together known as Wiri #2 Registered Native Title Claimants on their own behalf and on behalf of the Wiri #2 Native Title Claim Group; and
 - (v) Daisy Carlo, Graham Bell, Les Budby, Ron Dallachy, Graham Sauney, Jim Butterworth, Vivienne Schwartz, Grace Lenoy, Patricia Brimble, Linda Budby, Ian Dodd, Joan Macey, Enoch Tranby, Cynthia Tyson, Thomas Tyson on their own behalf and on behalf of their Combined Nebo Inland Group.

20. The rights and interests of Telstra Corporation Limited ACN 051 775 556:

- (a) as the owner or operator of telecommunications facilities installed within the Barada Barna Native Title 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 telecommunication facilities; and
 - (iii) to alter, remove, replace, maintain, repair and ensure the proper functioning of its telecommunications facilities;
- (c) for its employees, agents or contractors to access its telecommunications facilities in and in the vicinity of the Barada Barna Native Title Area in performance of their duties; and
- (d) under any lease, licence, access agreement or easement relating to its telecommunications facilities in the Barada Barna Native Title Area including in relation to Trustee Lease no 714628684 from Isaac Regional Council as Trustee to Telstra Corporation Limited of Lease A in Lot 24 in SP158749 on SP237600.

21. The rights and interests of Ergon Energy Corporation (ACN 087 646 062):

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

22. The rights and interests of Queensland Electricity Transmission Corporation Limited trading as Powerlink Queensland (ACN 078 849 233):

- (a) as the owner and operator of works within the meaning of the *Electricity Act 1994* (Qld) (Works);
- (b) as an electricity entity under the *Electricity Act 1994* (Qld) including rights to enter and pass through the Barada Barna Native Title Area to access, use, maintain, repair, replace, upgrade or otherwise deal with Works; and
- (c) under any lease, licence, easement, permit or agreement within the Barada Barna Native Title Area.

23. The rights and interests of SunWater Limited (ACN 131 034 985) (SunWater) and Eungella Water Pipeline Pty Ltd (ACN 070 999 236) (Eungella Water Pipeline):

(a) SunWater in:

(i) Lot 18 on SP208194 (Easement in Gross 711426891); and

(ii) Lot 23 on SP158749 (Easement in Gross No. 712091365)

(b) Eungella Water Pipeline in:

(i) Lot 18 on SP208194 (Easement in Gross 703081919);

(ii) Lot 23 on GV148 (Easement in Gross No. 712201917 and Easement in Gross 711445437); and

(iii) Lot 23 on SP158749 (Easement in Gross No. 703378535, Easement in Gross No. 712091266, and Easement in Gross No. 712091354).

24. The rights and interests of:

(a) Aurizon Network Pty Ltd (ACN 132 181 116) -

(i) in relation to rail transport infrastructure under the *Transport Infrastructure Act 1994* (Qld);

(ii) in relation to the watercourse crossing in the area of Lot 1 on SP 162566.

(b) Aurizon Property Pty Ltd (ACN 145 991 724) as trustee of the reserve over Lot 72 on SP 137467; and

(c) Aurizon Network Pty Ltd (ACN 132 181 116), Aurizon Property Pty Ltd (ACN 145 991 724) or Aurizon Operations Limited (ACN 124 649 967) under any lease, licence, easement, permit or agreement within the Barada Barna Native Title Area.

25. The rights and interests of Anglo Coal (Grosvenor) Pty Ltd as holder of:

(a) mining lease ML 70378 granted pursuant to the *Mineral Resources Act 1989* (Qld);

(b) mineral development licence MDL 273 granted pursuant to the *Mineral Resources Act 1989* (Qld);

(c) mineral development licence MDL 274 granted pursuant to the *Mineral Resources Act 1989* (Qld); and

(d) exploration permit EPC 552 granted pursuant to the *Mineral Resources Act 1989* (Qld).

26. The rights and interests of Anglo Coal (Grosvenor) Pty Ltd and Exxaro Australia Pty Ltd as joint holders

of:

- (a) exploration permit EPC 548 granted pursuant to the *Mineral Resources Act 1989* (Qld);
- (b) exploration permit EPC 602 granted pursuant to the *Mineral Resources Act 1989* (Qld); and
- (c) mineral development licences MDL 277 and MDL 377 granted pursuant to the *Mineral Resources Act 1989* (Qld).

