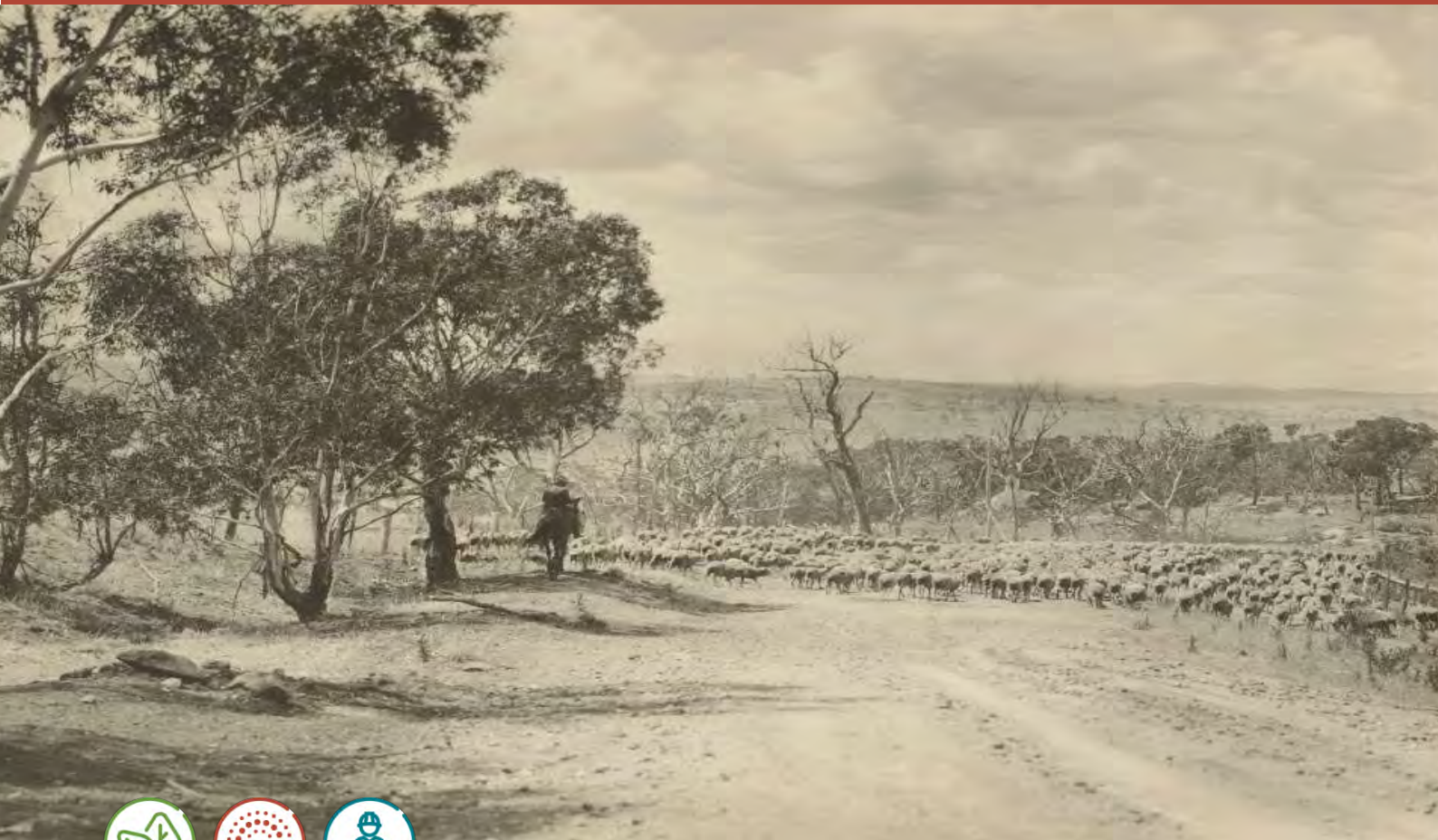


# Desktop Cultural Heritage and Native Title Assessment

BSC Injune Road Upgrade  
Injune Road, Baroondah, Queensland  
January 2025



Our Footprint for Future Generations

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ENVIRONMENTAL . CULTURAL HERITAGE . SPECIAL PROJECTS

**Citation:** Redleaf Group (2024) – Aboriginal Cultural Heritage and Native Title Desktop Assessment, Injune Road, Baroondah, Queensland. Prepared for Banana Shire Council.

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Report Details					
<b>Project Number</b>	24965				
<b>Client</b>	Banana Shire Council		<b>Client Contact</b>	Chris Welch	
<b>Revision</b>	<b>Date</b>	<b>Revision Details/Status</b>	<b>Prepared by</b>	<b>Verifier</b>	<b>Approver</b>
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Approval			
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## Executive Summary

Redleaf Group was engaged by Banana Shire Council to produce a report assessing the potential risks posed to Aboriginal cultural heritage values by the proposed works at Injune Road, Baroondah. This cultural heritage review includes a desktop assessment identifying any known cultural heritage places recorded on the relevant registers and databases. It then evaluates the potential project impacts to provide recommendations for the mitigation of any potential harm to cultural heritage. Drawing on the results from these investigations, this report evaluates the potential impacts of the proposed works on both historical and Aboriginal heritage and provides recommendations to manage these impacts.

The following is an executive summary of the full recommendations for Aboriginal Cultural Heritage, included in **Section 2.2**, and Native Title, included in **Section 3.6**.

### **Aboriginal Cultural Heritage**

#### *Description of Category 5 Areas*

Remnant vegetation is within the proposed project area meaning that there has not been significant ground disturbance. The proposed project area also crosses watercourses which are a high-risk landscape feature. There is a High likelihood of Aboriginal Cultural Heritage values being discovered. Aboriginal Party Consultation and field surveys will be required.

#### *Description of Category 4 Areas*

Parts of the proposed project area have seen some ground disturbance for road grading, for drainage, for laydowns and stockpiles for road infrastructure, as well as access tracks into surrounding properties. The proposed works will see further ground disturbance beyond that which has already occurred. Aboriginal Party Consultation for these areas is strongly recommended. Aboriginal Party Consultation and field surveys are recommended.

### **Native Title**

The proposed works areas identified as Freehold/Road Parcels are highly likely to have extinguished Native Title within their bounds; however, checking that they were validly declared before 23 December 1996 is recommended. If so, works within these areas may proceed without further Native Title assessment.

Some sections of the proposed works appear to be outside of road parcel areas and traverse into Reserve/State Forest land. These areas have had a determination recognising the existence of Native Title. If public works have been constructed in these sections of the proposed works areas, prior to 1996, that type of extinguishment may be relied upon for the footprint of the existing public work, and in the immediately adjacent area used for the construction of that previous public work.

If this is not the case, then Procedural rights must be afforded to the relevant Native Title parties, through the processes outlined in 'Future Act notifications' in Annexures 7.2 and 7.3, accessed through the Queensland Government Native Title Assessment webpage (Queensland Government, 2017a, 2017b).

There are four (4) ILUAs over the works area (Table 9). Banana Shire Council may be bound by QI2015/012 Iman People and Local Government ILUA. If it covers the proposed works, Banana Shire Council will need to abide by the conditions outlined within the ILUA.



## Abbreviations and Acronyms

ACH Act	<i>Aboriginal Cultural Heritage Act 2003 (Qld)</i>
ATSICHDR	Aboriginal and Torres Strait Islander Cultural Heritage Database and Register
BSC	Banana Shire Council
CHL	Commonwealth Heritage List (Cth)
DCDB	Digital Cadastral Database
DWATSIPM	Department of Women, Aboriginal and Torres Strait Islander Partnerships and Multiculturalism.
EPBC Act/EPBC	<i>Environment Protection and Biodiversity Conservation Act 1999 (Cth)</i>
NNTT	National Native Title Tribunal
RNTC	Registered Native Title Claim
SNTA	Scheduled Native Title Application
TSICH Act	<i>Torres Strait Islander Cultural Heritage Act 2003</i>
VM Act	<i>Vegetation Management Act 1999 (Qld)</i>

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# PART I: INTRODUCTION

## Background

Redleaf Group was engaged to conduct a Cultural Heritage and Native Title Duty of Care Assessment with the details as shown in Table 1.

Table 1 Project Details

Project Details	
Site Address	Injune Road, Baroondah
Site Co-ordinates	Start: -25.6668354, 149.3524912; Finish: -25.6928307, 149.2114671
LGA	Banana Shire
Type of Works	Road Upgrade

## 1.1 Scope

This Cultural Heritage and Native Title Duty of Care Assessment will consider the potential impacts the project may have on both Aboriginal cultural heritage by:

- Identifying any known cultural heritage places near to or within the project area (refer to Map 1); and
- Providing recommendations for the management of any impacts to cultural heritage values in compliance with the relevant legislation.

Note: This assessment only covers the area shown in Map 1. Areas outside of this scope were not assessed.

## 1.2 Desktop Assessment Methodology

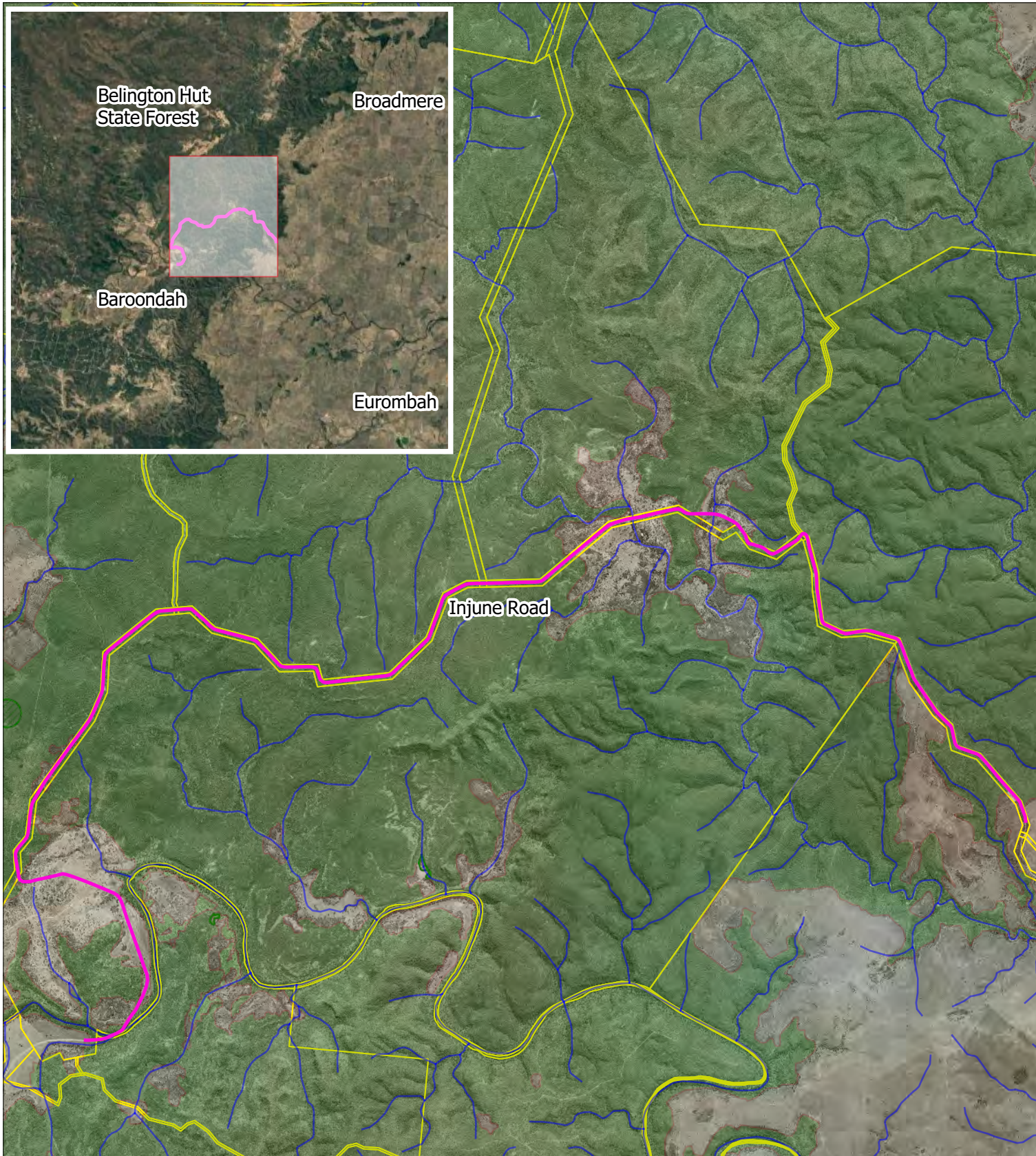
The Cultural Heritage and Native Title Duty of Care Assessment was carried out in accordance with the *Aboriginal Cultural Heritage Act 2003* Duty of Care Guidelines (2004), the *Torres Strait Islander Cultural Heritage Act 2003*, the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), the *Underwater Cultural Heritage Act 2018* and the *Native Title Act 1993*.

Places of cultural heritage value were identified by searching both statutory and non-statutory heritage registers and databases. The following **statutory** cultural heritage databases were consulted:

- Aboriginal and Torres Strait Islander Cultural Heritage Database and Register (ATSICHDR)
- UNESCO World Heritage List
- Commonwealth Heritage List (CHL)
- National Heritage List (NHL)

The Native Title status of the proposed works area was considered via the National Native Title Tribunal records and Native Title Vision interactive mapping. Publicly available tenure information, including planning scheme maps and historical cadastral maps were reviewed to assess the historical status of the land and potential extinguishment of Native Title.





## Legend

— Injune Road Upgrade

— Cadastral DCDB

### Vegetation

■ Remnant

■ High Value Regrowth

— Watercourse

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## Map 1 - Location

Injune Road Upgrade - Injune Road, Baroondah, Queensland

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## PART II: CULTURAL HERITAGE ASSESSMENT

### 2.1 Historical Land Use

Historical land uses, such as clearing, cultivation and construction, may cause destruction of cultural heritage values and disturb their archaeological context. However, the degree of ground disturbance will vary, and it must be assessed on a case-by-case basis. Aerial imagery and field surveys assist with the determination of historical site disturbance. Aerial imagery from 1952 to present demonstrates a history of there being a stock route/dirt road (Appendix C – Historic Aerial Imagery). Selected aerial imagery, which provides the most relevant insight into past ground disturbance, is included below in Table 2.

Table 2 Selected historical aerial imagery, with approximate location of proposed works shown in red.

Year	Image	Description
1952 (Queensland Government, 2024b)		The stock route at -25.624651,149.294401, with bore (shown in Figure 1).
1986 (Queensland Government, 2024b)		By 1986 shows the road having been slightly widened and drainage added.

#### 2.1.1 Aboriginal History

In 2009 archaeological studies revealed evidence of Aboriginal occupation of the area since 6,700BP, while other deeper excavations in the wider region suggest that the region has been occupied for around 20,000 years (Heritage Consulting Australia Pty Ltd 2010, p. 6). The Gylanda sites are dated at around 1500 BP (Ulm & Reid 2000, p. 23). Wanderer's Cave is dated at approximately 5,000 BP (Ulm & Reid 2000, p. 35). Simpler stone tools were found at older sites in the region, while the sites from around 4,000-3,500 BP exhibited evidence of more complex backed artefacts including points and microliths (Heritage Consulting Australia Pty Ltd 2010, p. 6). This may have been an example of cultural change, or of different groups of people using different techniques. An infamous event happened in October of 1857 north of current-day Wandoan, known as the 'Hornet Bank Massacre'. Aboriginal people of the Jiman group were alleged to have murdered eleven people, including members of the Fraser family, then tenants of Hornet Bank, and their employees (Reid 1981, p. 62; *The North Australian, Ipswich and General Advertiser*, 8 Dec 1857, p. 4). Retribution by the Native Mounted Police and settlers of the area was swift, and at least 150, but possibly up to 300 Aboriginal people were killed (Reid 1981, p. 62).

## 2.2 Aboriginal Cultural Heritage

### 2.2.1 Aboriginal and Torres Strait Islander Cultural Heritage Database and Register

A search of the Aboriginal and Torres Strait Islander Cultural Heritage Database and Register (Reference Number 177820), encompassing the works area and within a one-kilometre radius, was conducted to identify any recorded cultural heritage values. No known Aboriginal cultural heritage attributes are recorded within one kilometre (Table 3).

*Table 3 Aboriginal cultural heritage attributes near the proposed works area.*

Site ID	Latitude	Longitude	Record Date	Attribute	Party	Distance from Site
n/a	n/a	n/a	n/a	n/a	n/a	n/a

### 2.2.2 Cultural Heritage Body

A cultural heritage body is an Aboriginal or Torres Strait Islander cultural heritage body for an area that serves as the first point of contact for matters pertaining to cultural heritage. Additionally, the cultural heritage body also has a purpose to identify the Aboriginal or Torres Strait Islander parties for an area. If there is a registered cultural heritage body for the area, they are the appropriate representatives to contact. If there is no registered cultural heritage body, then the appropriate cultural heritage party or parties should be approached.

The Aboriginal cultural heritage body for the area of the proposed works is recorded within Table 4.

*Table 4 Aboriginal cultural heritage body for the proposed works area.*

Reference No.	Name	Contact Details	Registration Date
CHB016013	Wardingarri Aboriginal Corporation RNTBC	Wardingarri Aboriginal Corporation RNTBC c/- Just Us Lawyers PO Box 120 RED HILL QLD 4059 Phone: (07) 4926 6121 Email: wardingarri17@gmail.com Email: reception@justuslaw.com	21/07/2016

### 2.2.3 Cultural Heritage Parties

A cultural heritage party is an Aboriginal or Torres Strait Islander native title party for an area. In order of decreasing precedence, native title parties include: a registered native title holder, a registered native title claimant, or a previously registered native title claimant. The existence of a higher priority native title party excludes the others as the cultural heritage party for the area. In the case that there is no cultural heritage body but are multiple cultural heritage parties, they should all be approached. In the absence of both a cultural heritage body and cultural heritage parties, further steps are required to ascertain the correct Aboriginal group to consult with.

The Aboriginal cultural heritage parties for the area of the proposed works are recorded within Table 5.

*Table 5 Aboriginal cultural heritage parties for the proposed works area.*

Reference No.	Federal Court No.	Name	Contact Details
QCD2016/005 DET	QUD6162/1998	Iman People #2	IMAN Wardingarri Aboriginal Corporation RNTBC 388 Dean St FRENCHVILLE QLD 4701 Phone: (07) 4926 6121 Email: wardingarri17@gmail.com/ sheridan@wardingarri.org.au



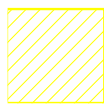


## 2.3 Cultural Heritage Risk Assessment

The items, values or places identified from the various cultural heritage registers have been combined into the Cultural Heritage Risk Assessments below. For all activity relating to the proposed works, the Appendix A – Site Management Protocols must always be adhered to. These protocols apply within all areas, regardless of all other conclusions and recommendations.

### 2.3.1 Aboriginal Cultural Heritage

The risk matrix below (Table 6) is used to display the risk to Aboriginal cultural heritage values posed by the proposed works in Map 2. It is informed by the Duty of Care Guidelines (2004), in combination with industry best practice, and professional experience in the prediction of intact potential archaeological deposits (PADs). Landscape features, such as watercourses, remnant vegetation, ridgelines, wetlands, rock shelters and rock outcrops are also factored into this assessment, as these are generally considered to be high risk features for varying reasons.

Table 6 A risk matrix for Aboriginal cultural heritage values as informed by the Duty of Care Guidelines (2004).

Category	Description	Mapped Symbol
Category 3 and Below	Where an activity is proposed in a Developed Area it is generally unlikely that the activity will harm Aboriginal cultural heritage, and the activity will comply with these guidelines. In these circumstances it is usually reasonable and practicable that the activity proceeds without further cultural heritage assessment.	
Category 4	Where an activity is proposed in an area which has previously been subject to Significant Ground Disturbance it is generally unlikely that the activity will harm Aboriginal cultural heritage, and the activity will comply with these guidelines. In these circumstances, subject to mitigation measures it may be reasonable and practicable that the activity proceeds without further cultural heritage assessment.	
Category 5	Where an activity is proposed under category 5 there is generally a high risk that it could harm Aboriginal cultural heritage. In these circumstances, the activity should not proceed without cultural heritage assessment. Cultural heritage assessment should involve consideration of the matters a Court may consider under section 23(2) of the Act. Particular care must be taken where it is proposed to undertake activities causing additional surface disturbance to the features likely to have cultural heritage significance.	

### 2.3.2 Aboriginal Cultural Heritage Conclusion and Recommendations

Known and potential Aboriginal cultural heritage values were assessed for the proposed works area. These results are combined with the Duty of Care Categories. Currently there are no known Aboriginal artefacts identified in the immediate proposed works area.

#### *Description of Category 5 Areas*

Summary of Risks: Remnant vegetation is within the proposed project area meaning that there has not been significant ground disturbance. The proposed project area also crosses watercourses which are a high-risk landscape feature. There is a High likelihood of Aboriginal Cultural Heritage values being discovered in these areas.

Recommendations: Aboriginal Party Consultation and field surveys will be required.

#### *Description of Category 4 Areas*

Summary of Risks: Parts of the proposed project area have seen some ground disturbance for road grading, for drainage, for laydowns and stockpiles for road infrastructure, as well as access tracks into surrounding properties. The proposed works will see further ground disturbance beyond that which has already occurred. Aboriginal Party Consultation for these areas is strongly recommended.

Recommendations: Aboriginal Party Consultation and field surveys are recommended.





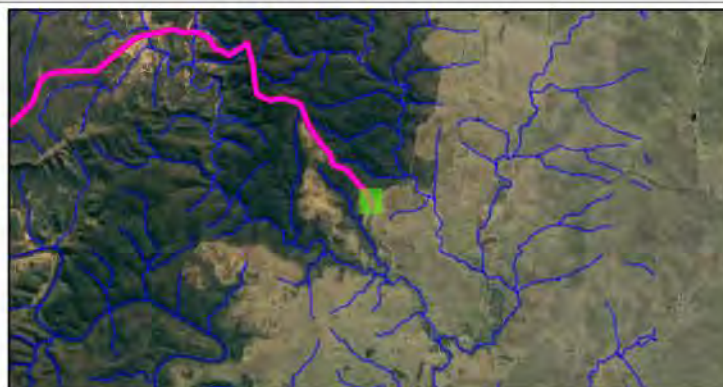
## Legend

— Injune Road Upgrade

### Aboriginal Cultural Heritage Risk

▨ Category 5 Risk

▨ Category 4 Risk



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**Map 2: Section 1/27 - Aboriginal Cultural Heritage Risk**  
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## Legend

— Injune Road Upgrade

### Aboriginal Cultural Heritage Risk

Category 5 Risk

Category 4 Risk



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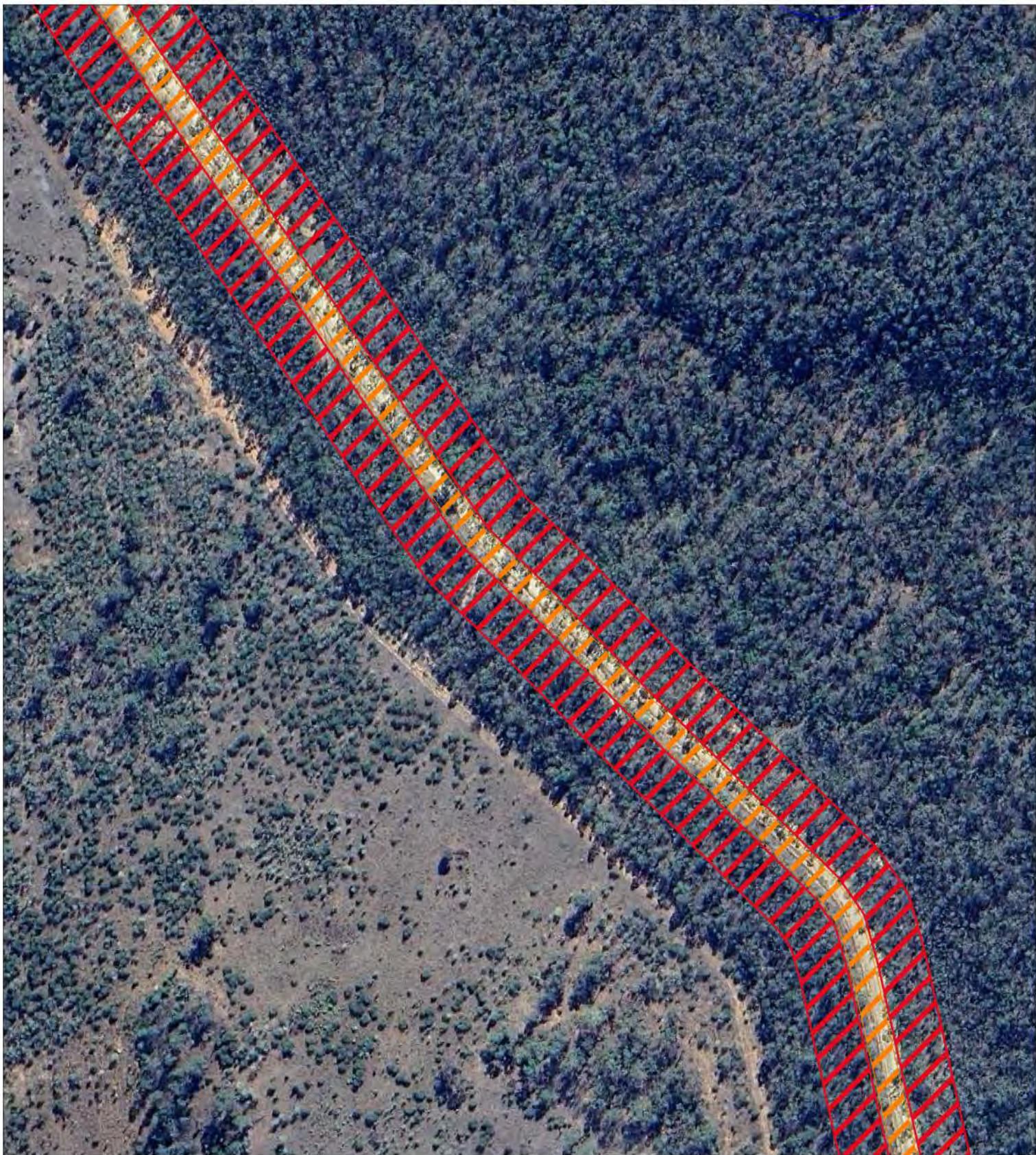
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**Map 2: Section 2/27 - Aboriginal Cultural Heritage Risk**  
Injune Road Upgrade - Injune Road, Baroondah, Queensland

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## Legend

— Injune Road Upgrade

### Aboriginal Cultural Heritage Risk

- ▨ Category 5 Risk
- ▨ Category 4 Risk



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**Map 2: Section 3/27 - Aboriginal Cultural Heritage Risk**  
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## Legend

— Injune Road Upgrade

### Aboriginal Cultural Heritage Risk

-  Category 5 Risk
-  Category 4 Risk



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**Map 2: Section 4/27 - Aboriginal Cultural Heritage Risk**  
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## Legend

— Injune Road Upgrade

### Aboriginal Cultural Heritage Risk

-  Category 5 Risk
-  Category 4 Risk



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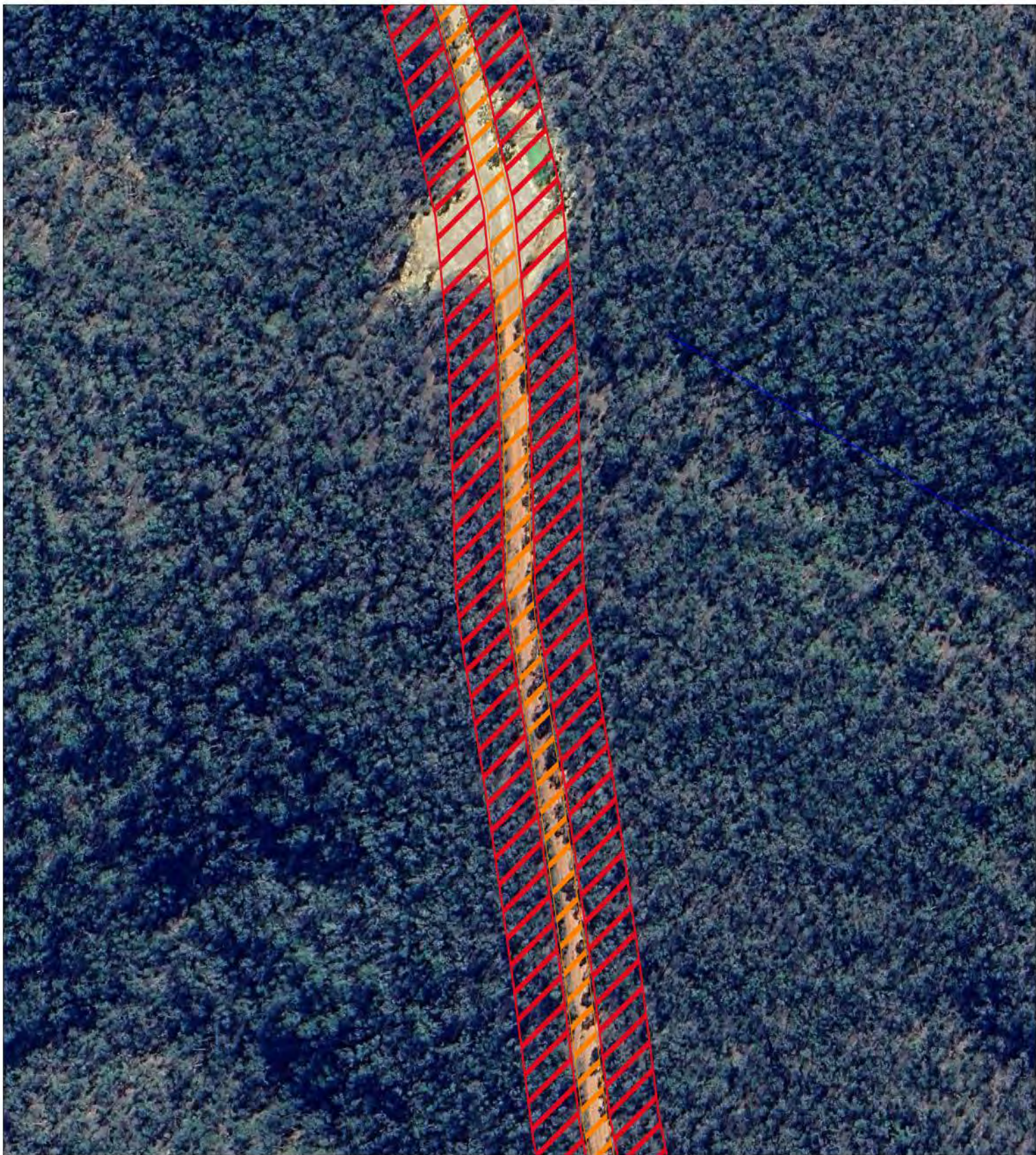
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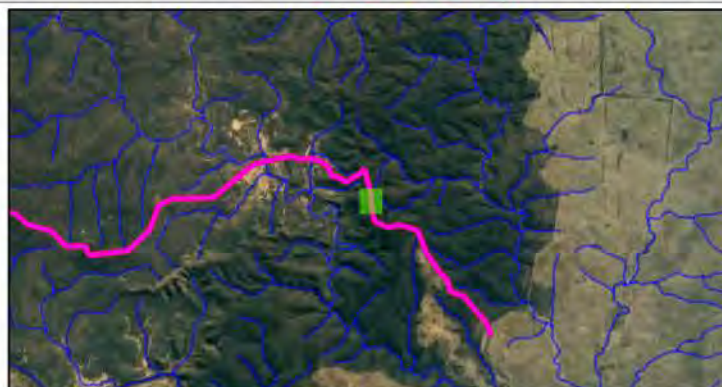
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— Injune Road Upgrade

