

Extract from the National Native Title Register

Determination Information:

Determination Reference: Federal Court Number(s): QUD80/2005
NNTT Number: QCD2014/006

Determination Name: Elizabeth Dodd & Ors on behalf of the Gudjala People Core Country Claim #1 v State of Queensland & Ors

Date(s) of Effect: 18/03/2014

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: 18/03/2014

Determining Body: Federal Court of Australia

ADDITIONAL INFORMATION:

Not Applicable

REGISTERED NATIVE TITLE BODY CORPORATE:

Ngrragoonda Aboriginal Corporation RNTBC
Agent Body Corporate
1/38 York Street
Charters Towers Queensland 4820

COMMON LAW HOLDER(S) OF NATIVE TITLE:

5. The native title is held by the Gudjala People described in Schedule 3 (the "native title holders").

The native title holders are the Gudjala People. The Gudjala People are the descendants of one or more of the following people:

- (a) Alice Anning (also known as Alice White) of Bluff Downs station;
- (b) Cissy McGregor;
- (c) Maggie "Ton Ton" Thompson;
- (d) Topsy Hann; or
- (e) Zoe (mother of Hoya Siemon/Bowman).

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 1, and depicted in the map attached to Schedule 1. To the extent of any inconsistency between the written description and the map, the written description prevails.

4. Native title exists in relation to that part of the Determination Area described in Parts 1, 2, 3 and 4 of Schedule 1.

5. The native title is held by the Gudjala People described in Schedule 3 (the "native title holders").

6. Subject to paragraphs 10, 11 and 12 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 1 are:

(a) other than in relation to Water, the rights 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 paragraphs 10, 11 and 12 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 1 are the non-exclusive rights to:

(a) access, be present on, move about on and travel over the area;

(b) camp, and live temporarily on the area as part of camping, 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 and use 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;

(i) teach on the area the physical and spiritual attributes of the area; and

(j) light fires on the area for domestic purposes including cooking, but not for the purpose of hunting or clearing vegetation.

8. Subject to paragraphs 10, 11 and 12 below the nature and extent of the native title rights and interests in relation to the land and waters described in Part 3 of Schedule 1 are the non-exclusive rights to:

(a) access, be present on, move about on and travel over the area;

(b) 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

(c) teach on the area the physical and spiritual attributes of the area.

9. Subject to paragraphs 10, 11 and 12 below the nature and extent of the native title rights and interests in relation to the land and waters described in Part 4 of Schedule 1 is the non-exclusive right to access, be present on, move about on and travel over the area.

10. The native title rights and interests are subject to and exercisable in accordance with:

- (a) the Laws of the State and the Commonwealth;
- (b) the traditional laws acknowledged and traditional customs observed by the native title holders; and
- (c) the terms and conditions of the agreements referred to in paragraph 1 of Schedule 4.

11. The native title rights and interests referred to in paragraphs 6(b), 7, 8 and 9 do not confer possession, occupation, use or enjoyment to the exclusion of all others.

12. 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).

13. The nature and extent of any other interests in relation to the Determination Area (or respective parts thereof) are set out in Schedule 4.

14. The relationship between the native title rights and interests described in paragraphs 6, 7, 8 and 9 and the other interests described in Schedule 4 (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

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

"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, plant, fish and bird life found on or in the lands and waters of the Determination Area; and
- (b) any clays, soil 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;
- (b) crops that are the private personal property of another; and
- (c) minerals as defined in the *Mineral 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);

"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:

- 16. The native title is not held in trust.
- 17. The Ngrragoonda Aboriginal Corporation ICN 7982, 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); and
 - (b) perform the functions mentioned in s 57(3) of the *Native Title Act 1993* (Cth) after becoming a registered native title body corporate.

Schedule 1 – DETERMINATION AREA

A. Description of Determination Area

The Determination Area comprises all of the land and waters described in Parts 1, 2, 3 and 4 below, to the extent that they are within the external boundary described in Part 5 below, and depicted on the determination map, excluding the areas described in Schedule 2.

Part 1 - Exclusive Rural Areas

All of the land and waters described in the following table and depicted in dark blue on the determination map:

Area description

(as at date of determination) Determination map sheet number¹

Lot 21 on Plan AP13523	7
Lot 30 on Plan AP13523	7
Lot 16 on Plan AP13526	33
Lot 521 on Plan AP15552	17
Lot 2 on Plan AP4715	13
Lot 20 on Plan AP7676	13
Lot 130 on Plan AP7676	13
Lot 1 on Plan AP9171	17
Lot 1649 on Plan AP9326	9
Lot 1650 on Plan AP9326	9
Lot 1651 on Plan AP9326	9
Lot 1 on Plan H5502	13
Lot 750 on Plan MPH20581	24

That part of Lot 6370 on MPH21172 excluding that part formerly subject to Exploration Mining Permit No. 8150
34

The area of road formerly described as Lot 7 on Plan MPH40879 * 25

The area of road formerly described as Lot 8 on Plan MPH40879 * 25

The area of road formerly described as Lot 9 on Plan MPH40879 *	25
The area of road formerly described as Lot 10 on Plan MPH40879 *	25
Lot 1 on Plan N25565	16
Lot 1 on Plan OC9	3
Lot 1 on Plan T6371	13
Lot 2 on Plan T6371	13
Lot 3 on Plan T6371	13
Lot 4 on Plan T6371	13
Lot 5 on Plan T6371	13
Lot 6 on Plan T6371	13
Lot 7 on Plan T6371	13
Lot 8 on Plan T6371	13
Lot 9 on Plan T6371	13
Lot 10 on Plan T6371	13
Lot 70 on Plan USL46812	34
Lot 32 on Plan USL46819	29
Lot 36 on Plan USL46820	17
Lot 47 on Plan USL46828	15
Lot 10 on Plan USL48053	13
Lot 15 on Plan USL48053	13
Lot 16 on Plan USL48053	13
Lot 17 on Plan USL48053	13
Lot 42 on Plan USL48163	9

1 Where an area is depicted on more than one sheet, only the first sheet number is referenced.

* denotes areas to which s 24KA of the *Native Title Act 1993* (Cth) applies

Part 2 - Non-Exclusive Rural Areas

All of the land and waters described in the following table and depicted in light blue on the determination map:

