



## Extract from the National Native Title Register

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### Determination Information:

**Determination Reference:** Federal Court Number(s): QUD101/2009  
NNTT Number: QCD2016/012

**Determination Name:** [Doctor on behalf of the Bigambul People v State of Queensland](#)

**Date(s) of Effect:** 5/06/2017

**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:** 01/12/2016

**Determining Body:** Federal Court of Australia

### ADDITIONAL INFORMATION:

On 1 December 2016, the Federal Court of Australia made a determination that native title exists in all of the determination area - see [Doctor on behalf of the Bigambul People v State of Queensland \[2016\] FCA 1447](#).

Order 2 of the determination provides that the determination will take effect upon the agreements referred to in paragraph 1 of Schedule 4 being registered on the Register of Indigenous Land Use Agreements.

On 5 June 2017 Justice Reeves issued an order to vary Schedule 4, the effect of which was to remove the last two agreements listed in paragraph 1. As a consequence, all of the agreements listed in paragraph 1 of Schedule 4 are now registered on the Register of Indigenous Land Use Agreements, and therefore the determination is in effect.

### REGISTERED NATIVE TITLE BODY CORPORATE:

Bigambul Native Title Aboriginal Corporation RNTBC  
Trustee Body Corporate  
PO Box 2174  
Beenleigh Queensland 4207

*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 Bigambul People described in Schedule 3 (“the native title holders”).

1. The native title holders are the Bigambul People. The Bigambul People are those people:

(a) who are biological descendants of the following deceased persons:

(i) Nellie Yumbeina;

(ii) Queen Susan of Welltown;

(iii) Jack Noble;

(iv) Sally Murray;

(v) Susan, Mother of Duncan Daniels; or

(vi) Jack and James Armstrong.

**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 paragraph 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 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 1 and depicted on the map attached to Schedule 1. To the extent of any inconsistency between the written description and the map, the written description prevails.

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

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

8. Subject to paragraphs 10, 11 and 12 below, in areas where exclusive rights can be recognised - 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 rights to:

- (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) 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 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 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, 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) teach on the area the physical, cultural and spiritual attributes of the area;
- (i) 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;
- (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 certain non-Bigambul people, being people required for the performance of ceremonies and cultural activities.

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 paragraphs 1 and 2 of Schedule 4.

11. The native title rights and interests referred to in paragraph 9 do not confer possession, occupation, use

or enjoyment of the Determination Area 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) as they exist at the date of this Determination are set out in Schedule 4 ("Other Interests").

14. The relationship between the native title rights and interests described in paragraphs 8 and 9 and the Other Interests described in Schedule 4 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;
- (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;
- (d) without limiting the operation of paragraphs 14(a) to (c) above, before the native title rights and interests (referred to in paragraph 9 above) are exercised on State forest land over which a term lease for grazing purposes has been granted, the native title holders must contact the lessee of the grazing lease, provided their contact details have been provided to the Bigambul Native Title Aboriginal Corporation ICN No. 8479, and discuss any safety issues associated with the proposed exercise of native title rights and interests and make reasonable efforts to agree on the route of access.

## DEFINITIONS AND INTERPRETATION

15. 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;

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

"Local Government Area" has the same meaning as 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, rock or ochre 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 (except ochre taken in accordance with the traditional laws and customs of the native title holders) 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);

“Reserves” means reserves that are dedicated or taken to be reserves 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.

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. The native title is held in trust.

17. The Bigambul Native Title Aboriginal Corporation ICN No. 8479, 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

## Description of Determination Area

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

### Part 1 – Exclusive Areas

All of the land and waters described in the following table and depicted in dark blue on the Determination map:

Area Description (at date of Description)	Sheet No.
That part of Lot 1 on Plan AP18874 excluding the area formerly described as Lot 46 on PG421	9
Lot 1 on Plan AP22559	30
Lot 1 on Plan AP22561	26
Lot 1 on Plan AP22562	21
Lot 1 on Plan AP22563	21
Lot 1 on Plan AP22564	20
Lot 1 on Plan AP22565	21
Lot 1 on Plan AP22566	20
Lot 1 on Plan AP22567	20
Lot 1 on Plan AP22568	20
Lot 1 on Plan AP22569	20
Lot 1 on Plan AP7590	9
Lot 1 on Plan AP7593	10
Lot 1 on Plan SP150781	16
Lot 1 on Plan T5865	29
Lot 1 on Plan Y56918	16
Lot 10 on Plan SP262567	7
Lot 10 on Plan Y5699	16
Lot 10 on Plan Y56914	16
Lot 11 on Plan SP262567	7
Lot 120 on Plan S3291	7
Lot 13 on Plan Y5699	16
Lot 14 on Plan USL52061	25
Lot 15 on Plan MA3490	17

