

Extract from the National Native Title Register

Determination Information:

Determination Reference: Federal Court Number(s): QUD6119/1998
NNTT Number: QCD2012/016

Determination Name: Greenwool & Ors on behalf of the Kowanyama People v State of Queensland

Date(s) of Effect: 5/06/2013

Determination Outcome: Native title exists in parts of the determination area

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

Determination Date: 05/12/2012

Determining Body: Federal Court of Australia

ADDITIONAL INFORMATION:

This determination was handed down by the Federal Court on 5 December 2012 and was conditional on the registration of three Indigenous Land Use Agreements:

QI2003/027 Udnat ILUA [a.k.a. "Koolatah Station ILUA"]
QI2013/007 Kowanyama Pastoral Area ILUA
QI2013/003 Carpentaria Shire Council Kowanyama Area ILUA (Part B)

All of the ILUAs were registered on the Register of Indigenous Land Use Agreements as at 5 June 2013.

The conditions attached to the determination have therefore now been met and the determination came into effect on 5 June 2013.

REGISTERED NATIVE TITLE BODY CORPORATE:

Abm Elgoring Ambung Aboriginal Corporation RNTBC
Agent Body Corporate
C/- Kowanyama Land Office
PO BOX 27
KOWANYAMA Queensland 4871

COMMON LAW HOLDER(S) OF NATIVE TITLE:

The native title holders are the Kowanyama People who comprise those people known as the Yir Yoront (sometimes called Kokomenjen), Koko Bera, Kunjen and Koko Berrin Peoples. The Yir Yoront, Koko Bera, Kunjen and Koko Berrin Peoples are those Aboriginal people who are:

1. the cognatic descendants of:
 - (i) Solomon Minyalk;
 - (ii) Thin Mitin Mart;
 - (iii) Min Yal Panaurin;
 - (iv) Art Kadlaurin
 - (v) any of the siblings Kal Koral, Kor Mart, Min Koko Taren or Mad Len;
 - (vi) Pow Mon Alithanem;
 - (vii) Kauan Kor Mar'pen;
 - (viii) any of the siblings Paul, Rior Bidy;
 - (ix) Yor Kantl Yamen;
 - (x) any of the siblings Mark, Barnabas or Kate;
 - (xi) Arthur, the father of Smiler Misson;
 - (xii) Luke;
 - (xiii) any of the siblings Native, Wilson, Akul Edngan, Uyan or Ginger;
 - (xiv) any of the siblings Major, Sergeant, Bobella or Gregory;
 - (xv) Mickey;
 - (xvi) Boandonolly (aka Puntanolli);
 - (xvii) George Black (aka Thamil Polp);
 - (xviii) either of the brothers "Barramundi" Charlie or Lamp;
 - (xix) Gilbert;
 - (xx) Eagleman, the father of Barney Jubilee;
 - (xxi) Joe Highbury;
 - (xxii) Jackson;
 - (xxiii) Tent (aka Thol Kol Kith);
 - (xxiv) Bruno (aka Wurrpwin)
 - (xxv) Min Kawlto Tower Moilin;
 - (xxvi) Wo Pam Mal Yamin;
 - (xxvii) Mokara Hudson;
 - (xxviii) either of the siblings George or Purt Ngon;
 - (xxix) Bob Patterson;
 - (xxx) Moses (aka War'luran);
 - (xxxi) Yowalyamen;
 - (xxxii) Jolly;
 - (xxxiii) either Mailman or his siblings;

- (xxxiv) any of the siblings Stephen, Louie, Reubin (aka Robin), Jimmy Braddsley, Mabel Rio or Poppy;
- (xxxv) Old Mokara;
- (xxxvi) Taw Wil Yir;
- (xxxvii) Colin Dinghy;
- (xxxviii) Fred Dunbar;
- (xxxix) Alick (aka Alec and Kauwunbengk);
- (xl) Goanna (aka Melder);
- (xli) Pluto;
- (xlii) either Mundie Shalfo or hissister;
- (xliii) Piper;
- (xliv) Willie Daphney;
- (xlv) any of the siblings Fanny, Lucy Tommy, Waterloo, Elsie or Tommy Burns;
- (xlvi) Nipper;
- (xlvii) Dick;
- (xlviii) Peppo;
- (xlix) Ben;
- (l) Smiler;
- (li) Bernard;
- (lii) Monday;
- (liii) Kangaroo;
- (liv) Mosquito;
- (lv) either of the brothers Billy Flower or Goggle-Eye or their siblings;
- (lvi) Jimmy;
- (lvii) either of the brothers Rainbow Christie or Bowyang Charlie;
- (lviii) Nellie;
- (lix) either of the brothers Bob Dunbar or Bendigo or their siblings;
- (lx) any of the siblings Jimmy Koolatah, Coglin Dick, Kunjen Dick or George Murray;
- (lxi) Frank Yam;
- (lxii) Brumby (aka Jack Brumby)
- (lxiii) Old Mud;
- (lxiv) Charlie Inkerman;
- (lxv) any of the siblings Mimosa, Alison or May; or
- (lxvi) Maggie; or