27. The rights and interests of Moranbah North Coal Pty Ltd as holder of exploration permit EPC 706 granted pursuant to the *Mineral Resources Act 1989* (Qld).

28. The rights and interests of Anglo Coal (German Creek) Pty Ltd, Mitsui German Creek Investment Pty Limited and Jena Pty Ltd as joint holders of mining lease ML 1831 granted pursuant to the *Mining Act 1968-1979* (Qld).

29. The rights and interests of Moranbah North Coal Pty Ltd, NS Moranbah North Pty Ltd, Mitsui Moranbah North Investment Pty Ltd, NS Coal (Moranbah North) Pty Ltd, Jfema Moranbah North Pty Ltd and Kobelco Trading Australia Pty Ltd (formerly Shinsho Moranbah Coal Pty Ltd) as joint holders of mining lease 70108 granted pursuant to the *Mineral Resources Act 1989* (Qld).

30. The rights and interests of Anglo Coal (Grosvenor) Pty Ltd and Exxaro Australia Pty Ltd as the current lessees under Term Lease No.233945 over Lot 23 on Plan GV 148.

31. The rights and interests of North Queensland Pipeline No.1 Pty Ltd and North Queensland Pipeline No.2 Pty Ltd in:

- (a) Petroleum Pipeline Licence #89; and
- (b) Easement in gross 709575803 (on Lot 18 on SP208194).

32. The rights and interests of:

- (a) Vale Australia (CQ) Pty Ltd and Nebo Central Coal Pty Ltd as holders of the Exploration Permits for Coal numbered 667, 719, 722, 951, 1036 and 1052; and
- (b) Vale Coal Exploration Pty Ltd as holder of the Exploration Permits for Coal numbered 858 and 1146.

33. The rights and interests of:

- (a) Peabody BB Interests Pty Ltd (ACN 116 402 352) as the holder of an interest in EPC 721, EPC 676, EPC 688 and EPC 850 granted pursuant to the *Mineral Resources Act 1989* (Qld);

- (b) Peabody Coppabella Pty Ltd (ACN 095 976 042) as the holder of an interest in EPC 649, EPC 1199, MDL 494, ML 70161, ML 70163 and ML 70319 granted pursuant to the *Mineral Resources Act 1989* (Qld);
- (c) Peabody West Burton Pty Ltd (ACN 117 316 695) as the holder of an interest in EPC 682 granted pursuant to the *Mineral Resources Act 1989* (Qld);
- (d) Peabody West Walker Pty Ltd (ACN 117 316 739) as the holder of an interest in EPC 657 and EPC 666 granted pursuant to the *Mineral Resources Act 1989* (Qld);
- (e) Peabody Moorvale West Pty Ltd (ACN 117 316 686) as the holder of an interest in MDL 495 granted pursuant to the *Mineral Resources Act 1989* (Qld);
- (f) Millennium Coal Pty Ltd (ACN 089 566 021) as the holder of an interest in MDL 135 and MDL 137 granted pursuant to the *Mineral Resources Act 1989* (Qld);
- (g) Peabody (Burton Coal) Pty Ltd (ACN 077 679 513) as the holder of an interest in ML 70109, ML 70256, ML 70257, ML 70258, ML 70259 and ML 70260 granted pursuant to the *Mineral Resources Act 1989* (Qld); and
- (h) Peabody Energy Australia PCI Rush Pty Ltd (ACN 128 817 461) as the holder of an interest in EPC 1607 granted pursuant to the *Mineral Resources Act 1989* (Qld).

34. The rights and interests of the holder from time to time of mining lease ML 4738 granted under the *Mining Act 1968-1975* (Qld) and administered under the *Mineral Resources Act 1989* (Qld), and who at the date of this determination is comprised of Queensland Coal Pty Limited (ACN 000 003 921), Nippon Steel & Sumitomo Metal Australia Pty Ltd (ACN 001 445 049), Marubeni Coal Pty Ltd (ACN 009 932 236) and Sumisho Coal Development Queensland Pty Ltd (ACN 082 435 149).

35. The rights and interests of the holder from time to time of exploration permits for coal EPCs 1635, 1860 and 1981 granted under the *Mineral Resources Act 1989* (Qld), and who at the date of this determination is Rio Tinto Exploration Pty Limited (ACN 000 057 125).

