



# Extract from the National Native Title Register

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## Determination Information:

**Determination Reference:** Federal Court Number(s): QUD6240/1998  
NNTT Number: QCD2009/004

**Determination Name:** [Girramay People v State of Queensland](#)

**Date(s) of Effect:** 27/05/2010

**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:** 10/12/2009

**Determining Body:** Federal Court of Australia

### ADDITIONAL INFORMATION:

This application was determined on 10 December 2009 and was conditional on the registration of 4 Indigenous Land Use Agreements on the Register of Indigenous Land Use Agreements. QI2009/064 Girramay Cassowary Coast Regional Council Area ILUA and QI2009/067 Girramay People, Girramay People Aboriginal Corporation, State of Queensland & Cassowary Coast Regional Council ILUA were registered on 25 May 2010. QI2009/065 Ergon Energy and Girramay ILUA and QI2009/066 Girramay People and State of QLD and Brazier ILUA were registered on 27 May 2010. The conditions attached to the determination have now therefore, been met.

### REGISTERED NATIVE TITLE BODY CORPORATE:

Girramay People Aboriginal Corporation RNTBC  
Trustee Body Corporate  
PO Box 28  
EURAMO QLD 4854

*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:

The native title holders are those people known as the Girramay People. The Girramay People are those Aboriginal people who are descended from:

- (i) Charles Williams,
- (ii) Bella Williams (Yurbil),
- (iii) Rosie Williams (Djarrnray) [aka Rosie Runaway],

- (iv) Clara Williams (aka Clara Boogal);
- (v) Clarke Kennedy (Blencoe);
- (vi) Jimmy Beeron (Yalbiri);
- (vii) Jimmy Bugal (Nganygurru);
- (viii) Jimmy Henry (Manidjunayi);
- (ix) Jimmy Wallaby ('Billycan') and his wife Maggie (Ridjar);
- (x) Walter Cardwell (aka Simpson) (aka Blackman) (Djubarriny);
- (xi) Tommy Dickman (Dubulmanu) (aka Tommy Digman)
- (xii) Lucy, the wife of Tommy Dickman (Dubulamanu) aka Tommy Digman
- (xiii) One Arm Jack (Manguburnr);
- (xiv) Cissy (Ganabulan);
- (xv) Clair (Mother of Lily Murray nee Wade);
- (xvi) Billy and his wife Jenny (including Charlie Clark Kennedy);
- (xvii) Polly Wyle(s);
- (xviii) Tommy Djingadjinga (Budalayiny);
- (xix) Charlie Nolan (Ibirri);
- (xx) Jimmy Jacobs (Rindin);
- (xxi) Toby McAvoy;
- (xxii) Johnny Dallachy;
- (xxiii) Billy Murray (Walguy aka Walguyi) and Nellie Murray (Mudjunin);
- (xxiv) Frank McLean (aka Frank Barry) (Gandigurrungu) and his wife Nellie;
- (xxv) Mailman.

**MATTERS DETERMINED:**

BY CONSENT THE COURT DETERMINES THAT:

1. Subject to orders, 3, 4, 5, 6, and 7, native title exists in relation to the land and waters in the Determination Area.
2. The persons holding the communal or group rights comprising the native title are the Native Title Holders.
3. Save as to Water, the nature and extent of native title in relation to the Determination Area are the non-exclusive rights to use and enjoy the land and waters being to:
  - (a) access, traverse and Camp on the Determination Area;
  - (b) hunt Animals and gather Plants on the Determination Area for personal, domestic or non-commercial communal use;
  - (c) be buried and to bury Native Title Holders in the Determination Area;
  - (d) visit, maintain and protect from physical harm, sites of significance to the Native Title Holders on the

Determination Area;

(e) conduct ceremonies on the Determination Area;

(f) teach on the Determination Area the physical and spiritual attributes of places and areas of importance situated within the Determination Area;

(g) hold meetings on the Determination Area; and

(h) share or exchange Plant and Animal resources obtained from the Determination Area for non-commercial purposes.

4. The nature and extent of native title in relation to Water are the non-exclusive rights to:

(a) hunt and fish in or on, and gather from, the Water for the purpose of satisfying personal, domestic or non-commercial communal needs; and

(b) take, use and enjoy the Water for the purpose of satisfying personal, domestic or non-commercial communal needs.

5. Such native title is subject to, and exercisable in accordance with:

(a) the Laws of the Commonwealth of Australia and the State of Queensland;

(b) traditional laws acknowledged, and traditional customs observed, by the Native Title Holders.

