



Extract from the National Native Title Register

Determination Information:

Determination Reference: Federal Court Number(s): QUD777/2019
NNTT Number: QCD2026/003

Determination Name: [Hoolihan on behalf of the Gugu Badhun People #3 v State Minister for the State of Queensland \(No 3\)](#)

Date(s) of Effect: 5/05/2026

Determination Outcome: Native title exists in the entire determination area

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

Determination Date: 05/05/2026

Determining Body: Federal Court of Australia

ADDITIONAL INFORMATION:

Not Applicable

REGISTERED NATIVE TITLE BODY CORPORATE:

Gugu Badhun Aboriginal Corporation RNTBC
Agent Body Corporate
Unit 1/31-33 Plume Street
SOUTH TOWNSVILLE Queensland 4810

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:

BY CONSENT, THE COURT DETERMINES THAT:

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

SCHEDULE 1 – NATIVE TITLE HOLDERS

(1) The Native Title Holders are the Gugu Badhun People. The Gugu Badhun People are the descendants (including through adoption or raising up in accordance with traditional law and customs) of one or more of the following apical ancestors:

- (a) Bella, mother of Harry Goetz, Cissie McDowall, and Albert Brown;
- (b) Lucy Shaw, mother of Richard Hoolihan, Mosley Dickman, and Jimmy Dickman;
- (c) King Lava, father of Mariah Saddler;
- (d) Nellie Rankin;
- (e) Charlie Burdekin, father of Frank Burdekin, William Burdekin, Ernest Burdekin, Gertrude Burdekin, and Peter

McDowell;

(f) Nancy Jordan, also known as Nancy Rose Lee and Nancy Ah Sam, wife of Harry Goetz;

(g) Nora Lee, also known as Laura and Laula, wife of Charlie Burdekin;

(h) Ceasar Murray;

(i) Minnie Tiger, also known as Big Minnie;

(j) Skinny Minnie;

(k) Tommy Cobbler; and

(l) Nora Pope, mother of Harry Bunn, Ranji Pope and Bessie Bunn.

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 Gugu Badhun 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) camp, and live temporarily on the area, and for that purpose build temporary shelters;

(c) take the Natural Resources from the land and waters of the area;

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

(e) conduct ceremonies on the area;

(f) conduct or participate in meetings on the area;

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

(k) be accompanied onto the area by persons who, though not Native Title Holders, are:

(i) spouses, partners or parents of Native Title Holders, together with their children and grandchildren;

(ii) people required for the performance of cultural activities, practices or ceremonies; or

(iii) people requested by the Native Title Holders to assist in, observe or record cultural activities, practices or ceremonies.

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 *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 Gugu Badhun #3 native title determination application filed 17 December 2019 in QUD777 of 2019;

"Natural Resources" means:

(a) any Animals and Plants found on or in the lands and waters of the Determination Area; and

(b) any clays, soil, sand, gravel or rock found on or below the surface of the Determination Area, taken by the Native Title Holders in accordance with their traditional laws and customs,

(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 kingdom, 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; and

(c) water from an underground water source.

"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:

14. The native title is not held in trust.

15. The Gugu Badhun Aboriginal Corporation (ICN: 7719), 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 *Native Title Act 1993* (Cth); and

(b) perform the functions mentioned in s 57(3) of the *Native Title Act 1993* (Cth) after becoming a registered native title body corporate.

REGISTER ATTACHMENTS:

1. QCD2026/003 Schedule 1 - Native Title Holders, 2 pages - A4, 05/05/2026

2. QCD2026/003 Schedule 2 - Other Interests in the Determination Area, 4 pages - A4, 05/05/2026

3. QCD2026/003 Schedule 3 - External Boundary, 2 pages - A4, 05/05/2026

4. QCD2026/003 Schedule 4 - Description of Determination Area, 2 pages - A4, 05/05/2026

5. QCD2026/003 Schedule 5 - Areas Not Forming Part of the Determination Area, 2 pages - A4, 05/05/2026

6. QCD2026/003 Schedule 6 - Map of Determination Area, 8 pages - A4, 05/05/2026

7. QCD2026/003 Schedule 7 - Map of Area Partly Affected by Public Works, 1 page - A4, 05/05/2026

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.