2. recruited by adoption, in accordance with the traditional laws and customs of the Yir Yoront, Koko Bera,

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. Native title exists in relation to that part of the Determination Area described in Part 1 of Schedule 2 but does not exist in relation to that part of the Determination Area described in Part 2 of Schedule 2.
3. The native title is held by the persons described in Schedule 1 (“the native title holders”).
4. Subject to paragraphs 5, 6 and 7 the nature and extent of the native title rights and interests in relation to land and waters within the Determination Area are the non-exclusive rights to:
 - (a) access, be present on, move about on and travel over the area;
 - (b) hunt and fish in or on, and gather from, the land and Water for non-commercial, cultural, spiritual, personal, domestic or communal purposes;
 - (c) take, use, share and exchange Natural Resources for non-commercial, cultural, spiritual, personal, domestic or communal purposes;
 - (d) take and use the Water for cultural, personal, domestic and non-commercial communal purposes;
 - (e) live and camp on the area and for those purposes erect shelters and other structures on the area;
 - (f) light fires on the area for cultural, spiritual or domestic purposes, including cooking, but not for the purpose of hunting or clearing vegetation;
 - (g) be buried and bury native title holders within the area;
 - (h) conduct ceremonies on the area;
 - (i) hold meetings on the area;
 - (j) teach on the area the physical and spiritual attributes of the area;
 - (k) 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 harm; and
 - (l) be accompanied on to the area by those persons who, though not native title holders, are:
 - a) spouses or partners of native title holders;
 - b) people who are members of the immediate family of a spouse or partner of a native title holder
 - c) people reasonably required by the native title holders under traditional law and custom for the performance of ceremonies or cultural activities on the Determination Area; or
 - d) people who have specialised knowledge based on their training, study or experience who are requested by native title holders to observe or record traditional activities or otherwise to investigate matters of cultural significance on the Determination Area.
5. 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) and other resources legislation.
6. 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.
7. The native title rights and interests referred to in paragraph 4 do not confer possession, occupation, use

or enjoyment to the exclusion of all others.

8. The nature and extent of any other rights and interests in relation to the Determination Area (or respective parts thereof) are set out in Schedule 4.
9. The relationship between the native title rights and interests described in paragraph 4 and the other rights and interests described in Schedule 4 (the “other rights and interests”) is that:
 - (a) the other rights and interests continue to have effect, and the rights conferred by or held under the other rights and interests may be exercised notwithstanding the existence of the native title rights and interests;
 - (b) where the non-extinguishment principle applies to the other rights and interests, to the extent the other rights and interests are inconsistent with the continued existence, enjoyment or exercise of the native title rights and interests:
 - (i) the native title continues to exist in its entirety but the native title rights and interests have no effect in relation to the other rights and interests to the extent of the inconsistency; and
 - (ii) if the other rights and interests are later removed or otherwise permanently cease to operate, either wholly or partly, the native title rights and interests will again have effect to the extent of the removal or cessation of the other rights and interests;
 - (c) the other rights and interests and any activity that is required or permitted by or under and done in accordance with the other rights and interests, prevail over the native title rights and interests and any exercise of the native title rights and interests; and
 - (d) some aspects of the exercise of the native title rights and interests recognised in paragraph 4(e) are regulated by the provisions of the Kowanyama Pastoral Area ILUA.
10. If a word or expression is not defined in this order and is defined in the *Native Title Act 1993* (Cth), it has the meaning given to it in the *Native Title Act 1993* (Cth).

