

Extract from the National Native Title Register

Determination Information:

Determination Reference: Federal Court Number(s): QUD6119/1998
NNTT Number: QCD2012/017

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 the entire 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 the Indigenous Land Use Agreement - QI2013/004 - Kowanyama People and Ergon Energy ILUA.

This ILUA was registered on the Register of Indigenous Land Use Agreements on 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, Riour 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.

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 the Determination Area described in Part 1 of Schedule 2.
3. The native title is held by the persons described in Schedule 1 (“the native title holders”).
4. Subject to paragraphs 6 and 7, the nature and extent of the native title rights and interests in relation to that part of the Determination Area identified in Schedule 2, other than in relation to Water, are the rights to possession, occupation, use and enjoyment to the exclusion of all others.
5. Subject to paragraphs 6 and 7 the nature and extent of the native title rights and interests in relation to Water within the Determination Area are the non-exclusive rights to:
 - (a) hunt and fish in or on, and gather from, the Water for non-commercial cultural, spiritual, personal, domestic or communal purposes; and
 - (b) take and use the Water for non-commercial cultural, spiritual, personal, domestic or communal purposes.
6. 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.
7. 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.
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 paragraphs 4 and 5 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; and
 - (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.
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); 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 agreement referred to in Item 8 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 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 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 below and depicted in the plan in Schedule 3, excluding the areas in Part 2 below:

Part 1 - Exclusive areas:

The land and waters within the areas described as Lot 8 on AP20089 covering:

- 1. Part of Lot 19 on DB16
- 2. Lot 117 on DB23
- 3. Lot 118 on DB23
- 4. Lot 119 on DB23
- 5. Lot 120 on DB23
- 6. Lot 121 on DB23
- 7. Lot 122 on DB23
- 8. Lot 123 on DB23
- 9. Lot 124 on DB23
- 10. Lot 125 on DB23
- 11. Lot 126 on DB23
- 12. Lot 127 on DB23
- 13. Lot 129 on DB23
- 14. Lot 130 on DB23
- 15. Lot 131 on DB23
- 16. Lot 132 on DB23
- 17. Lot 133 on DB23

18. Lot 134 on DB23
19. Lot 147 on DB23
20. Lot 148 on DB23
21. Lot 149 on DB23
22. Lot 150 on DB23
23. Lot 152 on DB23
24. Lot 156 on DB23
25. Lot 158 on DB23
26. Lot 159 on DB23
27. Lot 161 on DB23
28. Lot 162 on DB23
29. Lot 182 on DB23
30. Lot 183 on DB23
31. Lot 184 on DB23
32. Lot 185 on DB23
33. Lot 186 on DB23
34. Lot 187 on DB23
35. Lot 188 on DB23
36. Lot 189 on DB23
37. Lot 190 on DB23
38. Lot 191 on DB23
39. Lot 193 on DB23
40. Lot 214 on DB23
41. Lot 223 on DB23
42. Lot 225 on DB23
43. Lot 226 on DB23
44. Lot 227 on DB23
45. Lot 228 on DB23
46. Lot 254 on DB23
47. Lot 256 on DB23
48. Lot 258 on DB23
49. Lot 263 on DB23
50. Lot 264 on DB23
51. Lot 265 on DB23

52. Lot 266 on DB23
53. Lot 267 on DB23
54. Lot 268 on DB23
55. Lot 269 on DB23
56. Lot 272 on DB23
57. Lot 273 on DB23
58. Lot 275 on DB23
59. Lot 276 on DB23
60. Lot 277 on DB23
61. Lot 278 on DB23
62. Lot 279 on DB23
63. Lot 280 on DB23
64. Lot 282 on DB23
65. Lot 283 on DB23
66. Lot 284 on DB23
67. Lot 285 on DB23
68. Lot 286 on DB23
69. Lot 287 on DB23
70. Lot 288 on DB23
71. Lot 289 on DB23
72. Lot 290 on DB23
73. Lot 294 on DB23
74. Lot 295 on DB23
75. Lot 298 on DB23
76. Lot 299 on DB23
77. Lot 300 on DB23
78. Lot 301 on DB23
79. Lot 316 on DB23
80. Lot 327 on DB23
81. Lot 328 on DB23
82. Lot 329 on DB23
83. Lot 330 on DB23
84. Lot 332 on DB23
85. Lot 333 on DB23

