



## Extract from the National Native Title Register

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### Determination Information:

**Determination Reference:** Federal Court Number(s): QUD80/2005  
NNTT Number: QCD2016/013

**Determination Name:** [Dodd on behalf of the Gudjala People Core Country Claim #1 v State of Queensland](#)

**Date(s) of Effect:** 13/12/2016

**Determination Outcome:** Native title exists in the entire determination area

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

**Determination Date:** 13/12/2016

**Determining Body:** Federal Court of Australia

#### ADDITIONAL INFORMATION:

Not Applicable

#### REGISTERED NATIVE TITLE BODY CORPORATE:

Ngrragoonda Aboriginal Corporation RNTBC  
Agent Body Corporate  
Shop 2/11  
Church Street  
Charters Towers Queensland 4820

*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](http://www.oric.gov.au)*

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

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

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

(a) Alice Anning (also known as Alice White) of Bluff Downs Station;

- (b) Cissy McGregor;
- (c) Maggie “Ton Ton” Thompson;
- (d) Topsy Hann; or
- (e) Zoe (mother of Hoya Siemon/Bowman).

**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 Applicant is given leave to discontinue that part of the Application which covers any area not included in this determination.
3. The Applicant file and serve a notice of discontinuance in accordance with paragraph 2 above within seven days.

**BY CONSENT THE COURT DETERMINES THAT:**

5. The Determination Area is the land and waters described in Schedule 1, and depicted in the map attached to Schedule 1.
6. Native title exists in relation to the Determination Area described in Parts 1, 2 and 3 of Schedule 1.
7. The native title is held by the Gudjala People described in Schedule 3 (“the native title holders”).
8. Subject to paragraphs 11, 12 and 13 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 1 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 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) 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; and
  - (j) light fires on the area for domestic purposes including cooking, but not for the purpose of hunting or clearing vegetation.
9. Subject to paragraphs 11, 12 and 13 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 1 are the non-exclusive rights to:
  - (a) access, be present on, move about on and travel over the area;
  - (b) 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; and
  - (c) teach on the area the physical and spiritual attributes of the area.

10. Subject to paragraphs 11, 12 and 13 below the nature and extent of the native title rights and interests in relation to the land and waters described in Part 3 of Schedule 1 is the non-exclusive right to access, be present on, move about on and travel over the area.

11. 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.

12. The native title rights and interests referred to in paragraphs 8, 9 and 10 do not confer possession, occupation, use or enjoyment to the exclusion of all others.

13. 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).

14. The nature and extent of any other interests in relation to the Determination Area (or respective parts thereof) are set out in Schedule 4.

15. The relationship between the native title rights and interests described in paragraphs 8, 9 and 10 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

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

"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:

- (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 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);

"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.

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:**

17. The native title is not held in trust.

18. The Ngrragoonda Aboriginal Corporation (ICN 7982), 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.

**Schedule 1 – DETERMINATION AREA**

**A. Description of Determination Area**

The Determination Area comprises all of the land and waters described in Parts 1, 2 and 3 below, to the extent that they are within the external boundary described in Part 4 below, and depicted in the determination map, excluding the areas described in Schedule 2.

To the extent of any inconsistency, the written description set out in Parts 1, 2 and 3 prevails over the determination map.

**Part 1 – Non-Exclusive Rural Areas**

All of the land and waters described in the following table and depicted in light blue on the determination map:

**Area Description (as at date of determination) Determination map sheet number (see Note 1)**

|  |   |
|--|---|
| Lot 144 on Plan DV 569   | 7 |
| That part of Lot 181 on Plan GF808563 that is within the external boundary described in Part 4 | 1 |
| That part of Lot 230 on Plan DV757 that is within the external boundary described in Part 4    | 2 |
| Lot 50 on Plan DV307   | 7 |

Note 1 Where an area is depicted on more than one sheet, only the first sheet number is referenced.

**Part 2 – Non-Exclusive Urban Areas (Aboriginal land areas)**

All of the land and waters described in the following table and depicted in yellow on the determination map:

**Area Description (as at date of determination) Determination map sheet number (see Note 2)**

|   |   |
|---|---|
| *Lot 4 on Plan MPH20728   | 6 |
| *Lot 57 on Plan CP898014  | 5 |
| *Lot 7957 on Plan SP271425 (formerly Lot 7957 on Plan MPH20866) | 5 |

Note 2 Where an area is depicted on more than one sheet, only the first sheet number is referenced.