### Aboriginal Cultural Heritage Risk

▨ Category 5 Risk

▨ Category 4 Risk



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**Map 2: Section 6/27 - Aboriginal Cultural Heritage Risk**  
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## Legend

— Injune Road Upgrade

### Aboriginal Cultural Heritage Risk

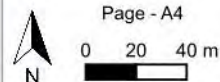
-  Category 5 Risk
-  Category 4 Risk



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**Map 2: Section 7/27 - Aboriginal Cultural Heritage Risk**  
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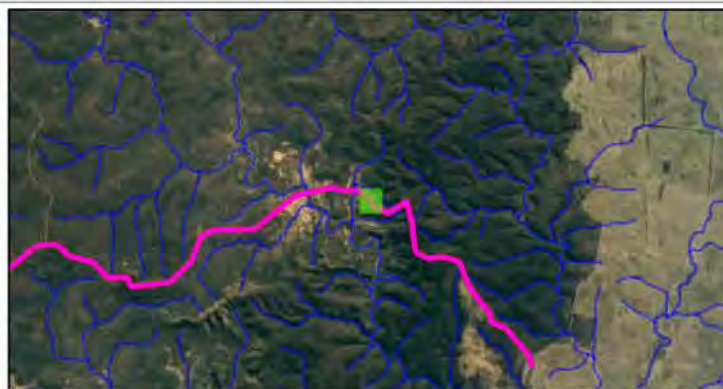
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— Injune Road Upgrade

### Aboriginal Cultural Heritage Risk

Category 5 Risk

Category 4 Risk



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**Map 2: Section 8/27 - Aboriginal Cultural Heritage Risk**  
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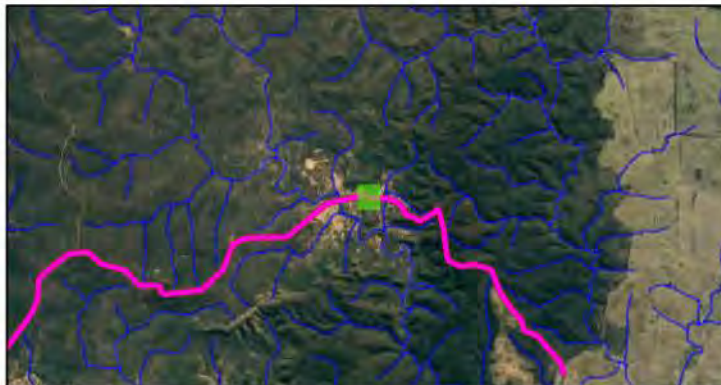


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— Injune Road Upgrade

### Aboriginal Cultural Heritage Risk

- ▨ Category 5 Risk
- ▨ Category 4 Risk



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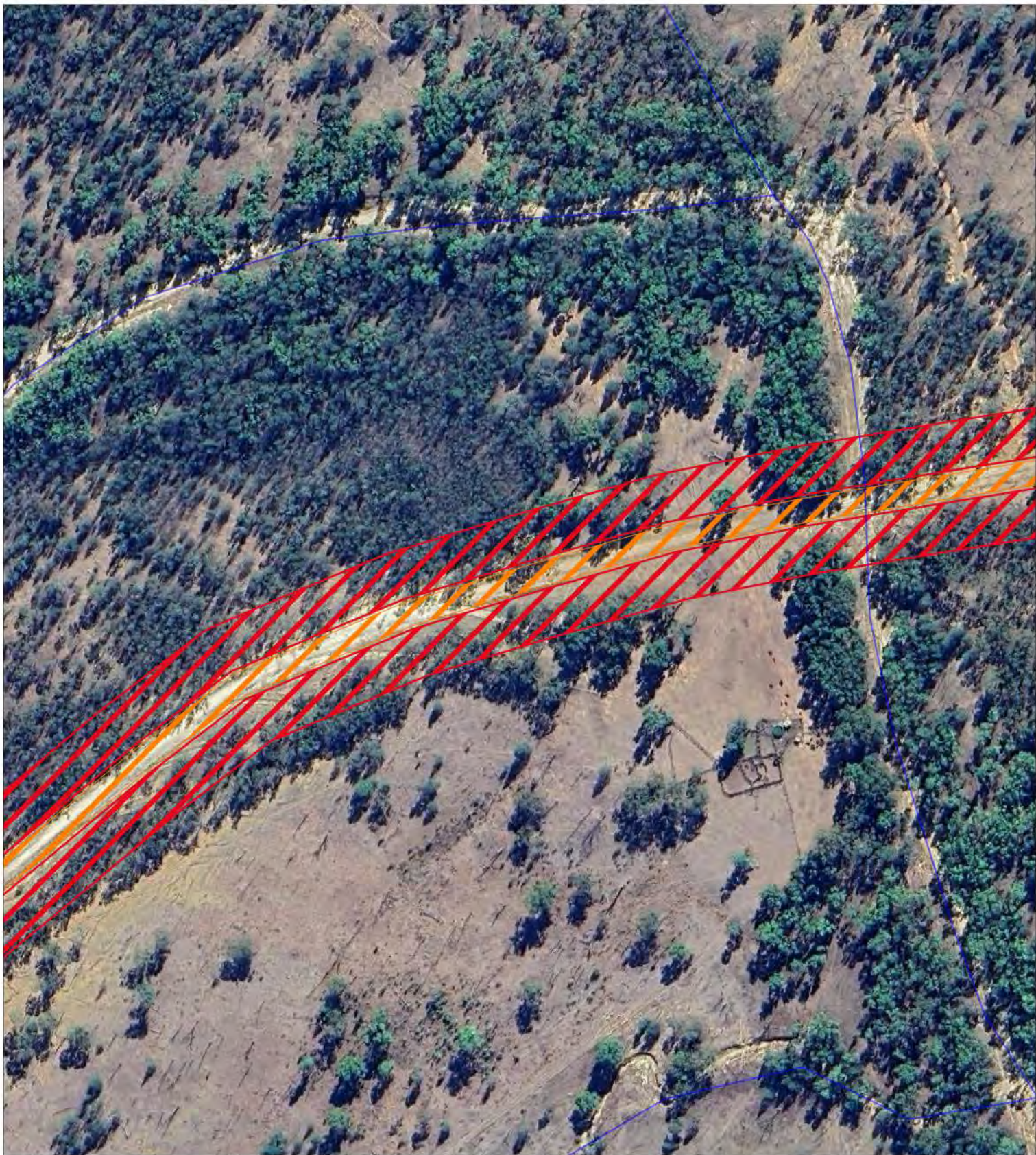
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**Map 2: Section 9/27 - Aboriginal Cultural Heritage Risk**  
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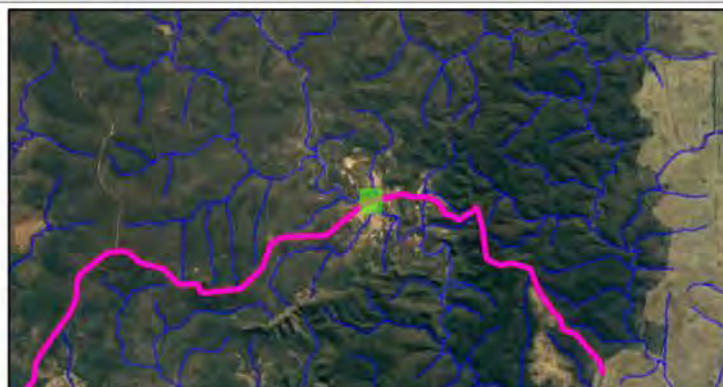
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— Injune Road Upgrade

### Aboriginal Cultural Heritage Risk

▨ Category 5 Risk

▨ Category 4 Risk



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**Map 2: Section 10/27 - Aboriginal Cultural Heritage Risk**  
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### Legend

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#### Aboriginal Cultural Heritage Risk

- ▨ Category 5 Risk
- ▨ Category 4 Risk



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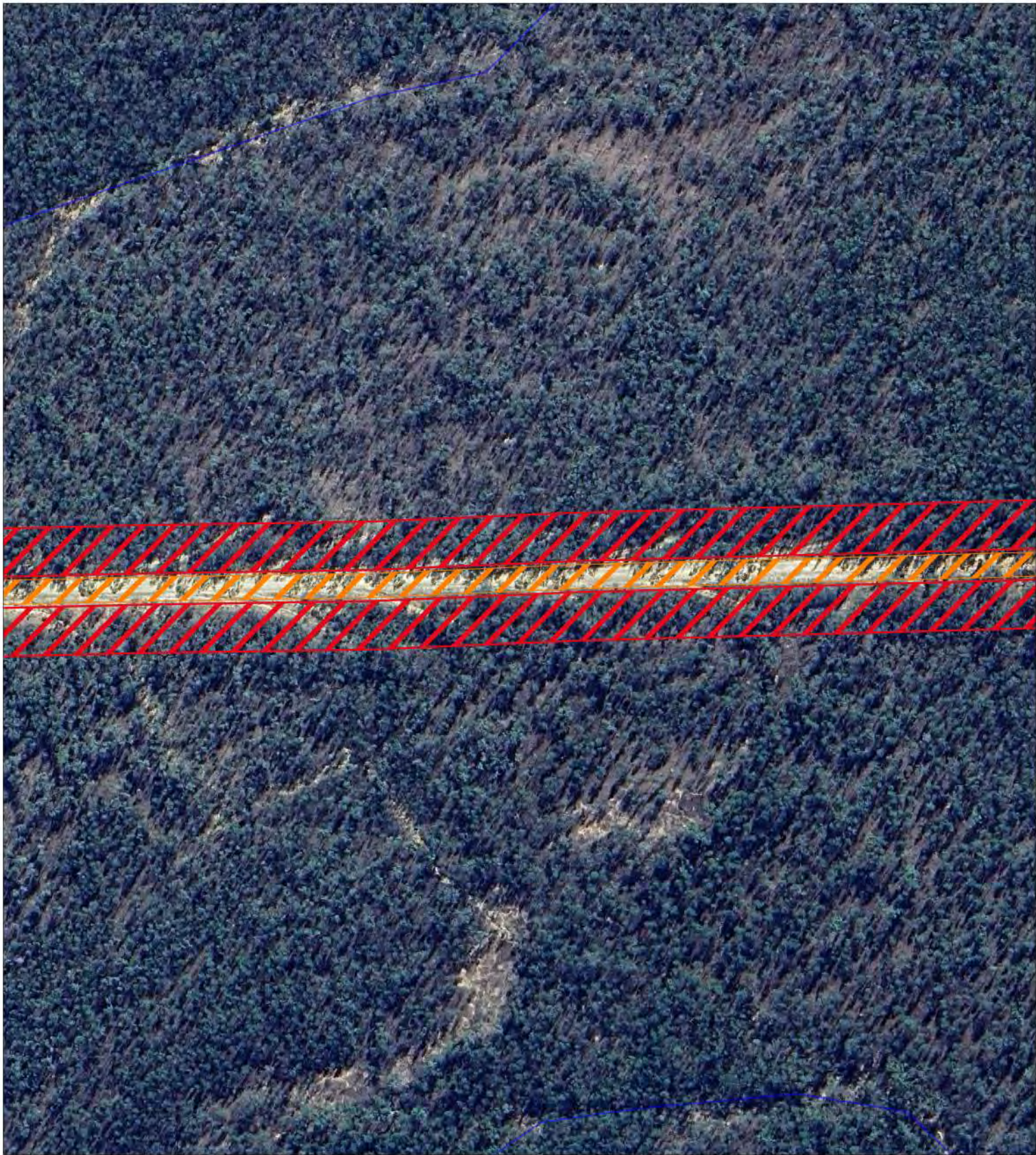
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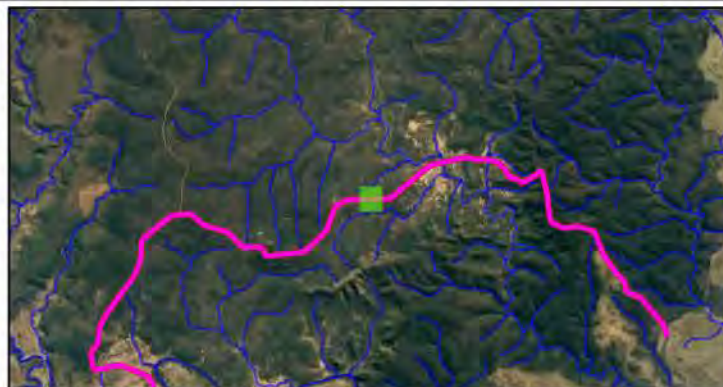
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— Injune Road Upgrade

### Aboriginal Cultural Heritage Risk

▨ Category 5 Risk

▨ Category 4 Risk



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Projection: Universal Transverse Mercator

Scale 1:3000

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**Map 2: Section 12/27 - Aboriginal Cultural Heritage Risk**  
Injune Road Upgrade - Injune Road, Baroondah, Queensland

Date 04/02/2025  
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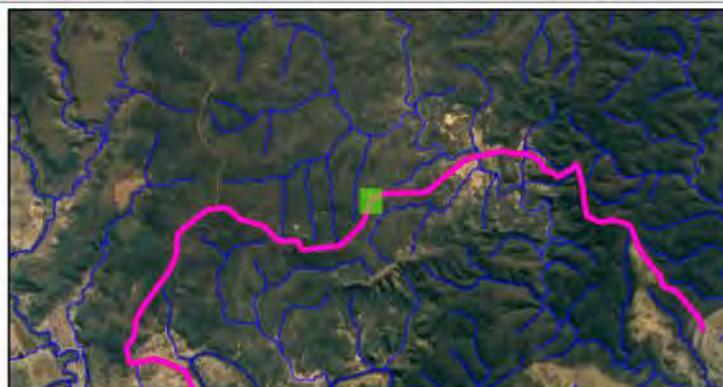
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— Injune Road Upgrade

### Aboriginal Cultural Heritage Risk

Category 5 Risk

Category 4 Risk



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Projection: Universal Transverse Mercator

Scale 1:3000

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**Map 2: Section 13/27 - Aboriginal Cultural Heritage Risk**  
Injune Road Upgrade - Injune Road, Baroondah, Queensland

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## Legend

— Injune Road Upgrade

### Aboriginal Cultural Heritage Risk

-  Category 5 Risk
-  Category 4 Risk



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Projection: Universal Transverse Mercator

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**Map 2: Section 14/27 - Aboriginal Cultural Heritage Risk**  
Injune Road Upgrade - Injune Road, Baroondah, Queensland

Date 04/02/2025  
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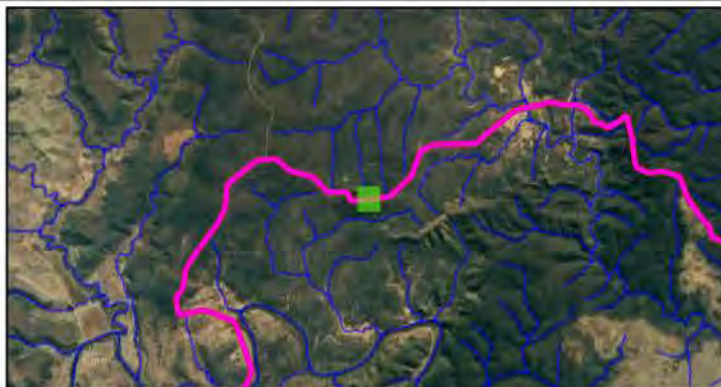


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— Injune Road Upgrade

### Aboriginal Cultural Heritage Risk

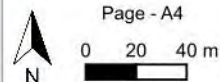
-  Category 5 Risk
-  Category 4 Risk



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Projection: Universal Transverse Mercator

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Redleaf Project No.

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**Map 2: Section 15/27 - Aboriginal Cultural Heritage Risk**  
Injune Road Upgrade - Injune Road, Baroondah, Queensland

Date 04/02/2025  
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## Legend

— Injune Road Upgrade

### Aboriginal Cultural Heritage Risk

 Category 5 Risk

 Category 4 Risk



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Projection: Universal Transverse Mercator

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Client Project No.

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**Map 2: Section 16/27 - Aboriginal Cultural Heritage Risk**  
Injune Road Upgrade - Injune Road, Baroondah, Queensland

Date 04/02/2025  
Drawn PD  
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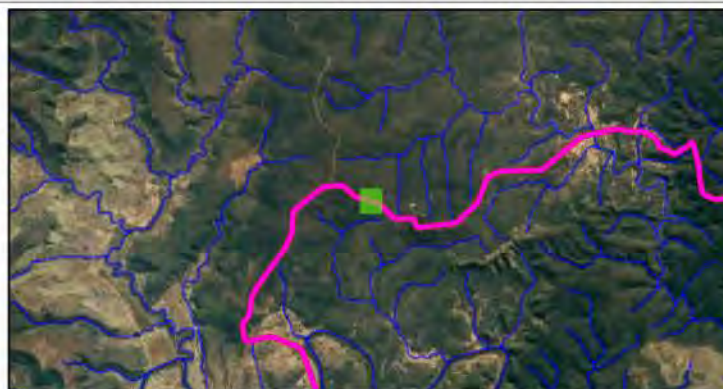
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— Injune Road Upgrade

### Aboriginal Cultural Heritage Risk

▨ Category 5 Risk

▨ Category 4 Risk



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**Map 2: Section 17/27 - Aboriginal Cultural Heritage Risk**  
Injune Road Upgrade - Injune Road, Baroondah, Queensland

Date 04/02/2025  
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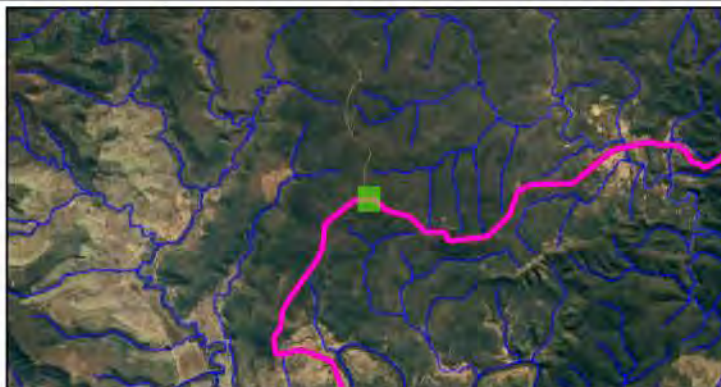
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— Injune Road Upgrade

### Aboriginal Cultural Heritage Risk

▨ Category 5 Risk

▨ Category 4 Risk



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**Map 2: Section 18/27 - Aboriginal Cultural Heritage Risk**  
Injune Road Upgrade - Injune Road, Baroondah, Queensland

Date 04/02/2025  
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## Legend

— Injune Road Upgrade

### Aboriginal Cultural Heritage Risk

- ▣ Category 5 Risk
- ▣ Category 4 Risk



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**Map 2: Section 19/27 - Aboriginal Cultural Heritage Risk**  
Injune Road Upgrade - Injune Road, Baroondah, Queensland

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## Legend

— Injune Road Upgrade

### Aboriginal Cultural Heritage Risk

▨ Category 5 Risk

▨ Category 4 Risk



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Projection: Universal Transverse Mercator

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Redleaf Project No.

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**Map 2: Section 20/27 - Aboriginal Cultural Heritage Risk**  
Injune Road Upgrade - Injune Road, Baroondah, Queensland

Date 04/02/2025  
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## Legend

— Injune Road Upgrade

### Aboriginal Cultural Heritage Risk

Category 5 Risk

Category 4 Risk



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Projection: Universal Transverse Mercator

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**Map 2: Section 21/27 - Aboriginal Cultural Heritage Risk**  
Injune Road Upgrade - Injune Road, Baroondah, Queensland

Date 04/02/2025  
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## Legend

— Injune Road Upgrade

### Aboriginal Cultural Heritage Risk

 Category 5 Risk

 Category 4 Risk



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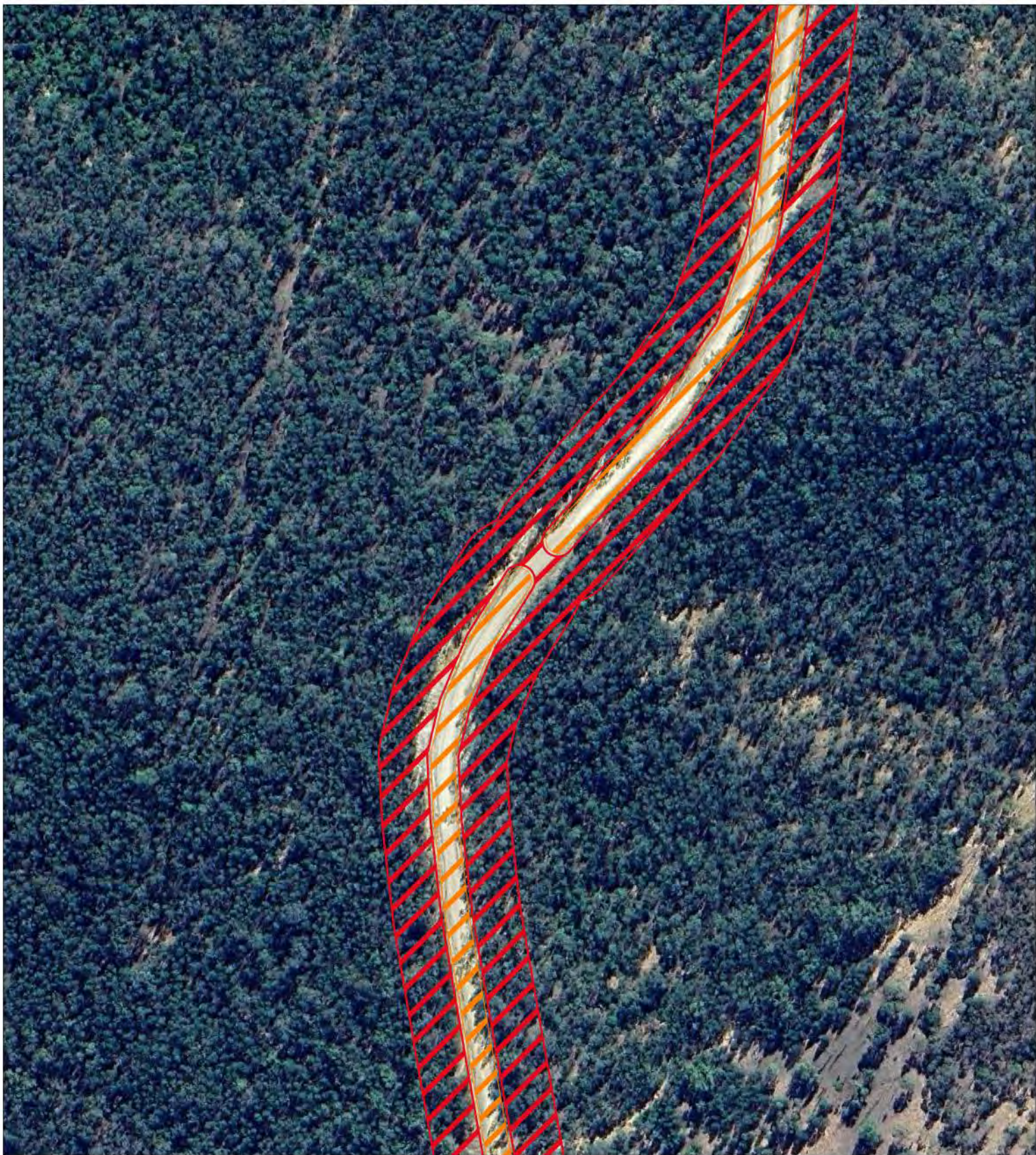
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Injune Road Upgrade - Injune Road, Baroondah, Queensland

Date 04/02/2025  
Drawn PD  
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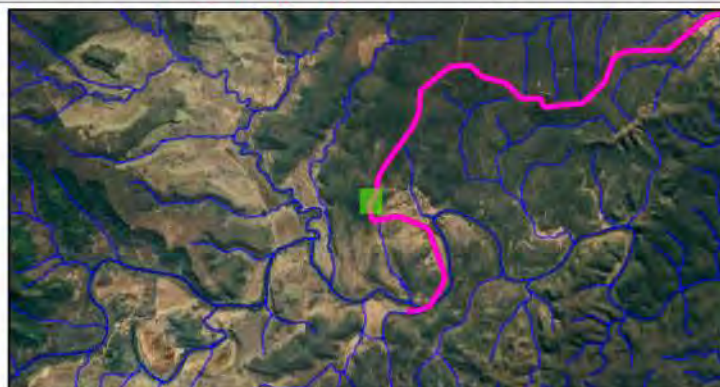
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— Injune Road Upgrade

### Aboriginal Cultural Heritage Risk

▨ Category 5 Risk

▨ Category 4 Risk



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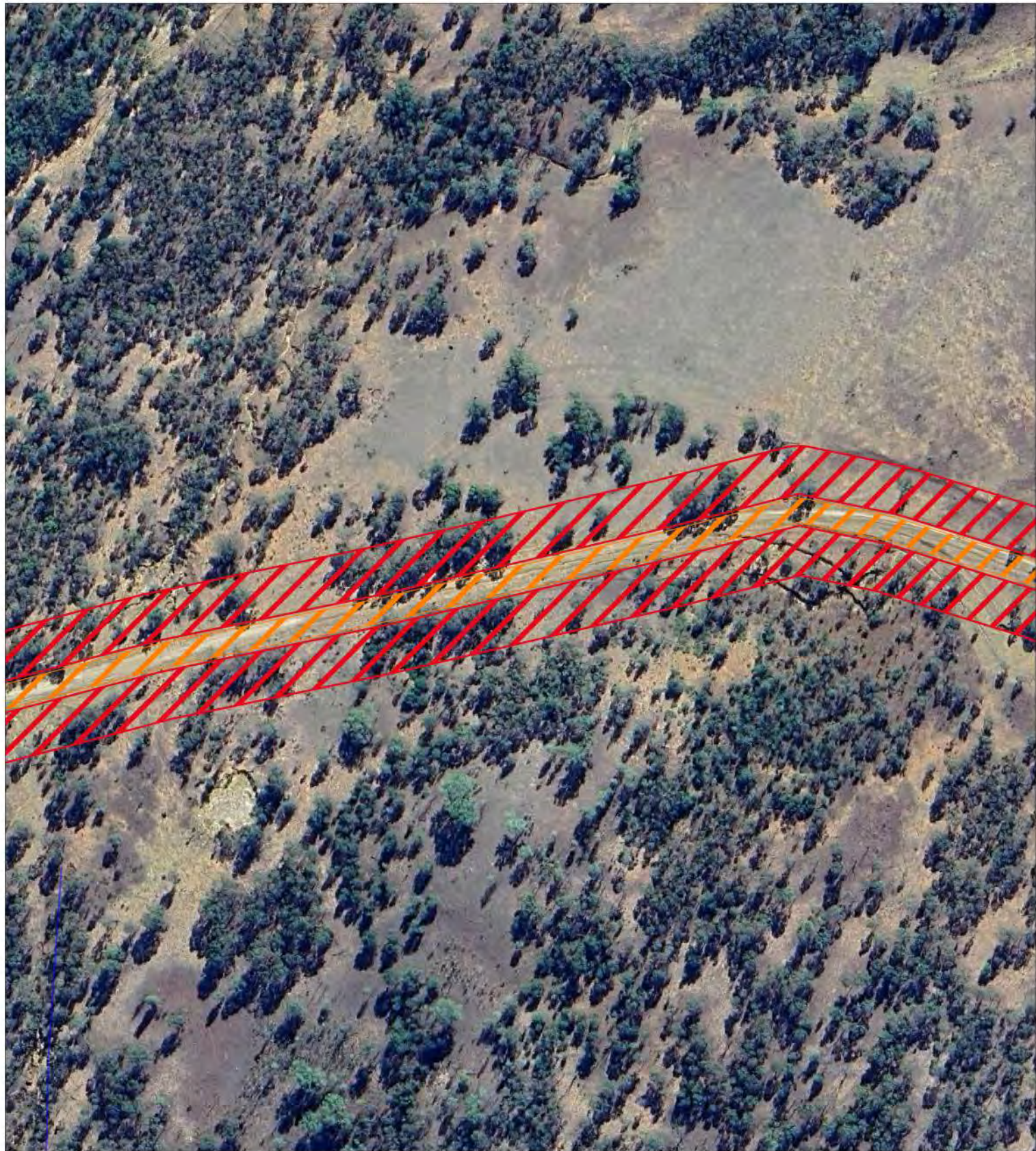
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**Map 2: Section 23/27 - Aboriginal Cultural Heritage Risk**  
Injune Road Upgrade - Injune Road, Baroondah, Queensland

Date 04/02/2025  
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## Legend

— Injune Road Upgrade

### Aboriginal Cultural Heritage Risk

▨ Category 5 Risk

▨ Category 4 Risk



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**Map 2: Section 24/27 - Aboriginal Cultural Heritage Risk**  
Injune Road Upgrade - Injune Road, Baroondah, Queensland

Date 04/02/2025  
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## Legend

— Injune Road Upgrade

### Aboriginal Cultural Heritage Risk

- ▨ Category 5 Risk
- ▨ Category 4 Risk



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Projection: Universal Transverse Mercator

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Redleaf Project No.