6. Notwithstanding anything in this order there is no native title in, or in relation to:

(a) minerals as defined in the Minerals Resources Act 1989 (Qld); or

(b) petroleum as defined in the Petroleum Act 1923 (Qld) and the Petroleum and Gas (Production and Safety) Act 2004 (Qld).

7. The native title in relation to the land and waters in the Determination Area does not:

(a) include the right to control access thereto or use thereof; and

(b) otherwise confer possession, occupation, use or enjoyment of such land and waters to the exclusion of 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 Four.

9. The relationship between the native title rights and interests described in paragraphs 3 and 4 and the other rights and interests described in Schedule Four (the "other rights and interests") is that:

(i) such other rights and interests continue to have effect, and the rights and interests conferred by, or held thereunder may be exercised, notwithstanding the existence of the native title;

(ii) such other rights and interests and any activity done in exercise of the rights and interests conferred thereby or held thereunder, prevail over the native title and any exercise of the native title.

10. The words and expressions used in this order have the same meanings as they have in Part 15 of the Native Title Act 1993 (Cth) except for the following defined words and expressions:

"Animal" has the meaning given in the Nature Conservation Act 1992 (Qld), excluding fish;

"Camp" means to stay for a short period of time, either in a shelter or otherwise, but does not include residing on, erecting permanent structures on or annexing fixtures to the land;

"Determination Area" means the land and waters within the area described in Part A of Schedule One and shown in Schedule Two, with the description in Part A of Schedule One prevailing to the extent of any inconsistency, but does not include the land and waters described in Part B of Schedule One;

"Laws of the Commonwealth of Australia and the State of Queensland" means the common law and the laws of the Commonwealth of Australia and the State of Queensland, and includes local laws and planning instruments;

"Native Title Holders" means the persons described in Schedule Three;

"Plant" has the meaning given in the Nature Conservation Act 1992 (Qld);

"Tidal Navigable River" has the meaning given in the Land Act 1994 (Qld);

"Tidal Water" has the meaning given in the Land Act 1994 (Qld); and

"Water" means water as defined in the Water Act 2000 (Qld) and Tidal Water.

AND THE COURT FURTHER ORDERS THAT:

11. Native title is to be held on trust.

12. The Girramay People Aboriginal Corporation ICN 4739, being an Aboriginal Corporation under the Corporations (Aboriginal and Torres Strait Islanders) Act 2006 (Cth) is to be the prescribed body corporate for the purposes of section 56 of the Native Title Act 1993 (Cth).

13. Paragraphs 1 - 12 will take effect on the registration of all of the agreements referred to in paragraphs (c), (d), (f) and (g) of Schedule Four on the Register of Indigenous Land Use Agreements.

14. In the event that any of the agreements referred to in paragraphs (c), (d), (f) and (g) of Schedule Four are not registered on the Register of Indigenous Land Use Agreements within six months of the date of this order or such later time as this Court may order, the matter is to be listed for further directions.

#### SCHEDULE ONE

##### Part A Determination Area

The Determination Area is the land and waters comprising:-

Area description	Determination Plan
Lot 34 on USL 38685	Lot 1
Lot 1 on USL 38639	Lot 8
Lot 14 on USL 38639	Lot 7
Lot 184 on CWL 3146	Lot 3
Lot 26 on USL 38675	Lot 2
Lot 2 on USL 38698	Lot 12

and the following land and waters to which s 47B of the Native Title Act 1993 (Cth) applies:

Lot 9 on USL 39000	Lot 4
Lot 36 on USL 38929	Lot 6
Lot 1 on AP 5906 (previously described as Lot 53 on USL 38929)	Part of Lot 5
Lot 2 on AP 5906 (previously described as Lot 53 on USL 38929)	Part of Lot 5
Part of Lot 5 on USL 38639	Lot 9
Part of Lot 72 on NPW 926 (previously described as Lots 24, 26, 33 and 42 on USL 38644)	Lots 13, 14, 15 and 16
Part of Lot 15 on API6610	Lots 10 and 11

Part B Areas excluded from the Determination Area by Operation of the Law: Any area of land and waters on which a public work as that expression is defined in the Native Title Act 1993 (Cth) is or has been established on or before 23 December 1996, and any adjacent land and waters the use of which is or was necessary for, or incidental to, the construction, establishment or operation of the public work.