In addition to the other words defined in this order, the words and expressions used have the same meanings as they have in the *Native Title Act 1993* (Cth) except for the following defined words and expressions:

“Determination Area” means the land and waters described in Schedule 2 and shown on the plan in Schedule 3, and to the extent of any inconsistency between them, Schedule 2 prevails;

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

“Natural Resources” includes:

- (a) animals;
- (b) plants; and
- (c) charcoal, wax, resin, clay, soil, sand, shell, gravel, rock or other such material naturally occurring in the land and waters of the Determination Area,

but does not include:

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

“Koolatah Station ILUA” means the Udnat Ampungk Indigenous Land Use Agreement (Area Agreement) for Koolatah Station Pastoral Holding between Glennette Greenwool & ors and Elrose Enterprises Pty Ltd ACN 101 640 591 dated 23 February 2006;

“Kowanyama Pastoral Area ILUA” means the Kowanyama Pastoral Area Indigenous Land Use Agreement (Area Agreement) between the Applicant, the Abm Elgoring Ambung Aboriginal Corporation, MDH Pty Ltd, Douglas Price, Harvest Home Holdings Pty Ltd and the State of Queensland authorised by the Kowanyama People on 20 November 2012; and

“Water” has the meaning given to it in the Water Act 2000 (Qld) or any subsequent legislative instrument.

THE COURT FURTHER ORDERS THAT:

11. Upon paragraphs 1 - 10 taking effect:
 - (a) The native title is not held in trust.
 - (b) The Abm Elgoring Ambung Aboriginal Corporation, incorporated under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (Cth) is to:
 - (i) be the prescribed body corporate for the purpose of s 57(2) of the *Native Title Act 1993* (Cth); and
 - (ii) perform the functions mentioned in s 57(3) of the *Native Title Act 1993* (Cth).
12. Paragraphs 1 - 10 will take effect on the agreements referred to in item 9 of Schedule 4 being registered on the Register of Indigenous Land Use Agreements.

SCHEDULE 1 - NATIVE TITLE HOLDERS

The native title holders are the Kowanyama People who comprise those people known as the Yir Yoront (sometimes called Kokomenjen), Koko Bera, Kunjen and Koko Berrin Peoples. The Yir Yoront, Koko Bera, Kunjen and Koko Berrin Peoples are those Aboriginal people who are:

1. the cognatic descendants of:
 - (i) Solomon Minyalk;
 - (ii) Thin Mitin Mart;
 - (iii) Min Yal Panaurin;
 - (iv) Art Kadlaurin
 - (v) any of the siblings Kal Koral, Kor Mart, Min Koko Taren or Mad Len;
 - (vi) Pow Mon Alithanem;
 - (vii) Kauan Kor Mar’pen;
 - (viii) any of the siblings Paul, Rio or Biddy;
 - (ix) Yor Kantl Yamen;
 - (x) any of the siblings Mark, Barnabas or Kate;
 - (xi) Arthur, the father of Smiler Misson;
 - (xii) Luke;
 - (xiii) any of the siblings Native, Wilson, Akul Edngan, Uyan or Ginger;
 - (xiv) any of the siblings Major, Sergeant, Bobella or Gregory;
 - (xv) Mickey;
 - (xvi) Boandonolly (aka Puntanolli);
 - (xvii) George Black (aka Thamil Polp);
 - (xviii) either of the brothers “Barramundi” Charlie or Lamp;

- (xix) Gilbert;
- (xx) Eagleman, the father of Barney Jubilee;
- (xxi) Joe Highbury;
- (xxii) Jackson;
- (xxiii) Tent (aka Thol Kol Kith);
- (xxiv) Bruno (aka Wurrpwin)
- (xxv) Min Kawlto Tower Moilin;
- (xxvi) Wo Pam Mal Yamin;
- (xxvii) Mokara Hudson;
- (xxviii) either of the siblings George or Purt Ngon;
- (xxix) Bob Patterson;
- (xxx) Moses (aka War'luran);
- (xxxi) Yowalyamen;
- (xxxii) Jolly;
- (xxxiii) either Mailman or his siblings;
- (xxxiv) any of the siblings Stephen, Louie, Reubin (aka Robin), Jimmy Braddsley, Mabel Rio or Poppy;
- (xxxv) Old Mokara;
- (xxxvi) Taw Wil Yir;
- (xxxvii) Colin Dinghy;
- (xxxviii) Fred Dunbar;
- (xxxix) Alick (aka Alec and Kauwunbengk);
- (xl) Goanna (aka Melder);
- (xli) Pluto;
- (xlii) either Mundie Shalfo or his sister;
- (xliii) Piper;
- (xliv) Willie Daphney;
- (xlv) any of the siblings Fanny, Lucy Tommy, Waterloo, Elsie or Tommy Burns;
- (xlvi) Nipper;
- (xlvii) Dick;
- (xlviii) Peppo;
- (xlix) Ben;
- (l) Smiler;
- (li) Bernard;
- (lii) Monday;