36. The rights and interests of the State of Queensland, Central Highlands Regional Council, Mackay Regional Council and Isaac Regional Council to access, use, operate, maintain and control the dedicated roads in the Barada Barna Native Title Area and the rights and interests of the public to use and access the roads.

37. The rights and interests of Central Highlands Regional Council, Mackay Regional Council and Isaac Regional Council:

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

(b) as the:

(i) lessor under any leases which were validly entered into before the date on which these orders are made and whether separately particularised in these orders or not;

(ii) grantor of any licences or other rights and interests which were validly granted before the date on which these orders were made and whether separately particularised in these orders or not;

(iii) holder of any estate or interest in land, as trustee of any reserves, that exist in the Barada Barna Native Title Area;

(c) as the owner and operator of infrastructure, and those facilities and other improvements located in the Barada Barna Native Title Area validly constructed or established on or before the date on which these orders are made, including but not limited to:

- (i) undedicated but constructed roads except for those not operated by Council;
- (ii) water pipelines and water supply infrastructure;
- (iii) drainage facilities;
- (iv) watering point facilities; and
- (v) recreational facilities.

(d) to enter the land for the purposes described in paragraphs (a), (b) and (c) above by their employees, agents or contractors to:

- (i) exercise any of the rights and interests referred to in paragraph 19 above;
- (ii) inspect, maintain and repair the infrastructure, facilities and other improvements referred to in subparagraph (c) 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.

38. The rights and interests of the State of Queensland or any other person existing by reason of the force and operation of the laws of the State of Queensland, including those existing by reason of the following legislation or any regulation, statutory instrument, declaration, plan, authority, permit, lease or licence made, granted, issued or entered into under that legislation:

- (a) the *Land Act 1994* (Qld);
- (b) the *Nature Conservation Act 1992* (Qld);
- (c) the *Forestry Act 1959* (Qld);
- (d) the *Water Act 2000* (Qld);
- (e) the *Petroleum Act 1923* (Qld) or *Petroleum and Gas Act 2004* (Qld);
- (f) the *Mineral Resources Act 1989* (Qld);
- (g) the *Fisheries Act 1994* (Qld);
- (h) the *Transport Infrastructure Act 1994* (Qld); and
- (i) the *Sustainable Planning Act 2009* (Qld).

39. The rights and interests of members of the public arising under the common law, including but not limited to any subsisting public right to fish.

40. So far as confirmed pursuant to s 212(2) of the *Native Title Act 1993* (Cth) and s 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 Barada Barna Native Title Area:

- (a) waterways;
- (b) beds and banks or foreshores of waterways;
- (c) coastal waters;
- (d) beaches;
- (e) stock routes; and
- (f) areas that were public places at the end of 31 December 1993.

41. Any other rights and interests:

- (a) held by the State of Queensland or Commonwealth of Australia; or
- (b) existing by reason of the force and operation of the Laws of the State and the Commonwealth.

C. Widi #2 Native Title Area

The nature and extent of the other interests in relation to the Widi #2 Native Title Area of the Widi #2 Determination Area as they exist as at the date of the determination, are the following:

42. The rights and interests of the parties under the following registered agreements:

(a) the State of Queensland, SunWater Limited (ACN 131 034 985), Les Budby, Frank Budby and Cecil Brown Junior on their own behalf and on behalf of the Barada Barna People, and Graham Sauney, Jim Sauney, Nancy Rhiel, Kathy York, Ken Dodd, BT Sauney, Marie M McLennan, Owen McLennan, Colleen Sauney, Joanne Sauney, Thomas Wallace, Antony Morseu, Brad Sauney, Ross Sauney, Lance Sauney, Ian Whirisky, Nikita Sauney, Samantha White, Justine Sauney, Amanda Sauney and Ronald Watson as parties to the Connors River Dam and Pipelines Project ILUA registered on 5 September 2011 (QI2011/009); and

(b) the North Queensland Gas Pipeline Southern Indigenous Land Use Agreement (National Native Title Tribunal number QI2002/049) registered on 15 December 2003 between:

(i) Enertrade (NQ) Pipeline No.1 Pty Ltd and Enertrade (NQ) Pipeline No.2 Pty Ltd;

(ii) Harriet Tanna, Gibson Gela, Alison Douglas, Celeste Walsh, Les Budby, Norman Brown, Lynnette Brown, Albert Brown, Frank Budby, Nicole Muller and May James, together known as Barada Barna Kabalbara & Yetimarla #4 Registered Native Claimants on their own behalf and on behalf of the Barada, Barna, Kabalbara

and Yetimarla #4 Native Title Claim Group;