\* denotes areas to which ss 47A or 478 of the *Native Title Act 1993* (Cth) apply

**Part 3 – Non-Exclusive Urban Areas**

All of the land and waters described in the following table and depicted in tan on the determination map:

**Area Description (as at date of determination) Determination map sheet number (see Note 3)**

|                       |   |
|-----------------------|---|
| Lot 204 on Plan DV580 | 3 |
|-----------------------|---|

Lot 205 on Plan DV580 3

That part of Lot 111 on Plan DV342 excluding the area contained within the following description:

Commencing at the southwest corner of Lot 111 on Plan DV342 and extending northerly along the western boundary of that lot to Latitude 20.061725 degrees South, then generally easterly through Longitude 146.280344 degrees East, Latitude 20.061764 degrees South to the eastern boundary of Lot 111 on Plan DV342 at Latitude 20.061606 degrees S, then southerly and westerly along the eastern and southern boundaries of that lot back to the commencement point. Coordinates are referenced to the Geocentric Datum of Australia 1994 (GDA94) 4

That part of Lot 1 on Plan CT182102 excluding the area identified as road that is delineated within stations 7.6.4.5.7 and 9.8.8a.12.11.9a.9 on Plan CT182102 5

Lot 231 on Plan CT18257 5

That part of Lot 230 on Plan DV444 that is within the external boundary described in Part 4 5

Lot 233 on Plan CT18251 3

Lot 218 on Plan C8220 6

\*That part of Lot 101 on Plan MPH40533 that is within the external boundary described in Part 4 8

\*Lot 39 on Plan USL46801 3

That part of Lot 158 on Plan SP118958 that is within the external boundary described in Part 4, excluding that part previously described as Lot 157 on Plan DV477 4

\*Lot 2 on Plan MPH1563 6

\*Lot 16 on Plan USL46790 5

\*Lot 84 on Plan USL46769 5

That part of Lot 102 on Plan USL46810 described as RA2568 shown on Mining Plans 29409 & 13738 3

\*Lot 129 on Plan DV419 4

\*Lot 130 on Plan DV419 4

\*Lot 93 on Plan USL46788 6

\*Lot 90 on Plan USL46801 3

\*Lot 223 on Plan DV485 3

\*Lot 92 on Plan USL46801 3

\*Lot 70 on Plan USL46801 3

\*Lot 31 on Plan USL46801 3

\*Lot 25 on Plan USL46801 3

Note 3 Where an area is depicted on more than one sheet, only the first sheet number is referenced.

\* denotes areas to which ss 47A or 478 of the *Native Title Act 1993* (Cth) apply

#### Part 4 – External Boundary Description

Commencing at a point north east of the town of Charters Towers on the centreline of the Burdekin River at Longitude 146.407413 degrees East, also being a point on the north western boundary of native title determination QUD 6244 of 1998 Birriah People (QCD2016/001), and extending generally south westerly and generally westerly passing through the following coordinate points:

| <b>Longitude degrees (East)</b> | <b>Latitude degrees (South)</b> |
|---------------------------------|---------------------------------|
| 146.403255                      | 20.005354                       |
| 146.394463                      | 20.021747                       |
| 146.387272                      | 20.033821                       |
| 146.372233                      | 20.053391                       |
| 146.361437                      | 20.071216                       |
| 146.351818                      | 20.085023                       |
| 146.341578                      | 20.097687                       |
| 146.330733                      | 20.110927                       |
| 146.327912                      | 20.117028                       |
| 146.232580                      | 20.169100                       |
| 145.959480                      | 20.256431                       |
| 145.793730                      | 20.297741                       |
| 145.626894                      | 20.376012                       |
| 145.532334                      | 20.293396                       |
| 145.317674                      | 20.240676                       |
| 145.227462                      | 20.227089                       |
| 145.147576                      | 20.206978                       |
| 145.031824                      | 20.245570                       |
| 144.920962                      | 20.207523                       |
| 144.704129                      | 20.103708                       |
| 144.594686                      | 20.046709                       |
| 144.462298                      | 20.006961                       |