- (liii) Kangaroo;
 - (liv) Mosquito;
 - (lv) either of the brothers Billy Flower or Goggle-Eye or their siblings;
 - (lvi) Jimmy;
 - (lvii) either of the brothers Rainbow Christie or Bowyang Charlie;
 - (lviii) Nellie;
 - (lix) either of the brothers Bob Dunbar or Bendigo or their siblings;
 - (lx) any of the siblings Jimmy Koolatah, Coglin Dick, Kunjen Dick or George Murray;
 - (lxi) Frank Yam;
 - (lxii) Brumby (aka Jack Brumby)
 - (lxiii) Old Mud;
 - (lxiv) Charlie Inkerman;
 - (lxv) any of the siblings Mimosa, Alison or May; or
 - (lxvi) Maggie; or
2. recruited by adoption, in accordance with the traditional laws and customs of the Yir Yoront, Koko Bera, Kunjen and Koko Berrin Peoples.

SCHEDULE 2 - DETERMINATION AREA

The Determination Area comprises all of the land and waters described in Part 1 and 2 below and depicted in the plan in Schedule 3, excluding the areas in Part 3 below:

Part 1 – Non-exclusive areas:

The land and waters within the area described as Lots 6 and 7 on AP20088 covering:

Area 1

(i) The land and waters within the area described as commencing at the north eastern corner of Lot 473 on SP206203 (Harkness) and extending generally southerly and generally westerly along boundaries of that Lot and southern boundaries of Lot 4695 on PH1656 (Balurga Pastoral Holding) to the eastern boundary of Lot 19 on DB16 (Kowanyama DOGIT); then generally northerly along the boundary of that Lot to the southern bank of the Coleman River; then generally easterly along the southern bank of that River back to the commencement point.

The following areas are included in the Determination Area:

- (ii) Lot 473 on SP206203
- (iii) Lot 4695 on PH1656
- (iv) Road 60m wide in Lot 473 on SP206203

Area 2

(i) The land and waters within the area described as commencing at the northern most corner of Lot 13 on CTH3 (Kulata Pastoral Holding) and extending generally south easterly, south westerly, generally southerly and generally westerly along northern and eastern boundaries of that Lot, eastern and southern boundaries of Lot 3 on MM2(Dunbar Holding) to the eastern boundary of Lot 2457 on PH2043 (Galbraith Pastoral Holding); then south along the boundary of that lot to the centreline of the Staaten River, then generally westerly along the centreline of the Staaten River to its intersection with the southern boundary of Lot 2457 on PH2043 and confluence with Wyaaba Creek at approximate longitude 141.589890°, then generally north westerly along the southern boundaries of Lot 2457 on PH2043, southern boundaries of Lot 746 on OL298 and southern and western boundaries of Lot 2322 on PH2031 (Alma Pastoral Holding) to the High Water Mark of the Gulf of

Carpentaria at approximate latitude 16.393431° South; then generally northerly along the coastline of the Gulf of Carpentaria at the High Water Mark, and across the mouths of any waterways flowing into the Gulf of Carpentaria between the seaward extremities at High water mark of each of the opposite banks of each such waterway to the northern bank of Topsy Creek being the southern boundary of Lot 19 on DB16; then generally easterly and northerly along boundaries of that Lot to the southern bank of Mitchell River; then generally south easterly along the southern bank of that River to the intersection with the prolongation of the south eastern boundary of Lot 5 on SP215744, (Errk Oykangand National Park); then north easterly to and along the boundary of that lot back to the commencement point.