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**Map 2: Section 25/27 - Aboriginal Cultural Heritage Risk**  
Injune Road Upgrade - Injune Road, Baroondah, Queensland

Date 04/02/2025  
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## Legend

— Injune Road Upgrade

### Aboriginal Cultural Heritage Risk

- Category 5 Risk
- Category 4 Risk



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Projection: Universal Transverse Mercator

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**Map 2: Section 26/27 - Aboriginal Cultural Heritage Risk**  
Injune Road Upgrade - Injune Road, Baroondah, Queensland

Date 04/02/2025  
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## Legend

— Injune Road Upgrade

### Aboriginal Cultural Heritage Risk

- ▣ Category 5 Risk
- ▣ Category 4 Risk



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Projection: Universal Transverse Mercator

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**Map 2: Section 27/27 - Aboriginal Cultural Heritage Risk**  
Injune Road Upgrade - Injune Road, Baroondah, Queensland

Date 04/02/2025  
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## PART III: NATIVE TITLE ASSESSMENT

### 3.1 Native Title Claims and Legal Outcomes

Native Title refers to the rights and interests held by the Aboriginal and Torres Strait Islander peoples in accordance with the traditional laws recognised and customs observed. Common law in Australia recognises those laws and customs that are associated with the land or waters.

The main objectives of the Commonwealth Native Title Act 1993 are:

- to provide for the recognition and protection of Native Title;
- to establish ways in which future dealings affecting Native Title may proceed and to set standards for those dealings;
- to establish a mechanism for determining claims to Native Title; and
- to provide for, or permit, the validation of past acts, and intermediate period acts, invalidated because of the existence of Native Title.

The Native Title rights and interests of Native Title claimants must be recognised via Australian common law and thus requires the filing of a Native Title determination application with the Federal Court of Australia.

A Scheduled Native Title Application (SNTA) is an application for a determination of native title in a particular area that is provided to the Registrar by the Federal Court. The claimants, referred to as the Native Title Party, are responsible for providing evidence with their application that is used by the Federal or High Court of Australia to assess the validity of the application. Once the SNTA has been registered, it becomes a Registered Native Title Claim (RNTC). The outcome of this process is a Native Title determination. An affirmative determination may confer either 'exclusive' or 'non-exclusive' Native Title rights and interests to the Native Title Party. These rights and interests may or may not resemble those granted to owners of land, such as freehold.

Native Title holders have the right to negotiate an agreement with private or public corporations or governments that wish to develop land, open mines, or construct infrastructure on land with a Native Title determination, in accordance with the Native Title Act. Native Title holders are granted the opportunity to provide input on development that impacts their traditional waters and territories; this is an important measure. It also signifies that recompense may be offered to Native Title holders in exchange for permitting industry access to their traditional lands. The right to negotiate is not a right to veto, unless the property in question is designated as a cultural heritage site or the Aboriginal Party hold freehold tenure, they are not permitted to impede development (Queensland Government, 2024d).

**Note:** Redleaf Group cannot provide legal advice regarding Native Title, and any advice given should not be interpreted as legal advice. Redleaf Group only has access to publicly accessible information for tenure and Native Title assessments. Separate legal advice may be advisable in some situations.

### 3.2 Tenure Types and Other Interests

#### Freehold Land

Freehold tenure is typically found on a private lot and means that the land is 'free from hold' by any other entity and the owner can mortgage, lease, or sell their land and build a dwelling in accordance with local laws and planning regulations. Valid grants of freehold tenure extinguish Native Title, and a Native Title determination won't affect private land ownership. Grants are known as previous exclusive possession acts (PEPA). If it can be proven that freehold tenure was granted prior to 23 December 1996, in the proposed works area, Native Title has likely been extinguished.

#### Road Parcels

Validly dedicated road parcels can extinguish Native Title. The Queensland Government's Module CB explains the circumstances in which roads, meeting certain requirements, can lead to the outcome that 'Native Title is wholly and permanently extinguished over the dedicated or declared area' (Queensland Government, 2024a):

- 'Requirement 1: The road was dedicated or declared on or before 23 December 1996' (Queensland Government, 2024a).
- 'Requirement 2: The road was dedicated or declared'.
- This can be proven through SmartMap and/or a plan or map, though in other cases accompanying evidence will be needed such as a gazettal. The road must have been dedicated or declared under a registered plan of survey, lease instrument, gazette notification, proclamation/notification (Queensland Government, 2024a).



## Reserves

Because reserves often co-exist with Native Title, undertaking works in reserves requires consideration of some conditions. Module J can be used for an assessment of the effect of the proposed works on Native Title in a reserve.

The Queensland Government Native Title Work Procedures - Module J, states that:

For the proposed dealing to be validly undertaken on the reservation, the activity must:

- not have the effect of cancelling the reservation, and
  - o be done in accordance with the reservation purpose; or
  - o not have a greater physical impact on Native Title (Queensland Government, 2023a).

## Watercourse Parcels

Native Title often continues to exist on public or Crown lands which have not been used for other purposes, such as public works. For this reason, watercourse parcels, including the seabed, can continue to be subject to Native Title. Valid public works, or previous grants of freehold tenure, for example, can extinguish Native Title in watercourses.

## Public Works

If public works have been constructed at the footprint of proposed works pre-1996, then Native Title has likely been extinguished for that reason (Queensland Government, 2023b). Module CA states that a valid public work, constructed/established on or before 23 December 1996 or after 24 December 1996 on a reserve, can extinguish Native Title (Queensland Government, 2023b). It will also have been extinguished in the immediately surrounding area necessary for, or incidental to, the construction, establishment, or operation of the work (also known as section 251D areas) (Queensland Government, 2023b).

## 3.3 Project Tenure - Historical

Historical cadastral maps aid in understanding how the land may have been utilised, and the kinds of tenure that have existed previously over the proposed works area. Past land tenure is key to understanding Native Title, as most tenures and interests continue to affect Native Title even after they have ceased. All previous tenures or interests over the land may have permanently affected and possibly extinguished Native Title rights (*Native Title Act 1993* section 47).

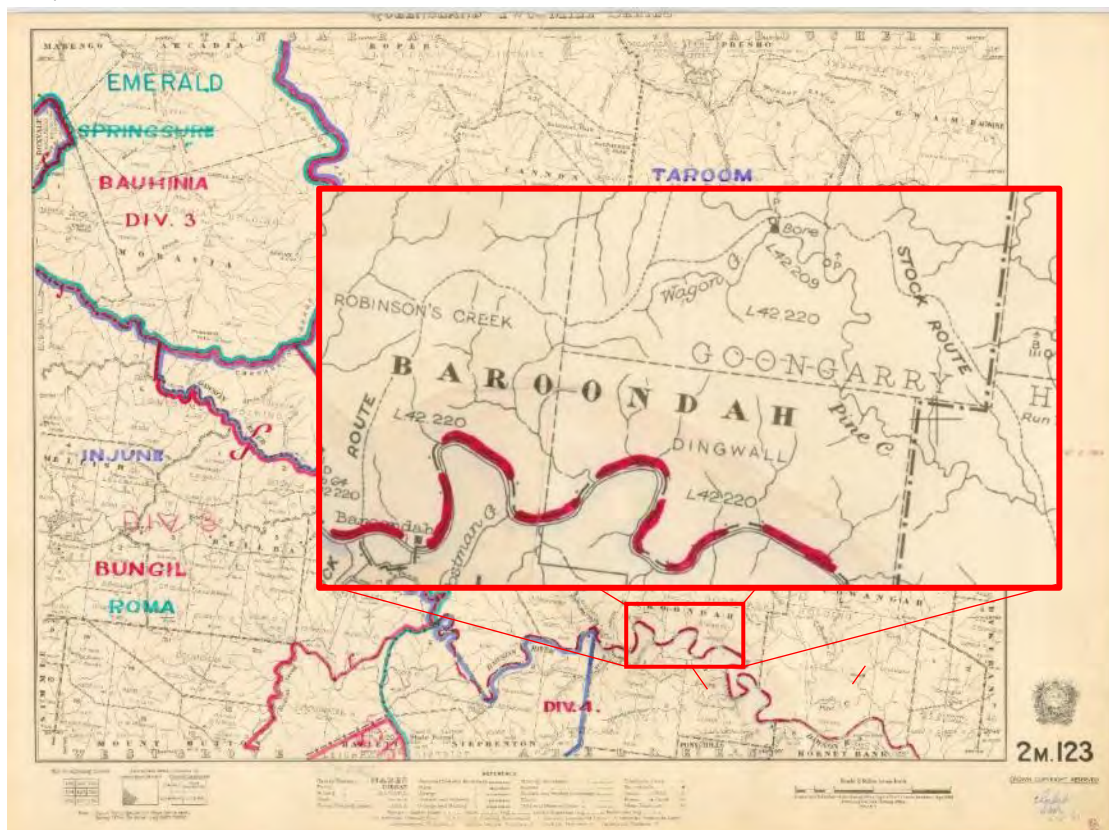


Figure 1 A 1963 map of Baroondah, with inset map of the proposed works area (Dept. of Public Lands, Brisbane 1963).



### 3.4 Project Tenure – Current

The current details of the proposed works area's tenure, retrieved from the Digital Cadastral Database are included in Table 7.

Table 7 Current land tenure according to Digital Cadastral Database.

Lotplan	Tenure	Comments
Lotplan 6AB166	Freehold	Valid grants of freehold tenure extinguish Native Title
Segpar 45269023	Road Parcel	It is likely that the road in question was validly declared before 23 December 1996, and therefore, Native Title will have been extinguished.
Segpar 45256003	Road Parcel	It is likely that the road in question was validly declared before 23 December 1996, and therefore, Native Title will have been extinguished.
Lotplan 46FTY1813	State Forest	Because reserves often co-exist with Native Title, undertaking works in reserves requires consideration of some conditions. If public works have been constructed at the footprint of proposed works pre-1996, then Native Title has likely been extinguished for that reason.
Segpar 45256012	Road Parcel	It is likely that the road in question was validly declared before 23 December 1996, and therefore, Native Title will have been extinguished.
Segpar 45256013	Road Parcel	It is likely that the road in question was validly declared before 23 December 1996, and therefore, Native Title will have been extinguished.

### 3.5 National Native Title Tribunal Search

Current and ongoing Native Title applications, determinations, and agreements within or surrounding the project areas for the proposed works were considered. All Native Title applications and determinations, whether accepted, rejected or in process, are kept on record by the Australian National Native Title Tribunal [NNTT] (Queensland Government, 2024c). Native Title considerations have been mapped in Map 2 and reported in Table 8 and Table 9.

A search of the Native Title Tribunal has indicated that the following determinations, applications, and land use agreements exist over the proposed works area.

It is important to consider who is party to the Indigenous Land Use Agreements (ILUA) that may be present over the area. ILUAs generally only bind the parties to the agreement. If Banana Shire Council is not a party to the agreement, it need not be considered. Consideration of the full ILUAs is advised if there is any doubt about who is bound by its terms.

Table 8 National Native Title Tribunal search results - determinations and claims.

Native Title Matter	Name	NNTT No.	Federal Court No.	Details
Native Title Determinations	Doyle on behalf of the Iman People #2 v State of Queensland	QCD2016/005	QUD6162/1998	<b>Determination Outcome:</b> Native title exists in relation to the Determination Area described in Parts 1, 2, 3 and 4 of Schedule 1.



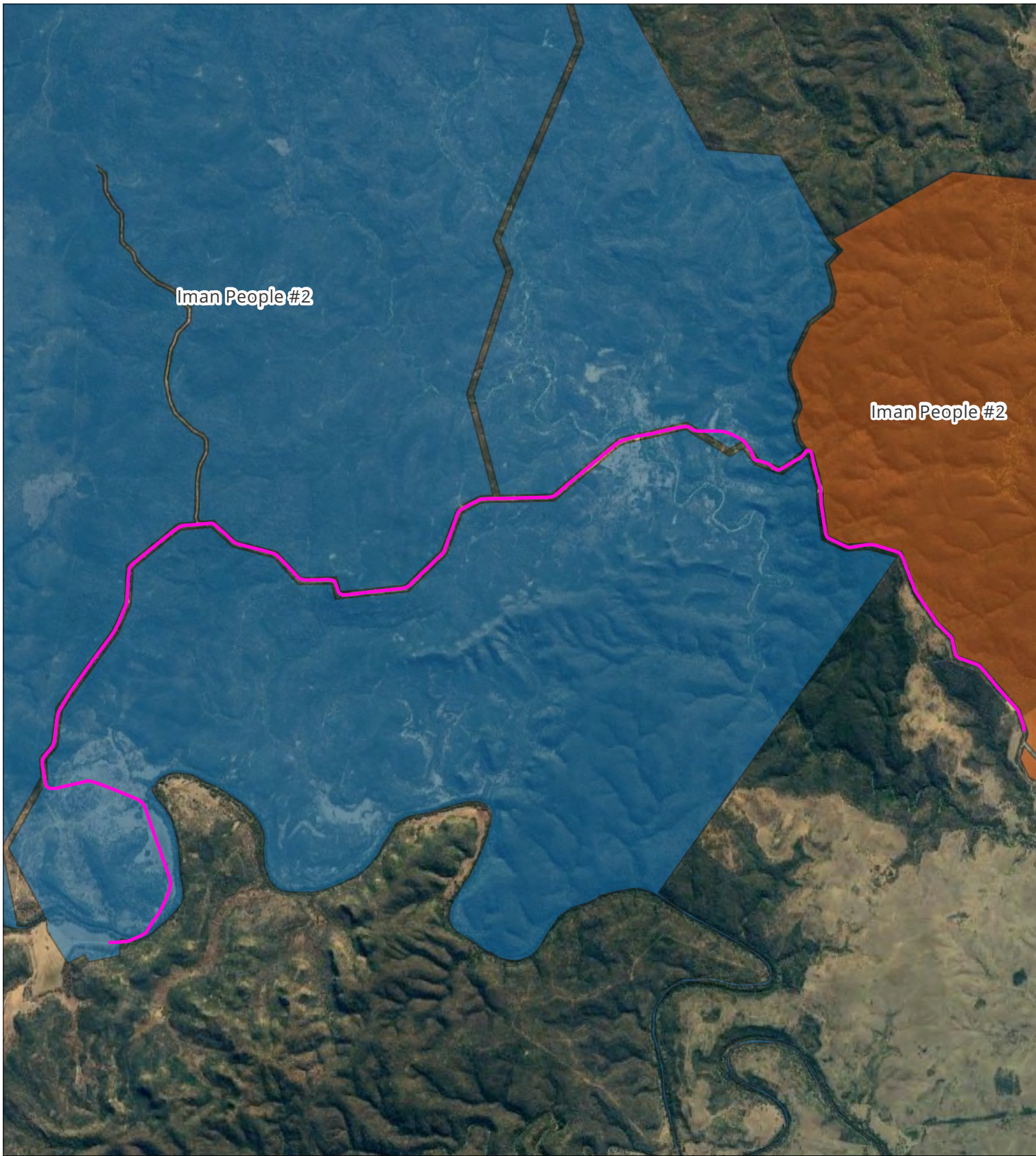
Table 9 National Native Title Tribunal search results - Indigenous Land Use Agreements (ILUA).

NNTT No.	Short Name	ILUA Type	Date Registered	Parties
QI2015/012	Iman People and Local Government ILUA	Area Agreement	14/09/2015	<p><i>Applicant</i>  <b>Party name:</b>  Banana Shire Council, Central Highlands Regional Council, Maranoa Regional Council and Western Downs Regional Council</p> <p><b>Contact address:</b>  c/- Gilkerson Legal  GPO Box 12543  Brisbane QLD 4003</p> <p><i>Other Parties</i></p> <p><b>Party name</b>  Patrick Silvester, Kenny Waterton, Eve Fesl, Richard Doyle, Eddie Waddy, Graham Anderson, Cynthia Kemp, Arwa Waterton, Bradley Curtis, Dena Marie Dodd-Ugle, Heidi Anne-Marie Lawson, Stuart White, Jason Jarro and Bevan Tull on behalf of the Iman People #2</p> <p><b>Contact address</b>  c/- Michael Owens  PO Box 1989  Aitkenvale QLD 4814</p>
QI2023/009	Iman People #2 ILUA	Area Agreement	30/04/2024	<p><i>Applicant</i>  <b>Party name</b> State of Queensland</p> <p><b>Contact address</b>  PO Box 15216  City East  Brisbane QLD 4002</p> <p><i>Other Parties</i></p> <p><b>Party name</b>  Heather Tobane and Jeffery Tull on behalf of themselves and on behalf of the Iman Compensation Claim Group</p> <p><b>Contact address</b>  388 Dean Street  Frenchville QLD 4701</p> <p><b>Party name</b>  Wardingarri Aboriginal Corporation RNTBC</p> <p><b>Contact address</b>  388 Dean Street  Frenchville QLD 4701</p>



QI2010/003	Iman People #2 and QGC Pty Limited ILUA	Area Agreement	07/02/2011	<p><i>Applicant</i>  <b>Party name</b>  QGC Pty Limited  <b>Contact address</b>  c/- McCullough Robertson Lawyers  Level 11, 66 Eagle Street  Brisbane QLD 4000</p> <p><i>Other Parties</i>  <b>Party name</b>  Russell Tatow, Patrick Silvester, Cynthia Kemp, Eve Fesl, Troy Noble, Fred Tull, Fergus Waterton, Richard Doyle and Madonna Barnes in their capacity as the Registered Native Claimant for the Iman People #2's Native Title Claim</p> <p><b>Contact address</b>  c/- Michael Owens &amp; Associates  PO Box 1989  AITKENVALE QLD 4814</p>
QI2016/001	Ergon Energy Corporation Limited and Iman People #2 ILUA	Area Agreement	17/06/2016	<p><i>Applicant</i>  <b>Party name</b>  Ergon Energy Corporation Limited</p> <p><b>Contact address</b>  c/- MacDonnells Law  GPO Box 79  Brisbane QLD 4001</p> <p><i>Other Parties</i>  <b>Party name</b>  Patrick Silvester, Kenny Waterton, Eve Fesl, Richard Doyle, Eddy Waddy, Graham Anderson, Arwa Waterton, Cynthia Kemp, Bradley Curtis, Dean Marie Dodd-Ugle, Heidi Ann-Marie Lawson, Stuart White, Jason Jarro and Bevan Tull on their own behalf and on behalf of the Iman People #2 QUD6162/1998</p> <p><b>Contact address</b>  c/- Just Us Lawyers  PO Box 120  Red Hill QLD 4059</p>





### Legend

— Injune Road Upgrade

#### NT Determination Outcomes

- Native title exists (non-exclusive)
- Native title extinguished

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### Map 3 - Native Title Determinations

Injune Road Upgrade - Injune Road, Baroondah, Queensland

Date 03/02/2025

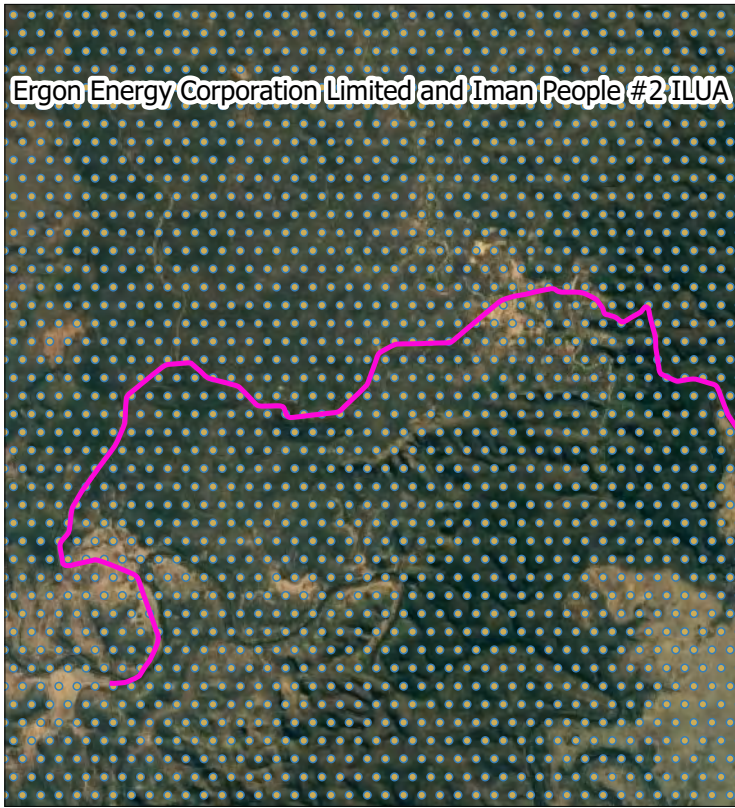
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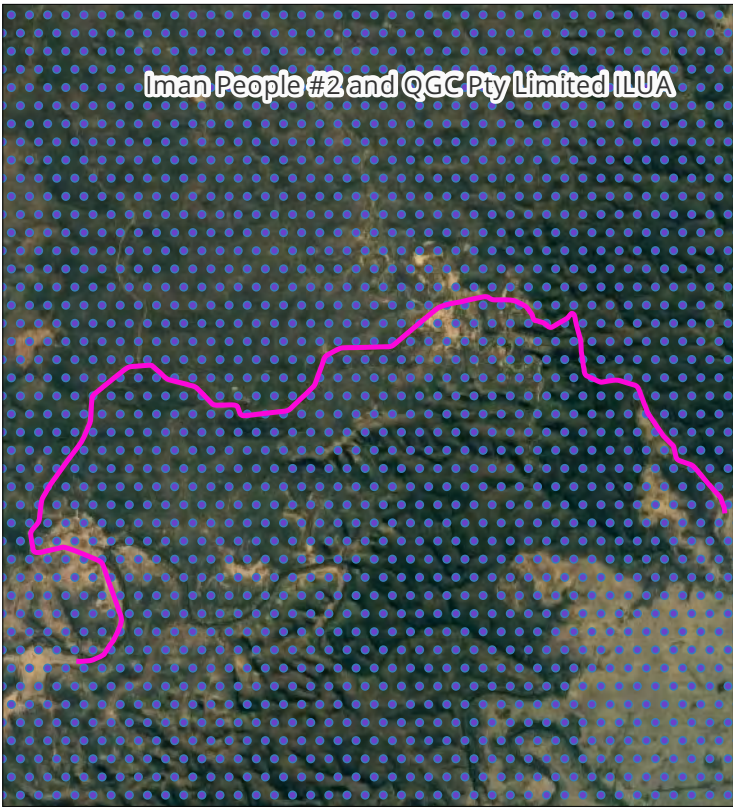




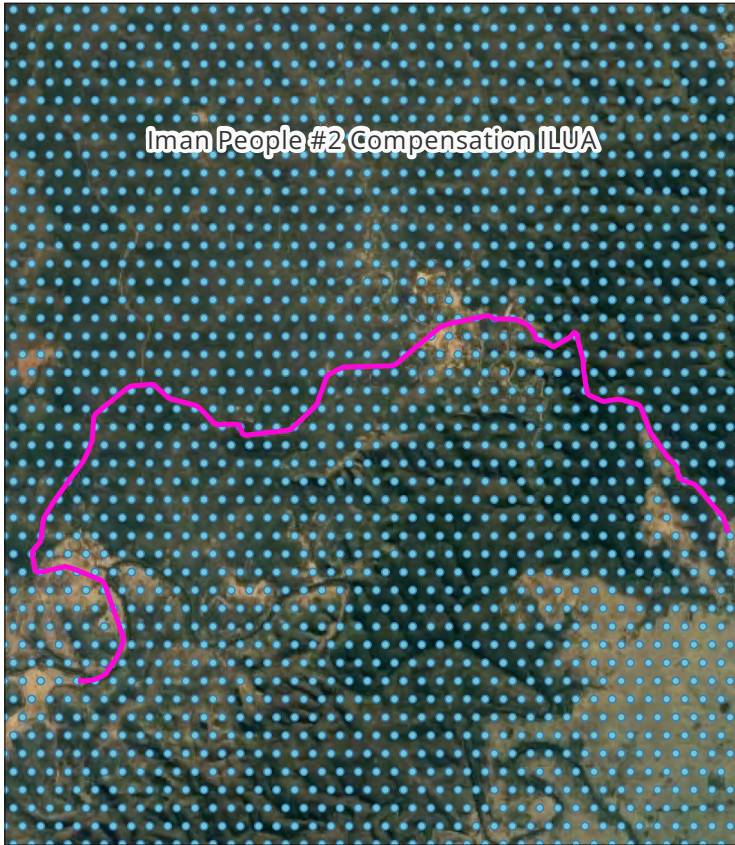
Ergon Energy Corporation Limited and Iman People #2 ILUA



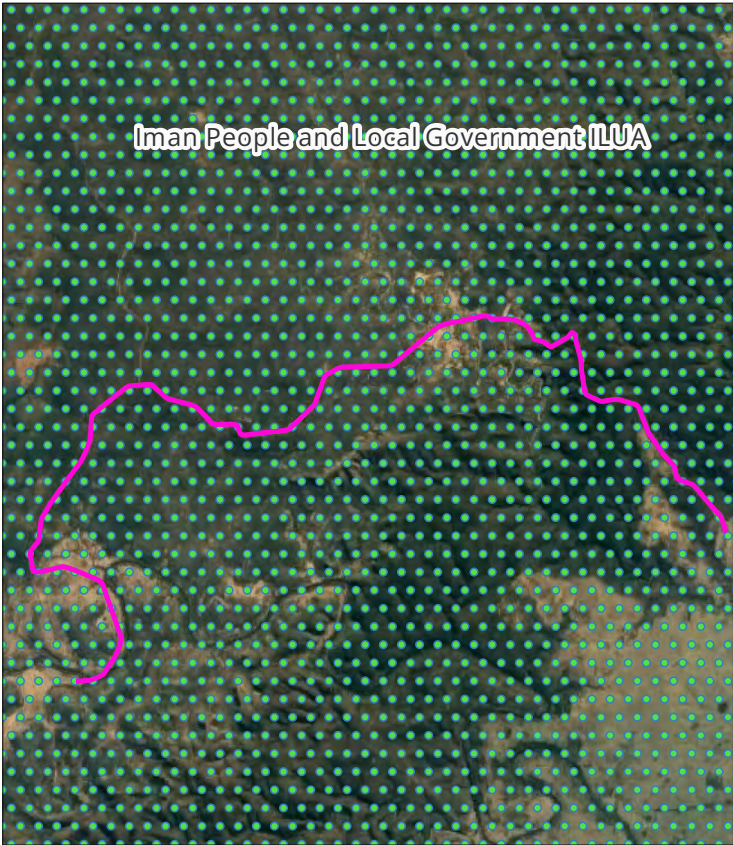
Iman People #2 and QGC Pty Limited ILUA



Iman People #2 Compensation ILUA



Iman People and Local Government ILUA



Legend

Injunne Road Upgrade

Indigenous Land Use Agreements

- Ergon Energy Corporation Limited and Iman People #2 ILUA
- Iman People #2 and QGC Pty Limited ILUA
- Iman People #2 Compensation ILUA
- Iman People and Local Government ILUA

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Client Banana Shire Council

Client Project No.

Redleaf Project No. 24965



### 3.6 Native Title Assessment and Recommendations

After an assessment of land tenure, both historically and on current databases, and consideration of current Native Title determinations, applications and agreements, the following conclusions have been reached.

#### **Freehold**

The proposed works is on a freehold lot where, if it can be proven that were granted prior to 23 December 1996, Native Title is assumed to be extinguished. This is highly likely to be the case. If Native Title has been validly extinguished, then it need not be considered further for this project.

**Note:** A historic survey search may be requested by the owner of the property from Titles Queensland, to further verify the past land tenure of a freehold lot.

#### **Road Parcel:**

It is highly likely that the roads in question were validly declared before 23 December 1996, and therefore, that Native Title has been extinguished. However, Redleaf Group do not have access to the required documents. If it cannot be proven that Native Title has been extinguished, then a future act notice may need to be lodged.

#### **Reserve:**

For the proposed works within a reserve to be valid, they must not have the effect of cancelling the reserve. They must also be in accordance with the purpose of the reservation or be an act which causes no greater physical impact than what is already allowed on the reserve. If these requirements cannot be met, Module J (Reservations and leases – Qld Government Native Title Works Procedures 2023a) does not apply and cannot be used for the proposed works. If these conditions can be met, and the proposed works are the creation of 'public works', then a Future Act Notice will need to be sent to the Native Title Party.

**Note:** this also applies to the creation of a management plan for a protected area under the Nature Conservation Act 1992 and the creation of a management plan for the Moreton Bay Marine Park under the Marine Parks Act 1982.

#### **Conclusion and Recommendations:**

In the works areas identified as Freehold/Road Parcels, Native Title is highly likely to have been extinguished; however, checking that they were validly declared before 23 December 1996 is recommended. If so, works within these areas may proceed.

Some sections of the proposed works appear to be outside of road parcel areas and traverse into Reserve/State Forest land. In these areas, Native Title has been determined to exist. If public works have been constructed in these sections of the proposed works areas, prior to 1996 that type of extinguishment may be relied upon for the footprint of the existing public work, and in the immediately adjacent area used for the construction of that previous public work. If this is not the case, then Procedural rights can be afforded to the relevant Native Title parties, through the processes outlined in 'Future Act notifications' in Annexures 7.2 and 7.3, accessed through the Queensland Government Native Title Assessment webpage (Queensland Government, 2017a, 2017b).

#### **Indigenous Land Use Agreements**

There are four (4) ILUAs over the works area (Table 9). Banana Shire Council may be bound by QI2015/012 Iman People and Local Government ILUA. If it covers the proposed works, Banana Shire Council will need to abide by the conditions outlined within the ILUA.



