

## Extract from the National Native Title Register

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### Determination Information:

<b>Determination Reference:</b>	Federal Court Number(s): QUD189/2010 NNTT Number: QCD2014/008
<b>Determination Name:</b>	Brian Sullivan & Ors on behalf of the Yulluna People #3 v State of Queensland & Ors
<b>Date(s) of Effect:</b>	10/10/2014
<b>Determination Outcome:</b>	Native title exists in parts of the determination area

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

<b>Determination Date:</b>	28/03/2014
<b>Determining Body:</b>	Federal Court of Australia

### ADDITIONAL INFORMATION:

This determination was handed down by the Federal Court of Australia on 28 March 2014 and was conditional on the registration of 12 Indigenous Land Use Agreements (ILUAs):

QI2014/014	Yulluna People/Buckingham Downs ILUA
QI2014/015	Yulluna People/ Burnham (aka Chatsworth), Chatsworth and Stanbroke (aka Stradbroke) ILUA
QI2014/016	Yulluna People/ Cannington ILUA
QI2014/034	Yulluna People/Corrie Downs, Digby Peaks and Windsor Park (aka Willsdown) ILUA
QI2014/017	Yulluna People/Cukadoo ILUA
QI2014/018	Yulluna People/Fort William ILUA
QI2014/019	Yulluna People/Kheri ILUA
QI2014/020	Yulluna People/Lurnea (aka Two Rivers) ILUA
QI2014/021	Yulluna People/Pilgrim ILUA
QI2014/004	Yulluna People and Starcross ILUA
QI2014/008	Yulluna People and Local Government ILUA
QI2014/009	Yulluna People and Ergon Energy ILUA

All of the ILUAs were registered on the Register of Indigenous Land Use Agreements as at 10 October 2014.

The conditions attached to the determination have therefore now been met and the determination came into effect on 10 October 2014.

**REGISTERED NATIVE TITLE BODY CORPORATE:**

Yulluna Aboriginal Corporation RNTBC  
Trustee Body Corporate  
PO Box 161  
Cloncurry Queensland 4824

**COMMON LAW HOLDER(S) OF NATIVE TITLE:**

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

The native title holders are the Yulluna People. The Yulluna People:

- (a) are the biological descendants (if any) of:
  - (i) Mick Moonlight;
  - (ii) Willie Sullivan;
  - (iii) Rosie O'Sullivan;
  - (iv) Kitty Casey;
  - (v) Momas;
- (b) identify themselves as members of the Yulluna People; and
- (c) are recognised by others who are Yulluna People as being Yulluna 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").
- 2. The determination will take effect upon the agreements referred to in item 1 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 above are not registered on the Register of Indigenous Land Use Agreements within twelve (12) 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. Native title exists in relation to that part of the Determination Area described in Part 1 of Schedule 1A.
- 6. Native title does not exist in relation to that part of the Determination Area described in Part 2 of Schedule 1A.
- 7. The native title is held by the Yulluna People described in Schedule 3 ("the native title holders").
- 8. Subject to paragraphs 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 Part 1 of Schedule 1A are the non-exclusive rights to:
  - (a) access the area;
  - (b) camp, and for that purpose build temporary shelters on the area;
  - (c) hunt, fish and gather on the land and waters of the area for personal, domestic and non-commercial communal purposes;
  - (d) take and use 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) 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;
- (h) teach on the area the physical and spiritual attributes of the area; and
- (i) 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 paragraphs 8 do not confer possession, occupation, use or enjoyment to the exclusion of all others.

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 4.

13. The relationship between the native title rights and interests described in paragraph 8 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; and
- (b) 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:

**"Determination Area"** is the land and waters described in Schedule 1A and depicted on the map in Schedule 1B and does not include the areas described in Schedule 2. To the extent of any inconsistency between Schedule 1A and Schedule 1B, Schedule 1A prevails;

**"External Boundary"** means the boundary described in Schedule 5;

**"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;

**"Natural Resources"** means any animal, plant, fish and bird life, and ochre, found on or in the lands and waters 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);

**"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
- water from an underground water source.

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 to be held in trust.