86. Lot 336 on DB23
87. Lot 337 on DB23
88. Lot 338 on DB23
89. Lot 340 on DB23
90. Lot 341 on DB23
91. Lot 342 on DB23
92. Lot 343 on DB23
93. Lot 367 on DB23
94. Lot 368 on DB23
95. Lot 370 on DB23

Part 2 - Areas excluded from the Determination Area:

The following areas are excluded from the determination area:

- (1) Lot 10 on DB8 - Reserve - Departmental and Official Purposes
- (2) Lot 8 on DB10 - Former Special Lease - Business Purposes (Church)
- (3) Lot 9 on DB10 - Former Special Lease - Residential (Chaplain's Residence)
- (4) Lot 12 on DB11 - Reserve - State School (Residential)
- (5) Lot 13 on DB12 - Reserve - State School (Residential)
- (6) Lot 14 on DB12 - Reserve - State School (Residential)
- (7) Lot 15 on DB13 - Reserve - State School (Residential)
- (8) Lot 16 on DB13 - Reserve - State School (Residential)
- (9) Lot 17 on DB14 - Reserve - State School (Residential)
- (10) Lot 20 on DB15 - Reserve - Hospital
- (11) Lot 51 on DB16 - Reserve - Landing Ground for Aircraft
- (12) Lot 6 on DB18 - Reserve - State School
- (13) Lot 11 on DB18 - Reserve - State School (Residential)
- (14) Lot 18 on DB18 - Reserve - Aboriginal Purposes
- (15) Lot 21 on DB18 - Reserve - Departmental and Official Purposes
- (16) Lot 22 on DB18 - Reserve - Aboriginal Purposes
- (17) Lot 23 on DB18 - Reserve - Aboriginal Purposes
- (18) Lot 24 on DB18 - Reserve - Retail Store Residence
- (19) Lot 25 on DB18 - Reserve - Retail Store Residence
- (20) Lot 26 on DB18 - Reserve - Aboriginal Purposes
- (21) Lot 27 on DB18 - Reserve - Aboriginal Purposes
- (22) Lot 28 on DB18 - Reserve - Police Purposes

- (23) Lot 29 on DB18 - Reserve - Departmental and Official Purposes
- (24) Lot 30 on DB18 - Reserve - Aboriginal Purposes
- (25) Lot 31 on DB18 - Reserve - Police Purposes
- (26) Lot 32 on DB18 - Reserve - Police Purposes
- (27) Lot 33 on DB18 - Reserve - Aboriginal Purposes
- (28) Lot 34 on DB18 - Reserve - Aboriginal Purposes
- (29) Lot 35 on DB18 - Reserve - Aboriginal Purposes
- (30) Lot 36 on DB18 - Reserve - Aboriginal Purposes
- (31) Lot 37 on DB18 - Reserve - Retail Store
- (32) Lot 38 on DB18 - Reserve - Kindergarten
- (33) Lot 41 on DB19 - Reserve - Aboriginal Purposes
- (34) Lot 42 on DB19 - Reserve - Departmental and Official Purposes
- (35) Lot 43 on DB19 - Reserve - Aboriginal Purposes
- (36) Lot 44 on DB19 - Reserve - Aboriginal Purposes
- (37) Lot 45 on DB19 - Reserve - Health Purposes
- (38) Lot 46 on DB19 - Reserve - Departmental and Official Purposes
- (39) Lot 47 on DB20 - Reserve - State School (Residential)
- (40) Lot 48 on DB20 - Reserve - Aboriginal Purposes
- (41) Lot 49 on DB20 - Reserve - State School (Residential)
- (42) Lot 50 on DB20 - Reserve - Aboriginal Purposes
- (43) Lot 52 on DB21 - Reserve - Departmental and Official Purposes
- (44) Roads as shown on plan DB16
- (45) 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 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*, applies, together with any adjacent land or waters in accordance with section 251D of the *Native Title Act 1993* (Cth).