## References

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## Glossary and Legislative Frameworks

### Glossary

Term	Definition
<b>Aboriginal cultural heritage</b>	<p>Anything that is a significant Aboriginal area in Queensland; or a significant Aboriginal object; or evidence of archaeological significance, historic significance or of Aboriginal occupation of an area of Queensland.</p> <p>Aboriginal cultural heritage is protected by the <i>Aboriginal Cultural Heritage Act 2003</i>.</p> <p>Examples include:</p> <ul style="list-style-type: none"> <li>• Stone artefacts (e.g. flints, blades, axe heads)</li> <li>• Old campfires and hearths</li> <li>• Middens</li> <li>• Rock Art</li> <li>• Scarred and carved trees (culturally modified trees)</li> <li>• Remains of rock quarries and axe grinding grooves</li> <li>• Human remains</li> <li>• Ceremonial and ritual areas.</li> </ul>
<b>Additional surface disturbance</b>	Surface disturbance inconsistent with previous surface disturbance.
<b>Archaeological artefact</b>	<p>Any artefact that is evidence of an aspect of Queensland's history, whether it is located in, on, or below the surface of land.</p> <p><b>Note:</b> Under the <i>Queensland Heritage Act 1992</i>, an archaeological artefact does not include: a thing that is Aboriginal cultural heritage under the <i>Aboriginal Cultural Heritage Act 2003</i> or Torres Strait Islander cultural heritage under the <i>Torres Strait Islander Cultural Heritage Act 2003</i>; or underwater cultural heritage artefact.</p>
<b>Artefact</b>	Artefact means an archaeological artefact or underwater cultural heritage artefact.
<b>Cultural heritage body/party</b>	The cultural heritage party/ies for the area of the proposed works according to Native Title. If there is no current Native Title claim over the area, previously registered Native Title claimants ('last claim standing') may be the relevant cultural heritage body. To identify details about statutory Aboriginal or Torres Strait Islander parties for an area, please visit the Aboriginal and Torres Strait Islander Cultural Heritage online portal.
<b>Cultural heritage find</b>	<p>An object or area in, or around, the work area that is suspected to constitute Aboriginal cultural heritage or historical (non-Indigenous) cultural heritage.</p> <p><b>Note:</b> These may also be referred to as potentially significant objects or artefacts.</p>
<b>Cultural Heritage Management Plan (CHMP)</b>	<p>An agreement between a land user (sponsor) and Aboriginal Party (endorsed party) developed under Part 7 of the <i>Aboriginal Cultural Heritage Act 2003</i> and <i>Torres Strait Islander Cultural Heritage Act 2003</i>.</p> <p>A CHMP explains how land use activities can be managed to avoid or minimise harm to Aboriginal or Torres Strait Islander cultural heritage. A CHMP must be developed and approved under Part 7 of the legislation when an environmental impact statement is required for a project.</p> <p><b>Note:</b> This is different from a Conservation Management Plan, which are used for places of non-Indigenous cultural heritage significance.</p>
<b>Cultural heritage values</b>	<p>Also referred to as 'heritage values', it is the aesthetic, historic, scientific, or social significance of a place and can include both Aboriginal non-Indigenous (historic) cultural heritage.</p> <p><b>Note:</b> this term is often used interchangeably with cultural heritage significance.</p>
<b>Culturally modified tree</b>	Also known as: scar trees, scarred trees, and carved trees. Culturally modified trees (CMTs) are trees that have been scarred or modified by Aboriginal people through the deliberate removal of bark or wood, typically modified prior to European settlement. CMTs were used to make items such as canoes, shield, and boomerangs, but may have also been used for wayfinding and denoting significant areas in the landscape.



	Scar trees may also date to post-European settlement and may have been modified by either by Aboriginal people, or European settlers.
<b>Designated landscape area</b>	Under the repealed <i>Cultural Record (Landscapes Queensland and Queensland Estate) Act 1987</i> , an area was declared a 'designated landscape area' (DLA) if it was deemed necessary or desirable for it to be preserved or to regulate access. DLAs are recorded on the Aboriginal and Torres Strait Islander Cultural Heritage Register in accordance with section 162 of the <i>Aboriginal Cultural Heritage Act 2003</i> and the <i>Torres Strait Islander Cultural Heritage Act 2003</i> .
<b>Developed area</b>	An area that is developed or maintained for a purpose such as a park, garden, railway, road or other access route, navigation channel, municipal facility, or infrastructure facility, such as power lines, telecommunication lines or electricity infrastructure.
<b>Disturbed, cleared or modified areas</b>	Includes any area that will be disturbed, cleared, or modified as a result of approved development and any area where historical disturbance, clearing or modification, being natural (e.g. due to invasive pest species) or unnatural is evident.
<b>Exclusion zone</b>	Under the <i>Aboriginal Cultural Heritage Act 2003</i> and the <i>Torres Strait Islander Cultural Heritage Act 2003</i> , it is an area that has been cordoned off and has restricted access arrangements in place.
<b>Land tenure</b>	The means of identifying who has the right to use and occupy land in accordance with the varying degrees of ownership, governed by the <i>Land Act 1994</i> . Strictly speaking, the word 'tenure' refers only to a lease or freehold which conveys possession of land to a person. For convenience, in this report the term is also used to embrace other forms of occupation such as licences, permits to occupy and State reserves. The provisions of the Commonwealth and State Native Title Acts—that is, the <i>Native Title Act 1993 (Cth)</i> and the <i>Native Title (Queensland) Act 1993</i> —must be satisfied before any dealings under the Land Act can be undertaken in relation to non-freehold land.
<b>Laydowns</b>	A temporary, designated area to place equipment and machinery necessary for the proposed works.
<b>Native Title Party</b>	The Native Title party for an area is defined as: Native Title holders – that is where Native Title has been recognised by the Federal Court of Australia. Registered Native Title claimants – Native Title claims currently before the Federal Court of Australia. Previously registered Native Title claimants (the 'last claim standing') – Native Title claims that have been removed from the Register of Native Title Claims administered by the National Native Title Tribunal (NNTT). Previously registered Native Title claimants will continue to be the Native Title party for that area providing: There is no other registered Native Title claimant for the area. There is not, and never has been, a Native Title holder for the area. The Native Title party maintains this status within the external boundaries of the claim even if Native Title has been extinguished.
<b>No additional surface disturbance</b>	Surface disturbance not inconsistent with previous surface disturbance.
<b>Non-Indigenous (historical) cultural heritage</b>	A place or features of a place that have cultural heritage significance to present, past, or future generations. Non-Indigenous cultural heritage is protected by the <i>Queensland Heritage Act 1992</i> .  Examples include: <ul style="list-style-type: none"> <li>• Historical dwellings and buildings</li> <li>• Abandoned town sites/settlements</li> <li>• Evidence of historic settlement</li> <li>• Industrial &amp; mining sites</li> <li>• Cemeteries and graves</li> <li>• Historical roads and streetscapes</li> <li>• Survey marks, pegs, or blazed trees</li> <li>• Places of historical interest.</li> </ul>



<b>Project area</b>	In relation to a project, means the area the subject of the project, whether in construction or operational phases.
<b>Queensland Heritage Register</b>	A register identifying places of cultural heritage significance to the State of Queensland, administered by the Department of Environment, Science, and Innovation (formerly known as DES) under the <i>Queensland Heritage Act 1992</i> .
<b>Registered significant area</b>	An area recorded in the Aboriginal and Torres Strait Islander Cultural Heritage Database and Register as a significant Aboriginal or Torres Strait Islander area.
<b>Registered significant object</b>	<p>An object recorded in the Aboriginal and Torres Strait Islander Cultural Heritage Database and Register as a significant Aboriginal or Torres Strait Islander cultural heritage object.</p> <p><b>Note:</b> This is the term used for registered artefacts relating to Aboriginal cultural heritage under the <i>Aboriginal Cultural Heritage Act 2003</i> and <i>Torres Strait Islander Cultural Heritage Act 2003</i>, rather than archaeological artefact as defined under the QHA.</p>
<b>Remnant vegetation</b>	<p>As defined under the <i>Vegetation Management Act 1999</i>.</p> <p>For the purposes of this report, it broadly refers to vegetation that has not been cleared since European settlement.</p>
<b>Significant ground disturbance</b>	Disturbance by machinery of the topsoil or surface rock layer of the ground, such as by ploughing, drilling, or dredging; the removal of native vegetation by disturbing root systems and exposing underlying soil.
<b>Significant object</b>	An object or artefact of cultural heritage significance to Aboriginal peoples. (See also registered significant object).
<b>Stockpile</b>	A designated area where construction materials are piled and to manage handling. Materials are transported to and from the project site as needed.
<b>Surface disturbance</b>	Any disturbance of an area which causes a lasting impact to the land or waters during the activity or after the activity has ceased.
<b>Torres Strait Islander cultural heritage</b>	<p>Anything that is a significant Torres Strait Islander area in Queensland; or a significant Torres Strait Islander object; or evidence of archaeological significance, historic significance or of Torres Strait Islander occupation of an area of Queensland.</p> <p>Torres Strait Islander cultural heritage is protected by the <i>Torres Strait Islander Cultural Heritage Act 2003</i>.</p> <p>Examples include:</p> <ul style="list-style-type: none"> <li>• Stone artefacts (e.g. flints, blades, axe heads)</li> <li>• Old campfires and hearths</li> <li>• Middens</li> <li>• Rock Art</li> <li>• Scarred and carved trees (culturally modified trees)</li> <li>• Remains of rock quarries and axe grinding grooves</li> <li>• Human remains</li> <li>• Ceremonial and ritual areas.</li> </ul>



## Legislative Frameworks

### *Aboriginal Cultural Heritage Act 2003*

The Queensland legislation for the protection of Aboriginal cultural heritage in the landscape is the *Aboriginal Cultural Heritage Act 2003* (ACH Act). The purpose of the ACH Act is to provide for the effective recognition, protection, and conservation of Aboriginal cultural heritage. Through this legislation, the State aims to establish timely and efficient processes for the management of activities that may harm Aboriginal cultural heritage. It also states the protection and conservation of Aboriginal cultural heritage should be based on respect for Aboriginal knowledge, culture, and traditional practices; and Aboriginal people are recognised as the primary guardians, keepers, and knowledge holders of Aboriginal cultural heritage.

Aboriginal cultural heritage values are defined in the ACH Act as meaning a significant Aboriginal place, object, or evidence, of archaeological or historic significance, of Aboriginal occupation of an area of Queensland. Aboriginal cultural heritage values should not be confused with Native Title. As with non-Aboriginal heritage values, Aboriginal cultural heritage can exist on an area regardless of the land tenure. The existence of Aboriginal cultural heritage in an area does not mean that Native Title exists over that area. The ACH Act also establishes a duty for the chief executive to keep an 'Aboriginal Cultural Heritage Database' under Part 5. This database is accessible through the Department of Treaty, and Aboriginal and Torres Strait Islander Partnerships, Communities, and the Arts (formerly DSDSATSIP) database.

### *Duty of Care Guidelines 2004*

The *Aboriginal Cultural Heritage Act 2003* Duty of Care Guidelines (2004) is the primary tool for determining a duty of care outcome for activities that may harm Aboriginal cultural heritage. Section 23(1) of the ACH Act states that a person who 'carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage'.

### *Environment Protection and Biodiversity Conservation Act 1999*

The *Environment Protection and Biodiversity Conservation Act 1999* (EPBC) is the Australian Government's environment and heritage legislation. Established under the EPBC Act, the Commonwealth Heritage List comprises outstanding natural, Aboriginal, and historic heritage places on Commonwealth lands and waters, or under Australian Government control.

The EPBC Act requires listed places to undergo special requirements to ensure that the values of the place are protected and conserved for future generations. The EPBC Act provides for the preparation of management plans which set out the significant heritage aspects of the place and how the values of the site will be managed.

### *Native Title Act 1993 (Cth)*

The *Commonwealth Native Title Act 1993* is the Australian Government's Native Title legislation that provides a national system for the recognition and protection of Native Title and for its co-existence with the national land management system. Under the Native Title Act 1993, Native Title claimants can make an application to the Federal Court to have their Native Title recognised by Australian law.

The Act recognises the traditional rights and interests to land and waters of Aboriginal and Torres Strait Islander people. These rights and interests have been practised, and continue to be, by Aboriginal and Torres Strait Islander groups under traditional laws and customs prior to sovereignty (British occupation).

These rights and interests include such activities as the right to live and camp in the area, performing of ceremonies, hunting, and fishing, collection of food, building shelters and visiting places of cultural importance.

### *Native Title (Queensland) Act 1993*

The *Native Title (Queensland) Act 1993* is the Queensland Government's legislation to ensure alignment with the *Commonwealth Native Title Act 1993* for future dealings affecting Native Title.



# APPENDICES

## Appendix A – Site Management Protocols

### Site Inductions

Provide machinery and road/traffic personnel with relevant cultural heritage training to ensure they:

- Understand the Duty of Care requirements under the *Aboriginal Cultural Heritage Act 2003*.
- Understand their obligations under the *Queensland Heritage Act 1992*.
- Understand where machinery, stockpiles etc. should be located.
- The site induction can be delivered by the responsible Cultural Heritage Officer (Tim Menkins 0497 259 960).

### Finds Procedure

1. FIND: An item of potential cultural heritage value is found.
2. STOP: All work at the FIND location shall cease. The item shall not be removed or disturbed and an exclusion zone must be installed around the area.
3. NOTIFY: The Contractor shall immediately notify a 'responsible person'.
4. MANAGE: This may include restricting access to that area and liaison with relevant Aboriginal party/parties.

The Contractor shall notify all site personnel of the object and/or area and proposed treatment of the object and/or area as soon as possible, but prior to commencing work on the next working day. Please immediately notify the responsible Cultural Heritage Officer should further historical or Aboriginal heritage values be identified (Tim Menkins 0497 259 960).

**Note:** These guidelines were developed using the Department of Environment, Technology, Science, and Innovation (DETSI) 'Procedural Guide for Managing Indigenous Cultural Heritage' and can be used for both Aboriginal and non-Indigenous cultural heritage.

### Archaeological Discoveries

Archaeological discoveries can occur regardless of land tenure. Refer to section 1 for the legislative framework relevant to the proposed development. In certain situations, an Archaeological Management plan may be required to achieve compliance. Archaeological Management Plans outline the steps to follow in the event of previously unidentified cultural heritage values being found during proposed works.

**Note:** The recommendations provided in this report do not preclude adherence to relevant cultural heritage legislation, including, but not limited to; the *Aboriginal Cultural Heritage Act 2003*, *Environment Protection and Biodiversity Conservation Act 1999* and the *Queensland Heritage Act 1992*.



## **Appendix B – ATSICHDR Report**



# Cultural Heritage Database and Register Search Report

Search report reference number: 177820

The Aboriginal and Torres Strait Islander Cultural Heritage Database (cultural heritage database) and Aboriginal and Torres Strait Islander Cultural Heritage Register (cultural heritage register) have been searched in accordance with the location description provided, and the results are set out in this report.

The cultural heritage database is intended to be a research and planning tool to help Aboriginal and Torres Strait Islander parties, researchers, and other persons in their consideration of the cultural heritage values of particular areas.

The cultural heritage register is intended to be a depository for information for consideration for land use and land use planning, and a research and planning tool to help people in their consideration of the Aboriginal cultural heritage values of particular objects and areas.

Aboriginal or Torres Strait Islander cultural heritage which may exist within the search area is protected under the [Aboriginal Cultural Heritage Act 2003](#) and the [Torres Strait Islander Cultural Heritage Act 2003](#) (the Cultural Heritage Acts), even if the Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships (the Department) has no records relating to it.

The placing of information on the database is not intended to be conclusive about whether the information is up-to-date, comprehensive or otherwise accurate.

Under the Cultural Heritage Acts, a person carrying out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal or Torres Strait Islander cultural heritage. This applies whether or not such places are recorded in an official register and whether or not they are located on private land.

Please refer to the Department website <https://www.qld.gov.au/firstnations/environment-land-use-native-title/cultural-heritage/cultural-heritage-duty-of-care> to obtain a copy of the gazetted Cultural Heritage Duty of Care Guidelines, which set out reasonable and practicable measure for meeting the cultural heritage duty of care.

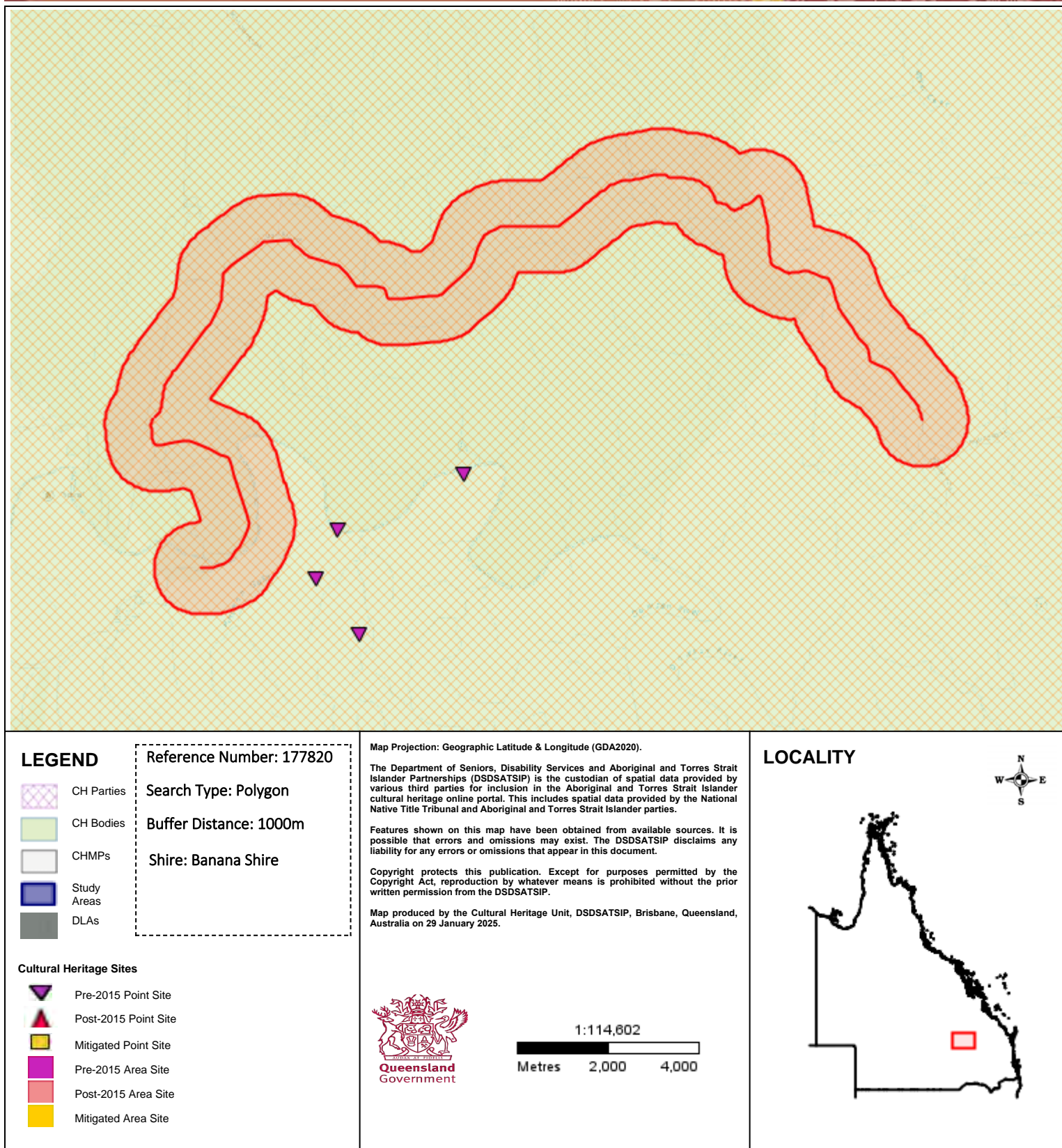
In order to meet your duty of care, any land-use activity within the vicinity of recorded cultural heritage should not proceed without the agreement of the Aboriginal or Torres Strait Islander Party for the area, or by developing a Cultural Heritage Management Plan under Part 7 of the Cultural Heritage Acts.

The extent to which the person has complied with Cultural Heritage Duty of Care Guidelines and the extent the person consulted Aboriginal or Torres Strait Islander Parties about carrying out the activity – and the results of the consultation – are factors a court may consider when determining if a land user has complied with the cultural heritage duty of care.

Should you have any further queries, please do not hesitate to contact the department via email: [cultural.heritage@dssdsip.qld.gov.au](mailto:cultural.heritage@dssdsip.qld.gov.au) or telephone: 1300 378 401.



# Cultural Heritage Database and Register Search Report





# Cultural Heritage Database and Register Search Report

There are no Aboriginal or Torres Strait Islander cultural heritage site points recorded in your specific search area.

There are no Aboriginal or Torres Strait Islander cultural heritage site polygons recorded in your specific search area.

Cultural Heritage Party/ies for the area:

Reference No.	Federal Court No.	Name	Contact Details
QCD2016/005 DET	QUD6162/1998	Iman People #2	IMAN Wardingarri Aboriginal Corporation RNTBC 388 Dean St FRENCHVILLE QLD 4701  Phone: (07) 4926 6121 Email: wardingarri17@gmail.com/ sheridan@wardingarri.org.au

Cultural Heritage Body/ies for the area:

Departmental Reference No.	Name	Contact Details	Registration Date
CHB016013	Wardingarri Aboriginal Corporation RNTBC	Wardingarri Aboriginal Corporation RNTBC c/- Just Us Lawyers PO Box 120 RED HILL QLD 4059  Phone: (07) 4926 6121 Email: wardingarri17@gmail.com Email: reception@justuslaw.com	21/07/2016

There are no Cultural Heritage Management Plans recorded in your specific search area.

There are no Designated Landscape Areas (DLA) recorded in your specific search area.

There are no Registered Cultural Heritage Study Areas recorded in your specific search area.

There are no National Heritage Areas (Indigenous values) recorded in your specific search area.



# Cultural Heritage Database and Register Search Report

## Glossary

**Cultural Heritage Body:** An entity registered under Part 4 of the Cultural Heritage Acts as an Aboriginal or Torres Strait Islander cultural heritage body for an area. The purpose of a cultural heritage body is to:

- identify the Aboriginal or Torres Strait Islander parties for an area
- serve as the first point of contact for cultural heritage matters.

**Cultural Heritage Management Plan (CHMP):** An agreement between a land user (sponsor) and Traditional Owners (endorsed party) developed under Part 7 of the Cultural Heritage Acts. The CHMP explains how land use activities can be managed to avoid or minimise harm to Aboriginal or Torres Strait Islander cultural heritage.

**Cultural Heritage Party:** Refers to a native title party for an area. A native title party is defined as:

- Registered native title holders (where native title has been recognised by the Federal Court of Australia).
- Registered native title claimants (whose native title claims are currently before the Federal Court of Australia).
- Previously registered native title claimants (the 'last claim standing') are native title claims that are no longer active and have been removed from the Register of Native Title Claims administered by the National Native Title Tribunal. Previously registered native title claimants will continue to be the native title party for that area providing:
  - o there is no other registered native title claimant for the area; and
  - o there is not, and never has been, a registered native title holder for the area.

The native title party maintains this status within the external boundaries of the claim even if native title has been extinguished.

**Cultural heritage site points (pre 2015):** Aboriginal and Torres Strait Islander cultural heritage sites and places recorded in the database as point data **before** 1 July 2015.

**Cultural heritage site points (post 2015):** Aboriginal and Torres Strait Islander cultural heritage sites and places recorded in the database as point data **after** 1 July 2015.

**Cultural heritage site points (post 2015 mitigated):** Aboriginal and Torres Strait Islander cultural heritage sites and places recorded in the database as point data after 1 July 2015 where the recorder has advised the department that the site has been mitigated.

**Cultural heritage site polygons:** Aboriginal and Torres Strait Islander cultural heritage sites and places recorded in the database as a polygon.

**Designated Landscape Areas (DLA):** Under the repealed *Cultural Record (Landscapes Queensland and Queensland Estate) Act 1987*, an area was declared a 'designated landscape area' (DLA) if it was deemed necessary or desirable for it to be preserved or to regulate access.

**Indigenous Protected Areas (IPA):** Areas of land and sea managed by Indigenous groups as protected areas for biodiversity conservation through voluntary agreements with the Australian Government. For further information about IPAs visit <https://www.environment.gov.au/land/indigenous-protected-areas>

**National Heritage areas:** Places listed on the National Heritage List for their outstanding heritage significance to Australia and are protected under the *Environment Protection and Biodiversity Conservation Act 1999*. For further information about the National Heritage List visit <https://www.environment.gov.au/heritage/about/national>

**National Heritage Areas (Indigenous values):** Places listed on the National Heritage list (Indigenous values) are recognised for their outstanding Indigenous cultural heritage significance to Australia and are protected under the *Environment Protection and Biodiversity Conservation Act 1999*. These areas are now included in the cultural heritage



# Cultural Heritage Database and Register Search Report

register.

**Registered Cultural Heritage Study Areas:** Comprehensive studies of Aboriginal and or Torres Strait Islander cultural heritage in an area conducted under Part 6 of the Cultural Heritage Acts for the purpose of recording the findings of the study on the register.

**Traditional Use of Marine Resources Agreement (TUMRA):** Areas subject to agreement between Great Barrier Reef Traditional Owners and the Australian and Queensland governments on the management of traditional use activities on their sea country. For further information about TUMRAs visit <https://www.gbrmpa.gov.au/our-partners/traditional-owners/traditional-use-of-marine-resources-agreements>

**World Heritage Areas:** Places inscribed on the World Heritage List pursuant to the World Heritage Convention adopted by the United Nations Education, Scientific and Cultural Organisation (UNESCO) and are protected under the [Environment Protection and Biodiversity Conservation Act 1999](#). For further information about World Heritage places in Queensland visit <https://parks.des.qld.gov.au/management/managed-areas/world-heritage-areas>

**Disclaimer:** *The Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships is the custodian of spatial data and information provided by various third parties for inclusion in the Aboriginal and Torres Strait Islander cultural heritage online portal. This includes spatial data provided by the National Native Title Tribunal and Aboriginal and Torres Strait Islander parties. Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships is not responsible for the accuracy of information provided by third parties or any errors in this search report arising from such information.*



## Appendix C – Historic Aerial Imagery

Table 10 Historical aerial imagery of the proposed site, demonstrating changing land use or site circumstances (Queensland Government, 2024b).

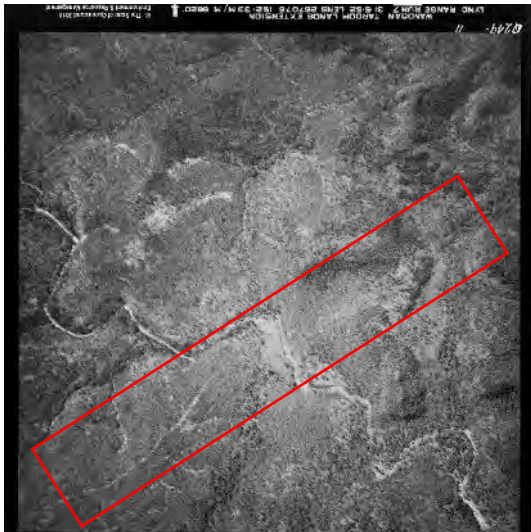


Figure 2 1952 aerial imagery (Film QAP0249 Frame 011)



Figure 3 1952 aerial imagery Film QAP0249 Frame 012)

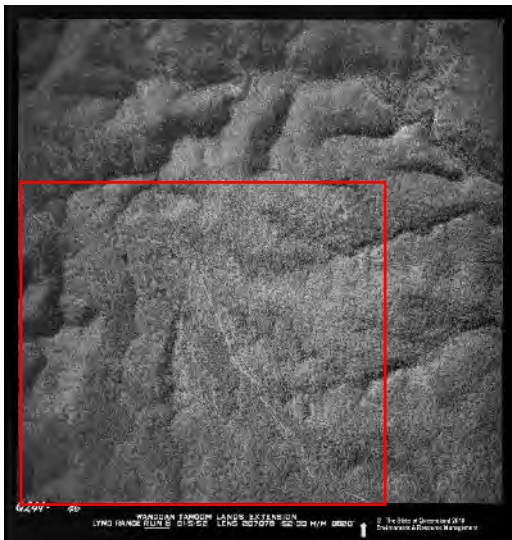


Figure 4 1952 aerial imagery (Film QAP0249 Frame 046)



Figure 5 1952 aerial imagery Film QAP0249 Frame 047)





Figure 6 1952 aerial imagery (Film QAP0249 Frame 051)



Figure 7 1952 aerial imagery Film QAP0249 Frame 053)

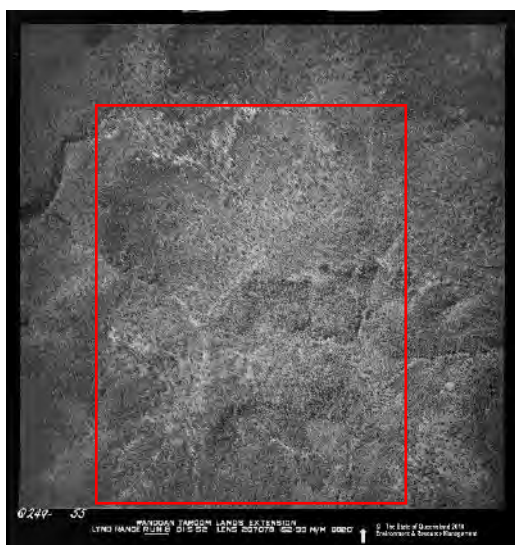


Figure 8 1952 aerial imagery (Film QAP0249 Frame 055)



Figure 9 1952 aerial imagery Film QAP0249 Frame 065



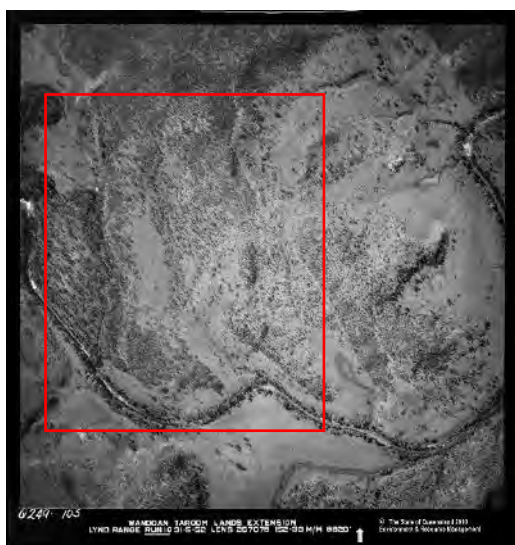


Figure 10 1952 aerial imagery (Film QAP0249 Frame 105)

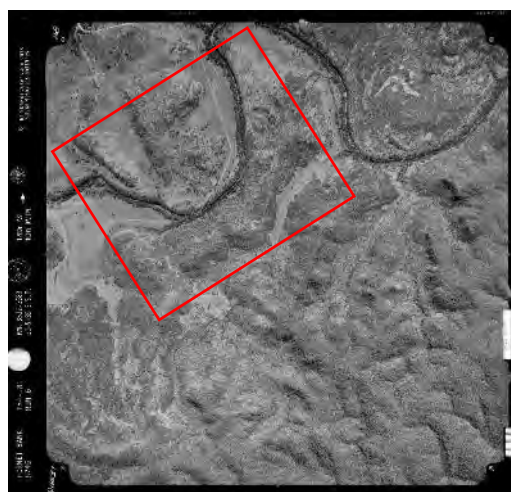


Figure 11 1986 aerial imagery Film QAP4537 Frame 168)