16. The Yulluna Aboriginal Corporation (ICN 7112), 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.

**SCHEDULE 1 – DETERMINATION AREA**

**Schedule 1A Description of Determination Area**

The Determination Area comprises all of the land and waters described in Parts 1 and 2 of Schedule 1A which are within the External Boundary and depicted on the map in Schedule 1B, and does not include the areas described in Schedule 2.

***Part 1: Non-Exclusive Areas***

- (a) The land and waters comprised of the lots and part lots listed below:

**Area Description**

- Lot 12 on AP15630
- Lot 13 on AP15630
- Lot 14 on AP15630
- Lot 16 on AP15630
- Lot 17 on AP15630
- Lot 18 on AP15630
- Lot 21 on AP15630
- Lot 22 on AP15630
- Lot 24 on AP15630
- Lot 25 on AP15630
- Lot 26 on AP15630
- Lot 30 on AP15630
- Lot 33 on AP15630
- Lot 36 on AP15630
- Lot 37 on AP15630
- Lot 41 on AP15630

Lot 42 on AP15630

Lot 45 on AP15630

Lot 11 on AP15744

Lot 4 on AP15759

That part of Lot 381 on AP15846 that falls within the External Boundary

Lot 401 on AP15847

Lot 4 on AP15904

Lot 101 on B6821

Lot 102 on B6821

Lot 103 on B6821

Lot 104 on B6821

Lot 105 on B6821

Lot 106 on B6821

Lot 107 on B6821

Lot 108 on B6821

Lot 109 on B6821

Lot 110 on B6821

Lot 201 on B6821

Lot 202 on B6821

Lot 203 on B6821

Lot 204 on B6821

Lot 205 on B6821

Lot 206 on B6821

Lot 207 on B6821

Lot 208 on B6821

Lot 209 on B6821

Lot 210 on B6821

Lot 211 on B6821

Lot 212 on B6821

That part of Lot 2 on CP865896 that falls within the External Boundary

Lot 1 on CP909828

Lot 1 on CW1

Lot 20 on CW1

Lot 14 on CW18

Lot 17 on CW19

Lot 12 on CW20

Lot 16 on CW26

Lot 10 on CW5

Lot 14 on CW52

That part of Lot 16 on CW62 that falls within the External Boundary and is not subject to Schedule 1A Part 2(a)

Lot 4 on CW839955

Lot 2 on D5981

Lot 3 on D5981

Lot 4 on D5981

Lot 5 on D5981

Lot 6 on D5981

Lot 7 on D5981

Lot 22 on D5981

Lot 28 on D5981

Lot 29 on D5981

Lot 4 on D59811

Lot 1 on D59813

Lot 1 on D59814

Lot 4 on D5982

Lot 6 on D5982

Lot 21 on D5982

Lot 22 on D5982

Lot 23 on D5982

Lot 24 on D5982

Lot 25 on D5982

Lot 26 on D5982

Lot 27 on D5982

Lot 28 on D5982

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Lot 33 on D5982

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Lot 16 on D5984  
Lot 21 on D5984  
Lot 22 on D5984  
Lot 1 on D5986  
Lot 11 on D5986  
Lot 19 on D5986  
Lot 20 on D5986  
Lot 27 on D5986  
Lot 28 on D5986  
Lot 29 on D5986  
Lot 31 on D5986  
Lot 32 on D5986  
Lot 35 on D5986  
Lot 43 on D5986  
Lot 44 on D5986  
Lot 5 on D5988  
Lot 24 on D5989  
Lot 25 on D5989  
Lot 1 on MN1

Lot 8 on MN7  
Lot 1 on MPH13981  
Lot 3 on MPH13981  
Lot 5 on MPH13981  
Lot 6 on MPH13981  
Lot 7 on MPH13981  
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Lot 9 on MPH13981  
Lot 10 on MPH13981  
Lot 20 on MPH13981  
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Lot 67 on MPH13981  
Lot 68 on MPH13981  
Lot 69 on MPH13981  
Lot 70 on MPH13981  
Lot 71 on MPH13981  
Lot 72 on MPH13981  
Lot 73 on MPH13981  
Lot 74 on MPH13981  
Lot 75 on MPH13981  
Lot 76 on MPH13981  
Lot 90 on MPH13981  
Lot 12 on MPH13985  
Lot 13 on MPH13985  
Lot 16 on MPH13985  
Lot 3 on MPH21881  
Lot 4 on MPH21881