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 the grantee and others under the Deed of Grant in Trust dated 23 July 1987

being Title Reference Number 21345064 and /or any Deed of Grant granted or regranted to Kowanyama Aboriginal Shire Council as grantee in substitution for, replacement of or in succession to the said Deed of Grant.

2. The rights and interests of the holder of a perpetual lease set out below:

- (1) being title reference No.17718144 comprising Lot 117 on DB23
- (2) being title reference No.17718132 comprising Lot 118 on DB23
- (3) being title reference No.17718133 comprising Lot 119 on DB23
- (4) being title reference No.17718145 comprising Lot 120 on DB23
- (5) being title reference No.17718134 comprising Lot 121 on DB23
- (6) being title reference No.17718146 comprising Lot 122 on DB23
- (7) being title reference No.17718135 comprising Lot 123 on DB23
- (8) being title reference No.17718147 comprising Lot 124 on DB23
- (9) being title reference No.17718136 comprising Lot 125 on DB23
- (10) being title reference No.17718148 comprising Lot 126 on DB23
- (11) being title reference No.17718137 comprising Lot 127 on DB23
- (12) being title reference No.17718149 comprising Lot 129 on DB23
- (13) being title reference No.17718173 comprising Lot 130 on DB23
- (14) being title reference No.17718154 comprising Lot 131 on DB23
- (15) being title reference No.17718159 comprising Lot 132 on DB23
- (16) being title reference No.17718157 comprising Lot 133 on DB23
- (17) being title reference No.17718108 comprising Lot 134 on DB23
- (18) being title reference No.17718177 comprising Lot 147 on DB23
- (19) being title reference No.17718138 comprising Lot 148 on DB23
- (20) being title reference No.17718150 comprising Lot 149 on DB23
- (21) being title reference No.17718172 comprising Lot 150 on DB23
- (22) being title reference No.17718139 comprising Lot 152 on DB23
- (23) being title reference No.17718162 comprising Lot 156 on DB23
- (24) being title reference No.17718105 comprising Lot 158 on DB23
- (25) being title reference No.17718153 comprising Lot 159 on DB23
- (26) being title reference No.17718161 comprising Lot 161 on DB23
- (27) being title reference No.17718179 comprising Lot 162 on DB23
- (28) being title reference No.17718152 comprising Lot 182 on DB23
- (29) being title reference No.17718099 comprising Lot 183 on DB23
- (30) being title reference No.17718098 comprising Lot 184 on DB23
- (31) being title reference No.17718160 comprising Lot 185 on DB23

- (32) being title reference No.17718168 comprising Lot 186 on DB23
- (33) being title reference No.17718092 comprising Lot 187 on DB23
- (34) being title reference No.17718118 comprising Lot 188 on DB23
- (35) being title reference No.17718102 comprising Lot 189 on DB23
- (36) being title reference No.17718100 comprising Lot 190 on DB23
- (37) being title reference No.17718115 comprising Lot 191 on DB23
- (38) being title reference No.17718151 comprising Lot 193 on DB23
- (39) being title reference No.17718114 comprising Lot 214 on DB23
- (40) being title reference No.17718155 comprising Lot 223 on DB23
- (41) being title reference No.17718116 comprising Lot 225 on DB23
- (42) being title reference No.17718119 comprising Lot 226 on DB23
- (43) being title reference No.17718112 comprising Lot 227 on DB23
- (44) being title reference No.17718101 comprising Lot 228 on DB23
- (45) being title reference No.17718087 comprising Lot 254 on DB23
- (46) being title reference No.17718123 comprising Lot 256 on DB23
- (47) being title reference No.17718125 comprising Lot 258 on DB23
- (48) being title reference No.17718165 comprising Lot 263 on DB23
- (49) being title reference No.17718158 comprising Lot 264 on DB23
- (50) being title reference No.17718163 comprising Lot 265 on DB23
- (51) being title reference No.17718156 comprising Lot 266 on DB23
- (52) being title reference No.17718166 comprising Lot 267 on DB23
- (53) being title reference No.17718167 comprising Lot 268 on DB23
- (54) being title reference No.17718174 comprising Lot 269 on DB23
- (55) being title reference No.17718169 comprising Lot 272 on DB23
- (56) being title reference No.17718170 comprising Lot 273 on DB23
- (57) being title reference No.17718117 comprising Lot 275 on DB23
- (58) being title reference No.17718090 comprising Lot 276 on DB23
- (59) being title reference No.17718093 comprising Lot 277 on DB23
- (60) being title reference No.17718126 comprising Lot 278 on DB23
- (61) being title reference No.17718180 comprising Lot 279 on DB23
- (62) being title reference No.17718120 comprising Lot 280 on DB23
- (63) being title reference No.17718121 comprising Lot 282 on DB23
- (64) being title reference No.17718164 comprising Lot 283 on DB23
- (65) being title reference No.17718089 comprising Lot 284 on DB23