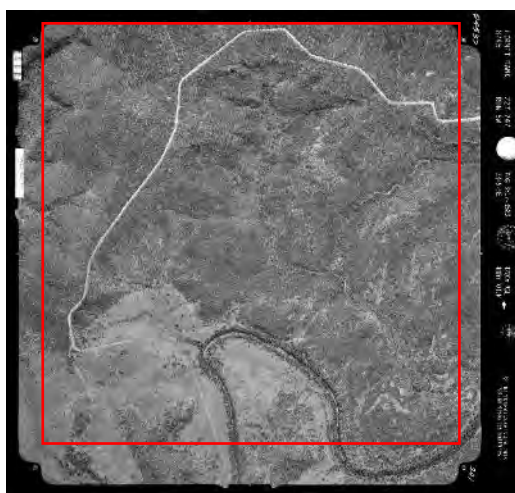


Figure 12 1986 aerial imagery (Film QAP4537 Frame 241)

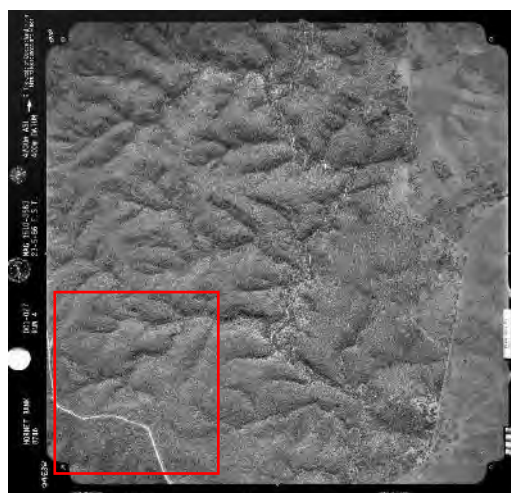


Figure 13 1986 aerial imagery Film QAP4538 Frame 010)



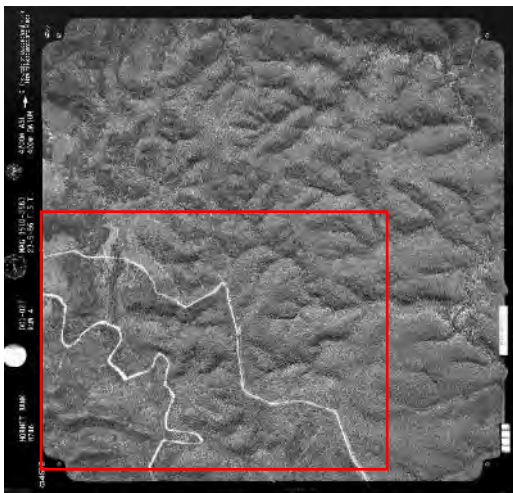


Figure 14 1986 aerial imagery (Film QAP4538 Frame 011)

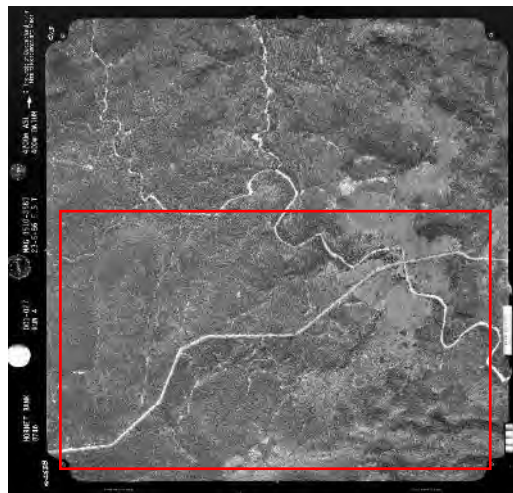


Figure 15 1986 aerial imagery Film QAP4538 Frame 013)

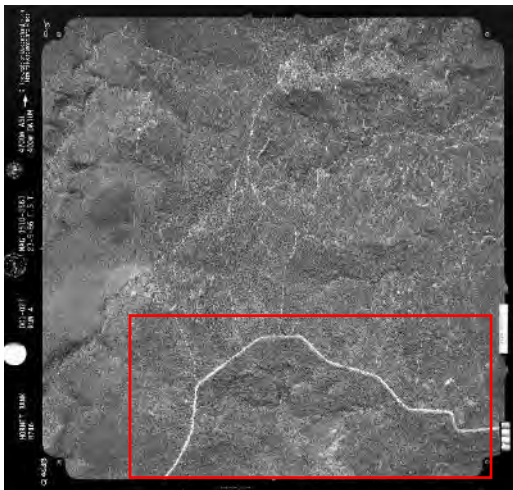


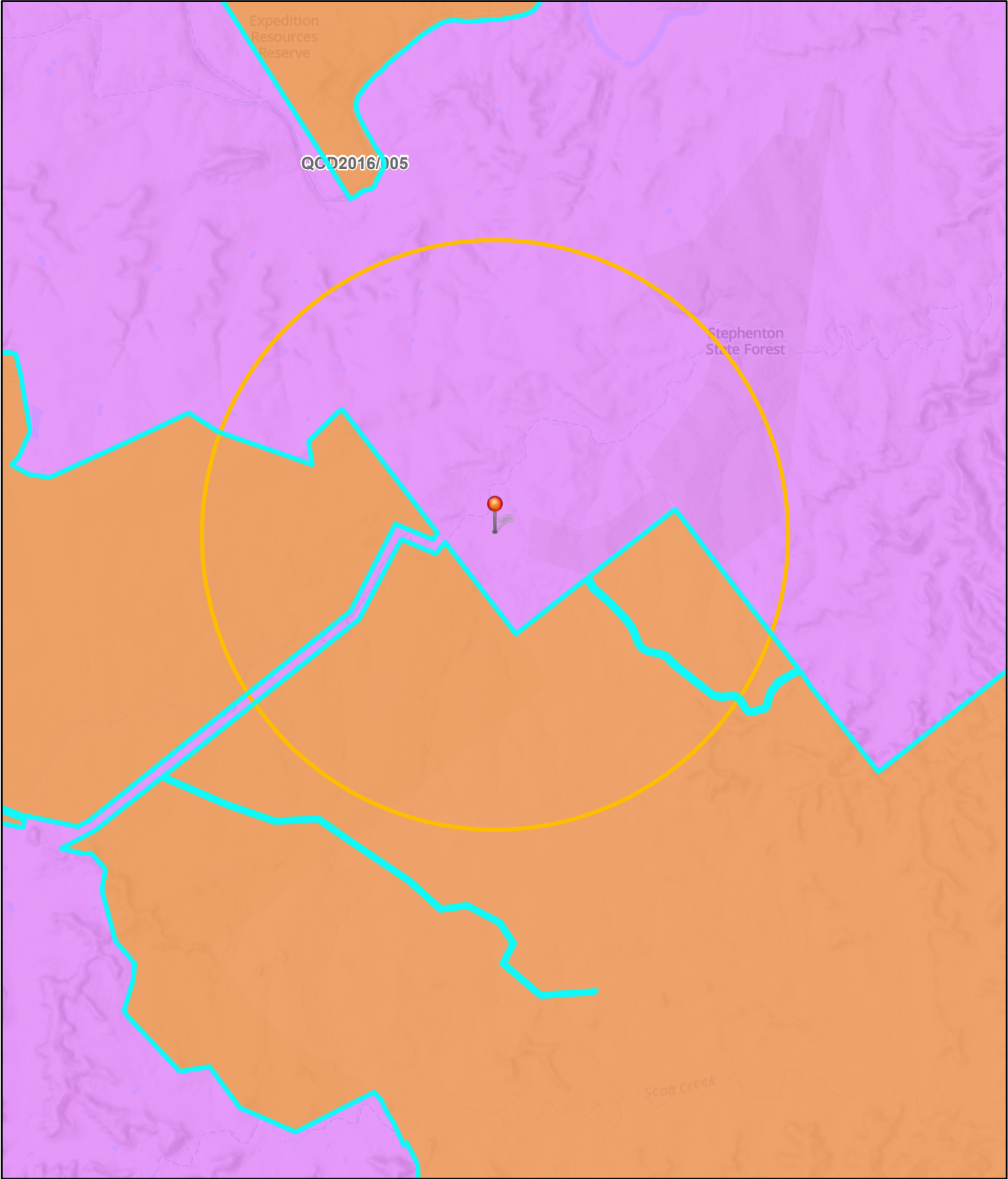
Figure 16 1986 aerial imagery (Film QAP4538 Frame 015)



## Appendix D – Native Title Vision Map



# Native TitleVision Web Map



1/29/2025, 9:18:48 AM

Determinations

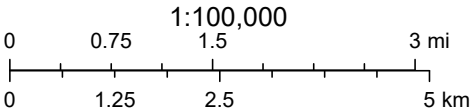
In effect - Finalised

Determined Outcomes

Native title exists (non-exclusive)

Indigenous Land Use Agreements

ILUA registered



Department of Resources, DESI, Esri, TomTom, Garmin, Foursquare, METI/  
NASA, USGS, Esri, Geoscience Australia, NASA, NGA, USGS



## **Appendix E –Native Title Determinations and ILUAs**



# Extract from Register of Indigenous Land Use Agreements

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<b>NNTT number</b>	QI2010/003
<b>Short name</b>	Iman People #2 and QGC Pty Limited ILUA
<b>ILUA type</b>	Area Agreement
<b>Date registered</b>	07/02/2011
<b>State/territory</b>	Queensland
<b>Local government region</b>	Banana Shire Council, Central Highlands Regional Council, Western Downs Regional Council, Maranoa Regional Council

---

## Description of the area covered by the agreement

ILUA Area means the Iman People #2's Native Title Claim area, as described in Annexure 1, but excluding any areas of overlap with any other registered Native Title Claims at the date of Registration [Annexure 1 is attached to this register extract]

## Parties to agreement

### *Applicant*

---

<b>Party name</b>	QGC Pty Limited
<b>Contact address</b>	c/- McCullough Robertson Lawyers Level 11, 66 Eagle Street Brisbane QLD 4000

### *Other Parties*

---

<b>Party name</b>	Russell Tatow, Patrick Silvester, Cynthia Kemp, Eve Fesl, Troy Noble, Fred Tull, Fergus Waterton, Richard Doyle and Madonna Barnes in their capacity as the Registered Native Claimant for the Iman People #2's Native Title Claim
<b>Contact address</b>	c/- Michael Owens & Associates PO Box 1989 AITKENVALE QLD 4814

## Period in which the agreement will operate

---

<b>Start date</b>	not specified
<b>End Date</b>	not specified

---

See Clause 3 (Term) of the ILUA (as set out below).

Clause 3 Term:

- (a) This Agreement commences on the Authorisation Date.
- (b) Subject to clauses 3(c) and 3(d) the Parties agree that the Agreement will terminate upon decommissioning of the Project.
- (c) The Parties agree that if QGC fails to achieve QCLNG Approval, this Agreement will terminate but QGC will be liable to pay any Benefits set out in clauses 3.1(a) and 3.1(b) of Annexure 3, in accordance with the requirements of Annexure 3.
- (e) In the event of termination of the Agreement, the Parties will do all things necessary to remove the details of the Agreement from the Register of Indigenous Land Use Agreements.

## Statements of the kind mentioned in ss. 24EB(1) or 24EBA(1) or (4)



Clause 4(a) The Parties consent to the doing of the following acts within the ILUA Area, whether or not they are Future Acts:

- (i) the grant to QGC of the Project Rights and the implementation of those Project Rights;
- (ii) the planning, investigation, construction, operation and maintenance of the Project and all works necessary or incidental to the Project which is done by, at the request of, or on behalf of QGC; and
- (iii) the decommissioning of the Project and the required rehabilitation of the land affected by the Project.

Clause 4(e) Subdivision P of Division 3 of Part 2 of the NTA is not intended to apply to the doing of the Future Acts consented to under clause 4(a).

#### Clause 1.1 - Definitions

Future Act has the meaning given in the NTA.

Project means the development of QGC's participation in the gas industry in Queensland (including QCLNG), in particular the exploration, planning, construction, operation, maintenance and ultimate decommissioning and rehabilitation of the gasfields, including:

- (a) gas wells;
- (b) associated surface equipment, such as wellhead separators, telemetry devices and metering stations;
- (c) field compression stations and central processing plants;
- (d) underground gas-gathering, collection and export pipelines;
- (e) underground water-gathering pipelines;
- (f) water management facilities, such as desalination plants, storage ponds and water distribution infrastructure;
- (g) infrastructure required for potential beneficial use options, such as irrigation and reinjection;
- (h) access tracks;
- (i) accommodation, administration and warehouse facilities;
- and
- (j) any other works or operations within the ILUA Area necessary for or ancillary to the Project.

Project Rights means any grant, variation, extension or renewal of any Tenements, authorisation, lease, licence, permit, approval, certificate, consent, direction or notice which is necessary or desirable for the undertaking of the Project, under legislation including, but not limited to:

- (a) Aboriginal Cultural Heritage Act 2003 (Qld);
  - (b) Aboriginal and Torres Strait Islander Heritage Protection Act 1984 (Cth);
  - (c) Environmental Protection Act 1994 (Qld);
  - (d) Environmental Protection and Biodiversity Conservation Act 1999 (Cth);
  - (e) Forestry Act 1959 (Qld);
  - (f) Greenhouse Gas Storage Act 2009 (Qld);
  - (g) Land Act 1994 (Qld);
  - (h) Petroleum Act 1923 (Qld);
  - (i) Petroleum & Gas (Production and Safety) Act 2004 (Qld);
  - (j) State Development and Public Works Organisation Act 1971 (Qld);
  - (k) Sustainable Planning Act 2009 (Qld); and
  - (l) Water Act 2000 (Qld);
- but excludes tenements granted under the MRA [Mineral Resources Act 1989 (Qld)].

#### Attachments to the entry

[QI10\\_3 Attachment - Map and Description of ILUA Area.pdf](#)



# Extract from Register of Indigenous Land Use Agreements

---

<b>NNTT number</b>	QI2015/012
<b>Short name</b>	Iman People and Local Government ILUA
<b>ILUA type</b>	Area Agreement
<b>Date registered</b>	14/09/2015
<b>State/territory</b>	Queensland
<b>Local government region</b>	Banana Shire Council, Central Highlands Regional Council, Western Downs Regional Council, Maranoa Regional Council

---

## Description of the area covered by the agreement

Schedule 2 of the agreement describes the ILUA area as the area shown on the map in Schedule 3 being all of the land and waters within the Iman People # 2 Native Title claimant application QUD6162/1998 which do not overlap with certain other claimant applications set out in Schedule 2.

[A copy of Schedules 2 and 3 is attached to this register extract.

The following general description of the agreement area has been provided by the National Native Title Tribunal to assist people to understand the location of the agreement area. It is provided for information only and should not be considered part of the Register of ILUAs:

The agreement area covers approximately 14,020 sq km about 75km north-east of Roma.]

## Parties to agreement

### *Applicant*

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<b>Party name</b>	Banana Shire Council, Central Highlands Regional Council, Maranoa Regional Council and Western Downs Regional Council
<b>Contact address</b>	c/- Gilkerson Legal GPO Box 12543 Brisbane QLD 4003

### *Other Parties*

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<b>Party name</b>	Patrick Silvester, Kenny Waterton, Eve Fesl, Richard Doyle, Eddie Waddy, Graham Anderson, Cynthia Kemp, Arwa Waterton, Bradley Curtis, Dena Marie Dodd-Ugle, Heidi Anne-Marie Lawson, Stuart White, Jason Jarro and Bevan Tull on behalf of the Iman People #2
<b>Contact address</b>	c/- Michael Owens PO Box 1989 Aitkenvale QLD 4814



## Period in which the agreement will operate

<b>Start date</b>	18/03/2015
<b>End Date</b>	not specified

17.1 This Agreement takes effect as a contractually binding agreement between the Parties from the Execution Date and continues unless and until the Agreement is Terminated.

"Execution Date" means the date that the last Party signs the Agreement.

## Statements of the kind mentioned in ss. 24EB(1) or 24EBA(1) or (4)

39.2 Part 2 Division 3 Subdivision P of the Native Title Act (which relates to the right to negotiate) does not apply to any Future Acts covered by the Agreement.

45.1 The Parties consent to any Activity which has a Low Native Title Impact (they are described in Schedule 7 [which is attached to this register extract]).

45.3 Where the conditions in the immediately following sub-clause are satisfied, the Parties consent to any Activity which has a High Native Title Impact (they are described in Schedule 8 [which is attached to this register extract]).

45.4 The conditions are that the Local Government proposing the Activity satisfies one of the following:-

(a) The Local Government

i) gives a Notice to the Native Title Party or the Native Title Party's Representative in accordance with paragraph 46.1(a); and

ii) completes Consultation in accordance with paragraph 46.1 (b).

(b) Where the Activity involves a capital work dealt with at a Capital Works Forum (provisions about a Capital Works Forum are contained in clause 61), the Local Government:

i) gives a list of capital works involving the Activity under paragraph 61.6(e); and

ii) consensus is reached under paragraph 61.6(f) about the Activity being carried out.

Schedule 1 "Activity" and "Activities" has the widest possible meaning and includes any activity (including any construction and ground disturbing activity), action, undertaking, dealing, grant, approval, consent and agreement. "High Native Title Impact" in relation to an Activity, refers to anything which is included in, or covered by, any of the classes of Activities in Schedule 8 except any Activity falling within those particularised in Schedule 7 under the short description 'Taroom Showground'.

"Low Native Title Impact" in relation to an Activity, refers to anything which is included in or covered by any of the classes of Activities contained in Schedule 7.

## Attachments to the entry

[QI2015\\_012 Schedule 2 Area Agreement Description.pdf](#)

[QI2015\\_012 Schedule 3 Map of Agreement Area.pdf](#)

[QI2015\\_012 Schedule 7 Low Native Title Impact Activities.pdf](#)

[QI2015\\_012 Schedule 8 High Native Title Impact Activities.pdf](#)



# Extract from Register of Indigenous Land Use Agreements

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<b>NNTT number</b>	QI2016/001
<b>Short name</b>	Ergon Energy Corporation Limited and Iman People #2 ILUA
<b>ILUA type</b>	Area Agreement
<b>Date registered</b>	17/06/2016
<b>State/territory</b>	Queensland
<b>Local government region</b>	Banana Shire Council, Central Highlands Regional Council, Western Downs Regional Council, Maranoa Regional Council

---

## Description of the area covered by the agreement

1.1 'Native Title Agreement Area' is all the land and waters comprising the Application area, as described in Part A of Schedule 1 and shown on the map in Part B of Schedule 1.

[A written description and map of the agreement area is contained in Schedule 1. A copy of Schedule 1 is attached to this register extract.

The following general description of the agreement area has been provided by the National Native Title Tribunal to assist people to understand the location of the agreement area. It is provided for information only and should not be considered part of the Register of ILUAs:

The agreement area covers about 14,000 sq km about 75 km north-east of Roma.]

## Parties to agreement

### *Applicant*

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<b>Party name</b>	Ergon Energy Corporation Limited
<b>Contact address</b>	c/- MacDonnells Law GPO Box 79 Brisbane QLD 4001

### *Other Parties*

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<b>Party name</b>	Patrick Silvester, Kenny Waterton, Eve Fesl, Richard Doyle, Eddy Waddy, Graham Anderson, Arwa Waterton, Cynthia Kemp, Bradley Curtis, Dean Marie Dodd-Ugle, Heidi Ann-Marie Lawson, Stuart White, Jason Jarro and Bevan Tull on their own behalf and on behalf of the Iman People #2 QUD6162/1998
<b>Contact address</b>	c/- Just Us Lawyers PO Box 120 Red Hill QLD 4059



## Period in which the agreement will operate

<b>Start date</b>	not specified
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<b>End Date</b>	not specified
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2.1 This Agreement will operate from the registration date, as an Indigenous Land Use Agreement and is binding upon all Parties, the Iman People and is also an agreement referred to in sections 23(3)(a)(iii), 24(2)(a)(iii), 25(2)(a)(iii) and 26(2)(a)(iii) of the ACHA.

'Registration date' means the date on which details of this Agreement are entered on the register of indigenous land use agreements.

'ACHA' means the Aboriginal Cultural Heritage Act 2003 (Qld).

## Statements of the kind mentioned in ss. 24EB(1) or 24EBA(1) or (4)

12.1 The Parties consent to the doing of any low native title activities, particular future act and any class of future acts in this Agreement.

12.2 The non extinguishment principle applies to any future acts that are covered by this Agreement.

12.3 Part 2 Division 3 Subdivision P of the NTA [which deals with the right to negotiate] does not apply to any future act, to which the Parties have consented, in this Agreement.

12.4 The Native Title Party consents to Ergon Energy and its contractors undertaking the low native title impact activities.

12.5 Ergon Energy and its contractors will comply with the procedures in Schedule 2 when undertaking low native title impact activities.

1.1 'Low Native Title Impact Activities' means one or more of the activities of the type described in Schedule 2 [Schedule 2 is attached to this Register Extract].

## Attachments to the entry

[QI2016\\_001 Schedule 1 Part B Map of Agreement Area.pdf](#)

[QI2016\\_001 Schedule 1 Part A Description of Agreement Area-NNTT.pdf](#)

[QI2016\\_001 Schedule 2 Low Native Title Impact Activities.pdf](#)



# Extract from Register of Indigenous Land Use Agreements

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NNTT number	QI2023/009
Short name	Iman People #2 ILUA
ILUA type	Area Agreement
Date registered	30/04/2024
State/territory	Queensland
Local government region	Banana Shire Council, Central Highlands Regional Council, Western Downs Regional Council, Maranoa Regional Council

---

## Description of the area covered by the agreement

"**Agreement Area**" means the land and waters described in Schedule 1: and depicted in Schedule 2:, being land and waters subject to a determination that Native Title exists in the Iman Determination;

A copy of Schedule 1 and Schedule 2 is attached to this Register extract.

The following general description of the agreement area has been provided by the National Native Title Tribunal to assist people to understand the location of the agreement area. It is provided for information only and should not be considered part of the Register of ILUAs:

*[The agreement area covers about 14,000 sq km and is located about 75 km north east of Roma in the vicinity of Taroom and Wandoan.]*

"**Iman Determination**" means the determination of native title by the Federal Court of Australia by consent in *Doyle on behalf of the Iman People #2 v State of Queensland* [2016] FCA 743 on 23 June 2016 that Native Title exists in relation to the Agreement Area;

"**Native Title**" has the meaning given in the NTA;

"**Native Title Rights and Interests**" has the meaning given in the NTA;

"**NTA**" means the *Native Title Act 1993* (Cth);

"**Past Act**" has the meaning given in the NTA;

"**State**" means the State of Queensland;

## Parties to agreement

### *Applicant*

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Party name	State of Queensland
Contact address	PO Box 15216 City East Brisbane QLD 4002

### *Other Parties*

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Party name	Heather Tobane and Jeffery Tull on behalf of themselves and on behalf of the Iman Compensation Claim Group
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**Contact address** 388 Dean Street  
Frenchville QLD 4701

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**Party name** Wardingarri Aboriginal Corporation RNTBC  
**Contact address** 388 Dean Street  
Frenchville QLD 4701

---

**Period in which the agreement will operate**

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**Start date** not specified

**End Date** not specified

---

**3. Commencement**

3.1 Clauses 1 (Definitions), 2 (Interpretation), 3 (Commencement), 5 (Authority) and 6 (Registration) commence on the Execution Date.

3.2 The remaining clauses of this Agreement commence on Registration.

**4. Expiry**

4.1 Subject to clause 4.2, this Agreement will continue in force in perpetuity.

4.2 This Agreement may be terminated by written agreement executed by the parties.

4.3 A party may only notify the Registrar in writing pursuant to section 199C(1)(c)(i) of the NTA that this Agreement has expired if the Corporation and the State have agreed in writing that the Agreement has so expired.

4.4 If this Agreement expires after the Agreement is Registered, or this Agreement is removed from the Register of Indigenous Land Use Agreements, it does not affect the validity of any acts or any Benefits paid under the Agreement that occurred while this Agreement was Registered.

"**Agreement**" means this document, including all schedules to this document [this document is the Iman People #2 ILUA];

"**Benefits**" means the payments and actions described in clause 8;

"**Corporation**" means Wardingarri Aboriginal Corporation RNTBC ICN 8305;

"**Execution Date**" means the date of this Agreement or, where the parties sign the Agreement on different dates, the date on which the last party signs the Agreement;

"**Register of Indigenous Land Use Agreements**" has the meaning given in the NTA;

"**Registered**" means registered on the Register of Indigenous Land Use Agreements;

"**Registrar**" has the meaning given in the NTA;

"**Registration**" means the date on which this Agreement is Registered;

"**RNTBC**" has the meaning given to registered native title body corporate in the NTA;

**Statements of the kind mentioned in ss. 24EB(1) or 24EBA(1) or (4)**

The agreement includes no statements mentioned in subsection 24EB(1) or 24EBA(1) or (4)

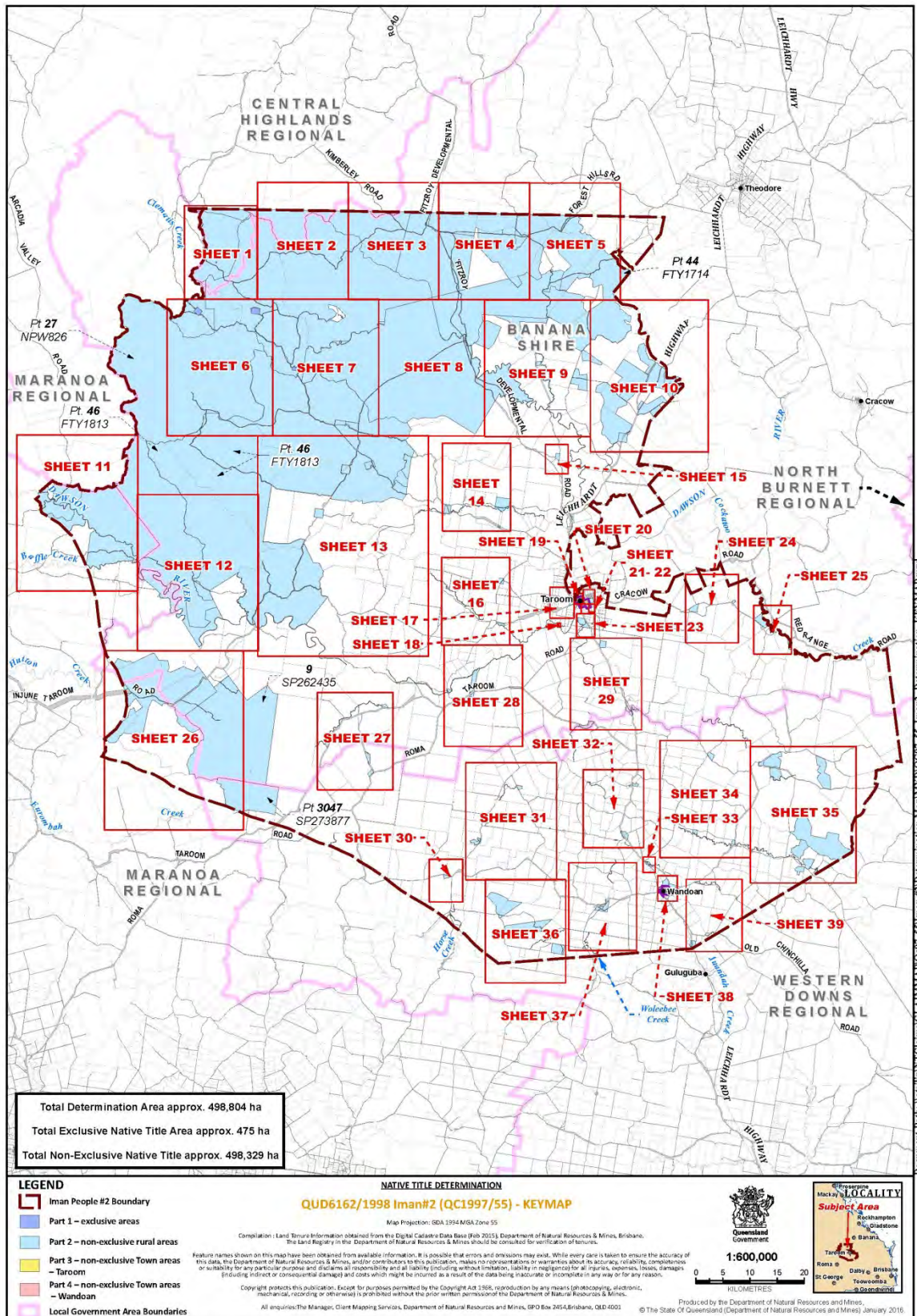
**Attachments to the entry**

[QI2023\\_009 Schedule 1 - Agreement Area.pdf](#)

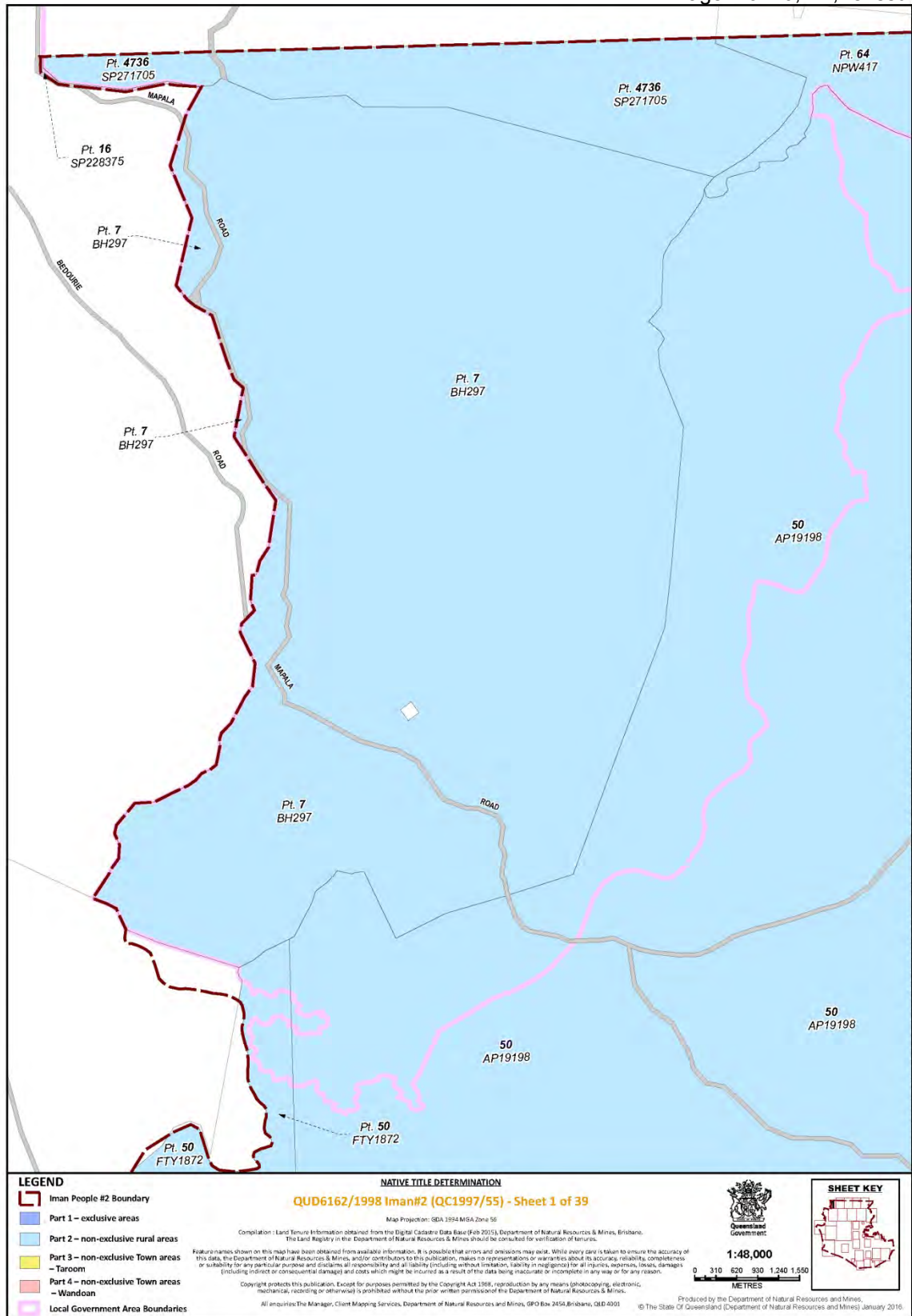
[QI2023\\_009 Schedule 2 - Map of Agreement Area.pdf](#)



