



Extract from the National Native Title Register

Determination Information:

Determination Reference: Federal Court Number(s): QUD148/2015
NNTT Number: QCD2018/002

Determination Name: [Lightning on behalf of the Nywaigi People v State of Queensland](#)

Date(s) of Effect: 20/04/2018

Determination Outcome: Native title exists in the entire determination area

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

Determination Date: 20/04/2018

Determining Body: Federal Court of Australia

ADDITIONAL INFORMATION:

Not Applicable

REGISTERED NATIVE TITLE BODY CORPORATE:

Warga Badda Nywaigi Aboriginal Corporation RNTBC
Agent Body Corporate
C/- PO Box 679
Cairns Queensland 4870

Note: current contact details for the Registered Native Title Body Corporate are available from the Office of the Registrar of Indigenous Corporations www.oric.gov.au

COMMON LAW HOLDER(S) OF NATIVE TITLE:

5. The native title is held by the Nywaigi People described in Schedule 3 (the native title holders).
1. The native title holders are the Nywaigi People.
2. The Nywaigi People are those people who are the descendants of one or more of the following people:
 - (a) Billie and Jennie, whose known child is Rosie Addo, whose known child is Nellie/Clara Cassidy/Clara Quetta, whose known child is Ernest Addo Snr;
 - (b) Rosie Tootoolie, whose known children are Jack Addo and Charlie Addo;
 - (c) Dora, whose known child is Emily King, whose children are Tommy Anderson Jnr, Frank Anderson Snr and Ellen Anderson;

- (d) Tooya, whose known children are Amy Bligh, Kitchener Bligh, Reginald Bligh Snr/Roberts and Warren Bligh;
- (e) Billy and Jennie, whose known child is Rosie, whose known child is Billy Cassady;
- (f) Rosie Halifax, whose known children are Thomas Curley Snr and Peter Wallace;
- (g) Heron and Alice, whose known child is Rosie Dennis, whose known children are Roy Heron, Jimmy Dennis, Henry Dennis Snr, Evelyn Dennis and Alexander Dennis;
- (h) Mungi, whose known child is Paddy Payne;
- (i) Charlie Lewis Snr/Henry and Rosie Lewis/Mingabi, whose known children are Daphne Lewis/Roach, Joan Lewis/Tiers, Freddie Lewis and Charlie Lewis Jnr;
- (j) Dylini, whose known child is Mary/Dyinbayi, whose known child is Willie Seaton Snr/'Bunurra';
- (k) Tommy Roach and Nora, whose known children are Peter Roach and Jack Roach/Wargurdal (an old 'Nywaigi King');
- (l) Billy Erin and Jeannie, whose known children are Long Erin/Long Heron, Charlie Roberts/Lambert, Bob Roberts/Robert Ingham, Rosie Roberts and Louisa Roberts;
- (m) Jimmy Kerr and Annie, whose known child is Tippo Ingham;
- (n) Brothers Maturra, Nitoo (also known as Ditchurogoo), Gilman (also known as Tommy Landerson), or Dilgorru (also known as King Bill); or
- (o) Elizabeth Bellyarre/Lizzie Balyarri, whose parents are Billy and Kitty.

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. Each party to the proceedings is to bear its own costs.

BY CONSENT THE COURT DETERMINES THAT:

3. The Determination Area is the land and waters described in Schedule 1A and depicted in the map attached to Schedule 1B.
 4. Native title exists in relation to the Determination Area described in Part 1 and Part 2 of Schedule 1A.
 5. The native title is held by the Nywaigi People described in Schedule 3 (the native title holders).
 6. Subject to paragraphs 8, 9 and 10 below the nature and extent of the native title rights and interests in relation to the land and waters described in Part 1 of Schedule 1A are:
 - (a) other than in relation to Water, the right to possession, occupation, use and enjoyment of the area to the exclusion of all others; and
 - (b) in relation to Water, the non-exclusive rights to:
 - (i) 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.

