



Extract from the National Native Title Register

Determination Information:

Determination Reference: Federal Court Number(s): QUD741/2015
NNTT Number: QCD2018/003

Determination Name: [Muriata on behalf of the Girramay People #2 v State of Queensland](#)

Date(s) of Effect: 8/01/2019

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: 01/08/2018

Determining Body: Federal Court of Australia

ADDITIONAL INFORMATION:

Order 2 of the determination provided that 'The determination will take effect upon the agreements referred to in paragraphs 1(d) to (f) of Schedule 4 being registered on the Register of Indigenous Land Use Agreements.' The agreements referred to in paragraphs 1(d) to (f) were registered on 8 January 2019. The determination is in effect as at 8 January 2019.

REGISTERED NATIVE TITLE BODY CORPORATE:

Girramay People Aboriginal Corporation RNTBC
Trustee Body Corporate
2/65 Victoria Street
Cardwell Queensland 4849

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:

Native title holders (s 225(a) *Native Title Act*)

7. The native title is held by the Girramay People described in Schedule 3 ("the native title holders").

Schedule 3

NATIVE TITLE HOLDERS

1. The native title holders are the Girramay People. The Girramay People are the descendants of one or more of the following people:

- (a) Charles Williams;
- (b) Bella Williams (Yurbil);
- (c) Rosie Williams (Djarrmay) (aka Rosie Runaway);
- (d) Clara Williams (aka Clara Boogal);
- (e) Clarke Kennedy (Blencoe);
- (f) Jimmy Beeron (Yalbiri);
- (g) Jimmy Bugal (Nganygarra);
- (h) Jimmy Henry (Manidjunayi);
- (i) Jimmy Wallaby (“Billycan”) and his wife Maggie (Ridjar);
- (j) Walter Cardwell (aka Simpson) (aka Blackman) (Djubarriny);
- (k) Tommy Dickman (Dubulmanu) (aka Tommy Digman);
- (l) Louisa Balli, the wife of Tommy Dickman (Dubulamanu) aka Tommy Digman;
- (m) One Arm Jack (Manguburur);
- (n) Cissy (Ganabulan);
- (o) Claire (mother of Lily Murray nee Wade);
- (p) Billy and his wife Jenny (including Charlie Clark Kennedy);
- (q) Polly Wyle(s);
- (r) Tommy Djingadjinga (Budalayiny);
- (s) Charlie Nolan (Ibirri);
- (t) Charlie Nolan’s mothers sister Ngawu (Marnie);
- (u) Jimmy Jacobs (Rindin);
- (v) Toby McAvoy;
- (w) Johnny Dallachy;
- (x) Billy Murray (Walguy aka Walguyi) and Nellie Murray (Mudjunin);
- (y) Frank McLean (aka Frank Barry) (Gandigurrungu) and his wife Nellie; or
- (z) Mailman.

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 paragraphs 1(d) to (f) of Schedule 4 being registered on the Register of Indigenous Land Use Agreements.
- 3. In the event that the agreements referred to in paragraph 2 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 Determination Area is the land and waters described in Schedule 1A, and depicted in the map attached to Schedule 1B. To the extent of any inconsistency between the description of the Determination Area in Schedule 1A and the map in Schedule 1B, the description of the Determination Area prevails.

6. Native title exists in relation to that part of the Determination Area described in Part 1 and Part 2 of Schedule 1A.

7. The native title is held by the Girramay People described in Schedule 3 (“the native title holders”).

8. Subject to paragraphs 10, 11 and 12 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 1A are:

(a) other than in relation to Water, the rights 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) hunt, fish and gather from the Water of the area;

(ii) take and use the Natural Resources of the Water in the area; and

(iii) take and use the Water of the area,

for personal, domestic and non-commercial communal purposes.

9. Subject to paragraphs 10, 11 and 12 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 1A 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 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 paragraph 1 of Schedule 4.

11. The native title rights and interests referred to in paragraphs 8(b) and 9 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 Determination Area (or respective parts thereof) are set out in Schedule 4.

14. The relationship between the native title rights and interests described in paragraphs 8 and 9 and the other interests described in Schedule 4 (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

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

"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 in the *Local Government Act 2009* (Qld);

"Local Government Area" has the meaning in the *Local Government Act 2009* (Qld);

"Natural Resources" means:

- (a) any animal, plant, fish and bird life 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,

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);

"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.

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 is held in trust;

(b) The Girramay People Aboriginal Corporation (ICN: 4739), 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.

REGISTER ATTACHMENTS:

1. Schedule 1 - Determination Area - A. Description of Determination Area, 6 pages - A4, 01/08/2018

2. Schedule 1 - Determination Area - B. Map of Determination Area, 24 pages - A4, 01/08/2018

3. Schedule 2 - Areas Not Forming Part of the Determination Area, 1 page - A4, 01/08/2018

4. Schedule 4 - Other Interests in the Determination Area, 4 pages - A4, 01/08/2018

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.