- (66) being title reference No.17718095 comprising Lot 285 on DB23
 - (67) being title reference No.17718124 comprising Lot 286 on DB23
 - (68) being title reference No.17718122 comprising Lot 287 on DB23
 - (69) being title reference No.17718127 comprising Lot 288 on DB23
 - (70) being title reference No.17718088 comprising Lot 289 on DB23
 - (71) being title reference No.17718109 comprising Lot 290 on DB23
 - (72) being title reference No.17718091 comprising Lot 294 on DB23
 - (73) being title reference No.17718097 comprising Lot 295 on DB23
 - (74) being title reference No.17718103 comprising Lot 298 on DB23
 - (75) being title reference No.17718113 comprising Lot 299 on DB23
 - (76) being title reference No.17718096 comprising Lot 300 on DB23
 - (77) being title reference No.17718107 comprising Lot 301 on DB23
 - (78) being title reference No.17718111 comprising Lot 316 on DB23
 - (79) being title reference No.17718128 comprising Lot 327 on DB23
 - (80) being title reference No.17718140 comprising Lot 328 on DB23
 - (81) being title reference No.17718129 comprising Lot 329 on DB23
 - (82) being title reference No.17718171 comprising Lot 330 on DB23
 - (83) being title reference No.17718141 comprising Lot 332 on DB23
 - (84) being title reference No.17718110 comprising Lot 333 on DB23
 - (85) being title reference No.17718104 comprising Lot 336 on DB23
 - (86) being title reference No.17718130 comprising Lot 337 on DB23
 - (87) being title reference No.17718142 comprising Lot 338 on DB23
 - (88) being title reference No.17718106 comprising Lot 340 on DB23
 - (89) being title reference No.17718131 comprising Lot 341 on DB23
 - (90) being title reference No.17718143 comprising Lot 342 on DB23
 - (91) being title reference No.17718094 comprising Lot 343 on DB23
 - (92) being title reference No.17718175 comprising Lot 367 on DB23
 - (93) being title reference No.17718176 comprising Lot 368 on DB23
 - (94) being title reference No.17718178 comprising Lot 370 on DB23
3. Any valid interests under an application under the *Aboriginal and Torres Strait Islanders (Land Holding) Act 1985* (Qld) set out below:
- (1) Application No. 91/1987
 - (2) Application No. 94/1987
 - (3) Application No. 106/1989