7. Subject to paragraphs 8, 9 and 10 below the nature and extent of the native title rights and interests in relation to the land and waters described in Part 2 of Schedule 1A are the non-exclusive rights to:

- (a) access, be present on, move about on and travel over the area;
- (b) camp, and live temporarily on the area as part of camping, and for that purpose build temporary shelters;
- (c) hunt, fish and gather on the land and waters of the area for personal, domestic and non-commercial communal purposes;
- (d) take, use, share and exchange Natural Resources from the land and waters of the area for personal, domestic and non-commercial communal purposes;
- (e) take and use the Water of the area for personal, domestic and non-commercial communal purposes;
- (f) conduct ceremonies on the area;
- (g) be buried and bury native title holders within the area;
- (h) maintain places of importance and areas of significance to the native title holders under their traditional laws and customs and protect those places and areas from physical harm;
- (i) teach on the area the physical and spiritual attributes of the area;
- (j) hold meetings on the area;
- (k) light fires on the area for domestic purposes including cooking, but not for the purpose of hunting or clearing vegetation.

8. The native title rights and interests are subject to and exercisable in accordance with:

- (a) the Laws of the State and the Commonwealth; and
- (b) the traditional laws acknowledged and traditional customs observed by the native title holders.

9. The native title rights and interests referred to in paragraphs 6(b) and 7 do not confer possession, occupation, use or enjoyment to the exclusion of all others.

10. There are no native title rights in or in relation to minerals as defined by the *Mineral Resources Act 1989* (Qld) and petroleum as defined by the *Petroleum Act 1923* (Qld) and the *Petroleum and Gas (Production and Safety) Act 2004* (Qld).

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

12. The relationship between the native title rights and interests described in paragraphs 6 and 7 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;
- (c) the other interests and any activity that is required or permitted by or under, and done in accordance with, the other interests, or any activity that is associated with or incidental to such an activity, prevail over the native title rights and interests and any exercise of the native title rights and interests.

DEFINITIONS AND INTERPRETATION

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

“High Water Mark” means the ordinary high-water mark at spring tides;

“land” and “waters”, respectively, have the same meanings as in the *Native Title Act 1993* (Cth);

“Laws of the State and the Commonwealth” means the common law and the laws of the State of Queensland

and the Commonwealth of Australia, and includes legislation, regulations, statutory instruments, local planning instruments and local laws;

“Local Government Act” has the meaning given in the *Local Government Act 2009 (Qld)*;

“Local Government Area” has the meaning given in the *Local Government Act 2009 (Qld)*;

“Natural Resources” means:

- (a) any animal, plant, fish and bird life found on or in the lands and waters of the Determination Area; and
- (b) any clays, soil, sand, gravel or rock found on or below the surface of the Determination Area,

that have traditionally been taken and used by the native title holders, but does not include:

- (a) animals that are the private personal property of another;
- (b) crops that are the private personal property of another; and
- (c) minerals as defined in the *Mineral Resources Act 1989 (Qld)*; or
- (d) petroleum as defined in the *Petroleum Act 1923 (Qld)* and the *Petroleum and Gas (Production and Safety) Act 2004 (Qld)*;

“Reserve” means a reserve dedicated or taken to be a reserve under the *Land Act 1994 (Qld)*;

“Water” means:

- (a) water which flows, whether permanently or intermittently, within a river, creek or stream;
- (b) any natural collection of water, whether permanent or intermittent;
- (c) water from an underground water source; and
- (d) tidal water.

Other words and expressions used in this Determination have the same meanings as they have in Part 15 of the *Native Title Act 1993 (Cth)*.

THE COURT DETERMINES THAT:

14. The native title is not held in trust.

15. The Wargha Badda Nywaigi Aboriginal Corporation (ICN:8690), 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

Schedule 1A - Description of Determination Area

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 map contained in Schedule 1B, excluding the areas described in Schedule 2.

To the extent of any inconsistency, the written description, including as set out in Parts 1, 2 and 3, prevails over the map contained in Schedule 1B.

Part 1 - Exclusive Areas

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

Schedule 1B:

Area Description	Sheet No.
Lot 335 on CWL838251 *	2
That part of Lot 123 on NPW597 excluding areas formerly described as: Portion 37 on CWL1476; Portion 6 on CWL253; and Portion 5 on CWL161	2
That part of Lot 59 on NPW935 that falls within the external boundary and lies adjacent to the southern boundary of former plan FTY1180	7, 9, 10, 13, 14, 15, 16, 17 & 21
Lot 122 on CWL3371	13 & 14
Lot 21 on CWL304	10
That part of Lot 405 on CWL3542 excluding the area formerly described as R634 on CWL2191	1
Lot 96 on WG270	24
Lot 97 on WG270	24
Lot 102 on CWL1806	9 & 10
Lot 111 on AP20216	6 & 7
Lot 114 on CWL2255	6 & 7
Lot 116 on CWL2287	6
Lot 141 on SP257765	12
Lot 181 on AP15628	2
Lot 18 on AP11737	16
Lot 19 on AP11737	14 & 15
Lot 1 on AP13626	19
Lot 1 on AP13698	23
Lot 1 on AP15629	2
Lot 1 on AP15898	18
Lot 1 on AP15900	18
Lot 1 on AP4706	20
Lot 1 on AP5501	15
Lot 1 on AP7708	6
Lot 1 on USL39623	2, 3 & 4
Lot 20 on USL39317	14 & 15
Lot 21 on AP13626	17 & 19