Lot 2 on Plan SP262567	7
Lot 2 on Plan Y56918	16
Lot 20 on Plan USL10551	9
Lot 218 on Plan B7071	31
Lot 230 on Plan MH779	23
Lot 27 on Plan SP114947	15
Lot 28 on Plan BLM190	3
Lot 29 on Plan BLM190	3
Lot 3 on Plan USL10551	9
Lot 302 on Plan M9392	9
Lot 303 on Plan M9392	9
Lot 303 on Plan S3291	7
Lot 304 on Plan M9392	9
Lot 304 on Plan S3291	7
Lot 33 on Plan USL45793	8
Lot 35 on Plan USL45711	15
Lot 38 on Plan CVE363	15
Lot 38 on Plan USL45711	15
Lot 38 on Plan SP205931	16
Lot 4 on Plan DY452	12
Lot 400 on Plan S3291	7
Lot 42 on Plan SP262581	2
Lot 42 on Plan USL46527	4
Lot 44 on Plan AP15632	13
Lot 49 on Plan SP165276	9
Lot 5 on Plan DY465	12
Lot 5 on Plan Y56918	16
Lot 500 on Plan S3291	7
Lot 58 on Plan F6901	4
Lot 6 on Plan SP262567	7
Lot 6 on Plan Y56918	16
Lot 61 on Plan USL10660	23
Lot 67 on Plan USL46481	7
Lot 7 on Plan SP262567	7

Lot 7 on Plan Y56918	16
Lot 8 on Plan Y56918	16
Lot 800 on Plan S3291	7
Lot 9 on Plan SP262567	7
Lot 9 on Plan Y56918	16
Lot 9 on Plan Y5699	16
Lot 94 on Plan MH560	15
Lot 96 on Plan Y56918	16

## Part 2 – Non-Exclusive Areas

Save for any waters forming part of a lot on a plan, all waterways, natural lakes, creeks and rivers within the external boundary described in Part 3 - External Boundary Description. All of the land and waters described in the following table and depicted in light blue on the Determination map:

Area Description (at date of Description)	Sheet No.
That part of Lot 154 on Plan FTY1972 excluding the areas formerly described as Portion 8 on DY400 and Portion 3 on DY381	12, 13
That part of Lot 168 on Plan FTY1337 excluding the area formerly described as Closed Road on FTY1254 (currently described as part of Lot 168 on FTY1337)	14
That part of Lot 216 on Plan SP142106 excluding the area formerly described as Area to be Added between stations 2-3-5-9-10-11-12-13-14-2 on SP142106	25
Part of Lot 227 on Plan NPW89 excluding the southern portion identified on Plan NPW89 as 'Closed Road'	14
That part of Lot 236 on Plan SP192344 excluding the area formerly described as Road Closed between stations I-F-E-D-C-N-M-L-K-J-I on MH839259	23
That part of Lot 265 on Plan SP126298 excluding the area formerly described as Area to be Added between stations A-B-C-D-A on SP126298	22
That part of Lot 37 on Plan MH878 excluding the area formerly described as Portion 26 on MH309	20
That part of Lot 41 on Plan MH778 excluding the area formerly described as Portion 46 on MH234	16
That part of Lot 48 on Plan FTY1383 excluding the area formerly described as Portion 5V on CVN79	28
That part of Lot 5 on Plan MH867 excluding the area formerly described as Closed Road between stations 18-20-21-23 on Plan MH867	23
That part of Lot 51 on Plan SP188020 excluding the area formerly described as Lot 47 on PG432	6, 9
Lot 1 on Plan AP13826	18
Lot 1 on Plan CVN131	28
Lot 1 on Plan F6903	2, 4

Lot 1 on Plan G47101	23
Lot 1 on Plan Y56914	16
Lot 1 on Plan SP157031	23
Lot 1 on Plan Y5698	16
Lot 1 on Plan SP227663	2, 4
Lot 1 on Plan CP883123	23
Lot 2 on Plan DY233	6
Lot 2 on Plan Y56916	16
Lot 2 on Plan SP227663	2, 4
Lot 2 on Plan G4791	23
Lot 2 on Plan T5865	29
Lot 3 on Plan CVN300	31
Lot 3 on Plan G4771	22
Lot 3 on Plan SP142104	12
Lot 3 on Plan CVN238	28
Lot 4 on Plan DY662	11
Lot 4 on Plan PG170	6
Lot 4 on Plan CVN138	28
Lot 5 on Plan BLM722	3
Lot 5 on Plan PG266	6
Lot 6 on Plan CVN415	31
Lot 6 on Plan PG468	2
Lot 6 on Plan PG474	14
Lot 7 on Plan CVN302	32
Lot 7 on Plan MH853	23
Lot 8 on Plan PG205	2
Lot 8 on Plan PG208	6
Lot 9 on Plan CVN100	29
Pt Lot 9 on Plan BLM68	35
Lot 10 on Plan CVN434	29
Lot 11 on Plan CVN9	28
Lot 11 on Plan DY229	11
Lot 12 on Plan CVN9	28
Lot 12 on Plan DY1073	6