## SCHEDULE TWO (determination plan)

(See NNTR Attachment 1: "Schedule 2 - determination plan")

## SCHEDULE THREE

(the Native Title Holders)

The native title holders are those people known as the Girramay People. The Girramay People are those Aboriginal people who are descended from:

- (i) Charles Williams,
- (ii) Bella Williams (Yurbil),
- (iii) Rosie Williams (Djarrnay) [aka Rosie Runaway],
- (iv) Clara Williams (aka Clara Boogal);
- (v) Clarke Kennedy (Blencoe) ;
- (vi) Jimmy Beeron (Yalbiri);
- (vii) Jimmy Bugal (Nganygurru);
- (viii) Jimmy Henry (Manidjunayi);
- (ix) Jimmy Wallaby ('Billycan') and his wife Maggie (Ridjar);
- (x) Walter Cardwell (aka Simpson) (aka Blackman) (Djubarriny);
- (xi) Tommy Dickman (Dubulmanu) (aka Tommy Digman)
- (xii) Lucy, the wife of Tommy Dickman (Dubulamanu) aka Tommy Digman
- (xiii) One Arm Jack (Manguburnr);
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- (xv) Clair (Mother of Lily Murray nee Wade);
- (xvi) Billy and his wife Jenny (including Charlie Clark Kennedy);
- (xvii) Polly Wyle(s);
- (xviii) Tommy Djingadjinga (Budalayiny);
- (xix) Charlie Nolan (Ibirri);
- (xx) Jimmy Jacobs (Rindin);
- (xxi) Toby McAvoy;
- (xxii) Johnny Dallachy;
- (xxiii) Billy Murray (Walguy aka Walguyi) and Nellie Murray (Mudjunin);
- (xxiv) Frank McLean (aka Frank Barry) (Gandigurrungu) and his wife Nellie;
- (xxv) Mailman.

## SCHEDULE FOUR

(other interests)

The nature and extent of any other interests in relation to the Determination Area (or the respective parts thereof identified below) are:

(a) the rights and interests of the State of Queensland pursuant to the Nature Conservation Act 1992 (Qld) and the Forestry Act 1959 (Qld) and the respective subordinate legislation relating to the use and management of the land

and waters comprising areas (b), (c), (d), (g)(i) and (g)(v)-(vii) of Part A of the Determination Area as shown in Schedule One;

(b) the rights and interests of the State of Queensland pursuant to the Fisheries Act 1994 (Qld) and subordinate legislation relating to the use and management of the declared fish habitat area on area (c) of Part A of the Determination Area as shown in Schedule One;

(c) the rights and interests of the parties under an Indigenous Land Use Agreement dated 24 November 2009 entered into between Abraham Muriata, the Girramay People Aboriginal Corporation, the Cassowary Coast Regional Council and the State of Queensland;

(d) the rights and interests of the parties under an Indigenous Land Use Agreement dated 24 November 2009 entered into between Abraham Muriata, the Girramay People Aboriginal Corporation, the State of Queensland and Ronald Ernest Brazier and Angelina Brazier;

(e) the rights and interests of Telstra Corporation Limited, being:

(i) rights and interests as the owner and operator of telecommunication facilities installed within the Determination Area, including customer radio terminals and optic fibre and local distribution cabling and as the holder of a carrier licence under the Telecommunications Act 1997(Cth);

(ii) rights and interests created pursuant to the Post and Telegraph Act 1901 (Cth), the Telecommunications Act 1975 (Cth), the Australian Telecommunication Corporation Act 1989 (Cth), the Telecommunications Act 1991 (Cth) and the Telecommunications Act 1997 (Cth); and

(iii) rights to enter the Determination Area by employees, agents or contractors of Telstra Corporation Limited in the performance of their duties to enable access to its telecommunications facilities in, and in the vicinity of, the Determination Area;

(f) the rights and interests of the Cassowary Coast Regional Council under its local government jurisdiction and as an entity exercising statutory powers in respect of the Determination Area including its interests and the interests of the parties under an Indigenous Land Use Agreement dated 6 November 2009 entered into between Abraham Muriata, the Girramay People Aboriginal Corporation and the Cassowary Coast Regional Council;

(g) the rights and interests of Ergon Energy Corporation Limited as an entity exercising statutory powers and as the Owner and operator of electricity transmission and distribution facilities within the Determination Area including its interests and the rights and interests of the parties under an Indigenous Land Use Agreement dated 13 November 2009 entered into between Abraham Muriata and Ergon Energy Corporation Limited;

(h) any rights and interests of the holder of an authority issued under the Fisheries Act 1994 (Qld) that authorises a commercial fishing operation in the waters of the Determination Area as may be current at the date of this Determination;

(i) the public right to fish in any Tidal Water and to navigate in any Tidal Navigable River within the Determination Area; and

(j) any other rights and interests held by the Crown or by reason of the force and operation of the Laws of the Commonwealth of Australia and the State of Queensland as may be current at the date of this Determination.

#### **REGISTER ATTACHMENTS:**

1. Attachment 1 - Schedule 2 - determination plan, 9 pages - A4, 10/12/2009

*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.*