



# Extract from the National Native Title Register

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## Determination Information:

**Determination Reference:** Federal Court Number(s): QUD747/2018  
NNTT Number: QCD2021/003

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

**Date(s) of Effect:** 22/09/2021

**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:** 22/09/2021

**Determining Body:** Federal Court of Australia

### ADDITIONAL INFORMATION:

Not Applicable

### REGISTERED NATIVE TITLE BODY CORPORATE:

Waanyi Native Title Aboriginal Corporation RNTBC  
Agent Body Corporate  
PO Box 1755  
Broadbeach Queensland 4218

*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: Schedule 1 – Native Title Holders

The Native Title Holders are the Waanyi People.

A person is a Waanyi person if and only if:

- (a) the other Waanyi people recognise that he or she is descended (which may include by adoption) from a person who they recognise as having been Waanyi; and
- (b) the person identifies himself or herself as a Waanyi person.

It is accepted that adoption may take place and that where adoption has occurred it confers upon the adoptee the right to identify as being a Waanyi person.

The following deceased persons are recognised as having been Waanyi people from whom living Waanyi people may be descended:

- (a) King George (Gundawarinya), Mary Starr (Namura), Marrantu
- (b) Johnny Rockland (Guyanda)
- (c) Wuragaga (including his sons Toby Daly and Charlie Walden)
- (d) Wirduga (including her sons King Pedro and Fred Mangala), Yurumburinya, Gudurju, Jagijagi (including her children Left-hand Dick, King Darby, Violet Darby), Lagayi, and Brenda Munara (including her children Duncan Hogan, Julie Darby, Dan Darby, Clara Darby, Frank Hogan, Arthur Peterson)
- (e) Jack Riversleigh (including his children Doris Aplin and Vera Johnny, Annie King and Elaine Cairns)
- (f) Diana (Dina) Jackson
- (g) Fred Mangala (including his children Jimmy Doolan, Tommy Doolan, Oscar Gregory and Queenie Bell) and King Pedro (including his children Dinny, Jock and Cubby Pedro)
- (h) Janggali (including his son Yarribija's children: Duncan Hogan, Julie Darby, Dan Darby, Clara Darby, Frank Hogan, Arthur Peterson; and his daughter Muranji's daughters: Jamuyu and Lidi Wayawarrinya)
- (i) King Darby, Left Hand Dick and Violet Darby
- (j) Ruby Lilwayi (including her daughter Elsie Foster), Polly Nganduyu (including her children: Nancy Carlton, Ned George, Sally O'Keefe, Bubi Dick, Netty Malbow and Nuts Logan), May Black Nijiribina (including her children Nancy Wilson, Nora Black, Dora Doolan nee Black and Archie Black), Ruby Gijaya (including her children Mavis Carlton, Junie Clay, Maurice Carlton, Marina Dick, Mick Miller, Murray Donaldson), and Mailman Dick Gungayamaji (including his child Ivy George Ngayaya)
- (k) Smiler Diamond (including his children: Mick Diamond Ngayjibri and Jack Diamond Bandangala and Sydney Punjaub and Ruby)
- (l) Mailman Jack Libaninji (including his son Fred Carlton Gajangga, daughter Rosie and her daughter Betty Lloyd Jayinbalina, and son Ned Ngaragulanji and his children Bessie Holt and Colin Holt)
- (m) Rosie (including her daughter Lena Saville)
- (n) June Jacob
- (o) Opal
- (p) Minnie (Myboogundji)

**MATTERS DETERMINED:  
BY CONSENT THE COURT ORDERS THAT:**

1. There be a determination of native title in the terms set out below ("the determination").

**BY CONSENT THE COURT DETERMINES THAT:**

3. The determination area is the land and waters described in Schedule 2 and depicted in the map attached to Schedule 4, to the extent those areas are within the External Boundary and not otherwise excluded by the terms of Schedule 3 ("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 Waanyi People described in Schedule 1 ("the Native Title Holders").
6. Subject to orders 8, 9 and 10, the nature and extent of the native title rights and interests, other than in relation to Water, are:
  - (a) in relation to that part of the Determination Area described in Part 1 of Schedule 2, the rights to possession, occupation, use and enjoyment of the area to the exclusion of all others;

(b) in relation to that part of the Determination Area described in Part 2 of Schedule 2, the non-exclusive rights to:

(i) access, to be present on and to traverse the area;

(ii) hunt, fish and gather on the area;

(iii) take Natural Resources from the area;

(iv) live on the land, to camp and, for those purposes, to erect shelters and other structures;

(v) light fires on the area for domestic purposes including cooking and heating but not for the purposes of hunting or clearing vegetation;

(vi) conduct religious, spiritual and ceremonial activities on the area;

(vii) be buried on, and bury Native Title Holders on, the area;

(viii) maintain, in the area, places and areas of importance or significance to the Waanyi People under their traditional laws and customs and to protect those places and areas, by lawful means, from physical harm; and

(ix) share or exchange Natural Resources from the area.

7. Subject to orders 8, 9 and 10, 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, fish in and on and gather from the Water; and

(b) take, use and enjoy the Water for personal, domestic and non-commercial communal purposes.

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 5 ("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 but do not extinguish them except in accordance with law.

## **DEFINITIONS AND INTERPRETATION**

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

"Doomadgee DOGIT" means Deed of Grant in Trust issued over Lot 600 on SP270333 pursuant to the *Land Act 1994* (Qld);

“External Boundary” means the area described in Part 3 of Schedule 2;

"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 “animals” as defined in the *Nature Conservation Act 1992* (Qld), “plants” as defined in the *Nature Conservation Act 1992* (Qld), and any clay, soil, sand, gravel, or rock on or below the surface of the Determination Area but, for the avoidance of doubt, does not include:

(a) animals that are the private personal property of another;

(b) crops grown on a Crown lease by the lessee; or

(c) minerals as defined in the *Minerals Resources Act 1989* (Qld) or petroleum as defined in the *Petroleum Act 1923* (Qld) and the *Petroleum and Gas (Production and Safety) Act 2004* (Qld);

“Road” means an area of land not on private property, whether surveyed or unsurveyed, that is:

(a) currently or was previously dedicated, notified or declared to be a road for public use; or

(b) is currently maintained by the State, the Doomadgee Aboriginal Shire Council, or the Burke Shire Council as a road for public use

and includes:

(i) a street, esplanade, reserve for esplanade, highway, footpath, bicycle path, pathway, thoroughfare, track or stock route;

(ii) a bridge, causeway, culvert, ford, tunnel or other works in, on, over or under a road; and

(iii) any part of a road;

to the extent that any of the infrastructure listed above in (b) are within the External Boundary;

“Water” has the meaning that it has in the *Water Act 2000* (Qld);

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. Pursuant to s 56 of the *Native Title Act 1993* (Cth), the native title is not held in trust.

15. The Waanyi Native Title Aboriginal Corporation ICN 7448, 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);

(b) act as agent for the native title holders; and

(c) perform the functions mentioned in s 57(3) of the *Native Title Act 1993* (Cth) after becoming a registered native title body corporate.

#### **REGISTER ATTACHMENTS:**

1. QCD2021\_003 Schedule 2 - Description of the Determination Area, 4 pages - A4, 22/09/2021

2. QCD2021\_003 Schedule 3 - Areas Not Forming Part of the Determination Area, 1 page - A4, 22/09/2021

3. QCD2021\_003 Schedule 4 - Map of Determination Area, 2 pages - A4, 22/09/2021

4. QCD2021\_003 Schedule 5 - Other Interests in the Determination Area, 2 pages - A4, 22/09/2021

*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.*