## B. Map of Determination Area



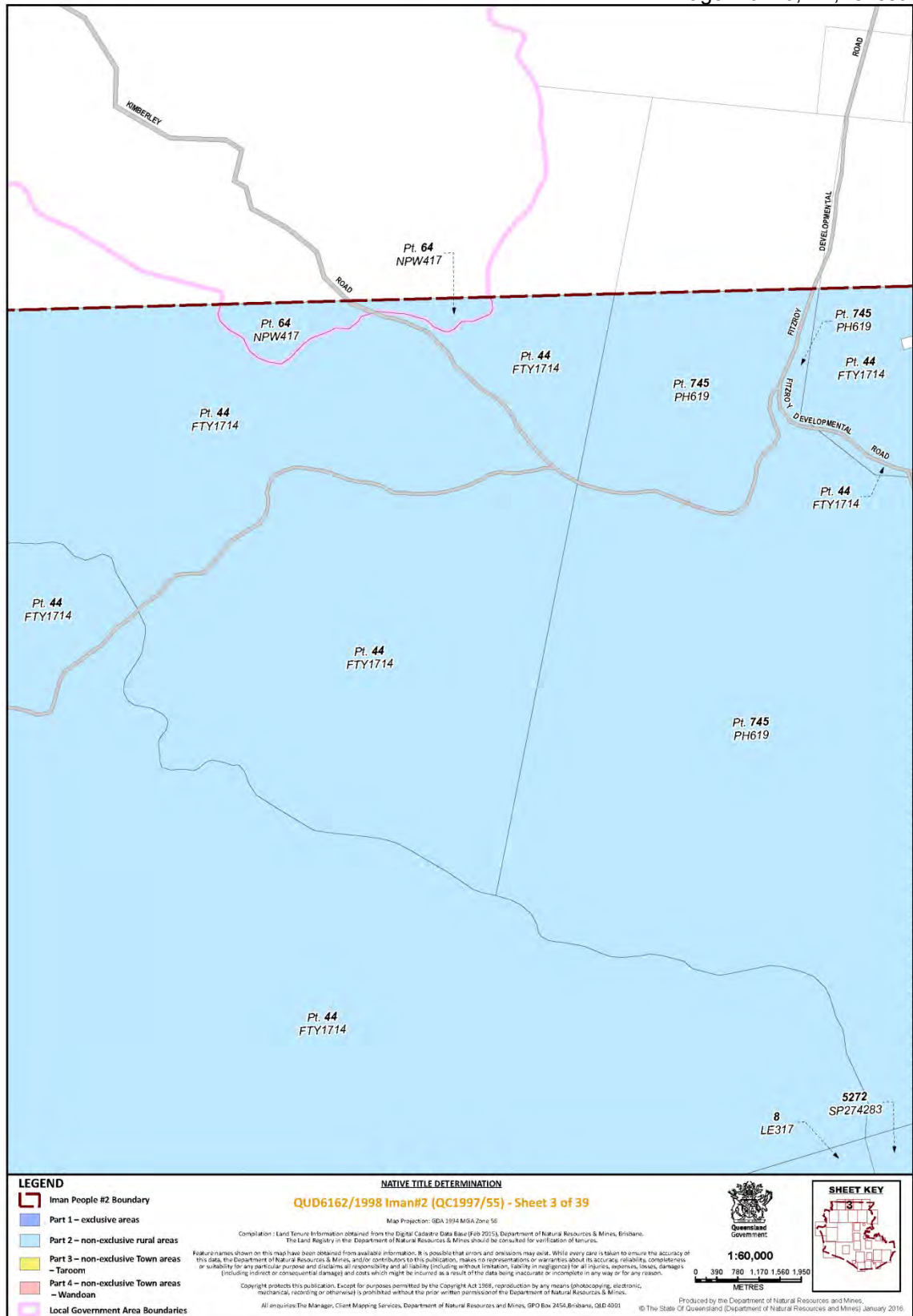








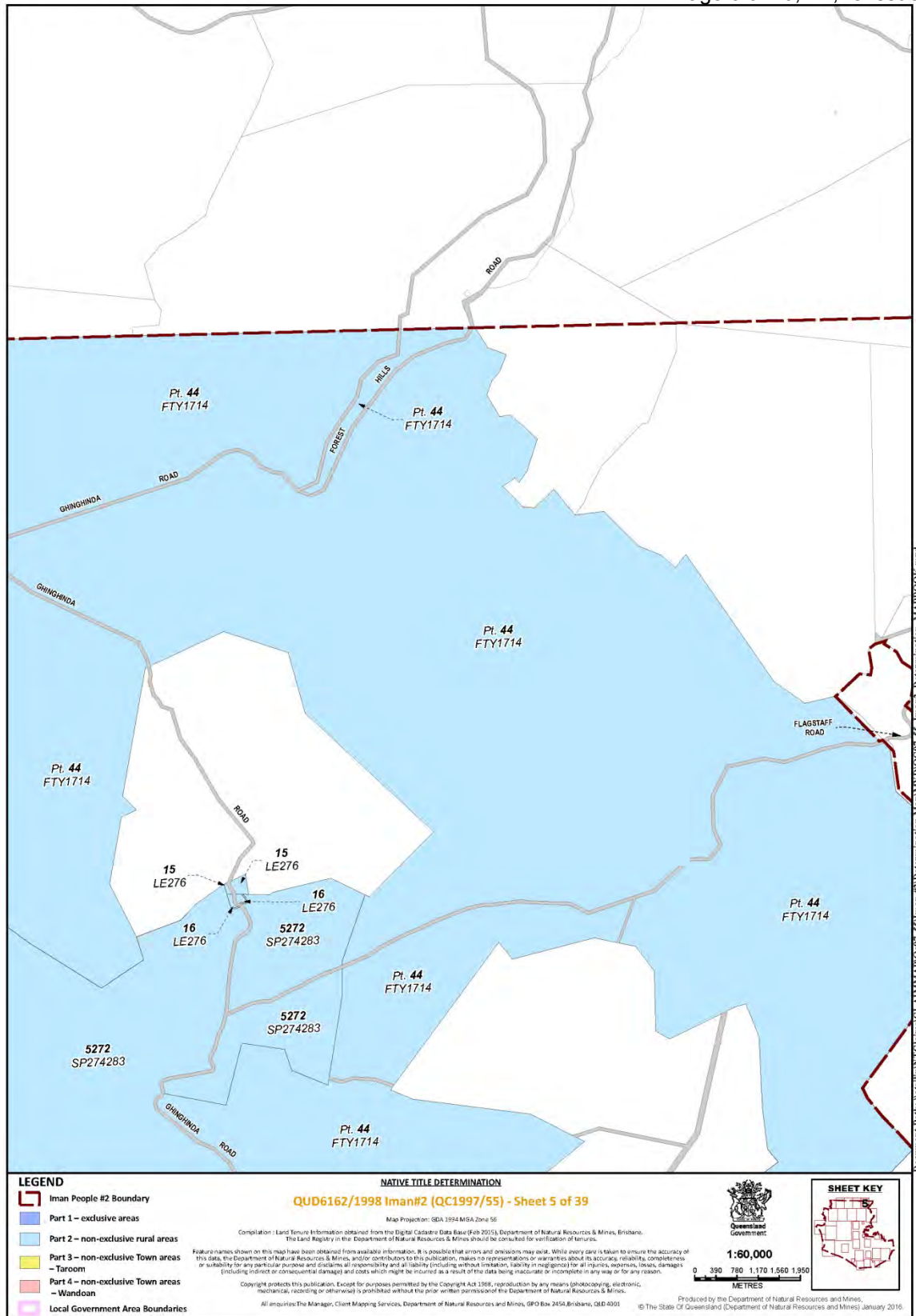




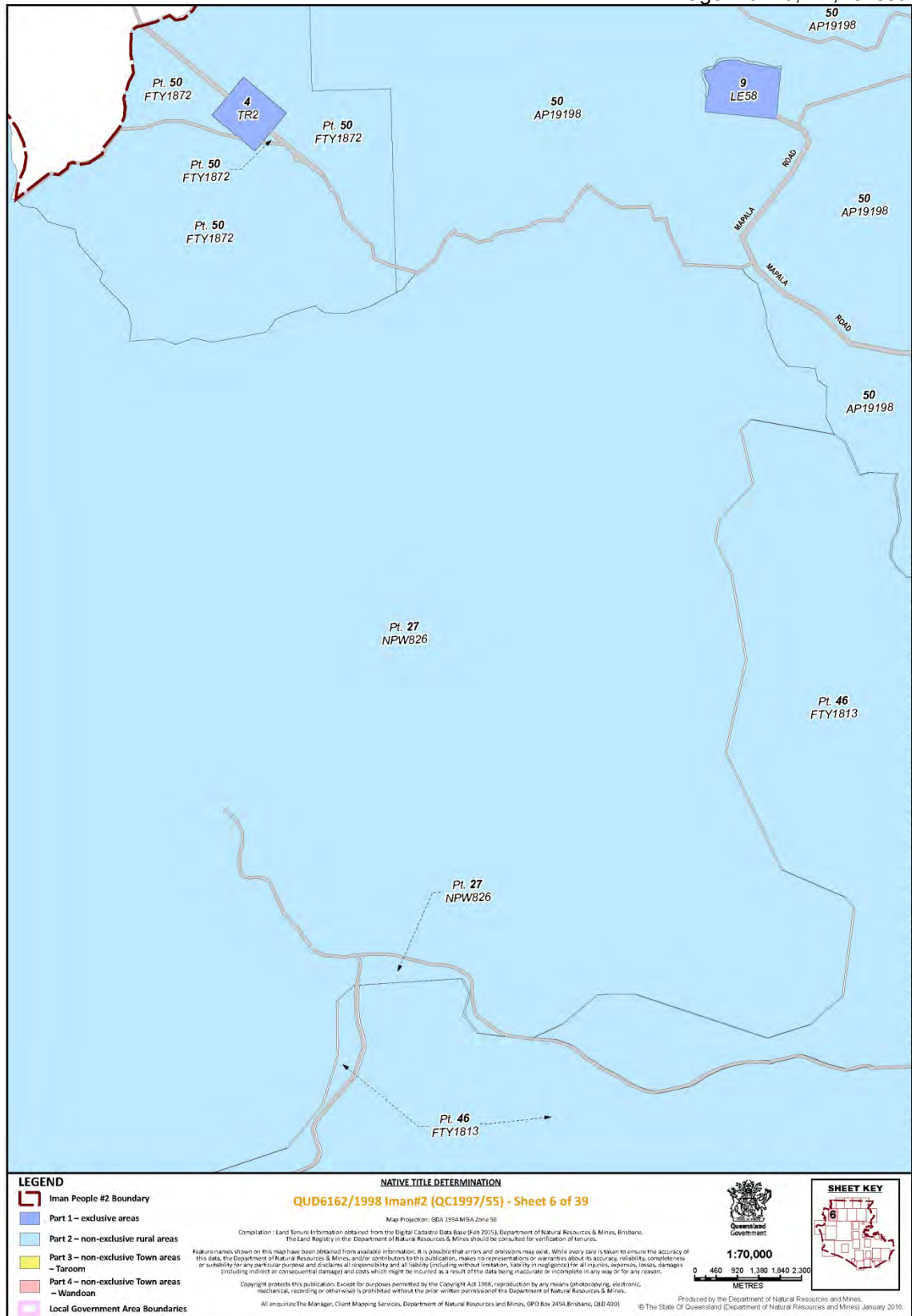




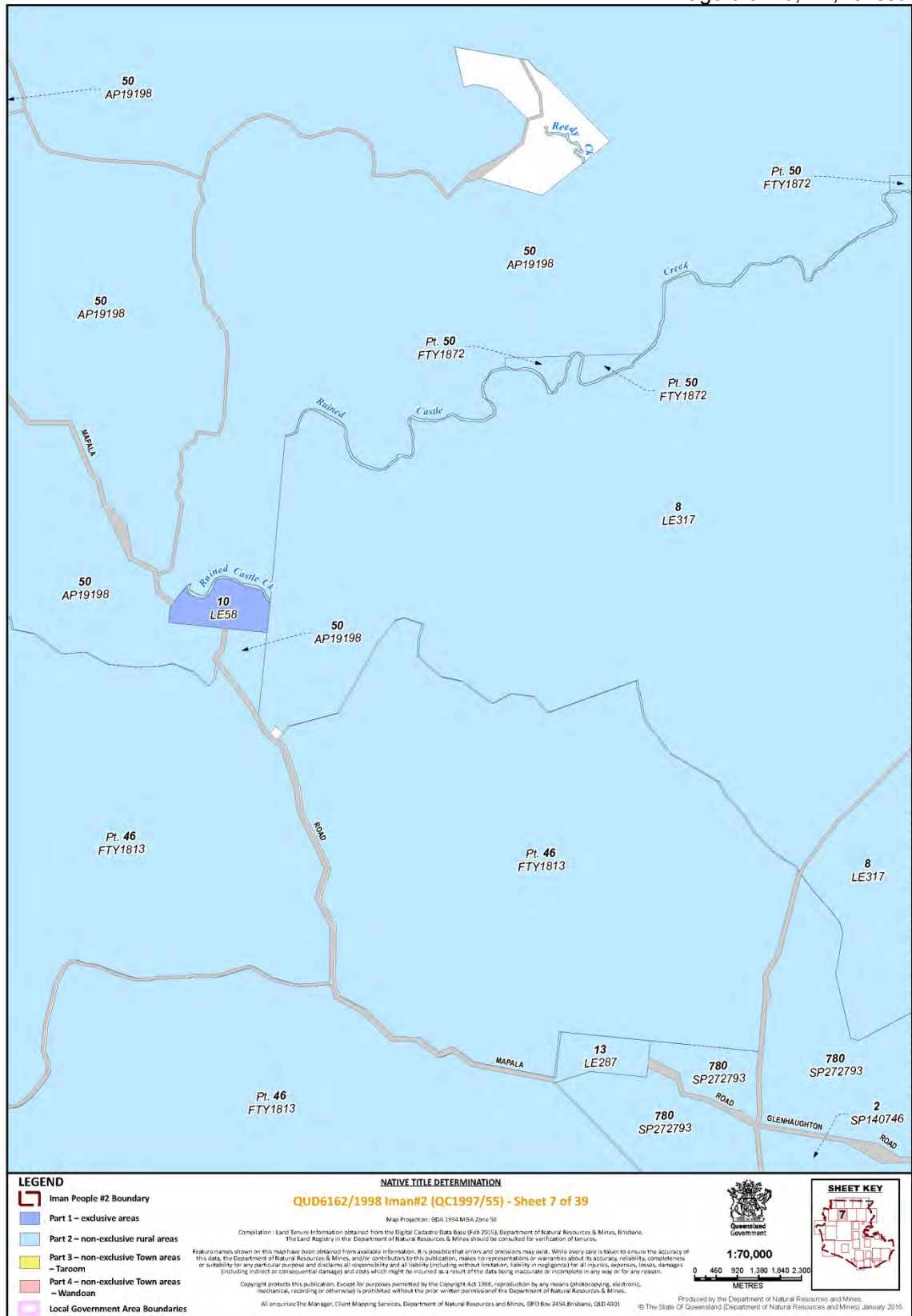




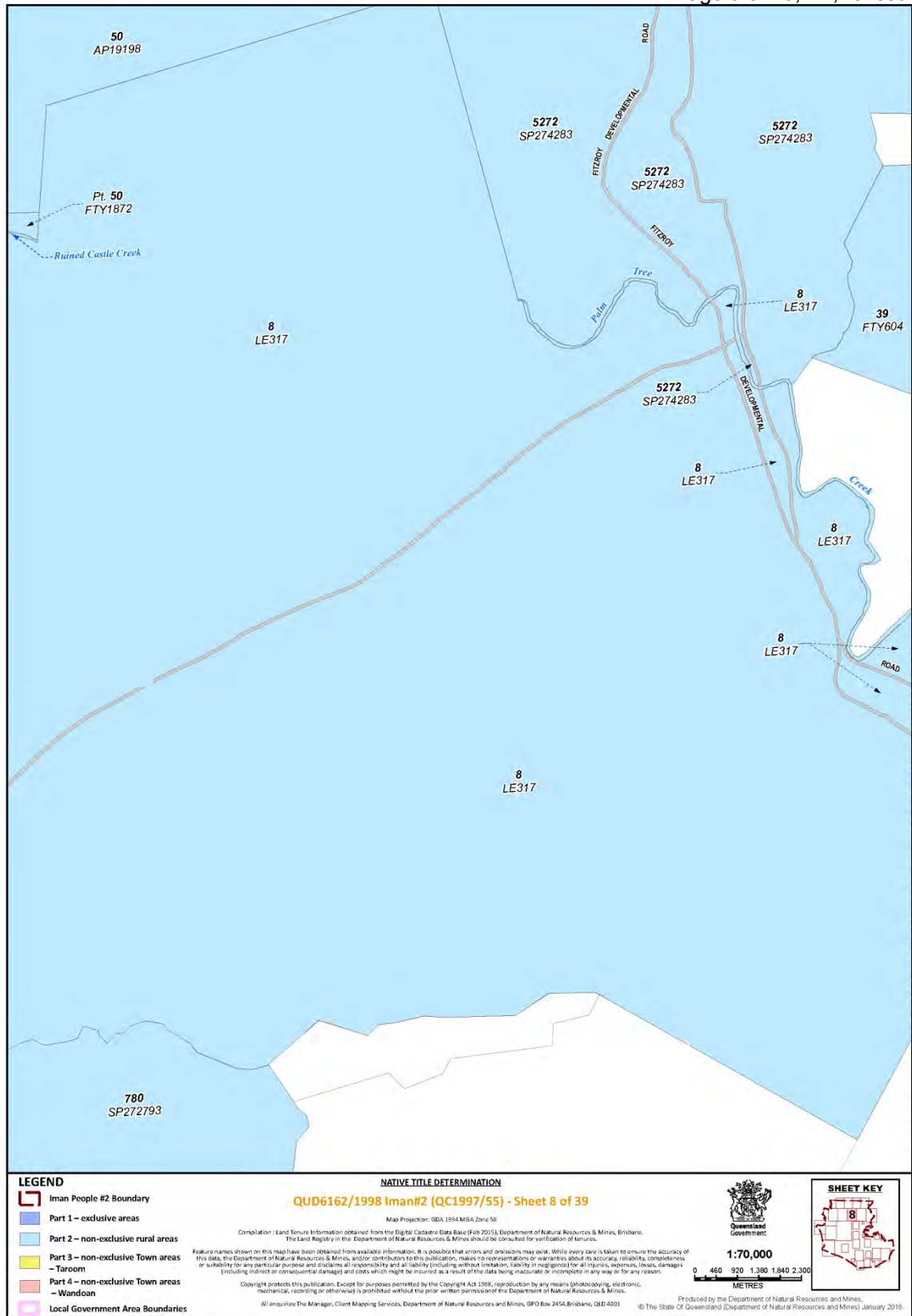




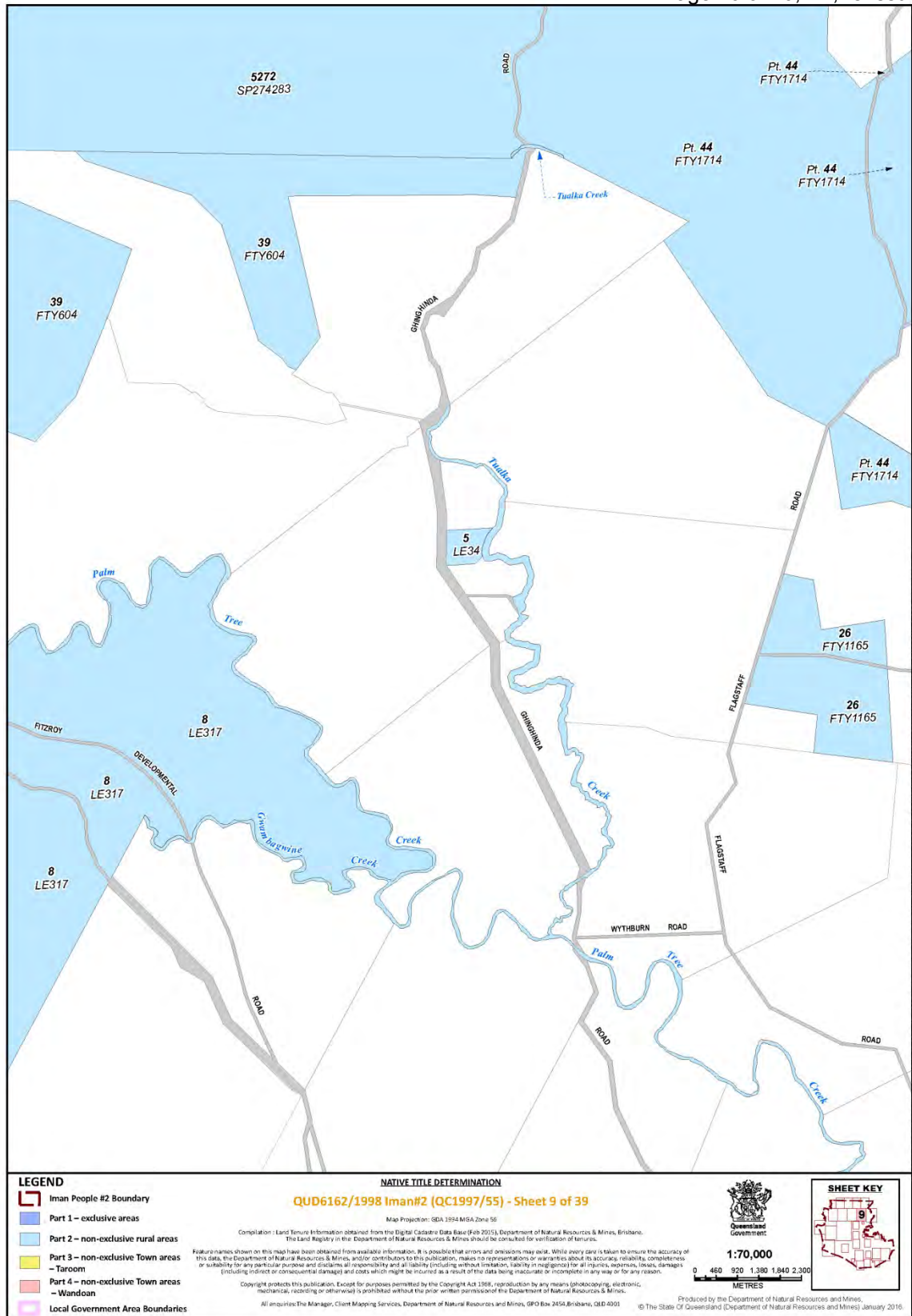




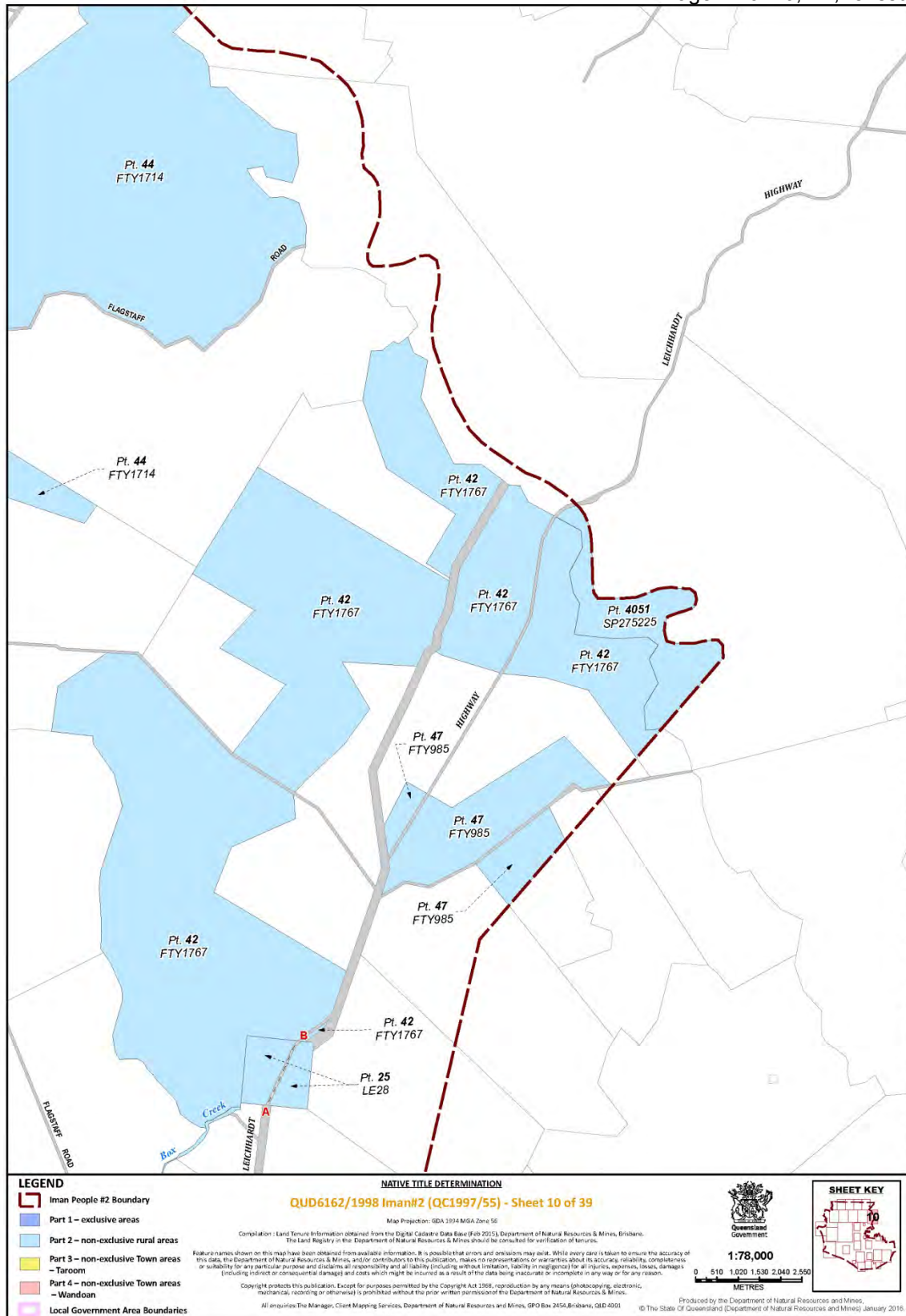