Lot 21 on USL39628	2
Lot 24 on SP130995	17 & 18
Lot 251 on CWL1525	5
Lot 25 on USL39624	4
Lot 26 on AP7708	6
Lot 27 on USL42227	22
Lot 2 on AP13527	17
Lot 2 on AP15569	15
Lot 2 on AP15629	2
Lot 2 on AP15898	18
Lot 2 on AP15900	18
Lot 302 on CWL1525	5
Lot 303 on CWL1525	5
Lot 304 on CWL1525	5
Lot 305 on CWL1525	5
Lot 306 on CWL1525	5
Lot 30 on USL42225	24
Lot 32 on USL39628	2
Lot 349 on CWL2348	5
Lot 35 on USL39628	2
Lot 36 on USL39620	1
Lot 378 on CWL2858	1
Lot 37 on USL42228	17
Lot 3 on AP15629	2
Lot 3 on AP7708	6
Lot 3 on P83611	15
Lot 3 on USL42227	8 & 16
That part of Lot 42 on CWL666 excluding Lots F, G and H on AP19665	26, 27 & 28
Lot 46 on AP13626	17 & 19
Lot 479 on AP20196	6 & 7
Lot 47 on USL42230	20
That part of Lot 5 on AP22370 that falls within the external boundary	1
Lot 50 on USL42230	20
Lot 58 on USL42230	17

Lot 5 on USL39321	11
Lot 68 on USL39323	6 & 7
Lot 6 on USL39566	3 & 4
Lot 70 on USL39323	6 & 7
Lot 71 on USL39323	6 & 7
Lot 86 on USL42225	24
Lot 8 on USL39566	3
Lot 95 on AP15524	15
Lot 9 on CP902869	25
Lot 2 on RP741097 *	2
Lot 3 on RP741097 *	2
Lot 1 on SP113476 *	2
Lot 2 on SP113476 *	2
Lot 3 on SP113476 *	2 & 4
Lot 4 on SP113476 *	2
Lot 301 on CWL1525	5

* denotes areas to which s 47A of the Native Title Act 1993 (Cth) applies

Part 2 - Non-Exclusive Areas

All of the land and waters described in the following table and depicted in light blue on the map contained in Schedule 1B:

Area Description	Sheet No.
That part of Lot 123 on NPW597 formerly described as Portion 5 on CWL161	7
Lot 2 on AP19230	16, 17, 20 & 21
That part of Lot 59 on NPW935 that falls within the external boundary excluding 7, 9, 10, 13, the following areas:	14, 15, 16,
the area that lies adjacent to the southern boundary of former plan FTY1180;	17 & 21
Former Portion 99 on CWL1687;	
Former Lot 31 on CWL2458;	
Former Lot 32 on CWL2464;	
Former Lot 112 on CWL2462; and	
Former Portion 38 on CWL352	
Lot 394 on CWL3698	3
Lot 101 on CWL2028	12
Lot 106 on WG325	21