Area description

(as at date of determination) Determination map sheet number²

That part of Lot 275 on Plan DV706 excluding that part subject to Trustee Lease No. 602825079	16
Lot 9 on Plan AP11628	18
Lot 10 on Plan AP11628	18
Lot 68 on Plan AP11741	29
Lot 191 on Plan AP11756	18

The area of road formerly described as Lot 191 on Plan DV544 * 18

Lot 52 on Plan AP13685 31

Lot 53 on Plan AP13685 31

Lot 1349 on Plan AP9326 9

Lot 1350 on Plan AP9326 9

Lot 1351 on Plan AP9326 9

Lot 1437 on Plan AP9326 9

Lot 1438 on Plan AP9326 9

Lot 45 on Plan BKN802454 8

Lot 5 on Plan BKN96 8

That part of Lot 1 on Plan CLK40 that is within the external boundary 2

That part of Lot 551 on Plan CP843339 that is within the external boundary 2

Lot 3 on Plan CP858255 3

That part of Lot 4835 on Plan CP858256 that is within the external boundary 3

Lot 1 on Plan CP889408 17

Lot 235 on Plan CP894369 33

That part of Lot 3 on Plan CP898336 that is within the external boundary 3

Lot 2 on Plan CP902051 10

Lot 1 on Plan CP902051 10

Lot A on Plan AP20144 10

Lot B on Plan AP5720 10

Lot 1 on Plan PER4586 10

That part of Lot 9 on Plan CP903954 that is within the external boundary 20

Lot 126 on Plan D1141 9

Lot 21 on Plan D1241 8

Lot 9 on Plan DAL1243 6

Lot 7 on Plan DP21 11

Lot 1 on Plan DP52 6

Lot 2 on Plan DP53 6

That part of Lot 5 on Plan DP59 that is within the external boundary 11

Lot 2 on Plan DP60 6

Lot 1 on Plan DP9 5

Lot 2 on Plan DP9 6

That part of Lot 2 on Plan DV16 that is within the external boundary 16

Lot 4 on Plan DV17	18
Lot 33 on Plan DV278	17
Lot 39 on Plan DV30	15
Lot 104 on Plan DV323	16
Lot 106 on Plan DV325	16
Lot 17 on Plan DV354	19
Lot 213 on Plan DV360	15
Lot 207 on Plan DV369	15
Lot 3 on Plan DV383	20
Lot 10 on Plan DV383	20
Lot 6 on Plan DV467	20
Lot 12 on Plan DV474	19
Lot 215 on Plan DV52	10
Lot 21 on Plan DV555	12
Lot 1 on Plan DV557	13
Lot 87 on Plan DV57	17
Lot 88 on Plan DV57	17
Lot 89 on Plan DV57	17
Lot 90 on Plan DV57	17
Lot 91 on Plan DV57	17
Lot 92 on Plan DV57	17
Lot 93 on Plan DV57	17
Lot 94 on Plan DV57	17
Lot 95 on Plan DV57	17
Lot 200 on Plan DV577	33
Lot 202 on Plan DV579	10
Lot 97 on Plan DV58	17
Lot 216 on Plan DV6	10
Lot 11 on Plan DV601	17
That part of Lot 31 on Plan DV614 that is within the external boundary	19
Lot 7 on Plan DV667	6
Lot 265 on Plan DV676	16
Lot 266 on Plan DV676	16
Lot 25 on Plan DV704	9

Lot 19 on Plan DV800729	16
Lot 24 on Plan DV840973	6
Lot 26 on Plan GF124	13
Lot 21 on Plan GF125	13
Lot 34 on Plan GF128	12
Lot 1 on Plan GF199	13
That part of Lot 14 on Plan GF78 that is within the external boundary	12
That part of Lot 829 on Plan GF808564 that is within the external boundary	12
Lot 25 on Plan GF93	13
That part of Lot 14 on Plan LH8 that is within the external boundary	1
Lot 7900 on Plan MPH1118	20
Lot 1 on Plan MPH13820	17
Lot 181 on Plan MPH20327	17
Lot 1 on Plan MPH20471	18
Lot 1545 on Plan MPH20658	17
Lot 9810 on Plan MPH21320	17
Lot 125 on Plan NPW636	6
Lot 4 on Plan OC21	5
Lot 6 on Plan OC21	5
Lot 7 on Plan OC21	5
Lot 1 on Plan OC68	3
Lot 5231 on Plan PH1339	6
Lot 3967 on Plan PH140	5
That part of Lot 602 on Plan PH1444 that is within the external boundary	1
Lot 4897 on Plan PH1445	4
Lot 3602 on Plan PH167	5
Lot 5133 on Plan PH1714	3
Lot 483 on Plan PH1715	3
That part of Lot 4244 on Plan PH1716 that is within the external boundary	3
Lot 5369 on Plan PH1899	5
That part of Lot 575 on Plan PH219 that is within the external boundary	1
Lot 3639 on Plan PH2248	6
That part of Lot 5039 on Plan PH245 that is within the external boundary	1
That part of Lot 5014 on Plan PH260 that is within the external boundary	2

