



# Extract from the National Native Title Register

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## Determination Information:

**Determination Reference:** Federal Court Number(s): QUD659/2017  
NNTT Number: QCD2019/001

**Determination Name:** [Taylor on behalf of the Gangalidda People v State of Queensland \(The Gangalidda People Konka Claim\)](#)

**Date(s) of Effect:** 11/03/2019

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

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

**Determination Date:** 11/03/2019

**Determining Body:** Federal Court of Australia

### ADDITIONAL INFORMATION:

Not Applicable

### REGISTERED NATIVE TITLE BODY CORPORATE:

Gangalidda and Garawa Native Title Aboriginal Corporation  
RNTBC  
Agent Body Corporate  
c/- Carpentaria Land Council Aboriginal Corporation  
PO Box 71  
BURKETOWN Queensland 4830

*Note: current contact details for the Registered Native Title Body Corporate are available from the Office of the Registrar of Indigenous Corporations [www.oric.gov.au](http://www.oric.gov.au)*

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

5. The native title is held by the Gangalidda People described in Schedule 1 (the Native Title Holders).

#### Schedule 1 - Native Title Holders

1. The Native Title Holders are the Gangalidda People. The Gangalidda People are all of the descendants of one or more of the following people:

- (a) Greg Thompson;
- (b) Sophie Thompson;
- (c) Ernest Thompson;
- (d) Walter Thompson;

- (e) Jimmy;
  - (f) Dawudawu Jimmy (King);
  - (g) Grant;
  - (h) George Nark Mirrabaliyajari;
  - (i) Bob Scoles Gunyarbadijjarri;
  - (j) Lirragujjarri;
  - (k) Bob Weber Milgalajarri;
  - (l) Maggie (or Minnie);
  - (m) Kitty;
  - (n) Kitty Wulnanda;
  - (o) Kitty Lirragujjarri;
  - (p) Dolly;
  - (q) Old Nim;
  - (r) Stumpy Paddy;
  - (s) Mickey Charles;
  - (t) Barny Guldangara;
  - (u) Limilimilda;
  - (v) Johnny Balawayinda;
  - (w) Daisy Lirragawanjinda;
  - (x) Sandy;
  - (y) Gunalumbu;
  - (z) Ngarilgudu;
  - (aa) Malurgudu;
  - (bb) Myrna Malalairunanda;
  - (cc) Didmanja;
  - (dd) Sandy;
  - (ee) Garuwala; and
  - (ff) Charly (Gundirri/Ngarrguyumbu/Gulawi),
- who identify, and are identified by other Gangalidda People, as belonging to the Gangalidda People according to Gangalidda traditional laws and customs.

**MATTERS DETERMINED:**

**THE COURT DETERMINES BY CONSENT THAT:**

3. The determination area is the land and waters described in Schedule 4 and depicted in the map attached to Schedule 6 to the extent those areas are within the External Boundary and not otherwise excluded by the terms of Schedule 5 (the Determination Area). To the extent of any inconsistency between the written description and the map, the written description prevails.
4. Native title exists in the Determination Area.
5. The native title is held by the Gangalidda People described in Schedule 1 (the Native Title Holders).
6. Subject to orders 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 4 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 orders 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 4 are the non-exclusive rights to:
  - (a) access, be present on, move about on and travel over the area;
  - (b) camp, 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; and
  - (i) 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 orders 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 2 (the Other Interests).

12. The relationship between the native title rights and interests described in orders 6 and 7 and the Other Interests is that:

(a) the Other Interests continue to have effect, and the rights conferred by or held under the Other Interests may be exercised notwithstanding the existence of the native title rights and interests;

(b) to the extent the Other Interests are inconsistent with the continued existence, enjoyment or exercise of the native title rights and interests in relation to the land and waters of the Determination Area, the native title continues to exist in its entirety but the native title rights and interests have no effect in relation to the Other Interests to the extent of the inconsistency for so long as the Other Interests exist; and

(c) the Other Interests and any activity that is required or permitted by or under, and done in accordance with, the Other Interests, or any activity that is associated with or incidental to such an activity, prevail over the native title rights and interests and any exercise of the native title rights and interests.

## DEFINITIONS AND INTERPRETATION

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

“descendants” includes those individuals who have been adopted by the Gangalidda People;

“External Boundary” means the area described in Schedule 3;

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

“Laws of the State and the Commonwealth” means the common law and the laws of the State of Queensland and the Commonwealth of Australia, and includes legislation, regulations, statutory instruments, local planning instruments and local laws;

“Natural Resources” means:

(a) any animal (including, for certainty, honey), plant (including, for certainty, charcoal, sap, wax and resin), 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; and

(b) minerals as defined in the *Mineral Resources Act 1989* (Qld); or

(c) petroleum as defined in the *Petroleum Act 1923* (Qld) and the *Petroleum and Gas (Production and Safety) Act 2004* (Qld);

“Water” means:

(a) water which flows, whether permanently or intermittently, within a river, creek or stream;

(b) any natural collection of water, whether permanent or intermittent; and

(c) water from an underground water source.

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

## THE COURT DETERMINES THAT:

14. The native title is not held in trust.

15. The Gangalidda and Garawa Native Title Aboriginal Corporation RNTBC ICN 7365, incorporated under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (Cth), is to:

(a) be the prescribed body corporate for the purpose of ss 57(2) and 57(3) of the *Native Title Act 1993* (Cth);

(b) act as agent for the Gangalidda People who are the common law holders of the native title rights and interests; and

(c) perform the functions set out in the *Native Title Act 1993* (Cth) and the *Native Title (Prescribed Bodies Corporate) Regulations 1999* (Cth).

## REGISTER ATTACHMENTS:

1. QCD2019\_001 Schedule 2 - Other Interests In The Determination Area, 2 pages - A4, 11/03/2019

2. QCD2019\_001 Schedule 3 - External Boundary, 1 page - A4, 11/03/2019

3. QCD2019\_001 Schedule 4 - Description of Determination Area, 1 page - A4, 11/03/2019

4. QCD2019\_001 Schedule 5 - Areas Not Forming Part of the Determination Area, 1 page - A4, 11/03/2019

5. QCD2019\_001 Schedule 6 - Map of Determination Area, 1 page - A4, 11/03/2019

*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.*