Lot 11 on A77414	3
Lot 11 on A7748	3
Lot 120 on CWL3246	7 & 8
Lot 125 on CWL2923	12
Lot 126 on CWL3516	13 & 14
Lot 15 on P8367	15
Lot 17 on P8366	15
Lot 18 on P8366	15
Lot 1 on A77414	3
Lot 1 on AP19230	17, 20 & 21
Lot 1 on CP902870	15
Lot 239 on CWL3400	1, 2 & 3
Lot 29 on SP120103	18
Lot 340 on CWL2296	3
Lot 34 on CWL352	9 & 10
Lot 34 on SP120103	18
Lot 35 on CWL3002	9
Lot 370 on CWL2758	3
That part of Lot 382 on SP136985 excluding the area subject to former trustee lease for Sportsfield and Recreation Purposes and further identified as Drawing Number 277-1	2, 3, 4 & 5
Lot 383 on CWL3014	3
That part of Lot 405 on CWL3542 formerly described as R634 on CWL2191	1
That part of Lot 4 on A7748 excluding areas formerly described as Allotments 1, 2 and 3 of Section 3 on A7742	3 & 4
Lot 501 on A7742	3
Lot 538 on CWL3509	3 & 4
Lot 539 on CWL3509	4 & 5
Lot 545 on CWL666	2, 6 & 28
Lot 88 on CP902870	15
Lot 90 on WG166	17 & 18
Lot 91 on WG183	23
Lot 94 on WG260	25
Lot 98 on CWL1634	12

Lot 98 on WG272

17 & 20

That part of Lot 268 on FTY1271 that falls within the external boundary

9 & 13

and, save for any waters forming part of a lot on plan in one of the tables referred

to in Part 1 or Part 2 above, the waters within the external boundary described in

Part 3 below

Part 3 - External Boundary Description

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

Commencing at the northernmost point of Lot 405 on CWL3542, being a point on the south eastern bank of Victoria Creek at its mouth, and extending generally southerly and generally south easterly along the High Water Mark (across the mouths of any waterways flowing into the Halifax Bay between the seaward extremities at High Water Mark of each of the opposite banks of each such waterway) to the centreline of Rollingstone Creek; then generally southerly along that centreline to Latitude 19.057024° South; then generally south westerly passing through the following peaks:

Longitude ° East	Latitude ° South	Feature
146.378314	19.070882	
146.363272	19.099027	
146.372945	19.113140	Mt Halifax

Then southerly to a point on the northern boundary of Lot A on WG318 at Longitude 146.371809° East; then generally north westerly along the boundaries of that lot, Lot 59 on NPW935, Lot 11 on WG155 and southern boundary of Ewan/Mt Spec Road to the boundary of native title determination QUD85/2005 Gugu Badhun People #2 (QCD2012/002); then north easterly, generally northerly, generally easterly, again generally northerly and generally westerly along the boundaries of that determination to Jacobsen Track; then generally northerly along the eastern boundary of that track to a corner at Latitude 18.888853° South; then generally north westerly, generally northerly and generally westerly along a watershed, passing through the following coordinate points, to the source of Plumtree Creek at Longitude 146.058666° East, Latitude 18.866757° South:

Longitude ° East	Latitude ° South
146.078126	18.888084
146.077700	18.886434
146.076287	18.885043
146.074518	18.884230
146.073026	18.882198
146.073233	18.881117
146.072705	18.879263
146.072941	18.876300
146.073532	18.874735
146.074123	18.872498
146.073591	18.870206
146.075205	18.867622
146.073086	18.867425
146.070177	18.867386

146.068307	18.867425
146.067060	18.868212
146.065398	18.867700
146.063071	18.868959
146.061284	18.868605
146.059539	18.867583

Then generally north easterly along the centreline of that creek to Latitude 18.840700° South; then north easterly to the centreline of Frances Creek at Latitude 18.833670° South; then generally north easterly passing through the following coordinates:

Longitude ° East	Latitude ° South	Feature
146.107159	18.818885	
146.122582	18.804267	
146.140302	18.788405	
146.151674	18.771844	Mt Helen
146.159334	18.765702	
146.168522	18.755128	
146.180008	18.736778	
146.193790	18.720295	
146.209541	18.707543	
146.214136	18.700079	
146.218730	18.686394	
146.222668	18.668045	
146.226605	18.642853	
146.230871	18.625126	
146.239750	18.610794	Mt Cordelia
146.246421	18.610210	Mt Catherina

Then easterly to the centreline of Victoria Creek at Longitude 146.274197° East; then generally south easterly and generally north easterly along the centreline of that creek to its mouth; then south easterly back to the commencement point.

Note

Data Reference and source

Application boundary data compiled by National Native Title Tribunal based on data sourced from Department of Natural Resources and Mines, Qld.

Native title determination QUD85/2005 Gugu Badhun People #2 (QCD2012/002) as determined by the Federal Court on 1 August 2012.

Cadastre data sourced from Department of Natural Resources and Mines, Qld (1 August 2014).

Rivers/Creeks, watershed and roads based on cadastre, else, derived from 100K topographic maps.