That part of Lot 3880 on Plan PH29 that is within the external boundary 2

That part of Lot 3578 on Plan PH30 that is within the external boundary 4

That part of Lot 3683 on Plan PH368 that is within the external boundary 4

Lot 4209 on Plan PH372 11

That part of Lot 2146 on Plan PH423 that is within the external boundary 11

That part of Lot 5094 on Plan PH563 that is within the external boundary 4

Lot 578 on Plan PH674 6

That part of Lot 4968 on Plan PH688 that is within the external boundary 11

Lot 4610 on Plan PH837 7

Lot 3655 on Plan PH838 6

That part of Lot 3 on Plan PP17 that is within the external boundary 5

Lot 4 on Plan PP19 4

That part of Lot 4 on Plan PP23 that is within the external boundary 4

The area of road formerly described as Lot 552 on Plan SP112746 * 17

That part of Lot 4 on Plan SP108012 that is within the external boundary 1

Lot 593 on Plan SP108231 13

Lot 594 on Plan SP108231 13

Lot 631 on Plan SP108232 13

Lot 632 on Plan SP108232 13

Lot 413 on Plan SP112742 19

Lot 416 on Plan SP112742 19

Lot 493 on Plan SP112744 33

Lot 553 on Plan SP112746 17

Lot 554 on Plan SP112746 17

That part of Lot 6 on Plan SP146633 that is within the external boundary 4

That part of Lot 3932 on Plan SP221799 that is within the external boundary 3

Lot 4896 on Plan SP232782 5

That part of Lot 8 on Plan SP248068 that is within the external boundary 4

That part of Lot 9 on Plan SP248068 that is within the external boundary 4

Lot 22 on Plan T6371 13

Lot 7 on Plan USL45987 20

Lot 15 on Plan USL46796 33

Lot 66 on Plan USL46796 33

Lot 6 on Plan USL46811 31

Lot 38 on Plan USL46811	31
Lot 40 on Plan USL46811	31
Lot 29 on Plan USL46812	31
Lot 33 on Plan USL46812	31
Lot 63 on Plan USL46812	34
Lot 69 on Plan USL46812	34
Lot 34 on Plan USL46813	34
Lot 61 on Plan USL46826	19
Lot 74 on Plan USL46826	19
Lot 72 on Plan USL48027	20
That part of Lot 1 on Plan WG193 that is within the external boundary	3
That part of Lot 3 on Plan WNG3 that is within the external boundary	4

Save for any waters forming part of a lot on plan, all waterways, natural lakes, creeks and rivers within the external boundary including but not limited to: the Burdekin River, the Clarke River, the Gregory River, the Basalt River, the Broken River, and the Star River

2 Where an area is depicted on more than one sheet, only the first sheet number is referenced.

* denotes area to which s 24KA of the *Native Title Act 1993* (Cth) applies.

Part 3 - Non-Exclusive Urban Areas (Towers Hill)

All of the land and waters described in the following table and depicted in yellow on the determination map:

Area description

(as at date of determination)	Determination map sheet number ³
Lot 31 on Plan AP11742	29
Lot 32 on Plan AP11742	29
Lot 33 on Plan AP11742	29
The areas of road described as Lots 1, 2 and 3 on Plan AP11742 *	29

3 Where an area is depicted on more than one sheet, only the first sheet number is referenced.

* denotes areas to which s 24KA of the *Native Title Act 1993* (Cth) applies.

Part 4 - Non-Exclusive Urban Areas

All of the land and waters described in the following table and depicted in tan on the determination map:

Area description

(as at date of determination)	Determination map sheet number ⁴
Lot 64 on Plan DV234	24
That part of Lot 256 on Plan SP238149 that is within the external boundary	28
Lot 13 on Plan SP185815	31

That part of Lot 128 on Plan USL46806 excluding that part formerly subject to Mining Homestead Perpetual

Lease No. 9604 31

Lot 60 Plan SP171611 27

The area of road shown on Plan SP171611 between stations 4-5-19-20-21-23-13-4 * 27

Lot 1 on Plan AP11606 31

Lot 2 on Plan AP11606 31

Lot 3 on Plan AP11606 31

Lot 1 on Plan AP11610 24

Lot 164 on Plan AP11610 24

Lot 4 on Plan AP13507 31

Lot 38 on Plan AP13684 32

Lot 2 on Plan AP15748 28

Lot 1 on Plan AP4725 31

Lot 16 on Plan AP4725 31

Lot 33 on Plan AP4725 31

Lot 34 on Plan AP4725 31

Lot 38 on Plan AP4725 31

Lot 49 on Plan AP4725 31

Lot 71 on Plan AP4725 31

Lot 77 on Plan AP4725 31

Lot 154 on Plan AP4725 31

Lot 1 on Plan AP5088 29

Lot 2 on Plan AP5088 29

Lot 6 on Plan AP5088 29

Lot 7 on Plan AP5088 29

Lot 8 on Plan AP5088 29

Lot 9 on Plan AP5088 29

Lot 10 on Plan AP5088 29

The area of road formerly described as Lot 11 on Plan AP5088 * 29

Lot 12 on Plan AP5088 29

Lot 13 on Plan AP5088 29

Lot 14 on Plan AP5088 29

Lot 15 on Plan AP5088 29

Lot 16 on Plan AP5088 29

Lot 17 on Plan AP5088 29

Lot 18 on Plan AP5088	29
Lot 19 on Plan AP5088	29
Lot 20 on Plan AP5088	29
Lot 21 on Plan AP5088	29
Lot 22 on Plan AP5088	29
Lot 23 on Plan AP5088	29
Lot 24 on Plan AP5088	30
Lot 25 on Plan AP5088	30
Lot 26 on Plan AP5088	29
Lot 27 on Plan AP5088	29
Lot 28 on Plan AP5088	29
Lot 29 on Plan AP5088	29
Lot 30 on Plan AP5088	29
Lot 31 on Plan AP5088	29
Lot 34 on Plan AP5088	29
Lot 35 on Plan AP5088	30
Lot 86 on Plan AP5124	29
Lot 4 on Plan AP5667	27
Lot 6 on Plan AP5667	27
Lot 15 on Plan AP5667	27
Lot 25 on Plan AP5667	27
Lot 59 on Plan AP5667	27
Lot 65 on Plan AP5667	27
Lot 44 on Plan AP7691	28
Lot 45 on Plan AP7691	28
Lot 46 on Plan AP7691	28
Lot 48 on Plan AP7691	28
Lot 177 on Plan AP7691	28
Lot 159 on Plan AP9342	31
Lot 1 on Plan BIRD7	27
Lot 2 on Plan BIRD7	27
Lot 3 on Plan BIRD7	27
Lot 1 on Plan CP849622	28
Lot 25 on Plan CP850650	31

