



Extract from the National Native Title Register

Determination Information:

Determination Reference: Federal Court Number(s): QUD20/2019
NNTT Number: QCD2024/002

Determination Name: [Douglas on behalf of the Kabi Kabi First Nation Traditional Owners Native Title Claim Group v State of Queensland \(No 5\)](#)

Date(s) of Effect: 25/10/2024

Determination Outcome: Native title exists in the entire determination area

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

Determination Date: 17/06/2024

Determining Body: Federal Court of Australia

ADDITIONAL INFORMATION:

Not Applicable

REGISTERED NATIVE TITLE BODY CORPORATE:

Kabi Kabi Peoples Aboriginal Corporation RNTBC
Trustee Body Corporate
331-335 Finland Rd
MARCOOLA Queensland 4564

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):

Kabi Kabi Peoples 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: BY CONSENT THE COURT DETERMINES THAT:

7. The native title is held by the Kabi Kabi People described in Schedule 1 (the **Native Title Holders**).

Schedule 1 – Native Title Holders

1. The native title holders are the Kabi Kabi People. The Kabi Kabi People are those people who are descendants of the following apical ancestors:

(a) Maggie Cadenti/Cadente/Cantidi: “Maggie”;

- (b) George Parson;
- (c) Albert Williams;
- (d) Ngimburum;
- (e) Kaloma-kuta/Galmaguda/Haloma-kuta/Kal-ma-kuta;
- (f) Willie Kina;
- (g) Susan Andy;
- (h) Jacky Ball (or Baul);
- (i) Maggie Cain/Caine;
- (j) James Crow/Crowe;
- (k) Maggie Palmer;
- (l) Emma Dunne;
- (m) William/Billy Glenbar;
- (n) Annie Laurie;
- (o) May Burnett;
- (p) Tuppernywoe/"King" Tommy of Noosa;
- (q) Dundalli;
- (r) Sarah Di:naba Moreton;
- (s) Marian/Mary Ann Thompson; or
- (t) Towcha

and who identify as and are recognised as members of the Kabi Kabi People in accordance with the system of traditional laws and customs.

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 agreement referred to in paragraph 1(a) of Schedule 2 being registered on the Register of Indigenous Land Use Agreements.
3. In the event that the agreement referred to in order 2 is not registered on the Register of Indigenous Land Use Agreements within seven (7) 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 determination area is the land and waters described in Schedule 4 and depicted in the map attached to Schedule 6 to the extent those areas are within the External Boundary and not otherwise excluded by the terms of Schedule 5 (the **Determination Area**). To the extent of any inconsistency between the written description and the map, the written description prevails.
6. Native title exists in the Determination Area.
7. The native title is held by the Kabi Kabi People described in Schedule 1 (the **Native Title Holders**).
8. Subject to orders 9, 10 and 11 below the nature and extent of the native title rights and interests in relation to the land and waters described in Schedule 4 are the non-exclusive rights to:
 - (a) access, be present on, move about on and travel over the area;
 - (b) camp on the area, and for that purpose, erect temporary shelters on the area;
 - (c) take resources of the area for any purpose;
 - (d) take and use the Water of the area for personal, domestic and non-commercial communal purposes (including cultural and spiritual purposes);
 - (e) participate in cultural activities on the area;
 - (f) be buried and bury Native Title Holders within the area;
 - (g) maintain places of importance and areas of significance to the Native Title Holders under their laws and customs and protect those places and areas from physical harm;
 - (h) teach on the area the physical and spiritual attributes of the area;
 - (i) hold meetings on the area; and
 - (j) light fires on the area for domestic purposes including cooking, but not for the purpose of hunting or clearing vegetation.
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 order 8 do not confer on the Native Title Holders:
 - (a) possession, occupation, use or enjoyment to the exclusion of all others;
 - (b) any right to access or take:
 - (i) minerals as defined in the *Mineral Resources Act 1989* (Qld); or
 - (ii) petroleum as defined in the *Petroleum Act 1923* (Qld) and the *Petroleum and Gas (Production and Safety) Act 2004* (Qld).
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).
12. The nature and extent of any other interests in relation to the Determination Area (or respective parts thereof) are

set out in Schedule 2 (the **Other Interests**).

13. The relationship between the native title rights and interests described in order 8 and the Other Interests described in Schedule 2 is that:

- (a) the Other Interests continue to have effect, and the rights conferred by or held under the Other Interests may be exercised notwithstanding the existence of the native title rights and interests;
- (b) to the extent the Other Interests are inconsistent with the continued existence, enjoyment or exercise of the native title rights and interests in relation to the land and waters of the Determination Area, the native title continues to exist in its entirety but the native title rights and interests have no effect in relation to the Other Interests to the extent of the inconsistency for so long as the Other Interests exist; and
- (c) the Other Interests and any activity that is required or permitted by or under, and done in accordance with, the Other Interests, or any activity that is associated with or incidental to such an activity, prevail over the native title rights and interests and any exercise of the native title rights and interests.

DEFINITIONS AND INTERPRETATION

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

“External Boundary” means the area described in Schedule 3;

“High Water Mark” means the ordinary high-water mark at spring tides;

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

“Laws of the State and the Commonwealth” means the common law and the laws of the State of Queensland and the Commonwealth of Australia, and includes legislation, regulations, statutory instruments, local planning instruments and local laws;

“Local Government Act” has the meaning given in the *Local Government Act 2009* (Qld);

“Local Government Area” has the meaning given in the *Local Government Act 2009* (Qld);

“Native Title Determination Application” means the Kabi Kabi People native title determination application accepted for filing on 8 November 2023 in QUD20 of 2019;

“Reserve” means a reserve dedicated or taken to be a reserve under the *Land Act 1994* (Qld);

“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;
- (c) water from an underground water source; and
- (d) tidal water;

“Water Infrastructure” has the same meaning as:

(a) that phrase in the *South-East Queensland Water (Distribution and Retail Restructuring) Act 2009* (Qld); and

(b) “service provider’s infrastructure” in the *Water Supply (Safety and Reliability) Act 2008* (Qld); and

“Works” has the same meaning as in the *Electricity Act 1994* (Qld).

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

THE COURT DETERMINES THAT:

15. The native title is held in trust.

16. The Kabi Kabi Peoples Aboriginal Corporation (ICN: 8996), incorporated under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (Cth), is to:

- (a) be the prescribed body corporate for the purpose of ss 56(2)(b) and 56(3) of the *Native Title Act 1993* (Cth); and
- (b) perform the functions mentioned in s 57(1) of the *Native Title Act 1993* (Cth) after becoming a registered native title body corporate.

REGISTER ATTACHMENTS:

1. QCD2024_002 Schedule 2 - Other Interests in the Determination Area, 6 pages - A4, 17/06/2024
2. QCD2024_002 Schedule 3 - External Boundary, 10 pages - A4, 17/06/2024
3. QCD2024_002 Schedule 4 - Description of Determination Area, 54 pages - A4, 17/06/2024
4. QCD2024_002 Schedule 5 - Areas Not Forming Part of the Determination Area, 29 pages - A4, 17/06/2024
5. QCD2024_002 Schedule 6 - Map of Determination Area (Part 1 of 2), 168 pages - A4, 17/06/2024
6. QCD2024_002 Schedule 7 - Map of Areas Partly Affected by Public Works, 48 pages - A4, 17/06/2024
7. QCD2024_002 Schedule 6 - Map of Determination Area (Part 2 of 2), 51 pages - A4, 17/06/2024

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.