(iii) Tyrone Tiers, Marie McLennan, Colin McLennan, Thomas Brown, James Gaston, Paul Butterworth, Dorothy Hustler together known as Jangga People Registered Native Title Claimants on their own behalf and on behalf of the Jangga People Native Title Claim Group;

(iv) Norman Johnson, Eric Blay, Pansy Colonel (Emmerson), Christopher Dunrobin, Effie Collins, Len Watson, Eileen Pegler, Marilyn Duncan, Harry Johnson, Oswald Skeen, Michael Watson together known as Wiri #2 Registered Native Title Claimants on their own behalf and on behalf of the Wiri #2 Native Title Claim Group; and

(v) Daisy Carlo, Graham Bell, Les Budby, Ron Dallachy, Graham Sauney, Jim Butterworth, Vivienne Schwartz, Grace Lenoy, Patricia Brimble, Linda Budby, Ian Dodd, Joan Macey, Enoch Tranby, Cynthia Tyson, Thomas Tyson on their own behalf and on behalf of their Combined Nebo Inland Group.

43. The rights and interests of Telstra Corporation Limited ACN 051 775 556:

(a) as the owner or operator of telecommunications facilities installed within the Widi #2 Native Title 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 telecommunication facilities; and

(iii) to alter, remove, replace, maintain, repair and ensure the proper functioning of its telecommunications facilities;

(c) for its employees, agents or contractors to access its telecommunications facilities in and in the vicinity of the Widi #2 Native Title Area in performance of their duties; and

(d) under any lease, licence, access agreement or easement relating to its telecommunications facilities in the Widi #2 Native Title Area.

44. The rights and interests of Ergon Energy Corporation (ACN 087 646 062):

(a) as the owner and operator of any "works" as that term is defined in the *Electricity Act 1994* (Qld) within the Widi #2 Native Title Area;

(b) as a distribution entity and the holder of a distribution authority under the *Electricity Act 1994* (Qld);

(c) created under the *Electricity Act 1994* (Qld) and the *Government Owned Corporations Act 1993* (Qld) including:

(i) rights in relation to any agreement relating to the Widi #2 Native Title Area existing or entered into before the date on which these orders are made;

(ii) rights to enter the Widi #2 Native Title 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 Widi #2 Native Title Area.

45. The rights and interests of Queensland Electricity Transmission Corporation Limited trading as Powerlink Queensland (ACN 078 849 233):

- (a) as the owner and operator of works within the meaning of the *Electricity Act 1994* (Qld) (Works);
- (b) as an electricity entity under the *Electricity Act 1994* (Qld) including rights to enter and pass through the Widi #2 Native Title Area to access, use, maintain, repair, replace, upgrade or otherwise deal with Works; and
- (c) under any lease, licence, easement, permit or agreement within the Widi #2 Native Title Area.

46. The rights and interests of SunWater Limited (ACN 131 034 985) (SunWater) and Eungella Water Pipeline Pty Ltd (ACN 070 999 236) (Eungella Water Pipeline):

- (a) SunWater in Lot 2 on SP214117 (Easement in Gross 711550803); and
- (b) Eungella Water Pipeline in Lot 2 on SP214117 (Easement in Gross 703257016).

47. The rights and interests of:

- (a) Aurizon Network Pty Ltd (ACN 132 181 116) in relation to rail transport infrastructure under the *Transport Infrastructure Act 1994* (Qld); and
- (b) Aurizon Network Pty Ltd (ACN 132 181 116), Aurizon Property Pty Ltd (ACN 145 991 724) or Aurizon Operations Limited (ACN 124 649 967) under any lease, licence, easement, permit or agreement within the Widi #2 Native Title Area.

48. The rights and interests of:

- (a) Peabody West Burton Pty Ltd (ACN 117 316 695) as the holder of an interest in EPC 682 granted pursuant to the *Mineral Resources Act 1989* (Qld); and
- (b) Peabody Energy Australia PCI Rush Pty Ltd (ACN 128 817 461) as the holder of an interest in EPC 1607 granted pursuant to the *Mineral Resources Act 1989* (Qld).