then westerly to a point on the eastern boundary of an un-named road reserve and the western boundary of the second most north easterly severance of Lot 6 on Plan SP146633 (the severance being immediately west of the Kennedy Developmental Road reserve) at Latitude 19.982842 degrees South; then generally northerly along the eastern boundary of that road reserve and the Kennedy Developmental Road reserve to Latitude 19.694482 degrees South; then generally north easterly and generally south easterly passing through the following coordinate points:

| <b>Longitude degrees (East)</b> | <b>Latitude degrees (South)</b> |
|---------------------------------|---------------------------------|
| 144.325347                      | 19.566703                       |
| 144.345351                      | 19.536735                       |
| 144.351119                      | 19.448476                       |
| 144.434451                      | 19.448475                       |
| 144.469046                      | 19.455856                       |
| 144.499055                      | 19.444968                       |

|            |           |
|------------|-----------|
| 144.596964 | 19.386766 |
| 144.607123 | 19.359052 |
| 144.644071 | 19.321176 |
| 144.692755 | 19.236545 |
| 144.963558 | 19.305256 |
| 145.044257 | 19.277876 |
| 145.076964 | 19.271831 |
| 145.121401 | 19.264720 |
| 145.160863 | 19.265787 |
| 145.184326 | 19.282854 |
| 145.204946 | 19.298853 |
| 145.238141 | 19.315069 |
| 145.464464 | 19.397699 |
| 145.607733 | 19.404810 |
| 145.927306 | 19.389862 |
| 146.167280 | 19.483737 |
| 146.179336 | 19.489603 |
| 146.262736 | 19.543014 |
| 146.292074 | 19.557061 |
| 146.307084 | 19.566282 |
| 146.323354 | 19.572376 |
| 146.331931 | 19.584786 |
| 146.348769 | 19.602358 |
| 146.365236 | 19.618097 |
| 146.369994 | 19.620740 |
| 146.425587 | 19.671857 |
| 146.438719 | 19.679959 |
| 146.456164 | 19.693178 |
| 146.475196 | 19.712741 |
| 146.506387 | 19.735475 |
| 146.527533 | 19.747636 |
| 146.560310 | 19.769314 |
| 146.573527 | 19.782004 |
| 146.578284 | 19.789406 |

|            |           |
|------------|-----------|
| 146.599048 | 19.804043 |
| 146.605276 | 19.824879 |

then south easterly to a point on the western boundary of native title determination QUD 6244 of 1998 Birriah People (QCD2016/001) at Longitude 146.614965 degrees East, Latitude 19.846002 degrees South; then generally south westerly along that native title determination boundary passing through the following coordinate points:

| <b>Longitude degrees (East)</b> | <b>Latitude degrees (South)</b> |
|---------------------------------|---------------------------------|
| 146.601231                      | 19.849477                       |
| 146.563847                      | 19.862509                       |
| 146.523795                      | 19.880315                       |
| 146.473331                      | 19.911258                       |
| 146.429911                      | 19.965524                       |
| 146.416086                      | 19.985842                       |

then south westerly back to the commencement point.

The determination does not cover any areas subject to:

the land and waters subject to native title determination QUD 80 of 2005 Gudjala People #1 Part A as determined by the Federal Court on 18 March 2014;

the land and waters subject to native title determination application QUD147 of 2006 Gudjala People #2 as accepted for registration on 30 June 2010; and

the land and waters subject to native title determination QUD147 of 2006 Gudjala People #2 Part A as determined by the Federal Court on 18 March 2014.

#### **Data reference and source**

Native title determination application QUD 6244 of 1998 Birriah People (QC1998/012) as accepted for registration on 14 August 2007.

Mining tenement data sources from the Department of Natural Resources and Mines (October 2013), unless otherwise indicated.

Cadastral data sourced from the Department of Natural Resources and Mines (August 2013).

#### **Reference datum**

Geographical coordinates have been provided by the National Native Title Tribunal Geospatial Services and 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 topographical 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.

Prepared by Geospatial Services, National Native Title Tribunal (24 October 2013).

### **B. Map of Determination Area**

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

### **Schedule 2 – AREAS NOT FORMING PART OF THE DETERMINATION AREA**



The areas described below do not form part of the Determination Area.