Lot 13 on Plan CVN240	31
Lot 13 on Plan PG342	6
Lot 13 on Plan PG359	6
Lot 14 on Plan MH449	14
Lot 14 on Plan BLM604	1
Lot 14 on Plan CVN323	31
Lot 15 on Plan CVN301	31
Lot 15 on Plan DY166	11
Lot 15 on Plan G4770	22
Lot 16 on Plan MH890	14
Lot 16 on Plan DY233	6
Lot 16 on Plan MH288	16
Lot 16 on Plan G4770	22
Lot 16 on Plan PG380	8
Lot 16 on Plan MH827	14
Lot 17 on Plan MH565	14
Lot 17 on Plan PG143	8
Lot 17 on Plan G4770	22
Lot 17 on Plan BLM680	1
Lot 17 on Plan SP229053	31
Pt Lot 18 on Plan BLM80	1
Lot 18 on Plan MH838	23
Lot 19 on Plan CAR3449	31
Lot 19 on Plan CVN191	27
Lot 19 on Plan CVN812605	33
Lot 20 on Plan CVN341	28
Lot 20 on Plan CVN291	29
Lot 20 on Plan CP888665	23
Lot 20 on Plan MH805184	25
Lot 21 on Plan G6771	18
Lot 21 on Plan CVN305	29
Lot 21 on Plan MH337	16
Lot 22 on Plan G6771	18
Lot 22 on Plan PG167	6

Lot 22 on Plan CVN426	25
Lot 22 on Plan PG318	14
Lot 23 on Plan G6771	18
Lot 23 on Plan CVN2	28
Lot 24 on Plan G6771	18
Lot 24 on Plan PG389	11
Lot 25 on Plan G6771	18
Lot 25 on Plan CVN283	28
Lot 25 on Plan SP205944	25
Lot 26 on Plan G6771	18
Lot 26 on Plan T5861	29
Lot 26 on Plan PG168	11
Lot 27 on Plan G6771	18
Lot 27 on Plan CVN277	28
Lot 27 on Plan MH459	20
Lot 28 on Plan G6771	18
Lot 28 on Plan PG281	4
Lot 28 on Plan SP265895	28
Lot 28 on Plan MH43	17
Lot 29 on Plan G6771	18
Lot 30 on Plan G6771	18
Lot 31 on Plan G6771	18
Lot 32 on Plan G6771	18
Lot 32 on Plan PG459	5
Lot 32 on Plan CVN97	27
Lot 33 on Plan G6771	18
Lot 34 on Plan G6771	18
Lot 34 on Plan CVN255	27
Lot 35 on Plan G6771	18
Lot 35 on Plan CVN239	33
Lot 35 on Plan CVN255	27
Lot 36 on Plan G6771	18
Lot 36 on Plan CVN253	28
Lot 37 on Plan G6771	18

Lot 38 on Plan G6771	18
Lot 38 on Plan CAR347	27
Lot 38 on Plan MH728	20
Lot 39 on Plan G6771	18
Lot 39 on Plan PG459	5
Pt Lot 39 on Plan DY516	11
Lot 39 on Plan BLM140	2
Lot 40 on Plan G6771	18
Lot 40 on Plan PG466	2
Lot 40 on Plan BLM785	2
Lot 41 on Plan G6771	18
Lot 41 on Plan FTY296	2
Lot 42 on Plan G6771	18
Lot 42 on Plan PG321	7
Lot 42 on Plan MH585	22
Lot 43 on Plan G6771	18
Lot 43 on Plan PG18	2
Lot 43 on Plan MA3437	21
Lot 44 on Plan G6771	18
Lot 45 on Plan G6771	18
Lot 46 on Plan G6771	18
Lot 46 on Plan PG82	2
Lot 47 on Plan G6771	18
Lot 48 on Plan MH764	25
Lot 48 on Plan G6771	18
Lot 49 on Plan G6771	18
Lot 49 on Plan MH134	19
Lot 50 on Plan G6771	18
Lot 50 on Plan PG413	9
Lot 51 on Plan G6771	18
Lot 51 on Plan PG475	9
Lot 51 on Plan MH823	25
Lot 52 on Plan G6771	18
Lot 53 on Plan G6771	18

Lot 54 on Plan PG485	9
Lot 54 on Plan G6771	18
Lot 55 on Plan G6771	18
Lot 56 on Plan G6771	18
Lot 57 on Plan G6771	18
Lot 57 on Plan FTY609	6
Lot 58 on Plan G6771	18
Lot 59 on Plan G6771	18
Pt Lot 59 on Plan BLM216	34
Lot 59 on Plan FTY610	6
Lot 60 on Plan G6771	18
Lot 60 on Plan FTY776	6
Lot 65 on Plan MH811	19
Lot 75 on Plan FTY767	2
Lot 77 on Plan MH271	20
Pt Lot 79 on Plan FTY1967	13, 14, 15
Lot 80 on Plan MH627	16
Pt Lot 81 on Plan FTY1766	15
Lot 82 on Plan MH697	19
Lot 87 on Plan MH689	15
Lot 88 on Plan MH690	15
Lot 89 on Plan SP140808	16
Lot 95 on Plan MH881	15
Lot 96 on Plan MH170	28
Lot 103 on Plan DY900	13
Lot 108 on Plan DY1071	13
Lot 109 on Plan MH1	17
Lot 109 on Plan D36972	15
Lot 110 on Plan SP171826	16
Lot 114 on Plan MH219	20
Lot 127 on Plan FTY441	14
Lot 129 on Plan MH842553	23
Lot 131 on Plan NPW669	1
Lot 144 on Plan NPW682	6