Lot 5 on MPH21881  
Lot 6 on MPH21881  
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Lot 36 on MPH21881  
Lot 41 on MPH21881  
Lot 43 on MPH21881  
Lot 44 on MPH21881  
Lot 45 on MPH21881  
Lot 52 on MPH21881  
Lot 53 on MPH21881  
Lot 14 on MPH21882  
Lot 15 on MPH21882  
Lot 16 on MPH21882  
Lot 19 on MPH21882  
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Lot 37 on MPH21882  
Lot 1244 on MPH21889  
Lot 1336 on MPH21889  
Lot 1339 on MPH21889  
Lot 1343 on MPH21889  
Lot 1346 on MPH21889  
Lot 1351 on MPH21889  
Lot 1352 on MPH21889  
Lot 1355 on MPH21889  
Lot 629 on MPH4209  
Lot 679 on MPH4209  
Lot 529 on MPH4212  
Lot 604 on MPH4212  
Lot 618 on MPH4212  
Lot 619 on MPH4212  
Lot 634 on MPH4212  
Lot 639 on MPH4212  
Lot 648 on MPH4212  
Lot 647 on MPH4222  
Lot 5 on MPH4232  
Lot 677 on MPH4235  
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Lot 35 on MPH4236  
Lot 774 on MPH4238  
Lot 1152 on MPH4240  
Lot 1240 on MPH4240

Lot 739 on MPH4247  
Lot 731 on MPH4248  
Lot 734 on MPH4248  
Lot 763 on MPH4248  
Lot 764 on MPH4248  
Lot 768 on MPH4248  
Lot 769 on MPH4248  
Lot 2017 on MPH4248  
Lot 2163 on MPH4248  
Lot 725 on MPH4249  
Lot 701 on MPH4255  
Lot 702 on MPH4255  
Lot 715 on MPH4255  
Lot 716 on MPH4255  
Lot 834 on MPH4259  
Lot 1256 on MPH4259  
Lot 829 on MPH4260  
Lot 802 on MPH4263  
Lot 845 on MPH4263  
Lot 866 on MPH4263  
Lot 965 on MPH4268  
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Lot 1817 on MPH4268  
Lot 1893 on MPH4268  
Lot 976 on MPH4277  
Lot 1054 on MPH4281  
Lot 1088 on MPH4281  
Lot 1 on MPH4292  
Lot 856 on MPH4293  
Lot 5554 on MPH4293  
Lot 187 on MPH4294  
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Lot 1137 on MPH4300  
Lot 1119 on MPH4309  
Lot 1155 on MPH4310  
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Lot 1144 on MPH4311  
Lot 1171 on MPH4311  
Lot 1179 on MPH4311  
Lot 5520 on MPH4314  
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Lot 1 on MPH4327  
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Lot 1437 on MPH4367  
Lot 1411 on MPH4377  
Lot 1428 on MPH4377  
Lot 1441 on MPH4377  
Lot 1453 on MPH4377  
Lot 474 on MPH4381  
Lot 486 on MPH4381  
Lot 2 on MPH4413  
Lot 1 on MPH4466  
Lot 780 on MPH4466  
Lot 3462 on PH1022  
Lot 3722 on PH1492  
Lot 3380 on PH1494  
Lot 3268 on PH1495

Lot 5328 on PH1749

That part of Lot 4747 on PH1763 that is not subject to Schedule 1A Part 2(a)

Lot 5354 on PH1831

Lot 5212 on PH1878

Lot 5364 on PH1891

Lot 2999 on PH1926

That part of Lot 3562 on SP261206 formerly Lot 3562 on PH2280 that is not subject to Schedule 1A Part 2(a)

Lot 4596 on PH26

That part of Lot 4174 on PH45 that is not subject to Schedule 1A Part 2(a)