The following areas are included in the Determination Area:

- (ii) Lot 13 on CTH3
- (iii) Lot 1796 on PH1651
- (iv) Lot 2322 on PH2031
- (v) Part of Lot 2457 on PH2043
- (vi) Lot 2480 on PH2046
- (vii) Lot 2485 on PH2048
- (viii) Lot 3 on MM2
- (ix) Lot 5174 on PH892
- (x) Lot 746 on OL298
- (xi) Lots 1 and 2 on CTH1

Part 2 – Areas within the Determination Area where native title does not exist:

Native Title has been extinguished over the areas of land and waters within the boundaries of the pastoral leases listed at item 1 of Schedule 4 on which any permanent improvement consisting of:

- (i) a house, shed or other outbuilding;
- (ii) an airstrip;
- (iii) a constructed dam or any other constructed stock watering point, bore, turkey nest, squatters' tank or any other water storage facility; or
- (iv) stock yard or trap yard,

that, at the date of the determination, have been constructed or established (including any adjacent land the exclusive use of which is reasonably necessary for the enjoyment of the improvement) in accordance with the rights of the lessee under the pastoral lease.

Part 3 – Areas excluded from the Determination Area:

The areas in this Part are excluded from the Determination Area on the grounds that at the time at which the native title determination application was made these areas 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, therefore, in accordance with s 61A of the *Native Title Act 1993* (Cth), these areas could not be claimed:

The land or waters on which any other public work, as defined in section 253 of the *Native Title Act 1993* (Cth), is constructed, established or situated, and to which sections 23B(7) and 23C(2) of the *Native Title Act 1993* (Cth) and/or section 23B(7) of the *Native Title Act 1993* (Cth) and section 21 of the *Native Title (Queensland) Act 1993* (Qld) applies, together with any adjacent land or waters in accordance with section 251D of the *Native Title Act 1993* (Cth).

Note

Reference datum

Geographical coordinates have been provided by the State of Queensland and are referenced to the Geocentric Datum of Australia 1994 in decimal degrees.

SCHEDULE 3 - DETERMINATION PLAN

[See NNTR attachment 1: "Schedule 3 - Determination Plan"]

SCHEDULE 4 - OTHER INTERESTS IN THE DETERMINATION AREA

The nature and extent of Other Interests in the Determination Area are the following as they exist at the date of this Determination:

1. The rights and interests of:
 - (a) the lessee and others under a term lease being title reference No. 40056449 comprising Lot 473 on SP206203;
 - (b) the lessee and others under a term lease being title reference No. 17668107 comprising Lot 4695 on PH1656;
 - (c) the lessee and others under a term lease being title reference No. 17668057 comprising Lot 1796 on PH1651;
 - (d) the lessee and others under a term lease being title reference No. 17668063 comprising Lot 2322 on PH2031;
 - (e) the lessee and others under a term lease being title reference No. 17668080 comprising Lot 2457 on PH2043;
 - (f) the lessee and others under a term lease being title reference No. 17668081 comprising Lot 2480 on PH2046;
 - (g) the lessee and others under a term lease being title reference No. 17668082 comprising Lot 2485 on PH2048;
 - (h) the lessee and others under a term lease being title reference No. 17668114 comprising Lot 3 on MM2;
 - (i) the lessee and others under a term lease being title reference No. 17668119 comprising Lot 5174 on PH892;
 - (j) the lessee and others under a term lease being title reference No. 40004783 comprising Lot 746 on OL298;
 - (k) the lessee and others under a term lease being title reference No. 17668055 comprising part of Lot 893 on FK2; and
 - (l) the lessee and others under a term lease being title reference No. 17669201 comprising Lot 13 on CTH3.
2. The rights and interests of the State of Queensland in the following reserves, the rights and interests of the persons in whom they are vested and the rights and interests of the persons entitled to access and use those reserves for the respective purpose for which they are reserved:
 - (a) title reference No. 49007030 comprising Lot 1 on CTH1
 - (b) title reference No. 49007031 comprising Lot 2 on CTH1.
3. The rights and interests of the State of Queensland and the Cook Shire Council to access, use, operate and maintain the area delineated as road on plan SP206203 for its dedicated purpose and the rights and interests of the public to access and use the road.
4. The rights and interests of Cook Shire Council including any rights the Council, its employees, agents or contractors have:
 - (a) as part of its Local Government powers and responsibilities including under the *Local Government Act 2009* (Qld), the *Land Protection (Pests and Stock Route Management) Act 2002* (Qld) and "Local Government Acts" as defined in the *Local Government Act 2009* (Qld);

- (b) as the owner and operator of valid infrastructure, facilities and other improvements located in the Determination Area as at the date of the Determination;
- (c) as the operator of undedicated but constructed public roads;
- (d) to enter the Determination Area in compliance with any legislative requirements regarding notice or otherwise -
 - (i) to exercise lawful rights conferred on the Council under (a);
 - (ii) to inspect, maintain and repair the infrastructure referred to in (b) and (c); and
 - (iii) to undertake operational activities in its capacity as a Local Government such as feral animal control, weed control, erosion control, waste management and fire management.