Pt Lot 150 on Plan FTY1000	12
Lot 189 on Plan FTY1608	13
Lot 192 on Plan MH538	22
Lot 193 on Plan MH887	22
Lot 194 on Plan MH837	22
Lot 202 on Plan MH836	22
Lot 204 on Plan MH545	22
Lot 205 on Plan MH545	22
Lot 206 on Plan MH545	22
Lot 212 on Plan MH625	25
Lot 215 on Plan FTY440	14
Lot 219 on Plan FTY614	14
Pt Lot 220 on Plan FTY209	11
Lot 227 on Plan FTY1855	6
Lot 230 on Plan FTY1058	14
Lot 232 on Plan CLV3475	14
Pt Lot 232 on Plan FTY828	13
Lot 235 on Plan MH773	25
Lot 237 on Plan MH882	25
Lot 238 on Plan MH713	25
Lot 242 on Plan MH735	24
Lot 248 on Plan CP867508	24
Lot 252 on Plan MH836	22
Lot 261 on Plan CP899679	25
Lot 263 on Plan C819	23
Lot 264 on Plan SP272382	22
Pt Lot 267 on Plan NPW466	13
Lot 272 on Plan CLV3474	14
Lot 304 on Plan SP178709	25
Lot 306 on Plan MH889	25
Lot 310 on Plan MH883	23
Pt Lot 329 on Plan PH1750	13, 14
Pt Lot 341 on Plan FTY1881	14
Lot 2978 on Plan SP276272	14

Lot 3147 on Plan PH1511	14
Lot 37 on Plan SP116300	9
Lot 5324 on Plan PH1744	31

That part of Lot 24 on G472, excluding the areas bounded by the following approximate coordinates:

**Area 1 (Tennis Court) -**

<b>Longitude (East)</b>	<b>Latitude (South)</b>
150.301767	-28.545092
150.301685	-28.545524
150.300818	-28.545395
150.300900	-28.544964

**Area 2 (Swimming Pool) -**

<b>Longitude (East)</b>	<b>Latitude (South)</b>
150.300819	-28.545378
150.301689	-28.545507
150.301589	-28.546032
150.300719	-28.545903

**Area 3 (Restroom) -**

<b>Longitude (East)</b>	<b>Latitude (South)</b>
150.302087	-28.546109
150.302135	-28.545861
150.302271	-28.545881
150.302223	-28.546129

**Area 4 (Childcare Centre) -**

<b>Longitude (East)</b>	<b>Latitude (South)</b>
150.302087	-28.546108
150.301951	-28.546088
150.301998	-28.545840
150.302134	-28.545861

**Data Reference and source**

Cadastral data sourced from Department of Natural Resources and Mines, Qld (August 2016)

### Reference datum

Geographical coordinates are referenced to the Geocentric Datum of Australia 1994 (GDA94), in decimal degrees.

Prepared by the Department of Natural Resources and Mines (7 September 2016).

### Part 3 – External Boundary Description

This application area covers all lands and waters within the external boundary described below:

Commencing at the intersection of the New South Wales - Queensland Border and the southern boundary of the Macintyre Brook watershed, north westerly of the Township of Texas, and extending generally westerly along that State Border to Longitude 149.676692° East; then generally north westerly passing through the following coordinate points:

<b>Longitude (East)</b>	<b>Latitude (South)</b>
149.679790	28.613495
149.672157	28.593771
149.658073	28.571512
149.645099	28.547181
149.630502	28.527717
149.591578	28.462834
149.574186	28.447433
149.550646	28.425801
149.525591	28.393401
149.512571	28.367355
149.497507	28.347668
149.484534	28.311983
149.451184	28.289219
149.408392	28.292940
149.369320	28.309684
149.337690	28.320846

149.317890	28.339911
149.303153	28.343504
149.288138	28.351219
149.275658	28.359798
149.239664	28.379669
149.210342	28.389628
149.195129	28.389765
149.161310	28.367760
149.125580	28.349340
149.096890	28.330100
149.062700	28.310690
149.030880	28.292240
149.020890	28.285340
148.999470	28.272140
148.966770	28.247750
148.936050	28.226910

Then north westerly to a point approximately 38 kilometres southeast of the Township of St George at Longitude 148.919302° East and Latitude 28.204870° South; then generally north easterly passing through the following coordinate points:

<b>Longitude (East)</b>	<b>Latitude (South)</b>
148.951670	28.178710
148.992580	28.153330
149.049680	28.095820
149.075660	28.053030
149.119810	28.021940
149.135040	28.007850

Then north easterly to the centreline of Moonie River at Longitude 149.166497° East; then generally easterly and generally north easterly along the centreline of that river and the centreline of Teelba Creek to Latitude 27.794790° South; then generally north easterly and generally easterly passing through the following coordinate points:

<b>Longitude (East)</b>	<b>Latitude (South)</b>
149.411070	27.777196

149.605041	27.752949
149.848859	27.723215
150.123897	27.644421
150.234960	27.570935
150.286851	27.520291
150.403210	27.408453
150.481252	27.371987
150.534133	27.347660
150.607791	27.332272
150.666675	27.333492
150.752710	27.343340
150.793880	27.356010

Then easterly to the intersection of the line joining Longitude 150.793880° East, Latitude 27.356010° South and Longitude 150.835970° East, Latitude 27.368300° South with the south western boundary of the Condamine River watershed; then generally southerly, generally easterly and again generally southerly along that watershed to its intersection with the line joining Longitude 151.125600° East, Latitude 27.802770° South and Longitude 151.125600° East, Latitude 27.833340° South; then generally southerly passing through the following coordinate points:

<b>Longitude (East)</b>	<b>Latitude (South)</b>
151.125600	27.833340
151.124630	27.858290
151.121580	27.881990
151.120030	27.896420
151.118280	27.909150
151.110020	27.929610
151.098030	27.951260
151.092600	27.971170
151.081170	27.995050
151.068760	28.021590
151.061730	28.044510
151.053110	28.070420
151.040150	28.097860
151.036560	28.119890
151.030760	28.142410

151.026540	28.167350
151.021280	28.188960
151.017820	28.214980
151.016180	28.239980
151.013960	28.262750
151.012780	28.294560
151.017410	28.320720
151.022500	28.347980
151.028350	28.381740
151.033690	28.405540
151.040640	28.432070
151.045590	28.463620
151.053170	28.492650
151.063060	28.522060
151.073560	28.551110
151.088930	28.582880

Then south easterly to the intersection of the line joining Longitude 151.088930° East, Latitude 28.582880° South and Longitude 151.098730° East, Latitude 28.619720° South with the southern boundary of the Macintyre Brook watershed; then generally westerly along that watershed back to the commencement point.

#### **Note**

#### **Data Reference and source**

Drainage basin sub-area data depicts a subdivision of the major drainage basins (catchment) in Queensland, Dataset sourced from Department of Natural Resources and Mines, Qld (20 Feb 2009).

Cadastral data Department of Natural Resources and Mines, Qld (20 Feb 2009).

Topographic vector data is © Commonwealth of Australia (Geoscience Australia) 2003.

#### **Reference datum**

Geographical coordinates have been provided by the NNTT 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 (25 May 2015)

## 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 following areas of land and waters are excluded from the Determination Area.

#### Part 1 – Excluded as Previous Exclusive Possession Acts

1. Those land and waters within the External Boundary described in Part 3 of Schedule 1, which at the time the native title determination application was made:

- (a) were the subject of one or more Previous Exclusive Possession Acts, within the meaning of s 23B of the *Native Title Act 1993* (Cth); and
- (b) to which none of ss 47, 47A or 47B of the *Native Title Act 1993* (Cth) applied at the time of the native title determination application;

are excluded from the Determination Area as 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 paragraph (1) above includes:

- (a) the tenure based exclusions under 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;
- (b) the land or waters on 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 to which 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);

(c) but is not limited to, the whole of the land and waters described as:

Lot 7 on Plan PG383

Lot 8 on Plan DY697

Lot 10 on Plan CVN182

Lot 15 on Plan PG290

Lot 2 on Plan SP146068

Lot 6 on Plan CVN270

Lot 14 on Plan CVN281

Lot 1 on Plan PG476

Lot 1 on Plan BLM822

Lot 1 on Plan PG408

Lot 5 on Plan CVN396

Lot 6 on Plan CVN6

Lot 7 on Plan CP858896

Lot 7 on Plan BLM99

Lot 8 on Plan PG346

Lot 9 on Plan PG347

Lot 9 on Plan CVN360

Lot 12 on Plan PG343

Lot 16 on Plan DY1057

Lot 17 on Plan CP854912

Lot 18 on Plan DY1092

Lot 20 on Plan MH573

Lot 21 on Plan PG409

Lot 22 on Plan MH770

Lot 22 on Plan CVN237

Lot 24 on Plan PG251

Lot 24 on Plan CVN326

Lot 28 on Plan PG328

Lot 37 on Plan PG405

Lot 39 on Plan PG331

Lot 1 on Plan BLM760

Lot 3 on Plan DY239

Lot 4 on Plan DY239  
Lot 5 on Plan PG217  
Lot 6 on Plan DY694  
Lot 6 on Plan BLM140  
Lot 7 on Plan BLM140  
Lot 9 on Plan PG4  
Lot 11 on Plan PG410  
Lot 13 on Plan PG290  
Lot 14 on Plan CVN59  
Lot 14 on Plan PG388  
Lot 14 on Plan PG290  
Lot 18 on Plan PG289  
Lot 18 on Plan MH616  
Lot 26 on Plan SP119646  
Lot 27 on Plan PG328  
Lot 31 on Plan CVN235  
Lot 41 on Plan PG332  
Lot 42 on Plan SP223104  
Lot 71 on Plan MH751  
Lot 75 on Plan MH172  
Lot 77 on Plan MH173  
Lot 82 on Plan MH749  
Lot 15 on Plan CVN281  
Lot 15 on Plan MH766  
Lot 33 on Plan DY811  
Lot 93 on Plan MH765  
Lot 94 on Plan MH765  
Lot 3 on Plan PG73  
Lot 4 on Plan CVN380  
Lot 5 on Plan MH292  
Lot 7 on Plan CVN175  
Lot 7 on Plan SP236730  
Lot 8 on Plan CVN376  
Lot 9 on Plan SP188452

Lot 12 on Plan CVN53  
Lot 14 on Plan MH483  
Lot 15 on Plan CVN145  
Lot 21 on Plan CVN54  
Lot 21 on Plan CVN320  
Lot 23 on Plan CVN67  
Lot 24 on Plan PG130  
Lot 27 on Plan SP158264  
Lot 49 on Plan CP896625  
Lot 72 on Plan MH833  
Lot 82 on Plan SP188452  
Lot 92 on Plan MH124  
Lot 90 on Plan MH489  
Lot 182 on Plan MH538  
Lot 1 on Plan Y5699  
Lot 1 on Plan RP142378  
Lot 1 on Plan MH868  
Lot 1 on Plan MH826  
Lot 1 on Plan SP101134  
Lot 2 on Plan MH830  
Lot 2 on Plan Y5699  
Lot 2 on Plan SP101134  
Lot 2 on Plan SP164139  
Lot 3 on Plan SP130828  
Lot 5 on Plan G4715  
Lot 5 on Plan MH835  
Lot 8 on Plan RP213577  
Lot 8 on Plan MH825  
Lot 9 on Plan G47108  
Lot 10 on Plan MH835  
Lot 11 on Plan G47100  
Lot 11 on Plan CVN350  
Lot 12 on Plan CVN375  
Lot 15 on Plan CVN373

Lot 21 on Plan G4715  
Lot 24 on Plan CVN390  
Lot 25 on Plan MH829  
Lot 26 on Plan RP856502  
Lot 27 on Plan SP130835  
Lot 28 on Plan SP127660  
Lot 29 on Plan SP126274  
Lot 88 on Plan RP810050  
Lot 93 on Plan MH570  
Lot 95 on Plan MH601  
Lot 165 on Plan SP127674  
Lot 174 on Plan MH840  
Lot 183 on Plan MH839949  
Lot 189 on Plan MH517  
Lot 193 on Plan RP802674  
Lot 211 on Plan MH604  
Lot 221 on Plan MH704  
Lot 220 on Plan MH702  
Lot 222 on Plan MH704  
Lot 239 on Plan MH785  
Lot 241 on Plan MH792  
Lot 247 on Plan MH817  
Lot 266 on Plan MH754  
Lot 283 on Plan MH745  
Lot 500 on Plan SP196489  
Lot 901 on Plan SP227052  
Lot 9 on Plan CVN429  
Lot 16 on Plan CVN432  
Lot 1 on Plan MH839949  
Lot 3 on Plan CP857762  
Lot 5 on Plan T5865  
Lot 6 on Plan T5865  
Lot 12 on Plan MH838  
Lot 19 on Plan CP840435

Lot 42 on Plan PG838174  
Lot 186 on Plan MH494  
Lot 217 on Plan MH836  
Lot 305 on Plan MH888  
Lot 1 on Plan CVN839948  
Lot 4 on Plan B7072  
Lot 5 on Plan B7072  
Lot 7 on Plan BLM752  
Lot 11 on Plan K5781  
Lot 12 on Plan K5781  
Lot 14 on Plan PG338  
Lot 16 on Plan CVN392  
Lot 18 on Plan F6901  
Lot 19 on Plan PG373  
Lot 20 on Plan F6901  
Lot 23 on Plan PG407  
Lot 26 on Plan PG385  
Lot 27 on Plan PG464  
Lot 29 on Plan Y56915  
Lot 37 on Plan BLM924  
Lot 40 on Plan MH757  
Lot 41 on Plan PG463  
Lot 48 on Plan PG434  
Lot 50 on Plan SP188020  
Lot 74 on Plan MH833  
Lot 100 on Plan MH849  
Lot 118 on Plan MH774  
Lot 181 on Plan MH41  
Lot 197 on Plan MH552  
Lot 209 on Plan MH614  
Lot 210 on Plan MH603  
Lot 301 on Plan F6901  
Lot 302 on Plan F6901  
Lot 303 on Plan F6901