Lot 5 on S5892

Lot 1 on S5893

Lot 2 on S5893

Lot 3 on S5893

Lot 3 on S5894

Lot 4 on S5894

Lot 5 on S5894

Lot 6 on S5894

Lot 7 on S5894

Lot 7 on S5895

That part of Lot 1 on SP150176 that is not subject to Schedule 1A Part 2(a)

Lot 109 on SP213577

Lot 2949 SP223508

That part of Lot 22 on SP223509 that is not subject to Schedule 1A Part 2(a)

That part of Lot 13 on SP223510 formerly Lot 13 on SP150177 that is not subject to Schedule 1A Part 2(a)

That part of Lot 346 on SP255339, formerly part of Lot 346 on PH1950 that falls within the External Boundary

Lot 9 on SW6

Lot 8 on USL621

Lot 79 on USL703

Lot 148 on USL753

Lot 201 on USL753

Lot 207 on USL753

Lot 265 on USL753

Lot 266 on USL753

Lot 85 on USL756

Lot 92 on USL756

That part of Lot 1 on WB13 that falls within the External Boundary

Lot 5 on WNR10

Lot 5 on WNR6

Lot 2 on WNR7

**Schedule 1A Part 1 - Non-Exclusive Areas (continued):**

(b) The waters within the External Boundary including but not limited to:

(i) that part of the Burke River which borders between Lot 3462 on PH1022 and Lot 4747 on PH1763 at the southern aspect; and

(ii) that part of Wills Creek which is part of the External Boundary description on the east which refers to the "centreline of Wills Creek" and then "along the centreline of that creek".

**Schedule 1A Part 2 - Areas within the Determination Area where native title does not exist:**

(a) The land and waters described below in respect of which native title rights and interests were taken by the State of Queensland by Proclamation dated 30 January 1997 as amended by Proclamation dated 11 June 1998:

(i) Easement U on SP101035;

(ii) Easements X and Y on SP101037;

(iii) Easements S, T and V on SP101034;

(iv) Easements W, A and B on SP101036;

(v) Easement C on SP101038;

(vi) Easement D on SP101039; and

(vii) Easements E, F and G on SP101040.

**SCHEDULE 1B MAP OF DETERMINATION AREA**

[See NNTR attachment 1: "Schedule 1B Map of Determination Area"]

**SCHEDULE 2 – AREAS NOT FORMING PART OF THE DETERMINATION AREA**

**1. Tenure Based Exclusions:**

The land and waters within the External Boundary

(a) which are subject to Previous Exclusive Possession Acts within the meaning of s 23B(2) and s 23B(3) of the *Native Title Act 1993* (Cth), and

(b) to which none of ss 47, 47A and 47B of the *Native Title Act 1993* (Cth) applied at the time of lodgement of the native title determination application (QUD189 of 2010); and

(c) which, because of paragraphs (a) and (b) above, and in accordance with s 61A of the *Native Title Act 1993* (Cth) could not be claimed.

**2. Public Works Based Exclusions:**

(a) The land and waters within the External Boundary on which any public work, as defined in s 253 of the *Native Title Act 1993* (Cth), is constructed, established or situated, and to which ss 23B(7) and 23C(2) of the *Native Title Act 1993* (Cth) and/or s 23B(7) of the *Native Title Act 1993* (Cth) and s 21 of the *Native Title (Queensland) Act 1993* (Qld) applies, together with any adjacent land or waters in accordance with s 251D of the *Native Title Act 1993* (Cth), and in accordance with s 61A of the *Native Title Act 1993* (Cth), could not be

claimed.

(b) Specifically, and to avoid any doubt, the land and waters described in paragraph 2(a) immediately above includes the whole of the land and waters described as Lot 1 on TM11202.

### **SCHEDULE 3 – NATIVE TITLE HOLDERS**

1. The native title holders are the Yulluna People. The Yulluna People:

(a) are the biological descendants (if any) of:

(i) Mick Moonlight;

(ii) Willie Sullivan;

(iii) Rosie O'Sullivan;

(iv) Kitty Casey;

(v) Momas;

(b) identify themselves as members of the Yulluna People; and

(c) are recognised by others who are Yulluna People as being Yulluna People.