Lot 5 on Plan CP901158	27
That part of Lot 4 on Plan CP901158 that is within the external boundary	27
That part of Lot 46 on Plan CP901158 that is within the external boundary	27
Lot 218 on Plan CP910013	28
Lot 7 on Plan CT182113	26
Lot 14 on Plan CT182117	26
Lot 225 on Plan CT18215	26
Lot 226 on Plan CT18215	26
Lot 227 on Plan CT18215	26
Lot 259 on Plan CT1822	31
Lot 260 on Plan CT18236	26
Lot 261 on Plan CT18236	26
Lot 262 on Plan CT18236	26
Lot 188 on Plan CT1824	29
Lot 10 on Plan CT18250	24
Lot 40 on Plan CT18250	24
Lot 232 on Plan CT18259	22
Lot 22 on Plan CT18267	29
Lot 2 on Plan CT18293	27
Lot 3 on Plan CT18293	27
Lot 11 on Plan CT18297	26
Lot 29 on Plan DV327	28
Lot 146 on Plan DV441	22
Lot 153 on Plan DV460	27
Lot 155 on Plan DV464	34
Lot 219 on Plan DV475	30
Lot 33 on Plan DV480	31
Lot 222 on Plan DV482	28
Lot 163 on Plan DV483	28
Lot 102 on Plan AP15729	28
Lot 13 on Plan DV499	23
Lot 27 on Plan DV504	31
Lot 225 on Plan DV507	29
Lot 184 on Plan DV529	22

Lot 196 on Plan DV561	31
Lot 29 on Plan DV562	31
That part of Lot 210 on Plan DV610 that is within the external boundary	24
Lot 7 on Plan DV643	30
Lot 11 on Plan DV728	31
Lot 228 on Plan DV739	28
Lot 234 on Plan DV740	31
Lot 12 on Plan DV840956	24
Lot 32 on Plan M17510	32
Lot 405 on Plan M1756	32
Lot 502 on Plan M1756	32
Lot 503 on Plan M1756	32
Lot 506 on Plan M1756	32
Lot 507 on Plan M1756	32
Lot 508 on Plan M1756	32
Lot 605 on Plan M1756	32
Lot 702 on Plan M1756	32
Lot 801 on Plan M1756	32
Lot 803 on Plan M1756	32
Lot 804 on Plan M1756	32
Lot 805 on Plan M1756	32
Lot 37 on Plan M1759	31
Lot 88 on Plan MPH32368	27
Lot 1 on Plan MPH33088	30
Lot 2 on Plan MPH33088	30
Lot 159 on Plan MPH33474	31
Lot 26 on Plan MPH40658	24
Lot 27 on Plan MPH40658	24
Lot 139 on Plan MPH40660	29
Lot 195 on Plan MPH40915	30
Lot 196 on Plan MPH40915	30
Lot 1 on AP15921	24
Lot 2 on AP15921	24
Lot 3 on AP15921	24

Lot 4 on AP15921	24	
The area of road formerly described as Lot 3 on Plan AP5088 *	29	
The area of road formerly described as Lot 4 on Plan AP5088 *	29	
The area of road formerly described as Lot 5 on Plan AP5088 *	29	
Lot 27 on Plan RP865802	22	
Lot 16 on Plan SP106208	27	
That part of Lot 255 on Plan SP142524 that is within the external boundary		24
That part of Lot 152 on Plan SP143440 that is within the external boundary		27
Lot 31 on Plan SP144896	22	
That part of Lot 17 on Plan SP144896 that is within the external boundary		22
Lot 3 on Plan SP146272	31	
Lot 16 on Plan SP150173	27	
Lot 77 on Plan SP156576	26	
Lot 25 on Plan SP167325	23	
Lot 14 on Plan SP185820	23	
Lot 1 on Plan SP250470	27	
The area of road shown on Plan SP250470 between stations 2-3-4-5-2 *	27	
Lot 40 on Plan USL46769	24	
Lot 96 on Plan USL46769	24	
Lot 108 on Plan USL46769	24	
Lot 180 on Plan USL46773	24	
Lot 33 on Plan USL46774	26	
Lot 36 on Plan USL46774	26	
Lot 48 on Plan USL46774	26	
Lot 67 on Plan USL46774	29	
Lot 87 on Plan USL46774	29	
Lot 62 on Plan USL46775	28	
Lot 173 on Plan USL46775	28	
Lot 174 on Plan USL46775	26	
Lot 180 on Plan USL46775	32	
Lot 182 on Plan USL46775	32	
Lot 185 on Plan USL46775	28	
Lot 68 on Plan USL46777	28	
Lot 53 on Plan USL46782	27	

Lot 63 on Plan USL46782	27
Lot 64 on Plan USL46782	27
Lot 71 on Plan USL46782	27
Lot 140 on Plan USL46782	31
Lot 166 on Plan USL46782	31
That part of Lot 65 on Plan USL46782 that is within the external boundary 27	
Lot 17 on Plan USL46783	27
Lot 18 on Plan USL46783	27
Lot 19 on Plan USL46783	27
Lot 29 on Plan USL46783	27
Lot 30 on Plan USL46783	27
Lot 131 on Plan USL46783	27
Lot 127 on Plan USL46783	28
That part of Lot 54 on Plan USL46783 that is within the external boundary 27	
Lot 65 on Plan USL46784	28
That part of Lot 1 on Plan USL46784 that is within the external boundary 27	
Lot 55 on Plan USL46785	32
Lot 122 on Plan USL46785	32
Lot 124 on Plan USL46785	32
Lot 13 on Plan USL46786	28
Lot 84 on Plan USL46786	28
Lot 90 on Plan USL46786	28
Lot 190 on Plan USL46786	28
Lot 191 on Plan USL46786	28
That part of Lot 186 on Plan USL46786 that is within the external boundary 28	
That part of Lot 25 on Plan USL46786 that is within the external boundary 28	
That part of Lot 1 on Plan USL46787 that is within the external boundary 28	
That part of Lot 58 on Plan USL46787 that is within the external boundary 28	
That part of Lot 6 on Plan USL46787 that is within the external boundary 28	
Lot 119 on Plan USL46788	22
Lot 113 on Plan USL46789	22
Lot 147 on Plan USL46789	22
Lot 161 on Plan USL46789	24
Lot 3 on Plan USL46790	24

Lot 5 on Plan USL46790	24
Lot 6 on Plan USL46790	24
Lot 13 on Plan USL46790	24
Lot 54 on Plan USL46790	24
Lot 2 on Plan USL46791	24
Lot 119 on Plan USL46791	25
Lot 133 on Plan USL46791	25
Lot 135 on Plan USL46791	25
Lot 139 on Plan USL46791	29