Lot 304 on Plan F6901

Lot 305 on Plan F6901

Lot 306 on Plan F6901

Lot 307 on Plan F6901

Lot 308 on Plan F6901

Lot 309 on Plan F6901

Lot 310 on Plan F6901

Lot 310 on Plan MH884

Lot 311 on Plan F6901

Lot 312 on Plan F6901

Lot 313 on Plan F6901

Lot 314 on Plan F6901

Lot 315 on Plan F6901

Lot 316 on Plan F6901

Lot 3 on Plan T5865

Lot 4 on Plan T5865

Lot 8 on Plan USL45576

Lot 15 on Plan CVN386

Lot 188 on Plan MH507

That part of Lot 1 on Plan AP18874 formerly described as Lot 46 on PG421

That part of Lot 154 on Plan FTY1972 formerly described as Portion 8 on DY400 and Portion 3 on DY381.

That part of Lot 168 on Plan FTY1337 formerly described as Closed Road on FTY1254 (currently described as part of Lot 168 on FTY1337)

That part of Lot 216 on Plan SP142106 formerly described as Area to be Added between stations 2-3-5-9-10-11-12-13-14-2 on SP142106

Part of Lot 227 on plan NPW89 being the southern portion identified on Plan NPW89 as 'Closed Road'

That part of Lot 236 on Plan SP192344 formerly described as Road Closed between stations I-F-E-D-C-N-M-L-K-J-I on MH839259

That part of Lot 265 on Plan SP126298 formerly described as Area to be Added between stations A-B-C-D-A on SP126298

That part of Lot 37 on Plan MH878 formerly described as Portion 26 on MH309

That part of Lot 41 on Plan MH778 formerly described as Portion 46 on MH234

That part of Lot 48 on Plan FTY1383 formerly described as Portion 5V on CVN79

That part of Lot 5 on Plan MH867 formerly described as Closed Road between stations 18-20-21-23 on Plan MH867

That part of Lot 51 on Plan SP188020 formerly described as Lot 47 on PG432

That part of Lot 24 on Plan G472 described as:

**Area 1 (Tennis Court):** the area enclosed by the following coordinates:

<b>Longitude (East)</b>	<b>Latitude (South)</b>
150.301767	-28.545092
150.301685	-28.545524
150.300818	-28.545395
150.300900	-28.544964

**Area 2 (Swimming Pool):** the area enclosed by the following coordinates:

<b>Longitude (East)</b>	<b>Latitude (South)</b>
150.300819	-28.545378
150.301689	-28.545507
150.301589	-28.546032
150.300719	-28.545903

**Area 3 (Restroom):** the area enclosed by the following coordinates:

<b>Longitude (East)</b>	<b>Latitude (South)</b>
150.302087	-28.546109
150.302135	-28.545861
150.302271	-28.545881
150.302223	-28.546129

**Area 4 (Childcare Centre):** the area enclosed by the following coordinates:

<b>Longitude (East)</b>	<b>Latitude (South)</b>
150.302087	-28.546108
150.301951	-28.546088
150.301998	-28.545840
150.302134	-28.545861

#### **Data Reference and source**

Cadastral data sourced from Department of Natural Resources and Mines, Qld (August 2016)

## Reference datum

Geographical coordinates are referenced to the Geocentric Datum of Australia 1994 (GDA94), in decimal degrees.

Prepared by the Department of Natural Resources and Mines (7 September 2016)

## Schedule 3 – NATIVE TITLE HOLDERS

1. The native title holders are the Bigambul People. The Bigambul People are those people:
  - (a) who are biological descendants of the following deceased persons:
    - (i) Nellie Yumbeina;
    - (ii) Queen Susan of Welltown;
    - (iii) Jack Noble;
    - (iv) Sally Murray;
    - (v) Susan, Mother of Duncan Daniels; or
    - (vi) Jack and James Armstrong.

## 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, yet to be registered on the Register of Indigenous Land Use Agreements:
  - (a) the agreement between Russell Doctor, Elaine Georgetown, Cyril Logan and Rhonda Sandow on their own behalf and on behalf of the Bigambul People (QUD101/2009) and the State of Queensland, which was authorised by the native title claim group on 9 September 2016 (the Bigambul People Protected Areas Indigenous Land Use Agreement);
  - (b) the agreement between Russell Doctor, Elaine Georgetown, Cyril Logan and Rhonda Sandow on their own behalf and on behalf of the Bigambul People (QUD101/2009) and the State of Queensland, which was authorised by the native title claim group on 9 September 2016 (the Bigambul People Revenue Share ILUA);
  - (c) the agreement between Russell Doctor, Elaine Georgetown, Rhonda Sandow and Cyril Logan on their own behalf and on behalf of the Bigambul People (QUD101/2009) and the Balonne Shire Council, Western Downs Regional Council, Goondiwindi Regional Council and Toowoomba Regional Council which was authorised by the native title claim group on 9 September 2016 (the Bigambul People and Local Government ILUA); and

(d) the agreement between Russell Doctor, Elaine Georgetown, Cyril Logan and Rhonda Sandow on their own behalf and on behalf of the Bigambul People (QUD101/2009) and Ergon Energy Corporation Limited ACN 087 646 062, which was authorised by the native title claim group on 9 September 2016 (the Bigambul People and Ergon Energy Indigenous Land Use Agreement).