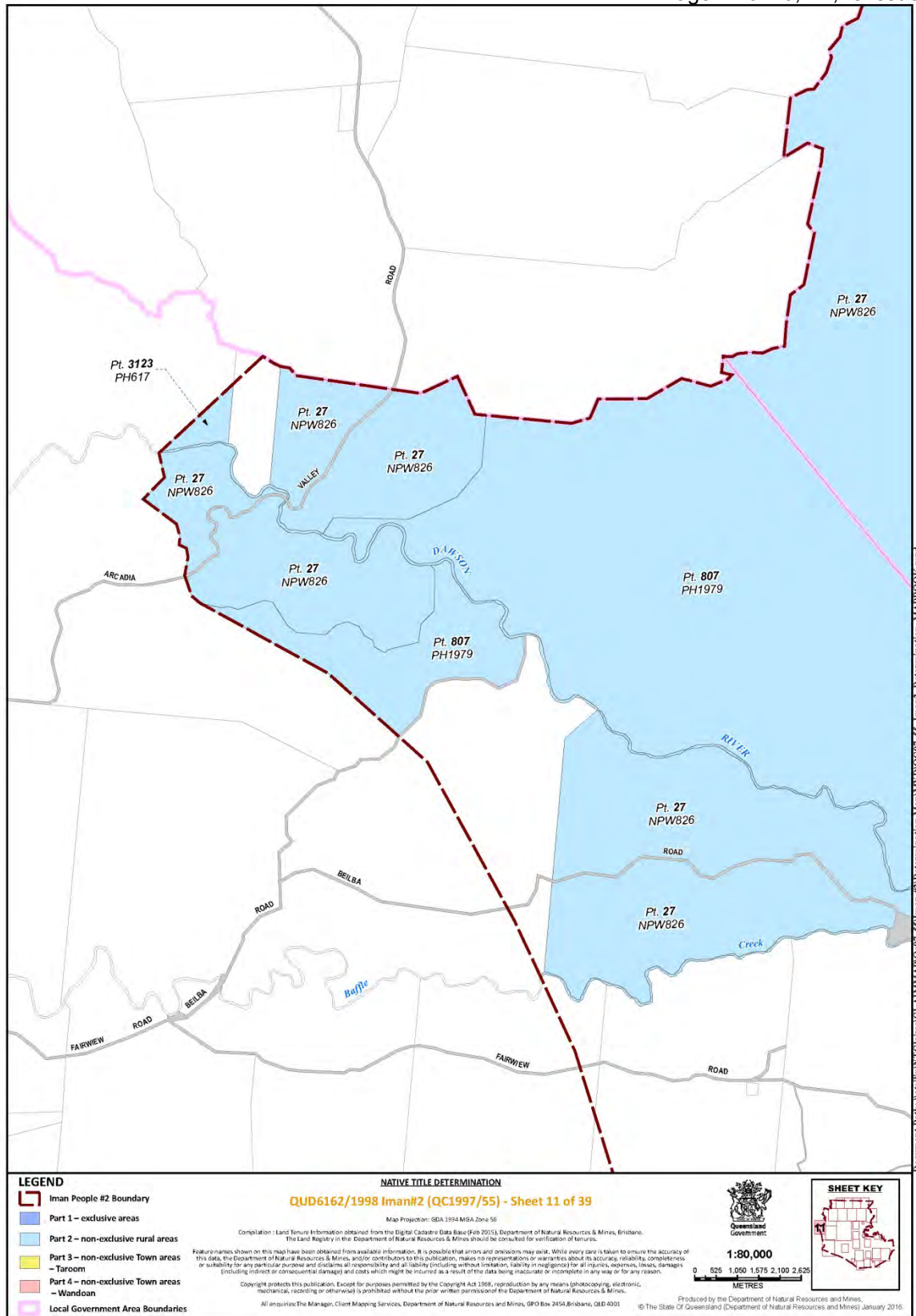




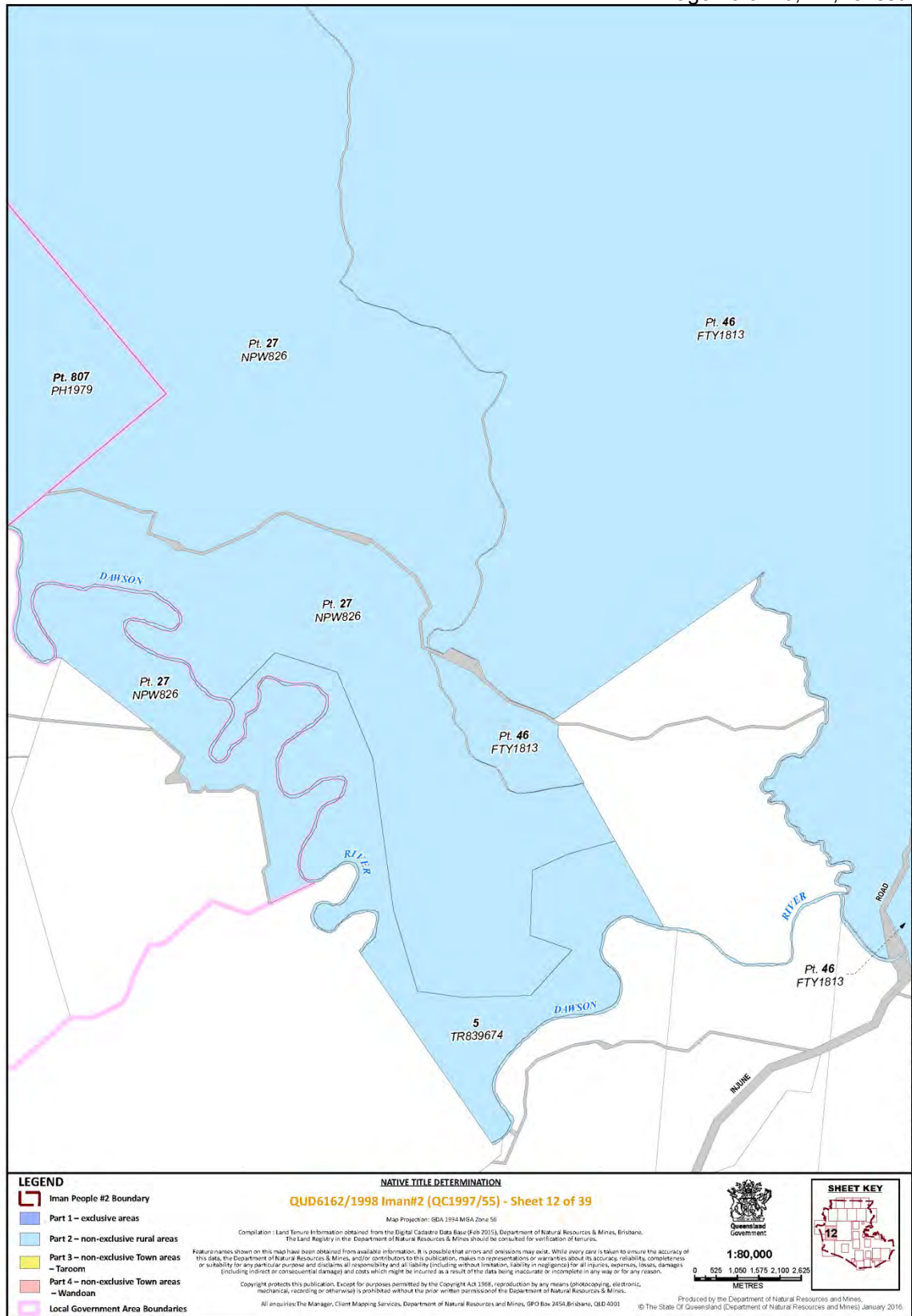




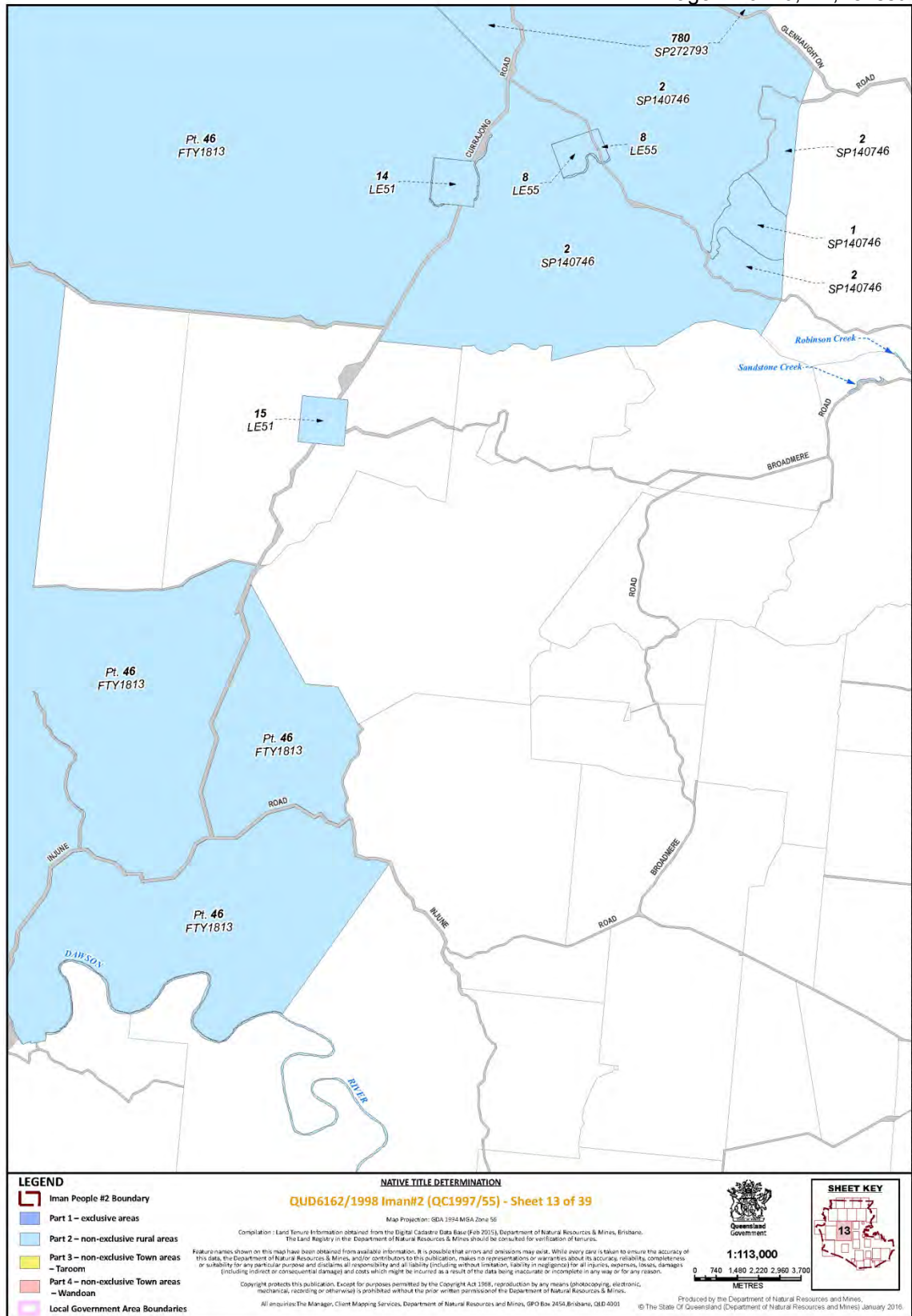
















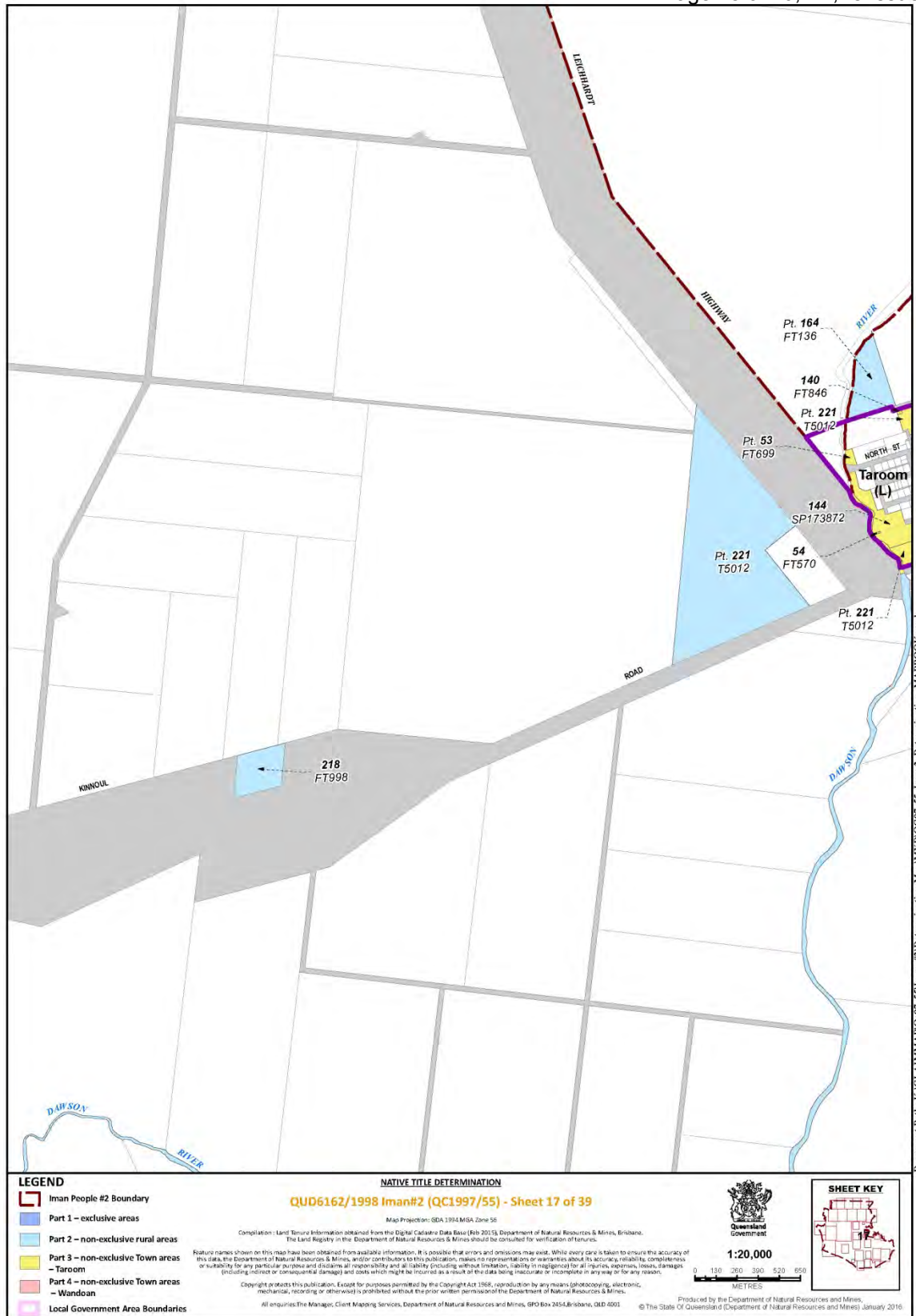




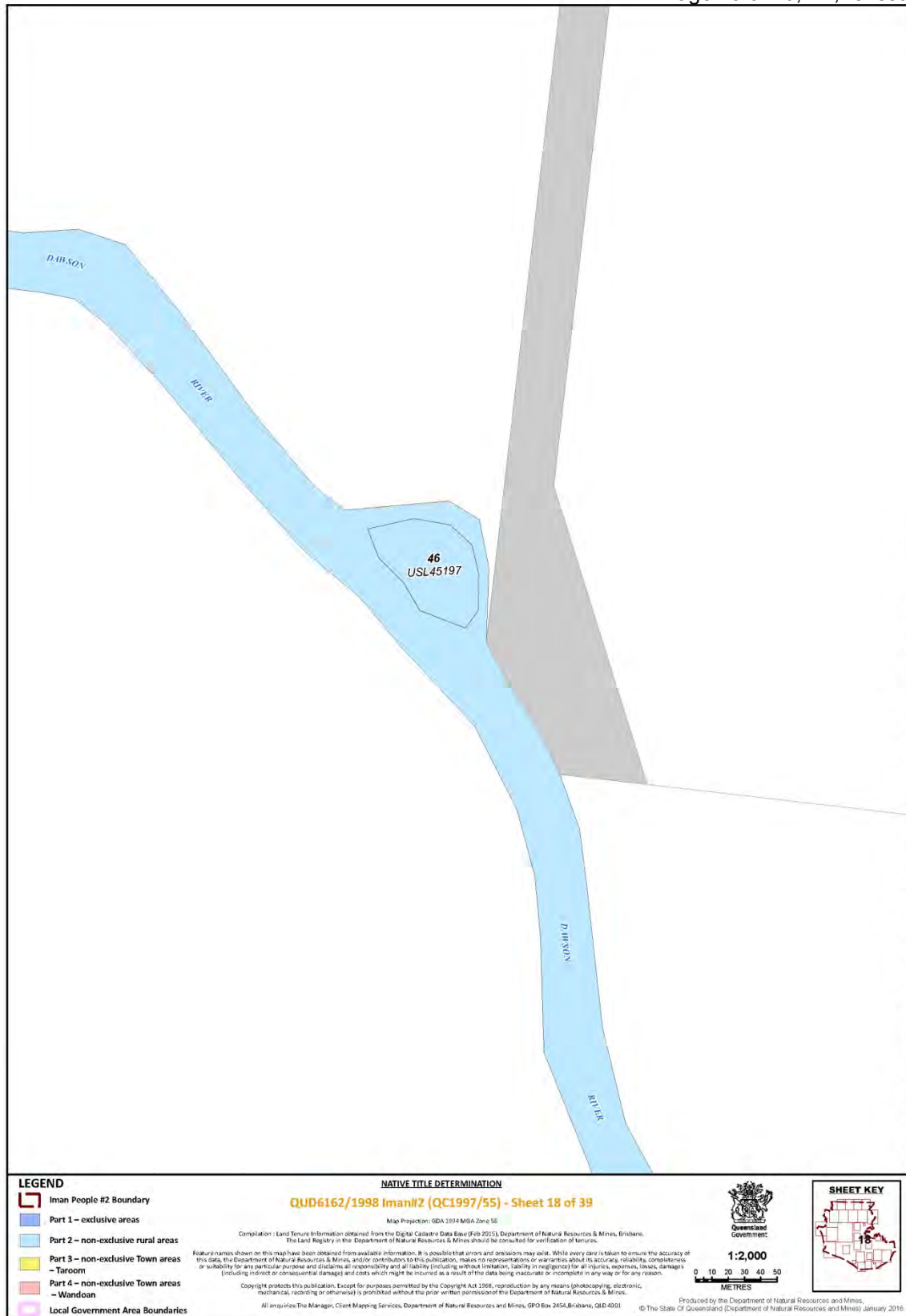










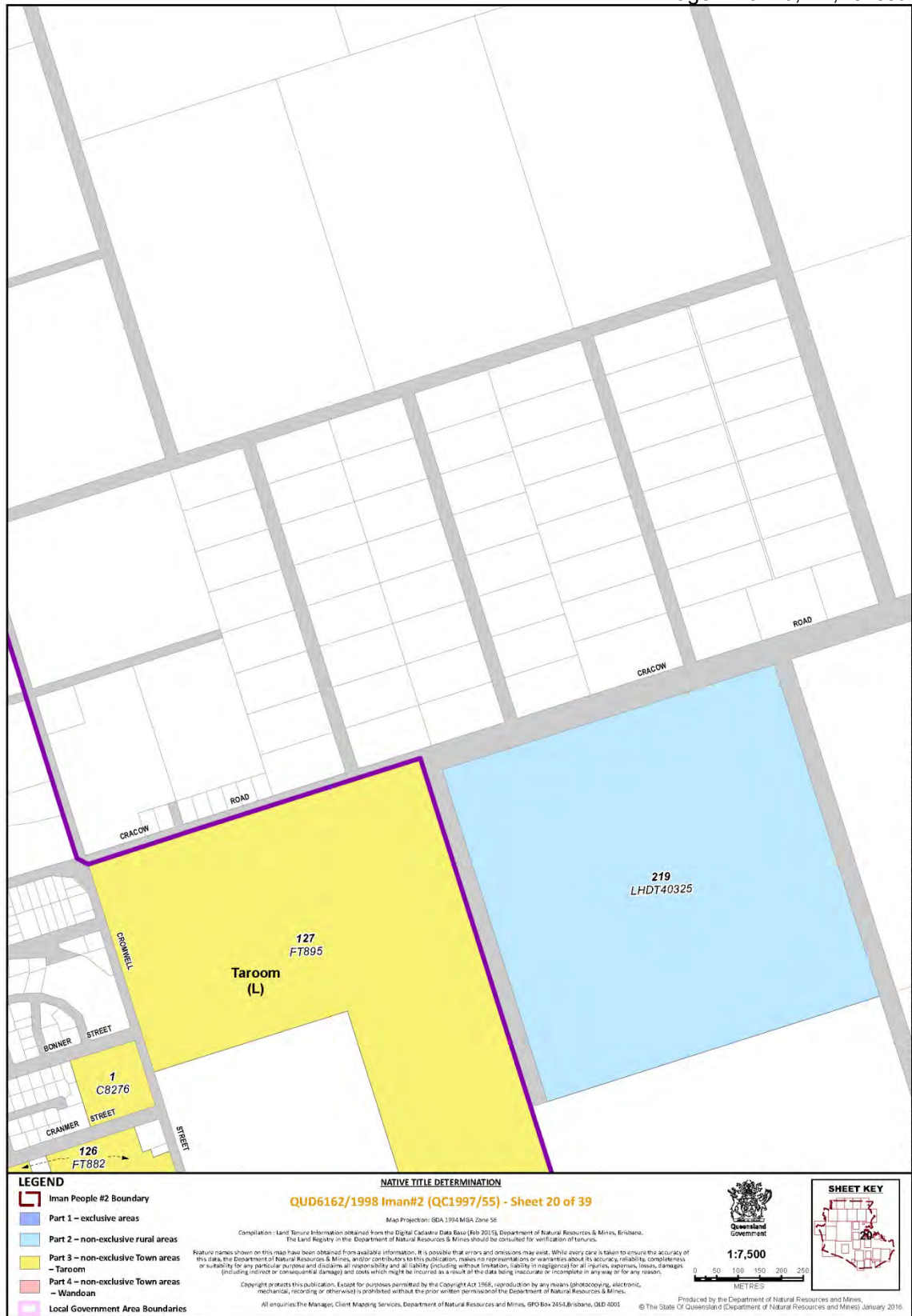


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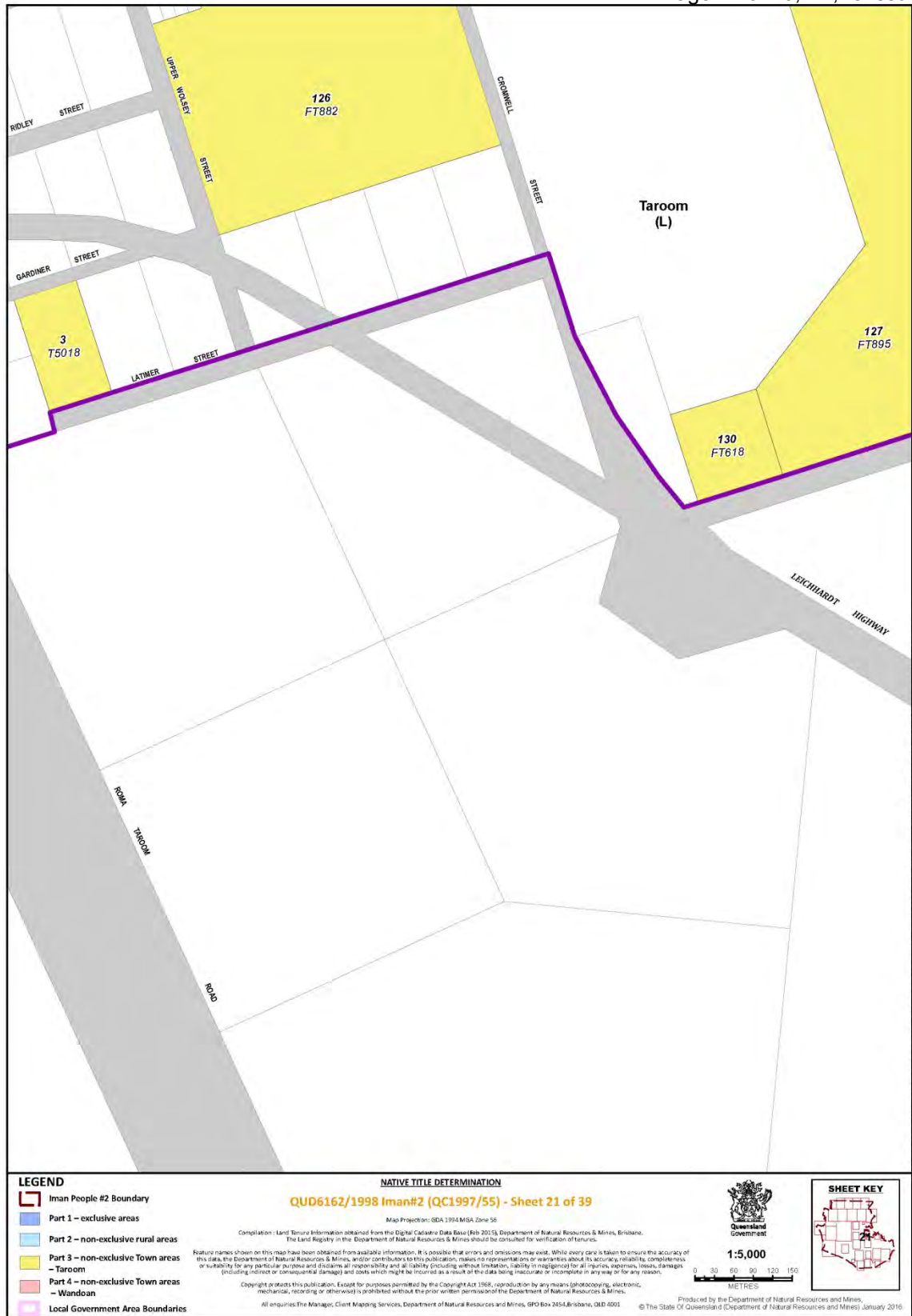