49. The rights and interests of the holder from time to time of mining lease ML 4738 granted under the *Mining Act 1968-1975* (Qld) and administered under the *Mineral Resources Act 1989* (Qld), and who at the date of this determination is comprised of Queensland Coal Pty Limited (ACN 000 003 921), Nippon Steel & Sumitomo Metal Australia Pty Ltd (ACN 001 445 049), Marubeni Coal Pty Ltd (ACN 009 932 236) and Sumisho Coal Development Queensland Pty Ltd (ACN 082 435 149).

50. The rights and interests of the holder from time to time of exploration permits for coal EPCs 1635, 1860 and 1981 granted under the *Mineral Resources Act 1989* (Qld), and who at the date of this determination is Rio

51. The rights and interests of the State of Queensland and Isaac Regional Council to access, use, operate, maintain and control the dedicated roads in the Widi #2 Native Title Area and the rights and interests of the public to use and access the roads.

52. The rights and interests of Isaac Regional Council:

(a) under its local government jurisdiction and functions under the *Local Government Act 2009* (Qld), under the *Land Protection (Pest and Stock Route Management) Act 2002* (Qld) and under any other legislation, for that part of the Widi #2 Native Title Area within the area declared to be its respective local government area;

(b) as the:

(i) lessor under any leases which were validly entered into before the date on which these orders are made and whether separately particularised in these orders or not;

(ii) grantor of any licences or other rights and interests which were validly granted before the date on which these orders were made and whether separately particularised in these orders or not;

(iii) holder of any estate or interest in land, as trustee of any reserves, that exist in the Widi #2 Native Title Area;

(c) as the owner and operator of infrastructure, and those facilities and other improvements located in the Widi #2 Native Title Area validly constructed or established on or before the date on which these orders are made, including but not limited to:

(i) undedicated but constructed roads except for those not operated by Council;

(ii) water pipelines and water supply infrastructure;

(iii) drainage facilities;

(iv) watering point facilities; and

(v) recreational facilities.

(d) to enter the land for the purposes described in paragraphs (a), (b) and (c) above by their employees, agents or contractors to:

(i) exercise any of the rights and interests referred to in paragraph 19 above;

(ii) inspect, maintain and repair the infrastructure, facilities and other improvements referred to in subparagraph (c) 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.

53. The rights and interests of the State of Queensland or any other person existing by reason of the force and operation of the laws of the State of Queensland, including those existing by reason of the following legislation or any regulation, statutory instrument, declaration, plan, authority, permit, lease or licence made, granted, issued or entered into under that legislation:

- (a) the *Land Act 1994* (Qld);
- (b) the *Nature Conservation Act 1992* (Qld);
- (c) the *Forestry Act 1959* (Qld);
- (d) the *Water Act 2000* (Qld);
- (e) the *Petroleum Act 1923* (Qld) or *Petroleum and Gas Act 2004* (Qld);
- (f) the *Mineral Resources Act 1989* (Qld);
- (g) the *Fisheries Act 1994* (Qld);
- (h) the *Transport Infrastructure Act 1994* (Qld); and
- (i) the *Sustainable Planning Act 2009* (Qld).

54. The rights and interests of members of the public arising under the common law, including but not limited to any subsisting public right to fish.

55. So far as confirmed pursuant to s 212(2) of the *Native Title Act 1993* (Cth) and s 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 Widi #2 Native Title Area:

- (a) waterways;
- (b) beds and banks or foreshores of waterways;
- (c) coastal waters;
- (d) beaches;
- (e) stock routes; and
- (f) areas that were public places at the end of 31 December 1993.

56. Any other rights and interests:

- (a) held by the State of Queensland or Commonwealth of Australia; or
- (b) existing by reason of the force and operation of the Laws of the State and the Commonwealth.

REGISTER ATTACHMENTS:

1. Schedule 1 – Determination Area - Part 2 – Non-exclusive areas, 3 pages - A4, 29/06/2016

2. Schedule 1 - Determination Area - Part 3 – Areas where native title does not exist, 7 pages - A4, 29/06/2016
3. Schedule 1 B - Map of Determination Area Part 1 of 2, 22 pages - A3, 29/06/2016
4. Schedule 1 B - Map of Determination Area Part 2 of 2, 31 pages - A3, 29/06/2016
5. Schedule 2 – Areas Not Forming Part of the Determination Area, 53 pages - A4, 29/06/2016

Note: The National Native Title Register may, in accordance with s. 195 of the Native Title Act 1993, contain confidential information that will not appear on the Extract.