### **SCHEDULE 4 – OTHER INTERESTS IN THE DETERMINATION AREA**

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

1. The rights and interests of the parties under the following Indigenous Land Use Agreements (ILUAs):

(a) Yulluna People/Buckingham Downs ILUA executed by the parties on 15 December 2013 and 14 February 2014;

(b) Yulluna People/Burnham (aka Chatsworth), Chatsworth and Stanbroke (aka Stradbroke) ILUA executed by the parties on 15 December 2013 and 27 January 2014;

(c) Yulluna People/Cannington ILUA executed by the parties on 15 December 2013 and 26 February 2014;

(d) Yulluna People/Corrie Downs, Digby Peaks and Windsor Park (aka Willsdown) ILUA executed by the parties on 15 December 2013 and 24 February 2014;

(e) Yulluna People/Cukadoo ILUA executed by the parties on 15 December 2013 and 14 February 2014;

(f) Yulluna People/Fort William ILUA executed by the parties on 15 December 2013 and 28 January 2014;

(g) Yulluna People/Kheri ILUA executed by the parties on 15 December 2013 and 12 February 2014;

(h) Yulluna People/Lurnea (aka Two Rivers) ILUA executed by the parties on 15 December 2013 and 31 January 2014;

(i) Yulluna People/Pilgrim ILUA executed by the parties on 15 December 2013 and 27 January 2014;

(j) Yulluna People/Starcross ILUA executed by the parties on 15 December 2013 and 10 January 2014;

(k) Yulluna People and Local Government ILUA executed by the parties on 15 December 2013, 17 December 2013, 30 January 2014 and 6 February 2014; and

(l) Yulluna People and Ergon Energy ILUA executed by the parties on 15 December 2013 and 8 January 2014.

2. The rights and interests of Richard Andrew Nancarrow as the holder of mining lease ML5553 granted under the *Mineral Resources Act 1989* (Qld).

3. The rights and interests within the Determination Area held by the following lessees:



- (a) MDH Pty Ltd ACN 010 114 488 Trustee for the Devonshire Trust in pastoral development holdings (PDHs):
    - (i) PDH 13/345 being Lot 13 on SP223510; and
    - (ii) PDH 4/5328 being Lot 5328 on PH1749;
  - (b) MDH Pty Ltd ACN 010 114 468 in pastoral holding (PH) 13/5398 being Lot 16 on CW62;
  - (c) James Cameron Brown and Elizabeth Veronica Brown in PH 13/5353 being Lot 22 on SP223509;
  - (d) Hacon Holdings Pty Ltd ACN 094 617 759 in PDH 13/2999 being Lot 2999 on PH1926;
  - (e) Phillip Gregory Prince in pastoral holdings:
    - (i) PH 13/3405 being Lot 2 on CP865896;
    - (ii) PH 13/3268 being Lot 3268 on PH1495;
    - (iii) PH 13/3380 being Lot 3380 on PH1494; and
    - (iv) PH 13/3722 being Lot 3722 on PH1492;
  - (f) Dale Reginald Neilson in pastoral holding PH 4/3462 being Lot 3462 on PH1022;
  - (g) Andrew William Jesse Daniels, Samuel Donald James Daniels, Gabrielle Kennedy, Jeffrey Robert James Daniels and Luke William Jesse Daniels in term lease for pastoral purposes TL 0/2366039 being Lot 346 on SP255339;
  - (h) Chinova Resources Cloncurry Mines Pty Ltd ACN 106 255 216 in pastoral holding PH 13/5364 being Lot 5364 on PH1891;
    - (i) Donald James Grimshaw, Dulcie Carol Anderson and Phillip Martin Patrick Anderson in preferential pastoral holdings (PPHs):
      - (i) PPH 13/4174 being Lot 4174 on PH45;
      - (ii) PPH 13/3562 being Lot 3562 on SP261206; and
      - (iii) PPH 13/4596 being Lot 4596 on PH26;
    - (j) Jersey Plains Pastoral Company Pty Ltd ACN 010 615 246 in preferential pastoral holding PPH 4/4747 being Lot 4747 on PH1763;
    - (k) Argylla Mountains Pastoral Pty Ltd ACN 059 843 999 in preferential pastoral holding PPH 13/5212 being Lot 5212 on PH1878;
    - (l) William Henry Cameron in preferential pastoral holding PPH 13/5354 being Lot 5354 on PH1831; and
    - (m) Robert John McDonald in term Lease TL 0/234185 (pastoral) being Lot 2949 on SP223508.
4. The rights and interests of Telstra Corporation Limited ACN 051 775 556:
- (a) as the owner or operator of telecommunications facilities within the Determination 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 existing and new 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 telecommunication facilities; and