That part of Lot 142 on Plan USL46791 excluding those parts formerly subject to Gold Fields Homestead Lease No. 4359, Gold Fields Homestead Lease No. 5019, Gold Fields Homestead Lease No. 538, Gold Fields Homestead Lease No. 1700, Gold Fields Homestead Lease No. 1833, Miner's Homestead Lease No. 6448, Miner's Homestead Lease No. 3527, Miner's Homestead Lease No. 6856 and Miner's Homestead Lease No. 6220 25

Lot 143 on Plan USL46791	29
Lot 148 on Plan USL46791	25
Lot 154 on Plan USL46791	25

That part of Lot 155 on Plan USL46791 excluding those parts formerly subject to Gold Fields Homestead Lease No. 1354, Gold Fields Homestead Lease No. 3793 and Gold Fields Homestead Lease No. 985
25

Lot 262 on Plan USL46791	25
Lot 281 on Plan USL46791	24
Lot 12 on Plan USL46793	31
Lot 21 on Plan USL46794	27
Lot 98 on Plan USL46794	27
Lot 108 on Plan USL46794	19
Lot 2 on Plan USL46798	31
Lot 15 on Plan USL46798	31
Lot 61 on Plan USL46798	29
Lot 66 on Plan USL46798	29
Lot 72 on Plan USL46798	33
Lot 73 on Plan USL46798	29
Lot 79 on Plan USL46798	29
Lot 153 on Plan USL46798	30
Lot 168 on Plan USL46798	30
Lot 24 on Plan USL46799	31
Lot 34 on Plan USL46799	31

Lot 38 on Plan USL46799	31
Lot 43 on Plan USL46799	31
Lot 112 on Plan USL46799	31
Lot 117 on Plan USL46799	30
Lot 122 on Plan USL46799	30
Lot 129 on Plan USL46799	30
Lot 146 on Plan USL46799	30
Lot 13 on Plan USL46800	30
Lot 15 on Plan USL46800	30
Lot 43 on Plan USL46800	30
Lot 99 on Plan USL46800	30
Lot 116 on Plan USL46800	30
Lot 153 on Plan USL46800	30
Lot 155 on Plan USL46800	30
Lot 162 on Plan USL46800	30
Lot 164 on Plan USL46800	30
Lot 166 on Plan USL46800	30
Lot 280 on Plan USL46800	30
Lot 3 on Plan USL46801	29
Lot 27 on Plan USL46801	29
Lot 40 on Plan USL46801	29
Lot 62 on Plan USL46801	29
Lot 75 on Plan USL46801	29
Lot 77 on Plan USL46801	29
Lot 78 on Plan USL46801	29
Lot 79 on Plan USL46801	29
Lot 83 on Plan USL46801	29
Lot 84 on Plan USL46801	29
Lot 301 on Plan USL46801	29
Lot 9 on Plan USL46802	33
Lot 29 on Plan USL46802	33
Lot 70 on Plan USL46802	33
Lot 1 on Plan USL46805	31
Lot 2 on Plan USL46805	31

Lot 3 on Plan USL46805	31
Lot 5 on Plan USL46805	31
Lot 6 on Plan USL46805	31
Lot 9 on Plan USL46805	31
Lot 13 on Plan USL46805	31
Lot 15 on Plan USL46805	31
Lot 18 on Plan USL46805	31
Lot 20 on Plan USL46805	31
Lot 23 on Plan USL46805	31
Lot 33 on Plan USL46805	31
Lot 35 on Plan USL46805	31
Lot 47 on Plan USL46805	31
Lot 39 on Plan USL46806	32
Lot 70 on Plan USL46806	32
Lot 80 on Plan USL46806	32
Lot 2 on Plan USL46807	32
Lot 36 on Plan USL46807	31
Lot 1 on Plan USL46808	31
Lot 3 on Plan USL46808	31
Lot 10 on Plan USL46808	31
Lot 13 on Plan USL46808	31
Lot 25 on Plan USL46808	31
Lot 8 on Plan USL46809	31
Lot 71 on Plan USL46809	31
Lot 12 on Plan USL46810	31
Lot 15 on Plan USL46810	31
Lot 26 on Plan USL46810	31
Lot 29 on Plan USL46810	31
Lot 66 on Plan USL46810	31
Lot 109 on Plan USL46810	31
Lot 11 on Plan USL46827	22

Save for any waters forming part of a lot on plan, all waterways, natural lakes, creeks and rivers within the external boundary including but not limited to: Aberdeen Creek, Dearie Creek, and Millchester Creek

4 Where an area is depicted on more than one sheet, only the first sheet number is referenced.

* denotes areas to which s 24KA of the *Native Title Act 1993* (Cth) applies.

Part 5 - External Boundary Description

Commencing at a point north east of the town of Charters Towers on the centreline of the Burdekin River at Longitude 146.407413° East, also being a point on the north western boundary of native title determination application QUD6244/1998 Birriah People (QC1998/012), and extending generally south westerly and generally westerly passing through the following coordinate points:

Longitude° (East)	Latitude° (South)
146.403255	20.005354
146.394463	20.021747
146.387272	20.033821
146.372233	20.053391
146.361437	20.071216
146.351818	20.085023
146.341578	20.097687
146.330733	20.110927
146.327912	20.117028
146.232580	20.169100
145.959480	20.256431
145.793730	20.297741
145.626894	20.376012
145.532334	20.293396
145.317674	20.240676
145.227462	20.227089
145.147576	20.206978
145.031824	20.245570
144.920962	20.207523
144.704129	20.103708
144.594686	20.046709
144.462298	20.006961

then westerly to a point on the eastern boundary of an un-named road reserve and the western boundary of the second most north easterly severance of Lot 6 on Plan SP146633 (the severance being immediately west of the Kennedy Developmental Road reserve) at Latitude 19.982842° South; then generally northerly along the eastern boundary of that road reserve and the Kennedy Developmental Road reserve to Latitude 19.694482° South; then generally north easterly and generally south easterly passing through the following coordinate points:

Longitude° (East)	Latitude° (South)
144.325347	19.566703
144.345351	19.536735

144.351119	19.448476
144.434451	19.448475
144.469046	19.455856
144.499055	19.444968
144.596964	19.386766
144.607123	19.359052
144.644071	19.321176
144.692755	19.236545
144.963558	19.305256
145.044257	19.277876
145.076964	19.271831
145.121401	19.264720
145.160863	19.265787
145.184326	19.282854
145.204946	19.298853
145.238141	19.315069
145.464464	19.397699
145.607733	19.404810
145.927306	19.389862
146.167280	19.483737
146.179336	19.489603
146.262736	19.543014
146.292074	19.557061
146.307084	19.566282
146.323354	19.572376
146.331931	19.584786
146.348769	19.602358
146.365236	19.618097
146.369994	19.620740
146.425587	19.671857
146.438719	19.679959
146.456164	19.693178
146.475196	19.712741
146.506387	19.735475

146.527533	19.747636
146.560310	19.769314
146.573527	19.782004
146.578284	19.789406
146.599048	19.804043
146.605276	19.824879

then south easterly to a point on the western boundary of native title determination application QUD6244/1998 Birriah People (QC1998/012) at Longitude 146.614965° East, Latitude 19.846002° South; then generally south westerly along that native title determination application boundary passing through the following coordinate points:

Longitude° (East)	Latitude° (South)
146.601231	19.849477
146.563847	19.862509
146.523795	19.880315
146.473331	19.911258
146.429911	19.965524
146.416086	19.985842

then south westerly back to the commencement point.

Data reference and source

Native title determination application QUD6244/1998 Birriah People (QC1998/012) as accepted for registration on 14 August 2007.

Mining tenement data sourced from the Department of Natural Resources and Mines (October 2013), unless otherwise indicated.

Cadastral data sourced from Department of Natural Resources and Mines (August 2013).

Reference datum

Geographical coordinates have been provided by the National Native Title Tribunal Geospatial Services and are referenced to the Geocentric Datum of Australia 1994 (GDA94) in decimal degrees, and are based on the spatial reference data acquired from the various custodians at the time.

Use of coordinates

Where coordinates are used within the description to represent cadastral or topographical boundaries or the intersection with such, they are intended as a guide only. As an outcome to the custodians of cadastral and topographic data continuously recalculating the geographic position of their data based on improved survey and data maintenance procedures, it is not possible to accurately define such a position other than by detailed ground survey.

Prepared by Geospatial Services, National Native Title Tribunal (24 October 2013).

A. Map of Determination Area

[See NNTR attachment 1: "Schedule 1 - Map of Determination Area"]

Schedule 2 – AREAS NOT FORMING PART OF THE DETERMINATION AREA

The areas described below do not form part of the Determination Area.

Part A

1. Land and waters within the external boundary, as described in Part 5 of Schedule 1, that at the time at which the native title determination application was made:

(a) 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

(b) to which none of ss 47, 47A or 47B of the *Native Title Act 1993* (Cth) applied,

do not form part of the Determination Area on the basis that they could not be claimed, in accordance with s 61A of the *Native Title Act 1993* (Cth).

2. Specifically, and to avoid any doubt, the land and waters referred to in Part A (1) above include the acts described in ss 23B(2) and 23B(3) of the *Native Title Act 1993* (Cth) to which s 20 of the *Native Title (Queensland) Act 1993* (Qld) applies and include, but are not limited to, the following areas:

(a) Lot 4 on Plan DV450;

(b) Lot 7 on Plan WG321;

(c) Lot 2 on Plan PP18;

(d) Lot 2 on Plan PP20;

(e) Lot 4 on Plan DP57;

(f) Lot 3 on Plan DP58;

(g) Lot 5 on Plan OC69;

(h) Lot 31 on Plan GF184;

(i) Lot 5 on Plan BKN136;

(j) Lot 52 on Plan DV308;

(k) those parts of Lot 142 on Plan USL46791 formerly subject to Gold Fields Homestead Lease No. 4359, Gold Fields Homestead Lease No. 5019, Gold Fields Homestead Lease No. 538, Gold Fields Homestead Lease No. 1700, Gold Fields Homestead Lease No. 1833, Miner's Homestead Lease No. 6448, Miner's Homestead Lease No. 3527, Miner's Homestead Lease No. 6856 and Miner's Homestead Lease No. 6220; and

(l) those parts of Lot 155 on Plan USL46791 formerly subject to Gold Fields Homestead Lease No. 1354, Gold Fields Homestead Lease No. 3793 and Gold Fields Homestead Lease No. 985.

3. Specifically, and to avoid any doubt, the land and waters described in Part A (1) above include the land or waters upon which any public work, as defined in s 253 of the *Native Title Act 1993* (Cth), is or was constructed, established, or situated, and to which ss 23B(7) and 23C(2) of the *Native Title Act 1993* (Cth) and / or s 21 of the *Native Title (Queensland) Act 1993* (Qld) applies, together with any adjacent land or waters in accordance with s 251D of the *Native Title Act 1993* (Cth), including but not limited to the whole of the land and waters described as:

(a) Lot 3 on Plan CP857094;

(b) Lot 1 on Plan CT182116;

(c) Lot 10 on Plan CT18282;

(d) Lot 227 on Plan DV512; and

(e) Lot 199 on Plan DV575.

Part B

Land and waters specifically excluded from the Gudjala People Core Country Claim #1 native title determination

application filed on 12 December 2013, being:

Lot 11 on Plan NPW348;

Exploration Permit for Minerals No. 13653 (as at 11 April 2002);

that part of Exploration Permit for Minerals No. 13650 (as at 11 April 2002) that is south of the centreline of the Clarke River;

Exploration Permit for Minerals No. 13462 (as at 11 April 2002);

Exploration Permit for Minerals No. 13655 (as at 11 April 2002);

Exploration Permit for Minerals No. 13676 (as at 11 April 2002);

Exploration Permit for Minerals No. 13700 (as at 12 July 2002);

Mining Lease No. 10281;

Mining Lease No. 10282;

Mining Lease No. 10283;

Mining Lease No. 10284;

Mining Lease No. 10285; and

Mining Lease No. 10290.