5. The rights and interests of Carpentaria Shire Council including any rights the Council, its employees, agents or contractors have:

- (a) under its local government jurisdiction and functions under the *Local Government Act 2009* (Qld), under the *Land Protection (Pests and Stock Route Management) Act 2002* (Qld) and under any other legislation, for that part of the Determination Area within its local government area, as defined in the *Local Government Act 2009* (Qld);
- (b) as the:-
 - (i) holder of any validly granted licences, permits or other rights and interests which were granted as at the date of the Determination;
 - (ii) trustee of any validly gazetted reserves that exist in the Determination Area as at the date of the Determination;
- (c) as the owner and operator of infrastructure, facilities and other improvements located in the Determination Area as at the date of the Determination including but not limited to:
 - (i) dedicated roads controlled by Council;
 - (ii) gravel pits operated by Council;
- (d) as the manager of undedicated but constructed roads except for those not operated by Council;
- (e) to enter the land described in paragraphs 5(a) to 5(d) in compliance with any legislative requirements regarding notice or otherwise to:
 - (i) exercise any of the rights and interests referred to in paragraphs 5(a) to 5(d);
 - (ii) inspect, maintain and repair the infrastructure facilities and other improvements referred to in paragraphs 5(c) and 5(d); and
 - (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 Tablelands Regional Council under its local government jurisdiction and functions under the *Local Government Act 2009* (Qld), and under the *Land Protection (Pests and Stock Route) Management Act 2002* (Qld) and under any other legislation, for that part of the Determination Area within the declared local government area.

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 the rights and interests existing by reason of the force and operation of the following legislation or any regulation, statutory instrument, declaration, plan, authority, permit, lease or licence made, granted, issued or entered into under the following legislation:

- (a) the *Mineral Resources Act 1989* (Qld);
- (b) the *Forestry Act 1959* (Qld);

- (c) the *Water Act 2000* (Qld);
 - (d) the *Integrated Planning Act 1997* (Qld) or the *Sustainable Planning Act 2009* (Qld);
 - (e) the *Transport Infrastructure Act 1994* (Qld); and
 - (f) the *Land Act 1994* (Qld).
8. The rights and interests of Telstra Corporation Limited:
- (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 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 telecommunication facilities in the Determination Area.
9. The rights and interests of the parties under the following agreements:
- (a) the Koolatah Station ILUA;
 - (b) the Kowanyama Pastoral Area ILUA; and
 - (c) the Indigenous Land Use Area Agreement between Glenette Greenwool and ors on behalf of the Kowanyama People and Carpentaria Shire Council authorised by the Kowanyama People on 20 November 2012;
10. The rights and interests of the State of Queensland in those parts of the Staaten-Gilbert and Nassau River fish habitat areas within the Determination Area, as shown on Plan FHA-059 and Plan FHA-061 held by the Department of Agriculture, Fisheries and Forestry and the interests of persons entitled to access and use those habitats.
11. The rights and interests granted by the State of Queensland pursuant to statute or otherwise in the exercise of its executive power including, but not limited to, the rights and interests of persons holding licenses, permits or authority pursuant to the *Fisheries Act 1994* (Qld) and regulations, declarations or management plans made under that Act.
12. The rights and interests granted by the Commonwealth pursuant to statute or otherwise in the exercise of its executive power including, but not limited to, the rights and interests of persons holding licences, permits, statutory fishing rights, or other statutory rights pursuant to:
- (a) the *Fisheries Management Act 1991* (Cth), or regulations or management plans made under that Act; and
 - (b) any other legislative scheme for the control, management and exploitation of the living resources within the Determination Area.
13. The rights and interests of members of the public arising under the common law, including but not limited to:
- (a) the public right to fish; and
 - (b) the public right to navigate.
14. 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 rights of the public to access and enjoy, 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.
15. Any other rights and interests:
- (a) held by the State or Commonwealth; or
 - (b) existing by reason of the force and operation of the Laws of the State and the Commonwealth.

REGISTER ATTACHMENTS:

1. Schedule 3 - Determination Plan, 4 pages - A4, 05/12/2012

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.