1. Land and waters within the external boundary, as described in Part 4 of Schedule 1, that at the time at which the native title determination application was made:

(a) were the subject of one or more previous exclusive possession acts, as defined in s 23B of the *Native Title Act 1993* (Cth) (despite the fact that the areas, or parts of them, may have been subject to earlier acts that extinguished native title); and

(b) to which neither of ss 47A or 47B of the *Native Title Act 1993* (Cth) applied;

do not form part of the Determination Area on the basis that they could not be claimed, in accordance with s 61A of the *Native Title Act 1993* (Cth).

2. Specifically, and to avoid any doubt, the land and waters described in (1) above include the acts described in ss 23B(2) and 23B(3) of the *Native Title Act 1993* (Cth) to which s 20 of the *Native Title (Queensland) Act 1993* (Qld) applies, and include, but are not limited to, the following areas:

**Area Description (as at date of determination) Determination map sheet number (see Note 4)**

That part Lot 1 on Plan DV836175 that is within the external boundary described in Part 4 8

Lot 35 on DV276 3

That part of Lot 65 on SP118958 that is within the external boundary described in Part 4 4

That part of Lot 158 on Plan SP118958 previously described as Lot 157 on Plan DV477 that is within the external boundary described in Part 4 4

Lot 157 on Plan SP118958 4

Lot 110 on Plan SP105685 4

That part of Lot 102 on USL46810 previously covered by Goldfield Homestead Leases Nos. 5095 and 5062 and Miners Homestead Lease No. 6675 3

Lot 206 on Plan DV587 3

That part of Lot 140 on Plan DV688 currently described as Lot 126 on Plan SP226375 4

That part of Lot 140 on Plan DV688 currently described as Lot 127 on Plan SP226375 4

That part of Lot 140 on Plan DV688 currently described as Lot 128 on Plan SP200719 4

That part of Lot 140 on Plan DV688 currently described as Lot 129 on Plan SP200719 4

That part of Lot 140 on Plan DV688 currently described as Lot 130 on Plan SP200719 4

That part of Lot 140 on Plan DV688 currently described as Lot 131 on Plan SP200719 4

That part of Lot 140 on Plan DV688 currently described as Lot 132 on Plan SP205608 4

That part of Lot 140 on Plan DV688 currently described as Lot 133 on Plan SP205608 4

That part of Lot 140 on Plan DV688 currently described as Lot 134 on Plan SP205608 4

That part of Lot 140 on Plan DV688 currently described as Lot 135 on Plan SP205608 4

That part of Lot 140 on Plan DV688 currently described as Lot 140 on Plan SP205608 4

That part of Lot 140 on Plan DV688 currently described as Lot 141 on Plan SP205608 4

That part of Lot 140 on Plan DV688 currently described as Lot 139 on Plan SP190096 4

That part of Lot 140 on Plan DV688 currently described as part of Lot 138 on Plan SP190096 4

That part of Lot 1 on PER6522 currently described as Lot 15 on SP185820 previously covered by Special Lease No. 17532 over Portion 6 on Plan DV498 4

Lot 11 on Plan SP162792 formerly described as Lot 11 on Plan DV811988 4

Lot 267 on Plan DV676 4 and 7

Lot 220 on Plan DV481 4

Lot 48 on Plan DV313 6

Lot 13 on Plan DV758 2

Note 4 Where an area is depicted on more than one sheet, only the first sheet number is referenced.

3. The land and waters described in (1) above includes the land or waters upon which any public work, as defined in s 253 of the *Native Title Act 1993* (Cth), is or was constructed, established or situated, and to which ss 23B(7) and 23C(2) of the *Native Title Act 1993* (Cth) and/or 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).

4. Specifically, and to avoid any doubt, the areas described in (3) above include, but are not limited to, the whole of the land and waters described as:

#### **Area Description (as at date of determination) Determination map sheet number (see Note 5)**

That part of Lot 111 on Plan DV342 commencing at the southwest corner of Lot 111 on Plan DV342 and extending northerly along the western boundary of that lot to Latitude 20.061725 degrees South, then generally easterly through Longitude 146.280344 degrees East, Latitude 20.061764 degrees South to the eastern boundary of Lot 111 on Plan DV342 at Latitude 20.061606 degrees S, then southerly and westerly along the eastern and southern boundaries of that lot back to the commencement point. Coordinates are referenced to the Geocentric Datum of Australia 1994 (GDA94) 4

That part of Lot 1 on Plan CT182102 identified as road and delineated by stations 7.6.4.5.7 and 9.8.8a.12.11.9a.9 on Plan CT182102 5

Lot 21 on Plan DV676 4

Lot 268 on Plan DV676 4

Note 5 Where an area is depicted on more than one sheet, only the first sheet number is referenced.