2. The rights and interests of the State of Queensland, Balonne Shire Council, Goondiwindi Regional Council, Toowoomba Regional Council and Western Downs Regional 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.

3. The rights and interests of the Balonne Shire Council, Western Downs Regional Council, Goondiwindi Regional Council and Toowoomba Regional Council as the local governments for that part of the Determination Area within their respective Local Government Areas, including:

- (a) their powers, functions, responsibilities and jurisdiction under a Local Government Act;
- (b) their rights and interests under any interest in land or waters within the Determination Area including under any lease, license, access agreement, easement or reserve in the Determination Area;
- (c) the rights to use, operate, maintain, replace, restore, remediate, repair and otherwise exercise all other rights as the owners and operators of infrastructure, structures, earthworks, access works, facilities and other improvements within the Determination Area;
- (d) the rights under any agreements between the local governments and third parties which relate to land or water in the Determination Area; and
- (e) the rights of their employees, agents and contractors to enter upon the Determination Area for the purpose of performing their powers and responsibilities under paragraphs (a) to (d).

4. The rights and interests of the State of Queensland in Reserves, the rights and interests of the trustees of those Reserves and of the persons entitled to access and use those Reserves for the respective purpose for which they are reserved.

5. 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 telecommunications 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 telecommunications 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.

6. 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 agreements relating to the Determination Area existing or entered into before this Determination is 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.

7. The rights and interests of The Trust Company Limited ACN 004 027 749 (Trustee under Instrument 717141477) as the registered lessee of SH 20/3878 comprising Lot 3 on Crown Plan CVN238.

8. The rights and interests of Australia Pacific LNG Pty Limited as the holder of Authority to Prospect 663 granted under the *Petroleum Act 1923* (Qld) and administered under the *Petroleum and Gas (Production and Safety) Act 2004* (Qld);

9. The rights and interests of Australia Pacific LNG Pty Limited as the holder of Potential Commercial Area 85, granted and administered under the *Petroleum and Gas (Production and Safety) Act 2004* (Qld).

10. The rights and interests of Australia Pacific LNG Pty Limited arising under the Right to Negotiate Deed of Agreement dated 19 August 2010, entered into under s 31(1)(b) of the *Native Title Act 1993* (Cth), regarding the Addition of Excluded Land into Authority to Prospect 663.

11. The rights and interests of Australia Pacific LNG Pty Limited arising under the Agreement dated 16 June 2010 that is ancillary to the Deed in paragraph 10 above between Russell Doctor, Arthur Georgetown, Cheryl Moggs, Tony Turnbull, George Hopkins, Gary Woodbridge and Veronica Jarrett, in their capacity as the “Bigambul Applicant” acting on behalf of the Bigambul People, and Australia Pacific LNG Pty Limited.

12. The rights and interests of Origin Energy Resources Limited and Australia Pacific LNG Pty Limited arising under the Cultural Heritage Management Plan dated 13 November 2009 between Russell Doctor, Arthur Georgetown, Cheryl Moggs, Tony Turnbull, George Hopkins, Gary Woodbridge and Veronica Jarrett, in their capacity as “Endorsed Aboriginal Parties” acting on behalf of the Bigambul People, and Origin Energy Resources Limited.

13. The rights and interests of the holder of PPL 1 granted under the *Petroleum Act 1923* (Qld), who at the date of this Determination is Moonie Pipeline Company Pty Ltd.

14. The rights and interests of the holder of PPL 6 granted under the *Petroleum Act 1923* (Qld), who at the date of this Determination is comprised of Origin Energy Resources Limited, Vamgas Pty Ltd, Santos Limited, Bridgefield Pty Ltd, Moonie Pipeline Company Pty Ltd and Delhi Petroleum Pty Ltd.

15. The rights and interests holders of leasehold interests in:

- (a) Lot 27 on PG464;
- (b) Lot 41 on PG463; and
- (c) Lot 48 on PF434,

who at the date of this determination is Santos Resources Pty Ltd.

16. The rights and interests of members of the public arising under the common law, including but not limited to any subsisting public right to fish.

17. 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.

18. 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.

**REGISTER ATTACHMENTS:**

1. Schedule 1 - Map of Determination Area, 35 pages - A4, 01/12/2016

*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.*