4. The rights and interests of the Kowanyama Aboriginal Shire Council as the trustee under deed of grant No. 21345064, including as the grantor of any rights and interests under that deed of grant, granted on or before the date on which these orders are made.
5. The rights and interests of the State of Queensland (represented by the Department of Communities) under an Indigenous Land Use Agreement between the Native Title Holders and the State of Queensland (represented by the Department of Communities) entered on the Register of Indigenous Land Use Agreements on 25 May 2010.
6. The rights and interests of the State of Queensland and Kowanyama Aboriginal Shire Council to access, use, operate, maintain and control the dedicated roads in the Determination Area and the rights and interests of the public to use and access roads.
7. The rights and interests of the Kowanyama Aboriginal Shire Council:
 - (a) under the *Local Government Act 2009* (Qld) and under any other legislation, for that part of the Determination Area within the area declared to be Council's local government area;
 - (b) as the:
 - (i) lessor under any leases whether separately particularised in these Orders or not,
 - (ii) grantor of any licences or other rights and interests whether separately particularised in these Orders or not,
 - (iii) holder of any estate or interest in land, and as trustee of any reserves, that exist in the in the Determination Area ;
 - (c) as the owner, operator or holder of any interest (including an equitable interest) in infrastructure, facilities, or other site improvements, including but not limited to:
 - (i) constructed roads that have not been dedicated, except for those determined by Council not to be operated by it;
 - (ii) gravel pits operated by Council;
 - (iii) water bores and other infrastructure for the supply of water;
 - (iv) drainage facilities;
 - (v) cemetery and cemetery related facilities;
 - (vi) sand extraction areas;
 - (vii) sewerage ponds and infrastructure;
 - (viii) Council staff housing;
 - (ix) Community housing, Senior's housing and Women's shelter;
 - (x) the Kowanyama guesthouse and convenience store;
 - (xi) the multi-purpose recreational centre and the old community hall;
 - (xii) the Kowanyama shopping centre complex and canteen;
 - (xiii) the Training centre;
 - (xiv) Workshops, Depot, Batching plant, Dog pound and waste facilities;
 - (xv) Recreational facilities; and
 - (xvi) Council offices.
 - (d) to enter the Determination Area by its employees, agents or contractors to:
 - (i) exercise any of the rights and interests referred to in paragraphs 5 and 6 of this Schedule;

- (ii) undertake operational activities in its capacity as a local government such as feral animal control, weed control, erosion control, waste management, fire management and management of land relating to the operation of the airstrip in the Kowanyama township; and
 - (iii) operate, inspect, maintain and repair the infrastructure, facilities and other improvements referred to in paragraph 7 (c) of this Schedule.
8. The rights and interests of the parties under the ILUA between Ergon Energy Corporation Limited and the Kowanyama People entitled "Ergon Energy Indigenous Land Use Agreement" authorised by the Kowanyama People on 20 November 2012.
9. 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 *Forestry Act 1959* (Qld);
 - (b) the *Water Act 2000* (Qld);
 - (c) the Integrated Planning Act 1997 (Qld) or the *Sustainable Planning Act 2009* (Qld);
 - (d) the *Fire and Rescue Service Act 1990* (Qld) and the *Ambulance Service Act 1991* (Qld); and
 - (e) the *Land Act 1994* (Qld).
10. 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, including Telstra's lease in respect of the area depicted as Lease X on survey plan 230796.
11. The interests of Airservices Australia under registered lease No. 601502078 comprising Lease A on Plan DB17 in Lot 19 on Plan DB16 and the Deed of Consent between Airservices Australia and the Kowanyama People authorised by the Kowanyama People on 20 November 2012.
12. The interests of the Commonwealth of Australia under registered lot No. 704086300 comprising Lease A in Lot 19 on DB16 on SP123483.
13. The interests of Ergon Energy Corporation Limited ACN 087 646 062:
- (1) as the owner and operator of any "Works" as that term is defined in the *Electricity Act 1994* (Qld) within the Determination Area;
 - (2) as a distribution entity and the holder of a distribution authority under the *Electricity Act 1994* (Qld);
 - (3) created under the *Electricity Act 1994* (Qld) and the *Government Owned Corporations Act* (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; and
- (4) under registered lease No 708684418 comprising Lease B in Lot 19 on DB16 on SP 143106.
14. The interests of the State of Queensland (represented by the Department of Emergency Services) under registered lease No. 708754759 comprising Lease A in Lot 19 on DB16 on SP154654.
15. The interests of Evelyn Mackie under registered lease No. 712403445 comprising Lease I in Lot 9 on DB16 on SP236898.
16. The interests of the State of Queensland (represented by the Department of Communities) under registered lease No. 713025249 comprising Lease C in Lot 19 on DB16 on SP218101.
17. The interests of the State of Queensland (represented by the Department of Communities) under registered lease No. 713727720 comprising Lease G in Lot 19 on DB16 on SP236894 and Leases FE, and EF in Lot 19 on DB16 on SP236895.
18. Any other rights and interests:
- (1) held by the State or Commonwealth; or
 - (2) existing by reason of the force and operation of the Laws of the State and the Commonwealth.

REGISTER ATTACHMENTS:

1. Schedule 3 - Determination Plan, 7 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.