(d) under any licences, access agreements or easements relating to its telecommunications facilities in the Determination Area, including under Term Lease 0/21 1376 over Lot 4 on CW839955.

5. The rights and interests of Ergon Energy Corporation Limited 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 Determination 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 Determination Area existing or entered into before the date on which these orders are made;

(ii) rights to enter the Determination 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 Determination Area.

6. The rights and interests of the State of Queensland, the Boulia Shire Council, the Cloncurry Shire Council and the McKinlay Shire Council to access, use, operate, maintain and control the dedicated roads in the Determination Area and the rights and interests of the public to use and access the roads.

7. The rights and interests of the Boulia Shire Council, the Cloncurry Shire Council and the McKinlay Shire 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 Determination 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; or

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

(c) as the owner and operator of infrastructure, and those facilities and other improvements located in the Determination 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; and

(iv) watering point facilities;

(d) to enter the land for the purposes described in paragraphs 7(b) and (c) above by their employees, agents or contractors to:

(i) exercise any of the rights and interests referred to in paragraph 7 above;

(ii) inspect, maintain and repair the infrastructure, facilities and other improvements referred to in paragraph (c) above; or

(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.

8. The rights and interests of APT Pipelines (Qld) Pty Limited ACN 080 382 387:

(a) as the owner and operator of gaseous petroleum and associated liquid petroleum distribution facilities within the Determination Area; and

(b) as the holder of Pipeline Licence No. 42 dated 14 May 1998 granted under the *Petroleum Act 1923* (Qld).

9. The rights and interests granted by the State of Queensland pursuant to statute, regulation or subordinate legislation, or in the exercise of its executive power including, but not limited to, the rights and interests of persons holding licences, permits, authorities, allocations, leases, claims, agreements or other instruments.

10. 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 or the Commonwealth.

11. 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 Determination Area:

(a) stock routes;

(b) beds, banks and foreshores of waterways; and

(c) areas that were public places at the end of 31 December 1993.

#### **SCHEDULE 5 – EXTERNAL BOUNDARY**

The area described below does not include any areas that were not previously subject to:

- QUD189/10 Yulluna People (QC10/1) as accepted for registration 16 July 2010.

The External Boundary covers all the land and waters with the area described as:

Commencing at a point on a southern boundary of Native Title Determination QUD579/05 Kalkadoon People #4 (QC10/4), being the northernmost north eastern corner of Lot 22 on SP223509 (Trekkelano Pastoral Holding), and extending generally south-westerly and southerly along boundaries of that pastoral holding to the northern boundary of Lot 2949 on SP223508 (Pilgrim Term Lease); then generally easterly along northern boundaries of that lot, northern and eastern boundaries of Lot 13 on SP223510 (Chatsworth Pastoral Development Holding) and northern boundaries of Lot 5364 on PH1891 (Starcross Pastoral Holding) to its intersection with the western bank of Maggie Creek; then generally south-easterly along banks of that creek to Longitude 140.553633° East; then generally southerly, generally south-easterly and easterly passing through the following coordinate points:

<b>Point</b>	<b>Longitude East</b>	<b>Latitude South</b>
A	140.558182	21.563685
B	140.565037	21.595185
C	140.569749	21.636886
D	140.562114	21.667506
E	140.555417	21.687947
F	140.563388	21.716041
G	140.564307	21.751031
H	140.585267	21.768739
I	140.606406	21.793218
J	140.621460	21.815544

