National Native Title Tribunal

Extract from the National Native Title Register

Determination Information:

Determination Reference:	Federal Court Number(s): QUD983/2015 NNTT Number: QCD2024/014
Determination Name:	Braun on behalf of the Jirrbal People #4 v State of Queensland (No 2)
Date(s) of Effect:	6/09/2024
Determination Outcome:	Native title exists in the entire determination area

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

Determination Date:	06/09/2024
Determining Body:	Federal Court of Australia

ADDITIONAL INFORMATION:

Not Applicable

REGISTERED NATIVE TITLE BODY CORPORATE:

Wabubadda Aboriginal Corporation RNTBC
Agent Body Corporate
Suite 66A Grigg Street
Ravenshoe Queensland 4888

Note: current contact details for the Registered Native Title Body Corporate are available from the Office of the Registrar of Indigenous Corporations www.oric.gov.au

COMMON LAW HOLDER(S) OF NATIVE TITLE:

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

SCHEDULE 1
NATIVE TITLE HOLDERS

The native title holders are the Jirrbal People. The Jirrbal People are those Aboriginal persons who:

(a) are descended by birth or by adoption in accordance with the traditional laws acknowledged and the traditional customs observed by the Jirrbal People, from one or more of the following apical ancestors (listed alphabetically):

1. Betty (aka Biddy) Gordon

2. Bonnel Logan and Jinnie
3. Bulbulyarraman Willie Mango or his wives Nellie and Calida
4. Charlie (Jurabagle) Woods
5. Chloe McKenzie/Cameron
6. Dubula Lorna Lawrence (nee Robinson)
7. Ethel Perrott
8. Harry Maloon
9. Jack (Deinjo) Watson/Major
10. Jack Robinson
11. Jerry Linedale or Maggie
12. Jimmy Darcy or his wives Polly and Lassie Darcy
13. Jimmy Murray (aka Jimmy Minegan) or his wives Jinnie (aka Jay Minigan) and Misashay (aka Maryanne)
14. Joe Robinson or Eva Robinson
15. Katie Cameron
16. King Jimmy Robertson/Robinson (aka Jimmy King) or his wives Kitty Robertson or Polly Malone
17. King Sandy Maynard or his wife Annie Thomas
18. Linda Duffin (aka Linda McGuire)
19. Lizzie Palmer, Maggie Cross or Mary Todd
20. Lucy Gordon/Lifu
21. Minnie Silent
22. Murrigami (aka Jim Clarke)
23. Murriguemie
24. Nellie Deagon
25. Nellie Googoonburra
26. Nellie Keough/James, Merti/Bertie or Peter
27. Nellie Williams
28. Polly Hull
29. Polly Robinson (1) (aka Polly Ingham) or her husband Mick Robinson
30. Polly Robson
31. Romeo Robson (aka Robinson) or his wife Topsy
32. Rosie Congoo
33. Sam Boyd
34. Toby and Polly
35. Tommy Gardiner (aka Tommy Anderson)
36. Tommy Herberton's siblings
37. Tommy Toombs or his wife Polly
38. Una Woodleigh
39. Wanmal and Yugibidjal
40. Youall Biddy-Robinson or her husband Tommy Herberton
41. Youall Biddy-Robinson's siblings, and

(b) identify themselves as Jirrbal; and

(c) are accepted as Jirrbal by other Jirrbal People in accordance with the traditional laws acknowledged and the traditional customs observed by the Jirrbal People.

MATTERS DETERMINED:

BY CONSENT THE COURT ORDERS THAT:

1. There be a determination of native title in the terms set out below (the **determination**).

BY CONSENT THE COURT DETERMINES THAT:

3. 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.

4. Native title exists in the Determination Area.

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

6. Subject to orders 8, 9 and 10 below the nature and extent of the native title rights and interests in relation to the

land and waters described in Part 1 of Schedule 4 are:

(a) other than in relation to Water, the right to possession, occupation, use and enjoyment of the area to the exclusion of all others; and

(b) in relation to Water, the non-exclusive rights to:

(i) take the Natural Resources of the Water in the area; and
(ii) take the Water of the area for personal, domestic and non-commercial communal purposes.

7. Subject to orders 8, 9 and 10 below the nature and extent of the native title rights and interests in relation to the land and waters described in Part 2 of Schedule 4 are the non-exclusive rights to:

(a) access, be present on, move about on and travel over the area;

(b) live and camp on the area, and, for those purposes, erect shelters and other structures on the area;

(c) protect places, areas, and things of traditional significance;

(d) take Natural Resources from the area;

(e) light fires on the area for domestic purposes including cooking, but not for the purposes of hunting or clearing vegetation;

(f) conduct ceremonies on the area;

(g) bury Native Title Holders in the area; and

(h) take the Water of the area for personal, domestic and non-commercial communal purposes.

8. 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.

9. The native title rights and interests referred to in orders 6(b) and 7 do not confer possession, occupation, use or enjoyment to the exclusion of all others.

10. 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).

11. The nature and extent of any other interests in relation to the Determination Area (or respective parts thereof) are set out in Schedule 2.

12. The relationship between the native title rights and interests described in orders 6 and 7 and the other interests described in Schedule 2 (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 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

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

“Animal” means any member of the animal kingdom (other than human), whether alive or dead;

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

“land” and “waters”, respectively, have the same meanings as in the NTA;

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

“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);

“Natural Resources” means:

(a) an Animal, a Plant, or any other non-human life form found on or in the land and waters of the Determination Area; and

(b) inorganic material;

(c) but does not include:

i. Animals that are the private personal property of another;
ii. crops that are the private personal property of another;
iii. minerals as defined in the *Mineral Resources Act 1989* (Qld); or
iv. petroleum as defined in the *Petroleum Act 1923* (Qld) and the *Petroleum and Gas (Production and Safety) Act 2004* (Qld).

“Plant” means any member of the plant or fungus kingdoms, whether alive or dead, and standing or fallen;

“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;

“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 NTA.

THE COURT DETERMINES THAT:

14. The native title is not held in trust.

15. The Wabubadda Aboriginal Corporation RNTBC (ICN: 7117), incorporated under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (Cth), is to:

(a) be the prescribed body corporate for the purpose of s 57(2) of the NTA; and

(b) perform the functions mentioned in s 57(3) of the NTA after becoming the registered native title body corporate in relation to the Determination Area.

REGISTER ATTACHMENTS:

1. Schedule 2 - Other Interests in the Determination Area, 6 pages - A4, 06/09/2024
2. Schedule 3 - External Boundary, 6 pages - A4, 06/09/2024

3. Schedule 4 - Description of Determination Area, 12 pages - A4, 06/09/2024
4. Schedule 5 - Areas Not Forming Part of the Determination Area, 3 pages - A4, 06/09/2024
5. Schedule 6 - Map of Determination Area, 37 pages - A4, 06/09/2024

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.