Part C

On the basis that native title has been extinguished and is not claimed, the parties have agreed that the Determination Area does not include any land or waters on which any permanent improvement consisting of:

- (a) a homestead, house, shed or other building;
- (b) an airstrip;
- (c) a constructed dam or any other constructed stock watering point, bore, turkey nest, squatters' tank or other water storage facility; or
- (d) stock yards and trap yards,

has, at the date of the determination, been constructed (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, and within the boundaries of the following pastoral leases:

1. Term Lease No. 235739 comprising Lot 1 on Plan CLK40 and commonly known as Porphyry Creek Holding;
2. Pastoral Holding No. 11/551 comprising Lot 551 on Plan CP843339 and commonly known as Maryvale;
3. Preferential Pastoral Holding No. 11/4835 comprising Lot 4835 on Plan CP858256 and commonly known as Spyglass;
4. Term Lease No. 231119 comprising Lot 3 on Plan CP898336 and commonly known as Mileslake;
5. Pastoral Holding No. 11/3732 comprising Lot 1 on Plan DP52 and commonly known as Hann;
6. Pastoral Holding No. 11/3703 comprising Lot 2 on Plan DP53 and commonly known as Wangaroo;
7. Pastoral Holding No. 11/2759 comprising Lot 5 on Plan DP59 and commonly known as Amarra;
8. Stud Holding No. 11/590 comprising Lot 2 on Plan DP60 and commonly known as Toomba Stud;
9. Pastoral Holding No. 11/3868 comprising Lots 1 and 2 on Plan DP9 and commonly known as Allingham;

10. Term Lease No. 232893 comprising Lots 90, 91, 92, 93, 94 and 95 on Plan DV57, and Lot 97 on Plan DV58, and commonly known as Featherby;
11. Pastoral Holding No. 11/5409 comprising Lot 202 on Plan DV579 and commonly known as Basalt;
12. Pastoral Holding No. 11/4293 comprising Lot 11 on Plan DV601 and commonly known as Gamma;
13. Pastoral Holding No. 11/5439 comprising Lot 31 on Plan DV614 and commonly known as Millchester;
14. Term Lease No. 234170 comprising Lot 829 on Plan GF808564 and commonly known as Thalanga;
15. Pastoral Holding No. 18/228 comprising Lot 14 on Plan LH8 and commonly known as Lyndhurst;
16. Term Lease No. 232893 comprising Lot 1 on Plan MPH13820, Lot 181 on Plan MPH20327, Lot 1545 on Plan MPH20658, and Lot 9810 on Plan MPH21320, and commonly known as Run 4265;
17. Term Lease No. 231118 comprising Lot 1 on Plan OC68 and commonly known as Hillgrove;
18. Pastoral Holding No. 11/5231 comprising Lot 5231 on Plan PH1339 and commonly known as Barkla;
19. Preferential Pastoral Holding No. 11/3967 comprising Lot 3967 on Plan PH140 and commonly known as Cuba Plains;
20. Pastoral Holding No. 11/602 comprising Lot 602 on Plan PH1444 and commonly known as Wando Vale;
21. Preferential Pastoral Holding No. 11/4897 comprising Lot 4897 on Plan PH1445 and commonly known as Newburgh;
22. Preferential Pastoral Holding No. 11/3602 comprising Lot 3602 on Plan PH167 and commonly known as Bubbling Spring;
23. Preferential Pastoral Holding No. 11/5133 comprising Lot 5133 on Plan PH1714 and commonly known as Spring Park;
24. Pastoral Holding No. 11/483 comprising Lot 483 on Plan PH1715 and commonly known as Bluff Downs;
25. Pastoral Holding No. 11/4244 comprising Lot 4244 on Plan PH1716 and commonly known as Allensleigh;
26. Pastoral Holding No. 11/5369 comprising Lot 5369 on Plan PH1899 and commonly known as Leonidas;
27. Preferential Pastoral Holding No. 11/575 comprising Lot 575 on Plan PH219 and commonly known as Shield Creek Holding;
28. Preferential Pastoral Holding No. 11/3639 comprising Lot 3639 on Plan PH2248 and commonly known as Myrrlumbing;
29. Preferential Pastoral Holding No. 18/5039 comprising Lot 5039 on Plan PH245 and commonly known as Barker;
30. Preferential Pastoral Holding No. 11/5014 comprising Lot 5014 on Plan PH260 and commonly known as Wade Holding;
31. Pastoral Holding No. 11/3880 comprising Lot 3880 on Plan PH29 and commonly known as Lolworth;
32. Pastoral Holding No. 11/3578 comprising Lot 3578 on Plan PH30 and commonly known as Turrets;
33. Preferential Pastoral Holding No. 23/3683 comprising Lot 3863 on Plan PH368 and commonly known as Porcupine;
34. Preferential Pastoral Holding No. 11/4209 comprising Lot 4209 on Plan PH372 and commonly known as Wall Creek Holding;
35. Preferential Development Holding No. 11/2146 comprising Lot 2146 on Plan PH423 and commonly known as Myola;
36. Preferential Pastoral Holding No. 23/5094 comprising Lot 5094 on Plan PH563 and commonly known as Clothes Peg;

37. Preferential Pastoral Holding No. 11/578 comprising Lot 578 on Plan PH674 and commonly known as Southwick West;
38. Preferential Pastoral Holding No. 23/4968 comprising Lot 4968 on Plan PH688 and commonly known as Strathtay;
39. Pastoral Holding No. 11/4610 comprising Lot 4610 on Plan PH837 and commonly known as Dillon Creek Holding;
40. Pastoral Holding No. 11/3655 comprising Lot 3655 on Plan PH838 and commonly known as Fern Spring;
41. Pastoral Holding No. 11/498 B comprising Lot 3 on Plan PP17 and commonly known as Cargoan;
42. Preferential Pastoral Holding No. 23/3576 comprising Lot 4 on Plan PP23 and commonly known as Reedy Springs;
43. Pastoral Holding No. 23/4335 comprising Lot 4 on Plan SP108012 and commonly known as Cheviot Hills Holding;
44. Pastoral Holding No. 23/5523 comprising Lot 6 on Plan SP146633 and commonly known as Mount Sturgeon Holding;
45. Preferential Pastoral Holding No. 44/3932 comprising Lot 3932 on Plan SP221799 and commonly known as Laroona;
46. Term Lease No. 234201 comprising Lot 4896 on Plan SP232782 and commonly known as Junction Creek Holding;
47. Term Lease No. 233527 comprising Lot 8 on Plan SP248068 and commonly known as Pretty Plains Holding;
48. Term Lease No. 233528 comprising Lot 9 on Plan SP248068 and commonly known as The Twins;
49. Preferential Pastoral Holding No. 11/3933 comprising Lot 1 on Plan WG193 and commonly known as Starbright; and
50. Term Lease No. 233526 comprising Lot 3 on Plan WNG3 and commonly known as Mount Kings Holding.