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.

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

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

1. Those land and waters within the External Boundary described in Part 3 of Schedule 1A, 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 (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, and includes, but is not limited to, the whole of the land and waters described as:

- (i) Lot 11 on Crown Plan A77412;
- (ii) Lot 1 on RP727506;
- (iii) Lot 66 on RP729323;
- (iv) Lot 68 on RP729323;
- (v) Lot 69 on RP729323;
- (vi) Lot 1 on RP747158;
- (vii) Lot 1 on RP722623;

3. 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), and includes, but is not limited to, the whole of the land and waters described as:

- (i) Lot 9 on WG269; and
- (ii) Lot 10 on SP202090.

Schedule 3 - NATIVE TITLE HOLDERS

1. The native title holders are the Nywaigi People.
2. The Nywaigi People are those people who are the descendants of one or more of the following people:
 - (a) Billie and Jennie, whose known child is Rosie Addo, whose known child is Nellie/Clara Cassidy/Clara Quetta, whose known child is Ernest Addo Snr;
 - (b) Rosie Tootoolie, whose known children are Jack Addo and Charlie Addo;
 - (c) Dora, whose known child is Emily King, whose children are Tommy Anderson Jnr, Frank Anderson Snr and Ellen Anderson;
 - (d) Tooya, whose known children are Amy Bligh, Kitchener Bligh, Reginald Bligh Snr/Roberts and Warren Bligh;
 - (e) Billy and Jennie, whose known child is Rosie, whose known child is Billy Cassady;
 - (f) Rosie Halifax, whose known children are Thomas Curley Snr and Peter Wallace;
 - (g) Heron and Alice, whose known child is Rosie Dennis, whose known children are Roy Heron, Jimmy Dennis, Henry Dennis Snr, Evelyn Dennis and Alexander Dennis;
 - (h) Mungi, whose known child is Paddy Payne;
 - (i) Charlie Lewis Snr/Henry and Rosie Lewis/Mingabi, whose known children are Daphne Lewis/Roach, Joan Lewis/Tiers, Freddie Lewis and Charlie Lewis Jnr;
 - (j) Dylini, whose known child is Mary/Dyinbayi, whose known child is Willie Seaton Snr/'Bunurra';
 - (k) Tommy Roach and Nora, whose known children are Peter Roach and Jack Roach/Wargurdal (an old 'Nywaigi King');
 - (l) Billy Erin and Jeannie, whose known children are Long Erin/Long Heron, Charlie Roberts/Lambert, Bob Roberts/Robert Ingham, Rosie Roberts and Louisa Roberts;
 - (m) Jimmy Kerr and Annie, whose known child is Tippo Ingham;
 - (n) Brothers Maturra, Nitoo (also known as Ditchurogoo), Gilman (also known as Tommy Landerson), or Dilgorru (also known as King Bill); or
 - (o) Elizabeth Bellyarre/Lizzie Balyarri, whose parents are Billy and Kitty.

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 Hinchinbrook Shire Council or Townsville City Council ('Council'):
 - (a) under its local government jurisdiction and functions under the *Local Government Act 2009* (Qld), under the *Lands 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 the Council's 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 are 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) dedicated roads operated by Council;
 - (ii) undedicated but constructed roads except for those not operated by Council;
 - (iii) gravel pits operated by Council;
 - (iv) water pipelines and water supply infrastructure;
 - (v) drainage facilities;
 - (vi) cemetery and cemetery-related facilities; and
 - (vii) camping and holiday park facilities.
- (d) to enter the land for the purposes described in paragraphs (a), (b) or (c) above by its employees, agents or contractors to:
- (i) exercise any of the rights referred to in paragraph 5 below;
 - (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 local government such as feral animal control, weed control, erosion control, waste management and fire management.

2. 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, occupy and operate telecommunication facilities; and
 - (iii) to alter, remove, replace, maintain, repair and ensure the proper functioning of its telecommunication facilities;
- (c) for its employees, agents or contractors to access its telecommunication facilities in and in the vicinity of the Determination Area in the performance of their duties; and
- (d) under any lease, licence, access agreement, permit 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 Queensland Electricity Transmission Corporation Limited trading as Powerlink

Queensland (ACN 078 849 233):

- (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 an electricity entity under the *Electricity Act 1994* (Qld) including rights to enter and pass through the Determination Area to access, use, maintain, repair, replace, upgrade or otherwise deal with Works; and
- (c) under any lease, licence, easement, permit or agreement within the Determination Area.