K	140.628345	21.848173
L	140.673230	21.858693
M	140.704098	21.886393
N	140.743639	21.922977
O	140.812359	21.922924
P	140.894246	21.919257

Then easterly to the western bank of the Hamilton River at Latitude 21.919465° South; then generally southerly along banks of that river to its intersection with a point due east of the easternmost corner of Lot 5328 on PH1749 (Burnham Pastoral Development Holding); then west to that corner and generally south-westerly, generally westerly, generally north-westerly, generally south-westerly, and westerly along boundaries of Lot 5328 on PH1749 to the eastern boundary of Lot 4174 on PH45 (Corrie Downs Preferential Pastoral Holding); then generally southerly, generally westerly and generally northerly along eastern boundaries of that lot, eastern, southern and western boundaries of Lot 4747 on PH1763 (Fort William Preferential Pastoral Holding), southern and western boundaries of Lot 3462 on PH1022 (Lurnea Pastoral Holding) and the western boundary of the western severance of Lot 3562 on SP261206 (Willsdown Preferential Pastoral Holding) to the north-westernmost corner of that severance; then north-westerly to the centreline of Wills Creek at Longitude 139.837931° East; then generally north-westerly along the centreline of that creek to its intersection with a line joining coordinate points Longitude 139.772244° East, Latitude 22.122913' South and Longitude 139.774024° East, Latitude 22.122613° South, a point on the southern boundary of Native Title Determination QUD579/05 Kalkadoon People #4 (QC10/4); then generally north-easterly along the boundaries of that determination passing through the following coordinate points:

Point	Longitude East	Latitude South
Q	139.774024	22.122613
R	139.776477	22.122410
S	139.781874	22.121963
T	139.791381	22.120024
U	139.811343	22.116162
V	139.842535	22.106118

Then easterly to the western boundary of Lot 13 on SP223510 (Chatsworth Pastoral Development Holding) at Latitude 22.097375° South; then generally northerly along boundaries of that lot and again boundaries of native title determination QUD579/05 Kalkadoon People #4 (QC10/4) to the southern boundary of Lot 16 on CW62 (Stanbroke Pastoral Holding); then generally westerly along boundaries of that lot and again boundaries of that native title determination to its intersection with the eastern bank of Wills Creek; then generally northerly along eastern banks of that creek and again boundaries of that native title determination to its intersection with the southern boundary of Lot 14 on CW52; then westerly, northerly, generally south-easterly and generally north-easterly along boundaries of that lot, and western boundaries of Lot 22 on SP223509 (Trekkelano Pastoral Holding) to its intersection with the south-easterly prolongation of the southern boundary of Lot 79 on USL703; then north westerly to the boundary of that lot and generally north-westerly, generally northerly, generally easterly and southerly along western and north boundaries of that lot to the northern boundary of Lot 24 on D5989; then easterly along the boundary of that lot to again the western boundary of Lot 22 on SP223509 (Trekkelano Pastoral Holding); then generally northerly and generally easterly along boundaries of that lot back to the commencement point.

This application does not include any land and waters subject to the following Native Title Determinations:

- QUD579/05 Kalkadoon People #4 (QC10/4) as determined by the Federal Court 12 December 2011 and effective 12 June 2012.
- QUD6025/99 Pitta Pitta People (QC99/27) as determined by the Federal Court 28 August 2012 and effective 17 January 2014.

**Note:**

## Reference Data and Source:

- Application boundary based in part on spatial data sourced from Commonwealth of Australia, NNTT, November 2012.
- Native title determination boundaries sourced from Commonwealth of Australia, NNTT, November 2012.

Cadastral data sourced from Department of Natural Resources & Mines, Qld (October 2012).

- Rivers and creeks are based on Cadastral data where possible. Otherwise reference is made to 100k topographic vector data.

## Reference Datum

- 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 topographic boundaries or the intersection with such, they are intended as a guide only. As an outcome to 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.

## REGISTER ATTACHMENTS:

1. Schedule 1B Map of Determination Area, 12 pages - A4, 28/03/2014

*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.*