Schedule 3 – NATIVE TITLE HOLDERS

The native title holders are the Gudjala People. The Gudjala People are the descendants of one or more of the following people:

- (a) Alice Anning (also known as Alice White) of Bluff Downs station;
- (b) Cissy McGregor;
- (c) Maggie "Ton Ton" Thompson;
- (d) Topsy Hann; or
- (e) Zoe (mother of Hoya Siemon/Bowman).

Schedule 4 – OTHER INTERESTS IN THE DETERMINATION AREA

The nature and extent of the other interests in relation to the Determination Area are the following as they exist as at the date of the determination:

1. The rights and interests of the parties under the following agreements:
 - (a) Elizabeth Dodd, Andrew (Smokey) Anderson, Gloria Santo, Christine Hero and Priscilla Michelle Huen on their own behalf and on behalf of the Gudjala People, the Ngrragoonda Aboriginal Corporation ICN 7982, the State of Queensland, and the Ngrragoonda Aboriginal Corporation RNTBC ICN 7982 as parties to the Gudjala protected areas indigenous land use agreement (body corporate agreement), which was authorised by the native title claim group on 5 September 2013 and executed by Elizabeth Dodd on 24 January 2014, Andrew (Smokey) Anderson on 23 January 2014, Gloria Santo on 21 January 2014, Christine Hero on 17 January 2014, Priscilla

Michelle Huen on 21 January 2014, the Ngrragoonda Aboriginal Corporation ICN 7982 on 17 January 2014, and the State of Queensland on 3 and 5 February 2014, and that agreement once it becomes registered as a body corporate ILUA following execution of the agreement by the registered native title body corporate;

(b) Elizabeth Dodd, Andrew (Smokey) Anderson, Gloria Santo, Christine Hero and Priscilla Michelle Huen on their own behalf and on behalf of the Gudjala People, the Ngrragoonda Aboriginal Corporation ICN 7982, Flinders Shire Council, and Charters Towers Regional Council as parties to the local government indigenous land use agreement (area agreement), which was authorised by the native title claim group on 8 November 2013 and executed by Elizabeth Dodd on 24 January 2014, Andrew (Smokey) Anderson on 23 January 2014, Gloria Santo on 21 January 2014, Christine Hero on 17 January 2014, Priscilla Michelle Huen on 21 January 2014, the Ngrragoonda Aboriginal Corporation ICN 7982 on 17 January 2014, Flinders Shire Council on 20 January 2014, and Charters Towers Regional Council on 28 January 2014, and that agreement once it becomes registered as an area ILUA following execution of the agreement by the registered native title body corporate;

(c) Elizabeth Dodd, Andrew (Smokey) Anderson, Gloria Santo, Christine Hero and Priscilla Michelle Huen on their own behalf and on behalf of the Gudjala People and Ergon Energy Corporation Limited ACN 087 646 062 as parties to the indigenous land use agreement executed on 1 November 2013.

2. The rights and interests of Telstra Corporation Limited ACN 051 775 556:

(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 telecommunication facilities;

(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 telecommunication 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 telecommunications facilities in the Determination Area.

3. The rights and interests of Ergon Energy Corporation ACN 087 646 062:

(a) as the owner and operator of any "Works" as that term is defined in the *Electricity Act 1994* (Qld) within the Determination Area;

(b) as a distribution entity and the holder of a distribution authority under the *Electricity Act 1994* (Qld);

(c) created under the *Electricity Act 1994* (Qld) and the *Government Owned Corporations Act 1993* (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.

4. The rights and interests of the State of Queensland and the Charters Towers Regional Council and Flinders 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 the roads.

5. The rights and interests of Charters Towers Regional Council and Flinders Shire Council:

(a) under their local government jurisdiction and functions under the *Local Government Act 2009* (Qld), under

the Land Protection (Pest and Stock Route Management) Act 2002 (Qld) and under any other legislation, for that part of the Determination Area within the area declared to be their respective local government areas;

(b) as the:

(i) lessor under any leases which were validly entered into before the date on which these orders are made and whether separately particularised in these orders or not;

(ii) grantor of any licences or other rights and interests which were validly granted before the date on which these orders were made and whether separately particularised in these orders or not;

(iii) holder of any estate or interest in land, as trustee of any reserves, that exist in the Determination Area;

(c) as the owner and operator of infrastructure, and those facilities and other improvements located in the Determination Area validly constructed or established on or before the date on which these orders are made, including but not limited to:

(i) undedicated but constructed roads except for those not operated by Council;

(ii) water pipelines and water supply infrastructure;

(iii) drainage facilities;

(iv) watering point facilities;

(d) to enter the land for the purposes described in paragraphs (a), (b) and (c) above by their employees, agents or contractors to:

(i) exercise any of the rights and interests referred to in paragraph 5 above;

(ii) inspect, maintain and repair the infrastructure, facilities and other improvements referred to in paragraph (c) above;

(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 Citigold Corporation Limited ACN 060 397 177 and its related bodies corporate (as that term is defined in the *Corporations Act 2001* (Cth)) as a holder of the following:

(a) permits, licences and leases granted under the *Mineral Resources Act 1989* (Qld); and

(b) permit to occupy PO15894 granted under the *Land Act 1994* (Qld).

7. The rights and interests of the holders of any leases, licences, reservations, permits, easements or authorities granted under the *Land Act 1994* (Qld), and any relevant regulations or subordinate legislation made under that Act.

8. The rights and interests of the holders of any permits, claims, licences or leases granted under the *Mineral Resources Act 1989* (Qld).

9. 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 public access to, and enjoyment of, the following places in the Determination Area:

(a) waterways;

(b) beds and banks or foreshores of waterways;

(c) stock routes; and

(d) areas that were public places at the end of 31 December 1993.

10. Any other rights and interests:

(a) held by the State of Queensland or Commonwealth of Australia; or

(b) existing by reason of the force and operation of the Laws of the State or the Commonwealth.

REGISTER ATTACHMENTS:

1. Schedule 1 - Map of Determination Area, 35 pages - A4, 18/03/2014

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.