5. The rights and interests of the State of Queensland and the Councils 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.

6. The rights and interests of the State of Queensland in Reserves, the rights and interests of the trustees of those Reserves and the rights and interests of the persons entitled to access and use those Reserves for the respective purpose for which they are reserved, including the rights and interests of the holders of permits issued by the trustees of the reserves over the following land:

- (a) Lot 120 on CWL3246;
- (b) Lot 382 on SP136985; and
- (c) Lot 545 on CWL666.

7. The rights and interests of the State of Queensland or any other person existing by reason of the force and operation of the laws of the State of Queensland, including those existing by reason of the following legislation or any regulation, statutory instrument, declaration, plan, authority, permit, lease or licence made, granted, issued or entered into under that legislation:

- (a) *Fisheries Act 1994* (Qld);
- (b) *Land Act 1994* (Qld), including the rights and interests of the holders of the following permits:
 - (i) State Permit No 713532725 over Lot 120 on CWL3246, Title Reference 40001790;
 - (ii) Permit to Occupy PO 0/234141 over Lot 35 on CWL3002, Title Reference 40060342;
 - (iii) Permit to Occupy No 701397340 over Lot 120 on CWL3246, Title Reference 17681157;
 - (iv) Permit to Occupy 701397341 over Lot 120 on CWL3246, Title Reference 17681158;
 - (v) (v) [*sic*] Permit to Occupy 701397343 over Lot 120 on CWL3246, Title Reference 17681159
 - (vi) Permit to Occupy 701397344 over Lot 120 on CWL3246, Title Reference 17681160;
 - (vii) Permit to Occupy 701397345 over Lot 120 on CWL3246, Title Reference 17681162;
 - (viii) Permit to Occupy 701397356 over Lot 120 on CWL3246, Title Reference 17681172;
 - (ix) Permit to Occupy 701397358 over Lot 120 on CWL3246, Title Reference 17681173;
 - (x) Permit to Occupy 701397364 over Lot 120 on CWL3246, Title Reference 17738128;
 - (xi) Permit to Occupy 701397365 over Lot 120 on CWL3246, Title Reference 17687045;
 - (xii) Permit to Occupy 701397367 over Lot 120 on CWL3246, Title Reference 17688072;
 - (xiii) Permit to Occupy 701397369 over Lot 120 on CWL3246, Title Reference 17729052;
 - (xiv) Permit to Occupy 701397370 over Lot 120 on CWL3246, Title Reference 17723114;
 - (xv) Permit to Occupy 701397372 over Lot 120 on CWL3246, Title Reference 40004957;
 - (xvi) State Permit No 713386002 over Lot 120 on CWL3246, Title Reference 40058387;
 - (xvii) State Permit No 713394720 over Lot 120 on CWL3246, Title Reference 40050699;

- (xviii) State Permit No 713532726 over Lot 120 on CWL3246, Title Reference 17745077;
- (xix) State Permit No 713532727 over Lot 120 on CWL3246, Title Reference 17743004;
- (xx) State Permit No 713665787 over Lot 120 on CWL3246, Title Reference 40022492;
- (xxi) State Permit No 715642152 over Lot 120 on CWL3246, Title Reference 40067863;
- (xxii) State Permit No 716287967 over Lot 120 on CWL3246, Title Reference 40069423;
- (xxiii) State Permit No 717474349 over Lot 120 on CWL3246, Title Reference 40067579;
- (xxiv) State Permit No 717474351 over Lot 120 on CWL3246, Title Reference 40068460.

8. The rights and interests of members of the public arising under the common law, including but not limited to the following:

- (a) any subsisting public right to fish; and
- (b) the public right to navigate.

9. So far as confirmed pursuant to s 212(2) of the *Native Title Act 1993* (Cth) and s 18 of the *Native Title (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) coastal waters;
- (d) beaches;
- (e) stock routes; and
- (f) areas that were public places at the end of 31 December 1993.

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 and the Commonwealth.

REGISTER ATTACHMENTS:

1. Schedule 1B – Map of Determination Area, 29 pages - A4, 20/04/2018

Note: The National Native Title Register may, in accordance with s. 195 of the Native Title Act 1993, contain confidential information that will not appear on the Extract.