#### **Schedule 3 – NATIVE TITLE HOLDERS**

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

- (a) Alice Anning (also known as Alice White) of Bluff Downs Station;
- (b) Cissy McGregor;
- (c) Maggie "Ton Ton" Thompson;
- (d) Topsy Hann; or
- (e) Zoe (mother of Hoya Siemon/Bowman).

#### **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 agreements:

- (a) Elizabeth Dodd, Andrew (Smokey) Anderson, Gloria Santo, Christine Hero and Priscilla Michelle Huen on their own behalf and on behalf of the Gudjala People, the Ngrragoonda Aboriginal Corporation ICN 7982,

Flinders Shire Council and Charters Towers Regional Council as parties to the Indigenous Land Use Agreement QI2014/031 entered on the Register of Indigenous Land Use Agreements on 3 October 2014; and

(b) Elizabeth Dodd, Andrew (Smokey) Anderson, Gloria Santo, Christine Hero and Priscilla Michelle Huen on their own behalf and on behalf of the Gudjala People and Ergon Energy Corporation Limited ACN 087 646 062 as parties to the Indigenous Land Use Agreement QI2013/082 entered on the Register of Indigenous Land Use Agreements on 24 April 2014.

2. The rights and interests of Telstra Corporation Limited ACN 051 775 556:

(a) as the owner or operator of telecommunications facilities installed 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 telecommunication facilities;

(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 in and in the vicinity of the Determination Area in performance of their duties; and

(d) under any lease, licence, access agreement or easement relating to its telecommunications facilities in the Determination Area.

3. The rights and interests of Ergon Energy Corporation 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.

4. The rights and interests of the State of Queensland and the Charters Towers Regional Council and Flinders 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.

5. The rights and interests of Charters Towers Regional Council and Flinders 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 areas;

(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;

(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;
  - (iv) watering point facilities;
- (d) to enter the land for the purposes described in paragraphs (a), (b) and (c) above by their employees, agents or contractors to:
- (i) exercise any of the rights and interests referred to in paragraph 5 above;
  - (ii) inspect, maintain and repair the infrastructure, facilities and other improvements referred to in paragraph (c) above;
  - (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.

6. The rights and interests of the holders of any permits, claims, licences or leases granted under the *Mineral Resources Act 1989* (Qld), including (but not limited to) those held by Citigold Corporation Limited ACN 060 397 177 and its related bodies corporate.

7. 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 and the Commonwealth.

8. To avoid any doubt paragraphs 7(a) and 7(b) include, 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) waterways;
- (b) beds and banks or foreshores of waterways;
- (c) stock routes; and
- (d) areas that were public places at the end of 31 December 1993.

#### **Schedule 5 – EXERCISE OF NATIVE TITLE RIGHTS AND INTERESTS ON PASTORAL LEASES**

The native title holders will not exercise the native title rights and interests referred to in paragraph 6 of the determination in respect of any land or waters on which permanent improvements consisting of:

- (a) a homestead, house, shed or other building;
- (b) an airstrip;
- (c) a constructed dam or any other constructed stock watering point, bore, turkey nest, squatters' tank or other water storage facility; or
- (d) stock yards and trap yards,

have, at the date of the determination, been constructed (including any adjacent land or waters, the use of which is necessary for, or incidental to, the construction, establishment or use of the permanent improvements) in accordance with the rights of a lessee under, and within the boundaries of the following pastoral leases to the extent that they are within the external boundary described in Part 4 of Schedule 1:

- 1. Term Lease No. 232615 comprising Lot 144 on DV569

2. Term Lease No. 234325 comprising Lot 181 on GF808563 and commonly known as Lake View Holding
3. Term Lease No. 236178 comprising Part of Lot 230 on DV757 and commonly known as Breddan Holding
4. Term Lease No. 231447 comprising Lot 50 on DV307.

**REGISTER ATTACHMENTS:**

1. Schedule 1 - Map of Determination Area, 9 pages - A4, 13/12/2016

*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.*