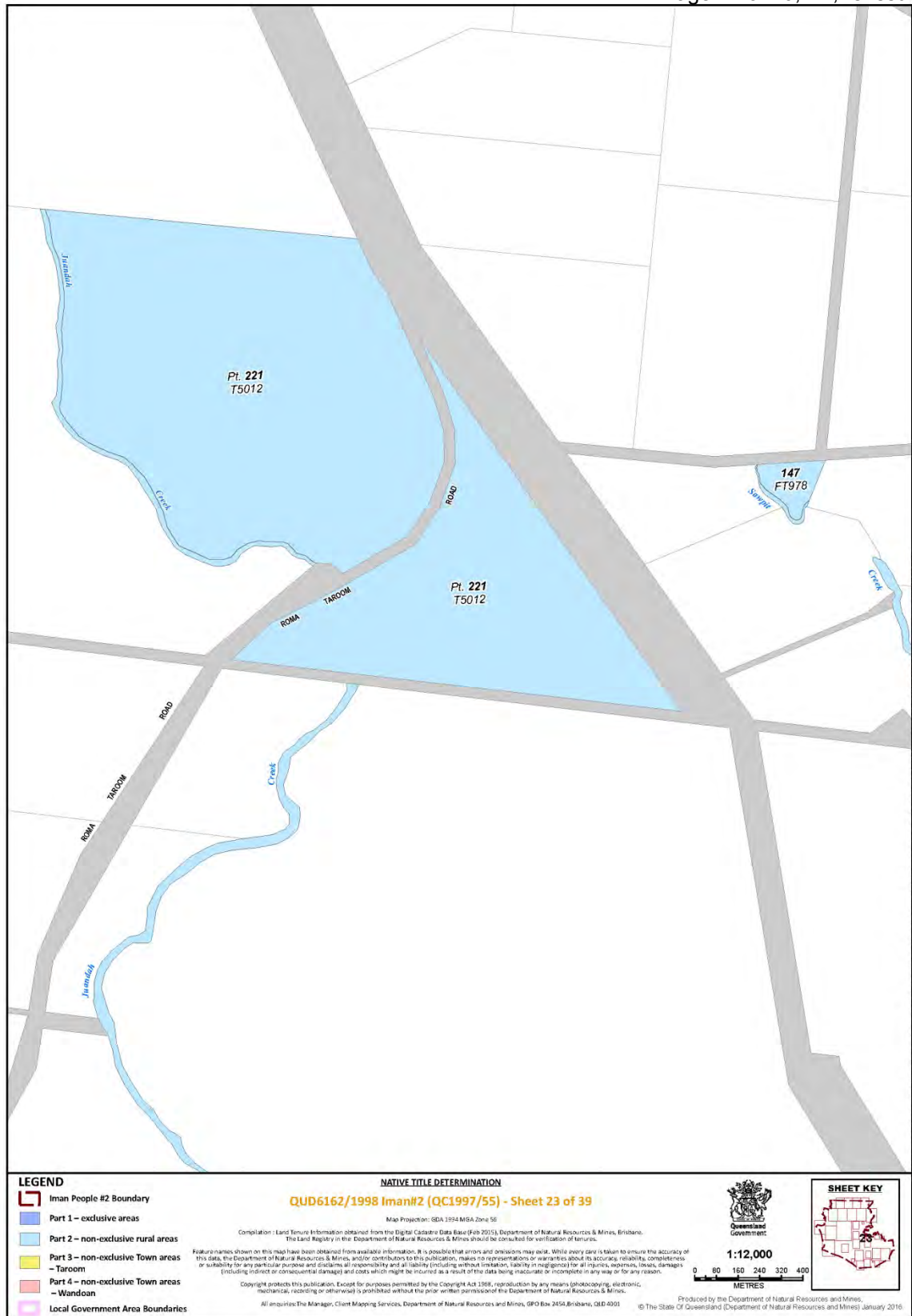












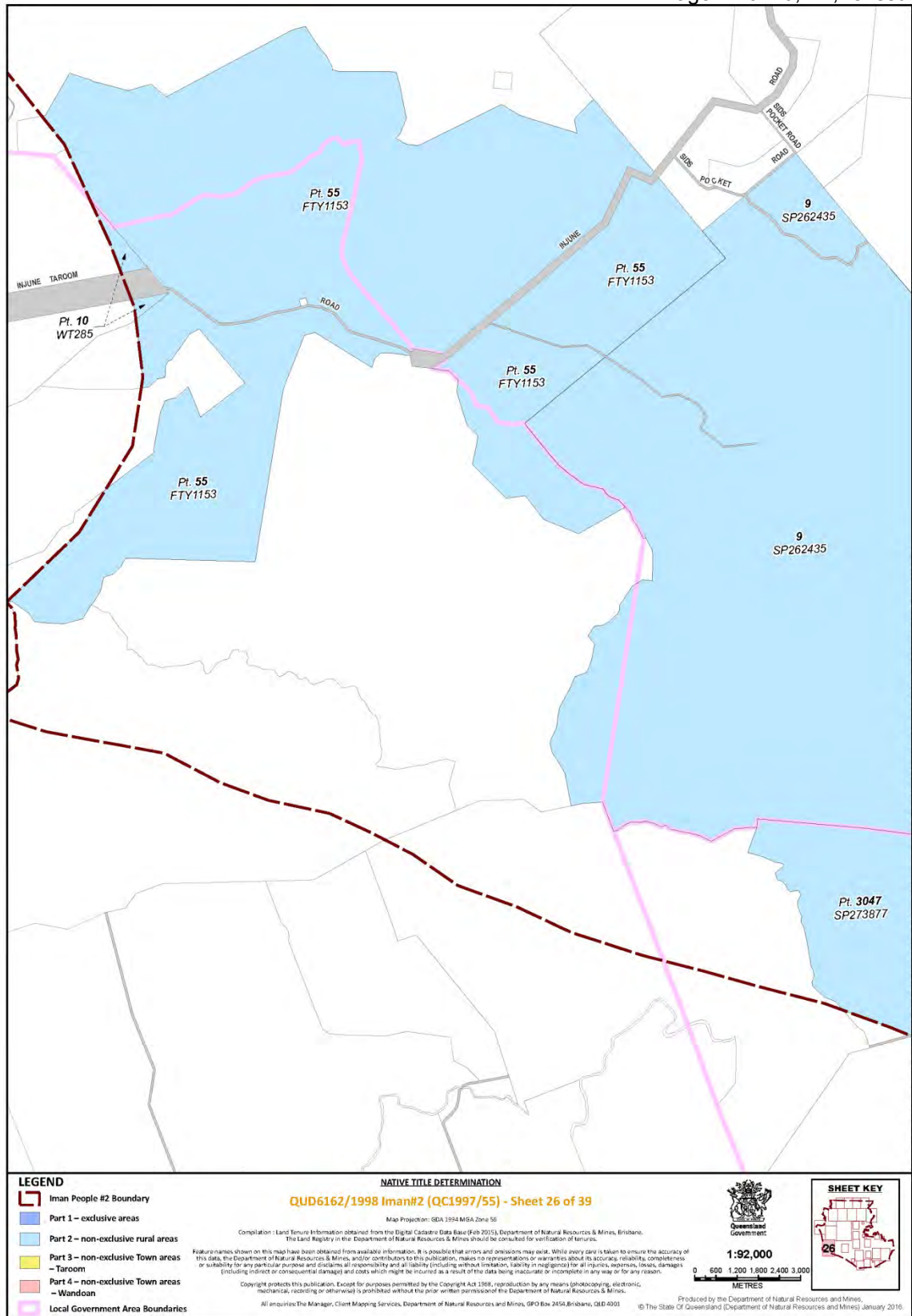




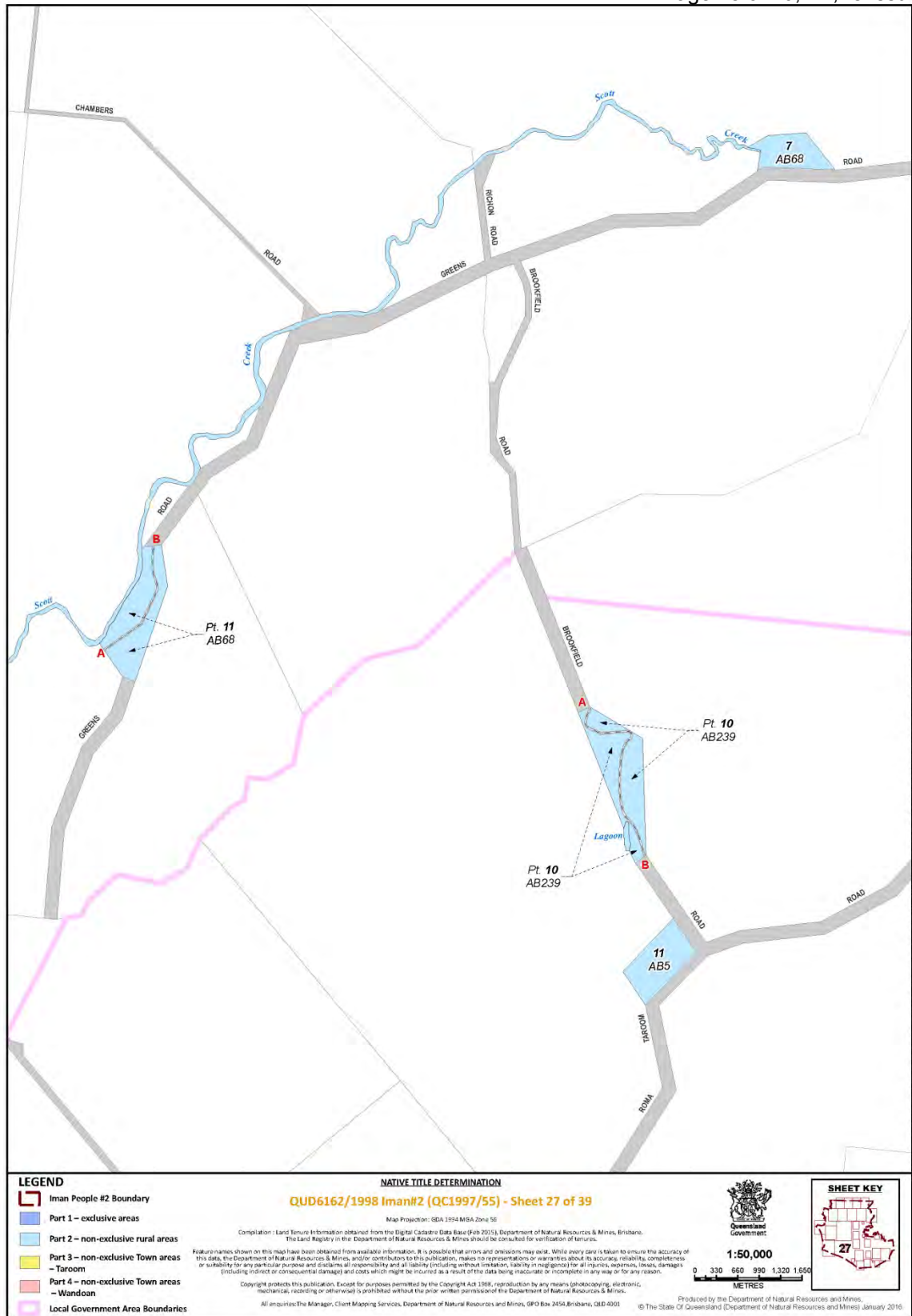






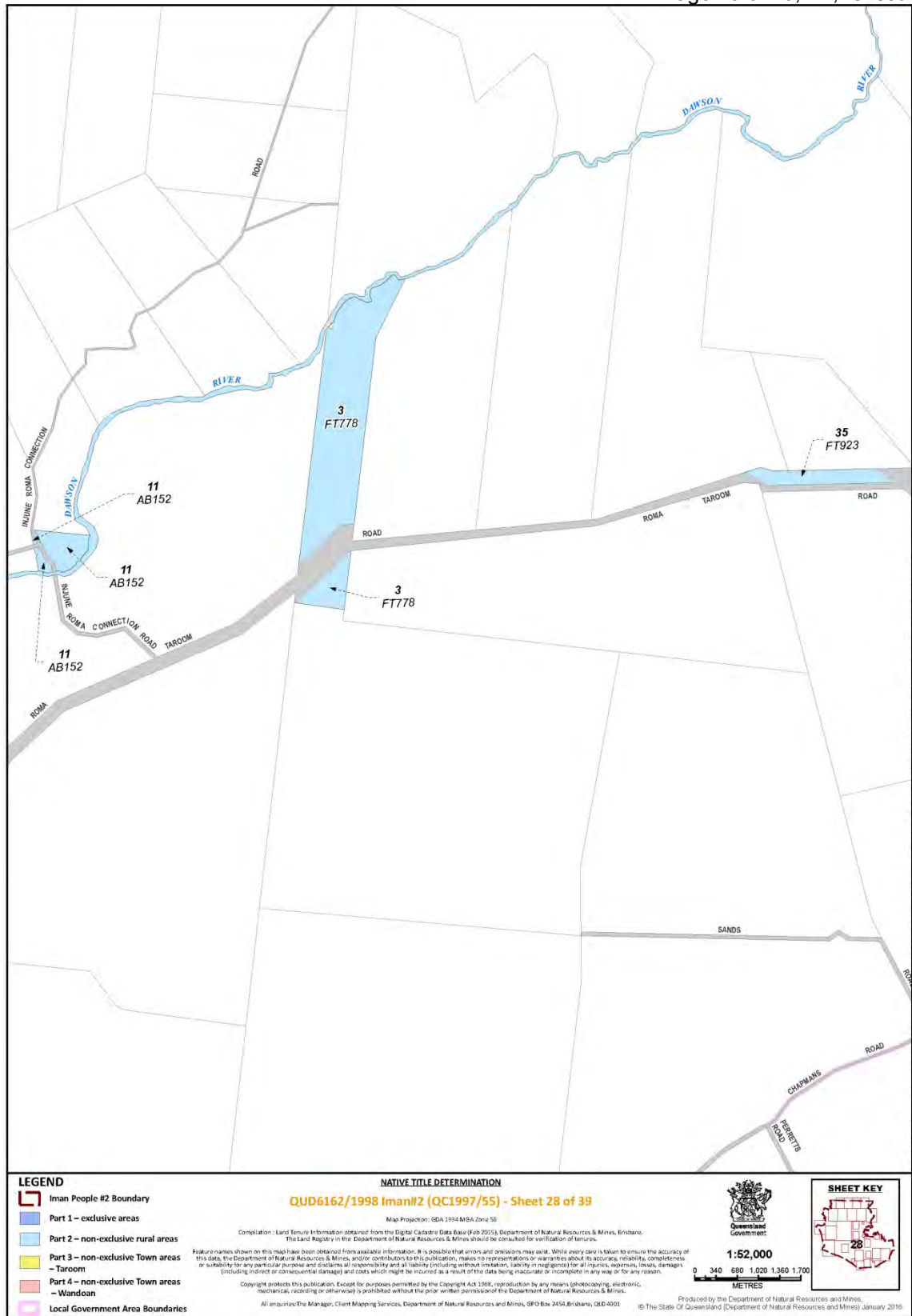




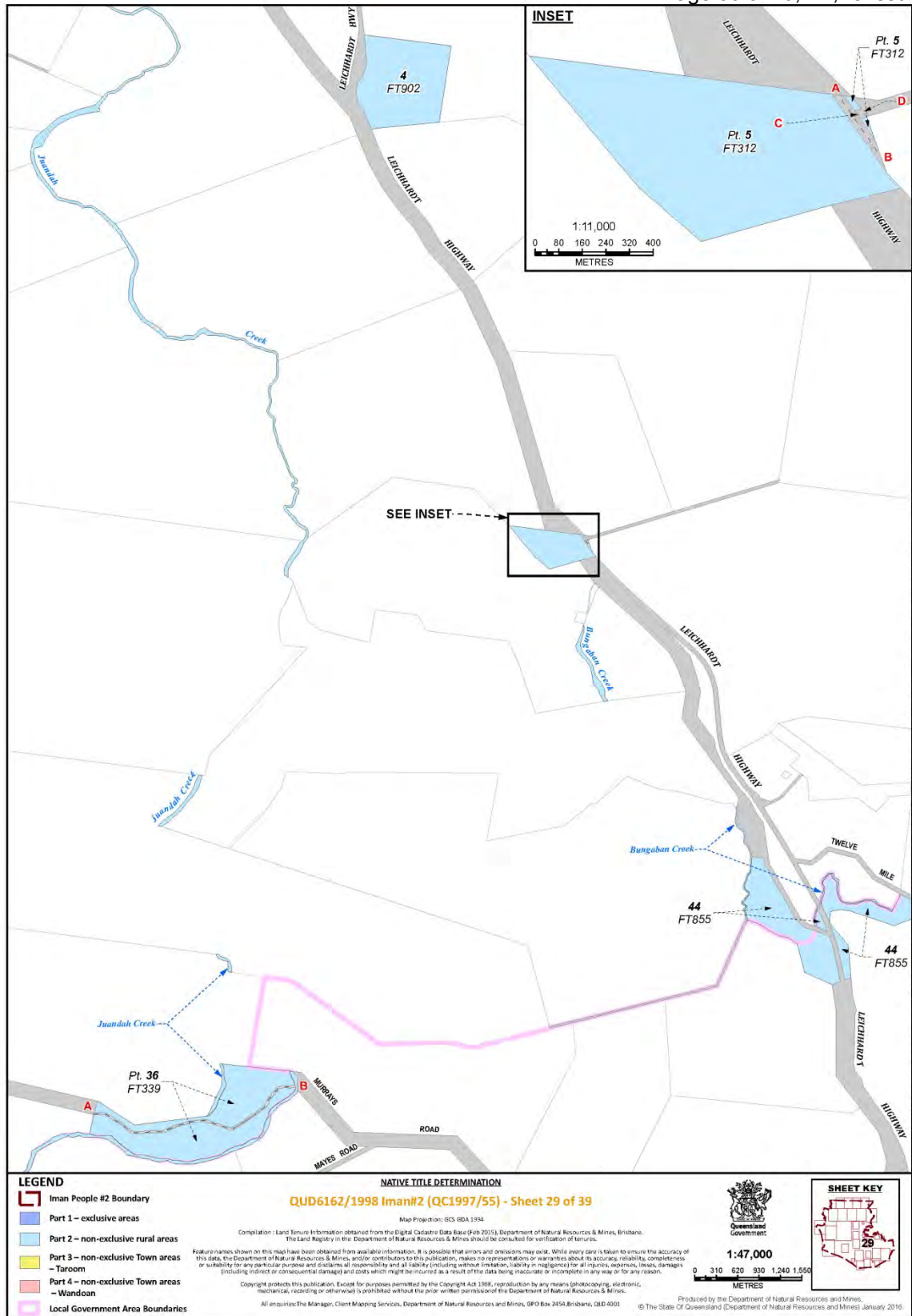


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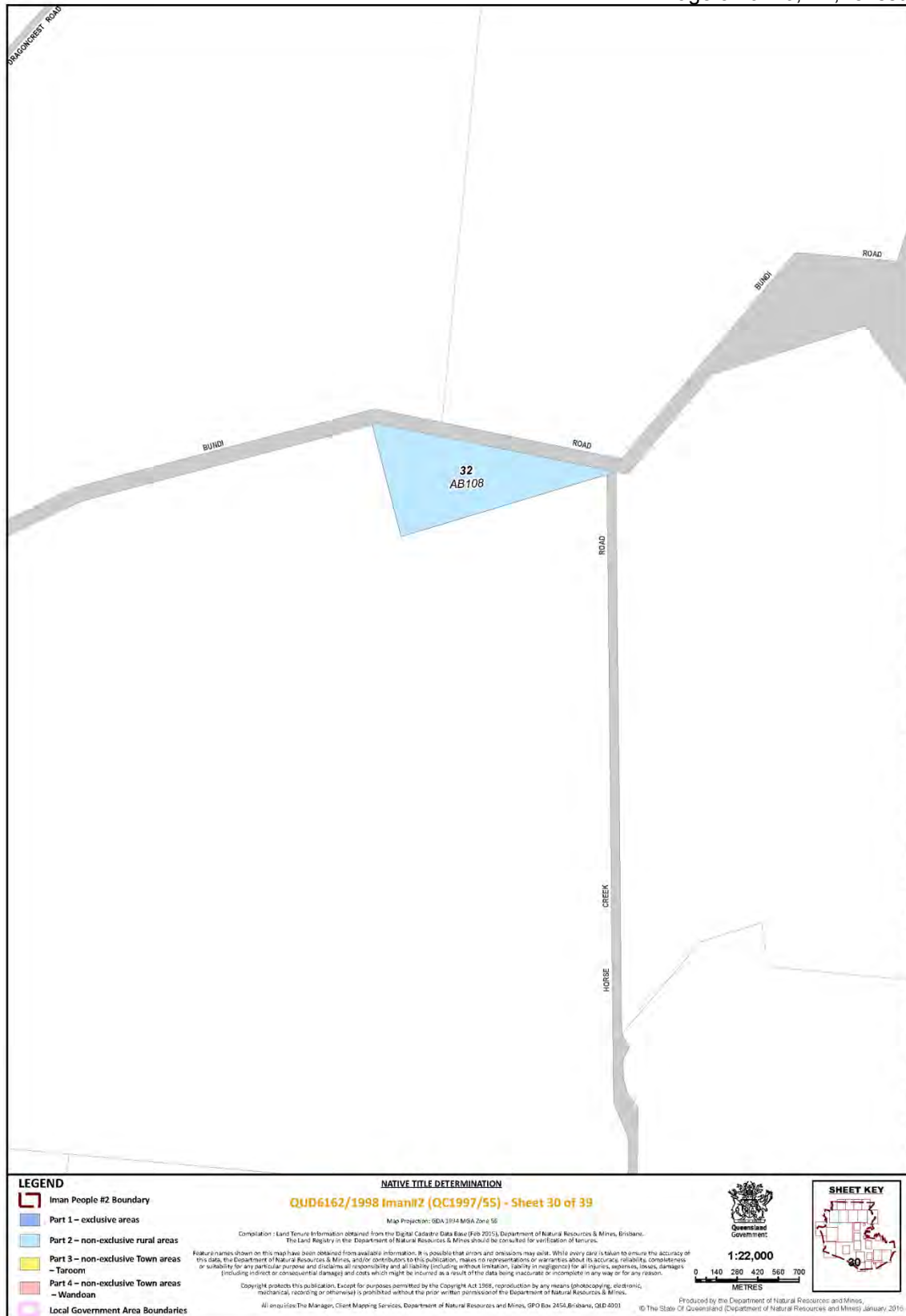






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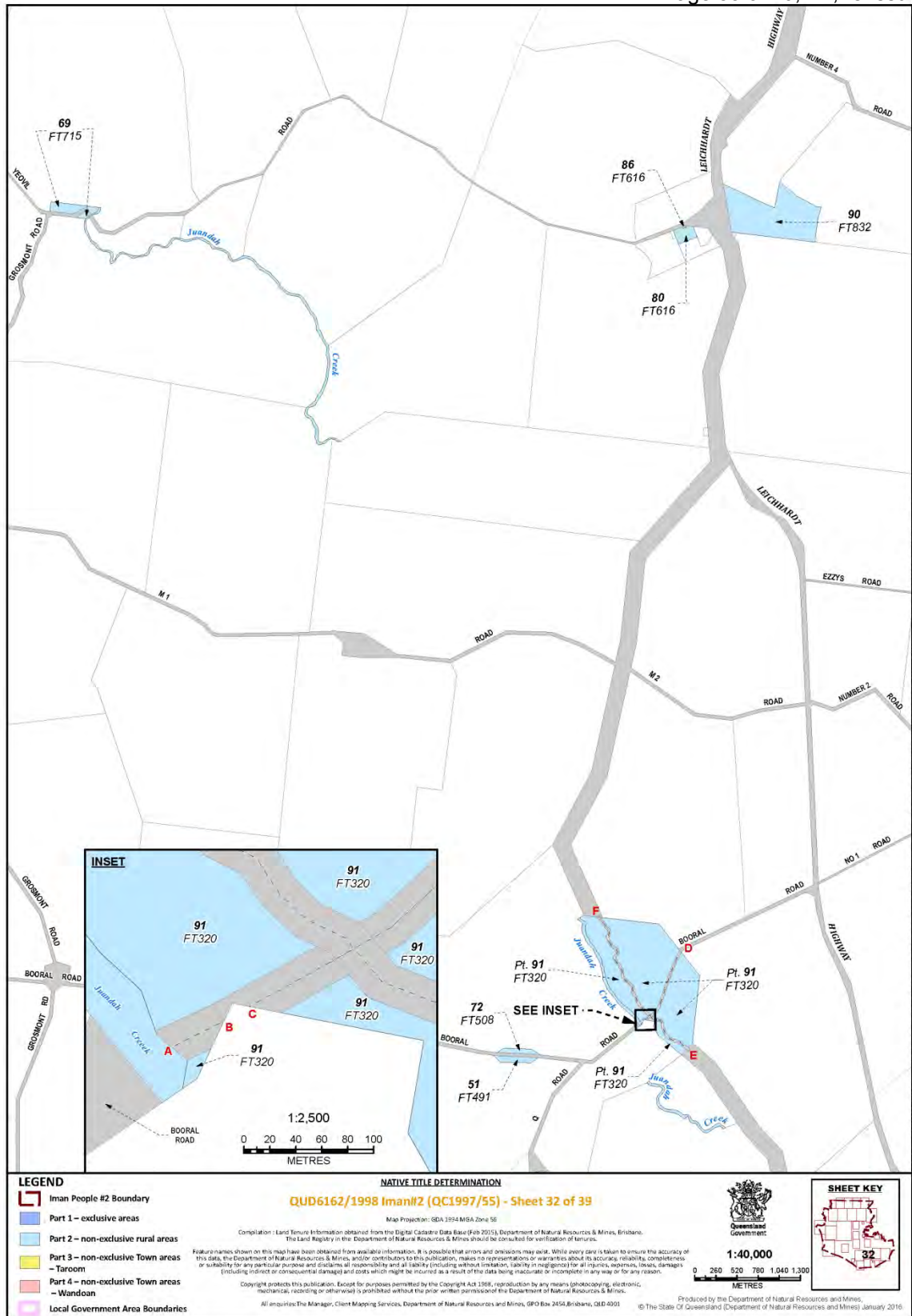




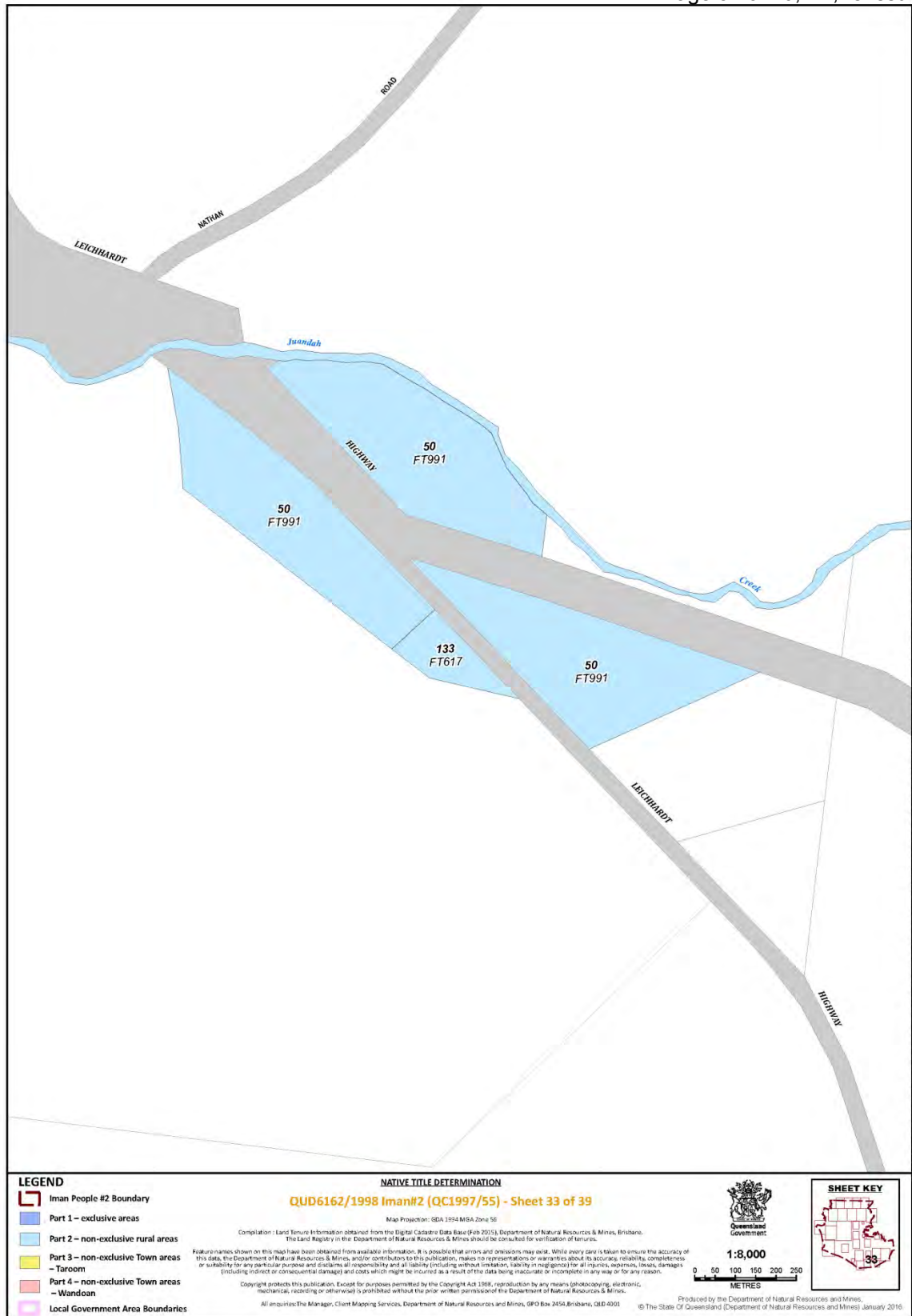


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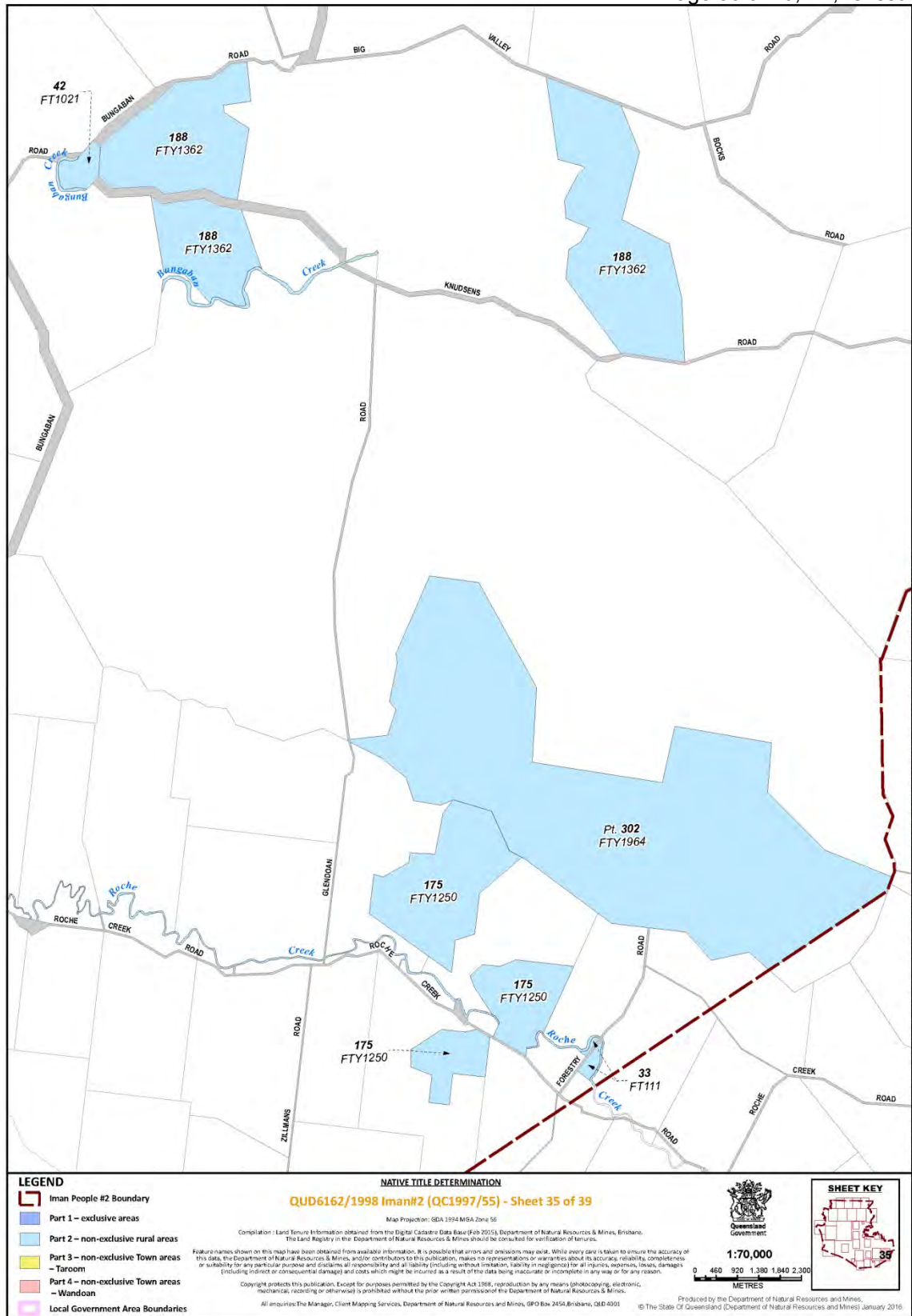


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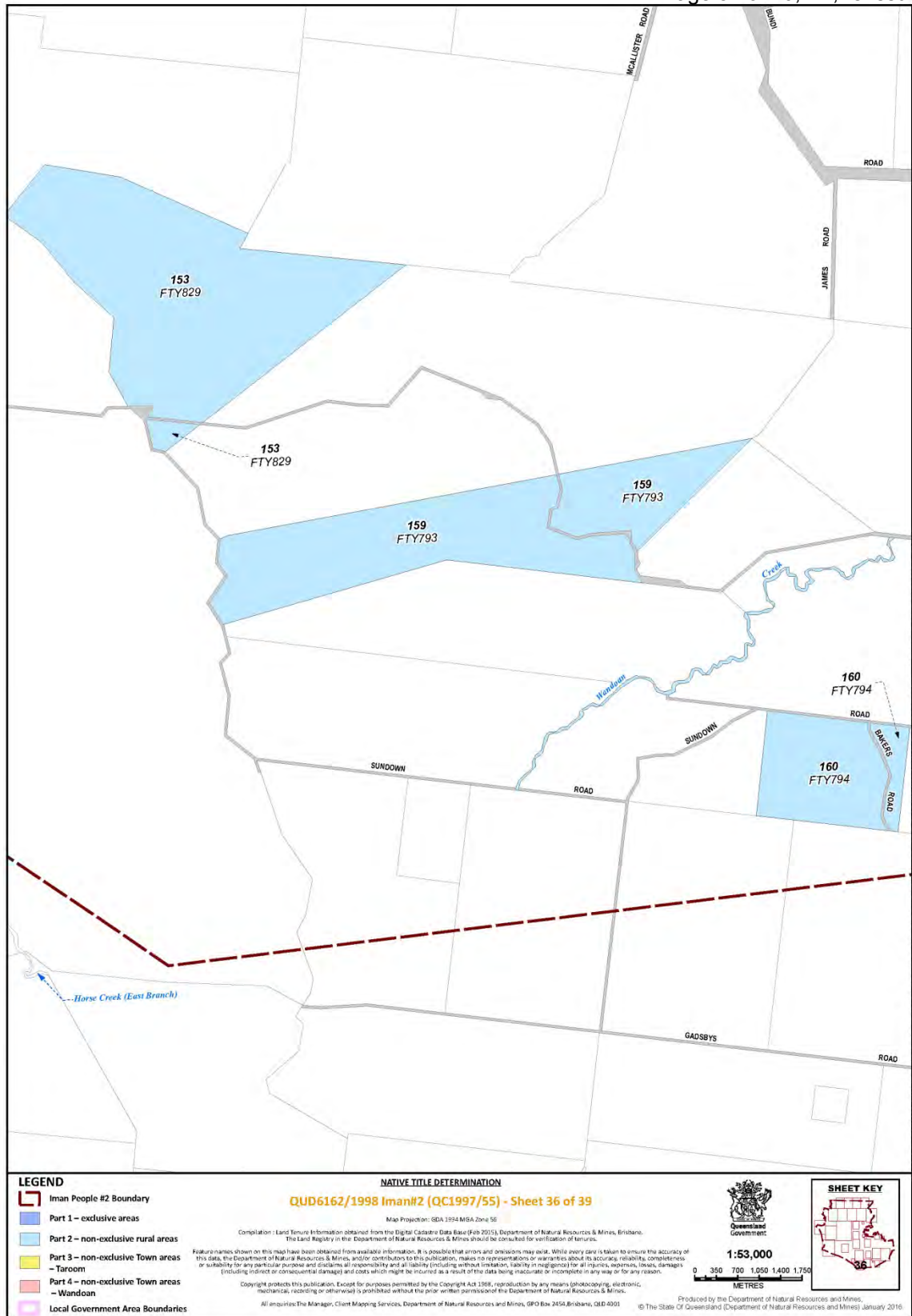








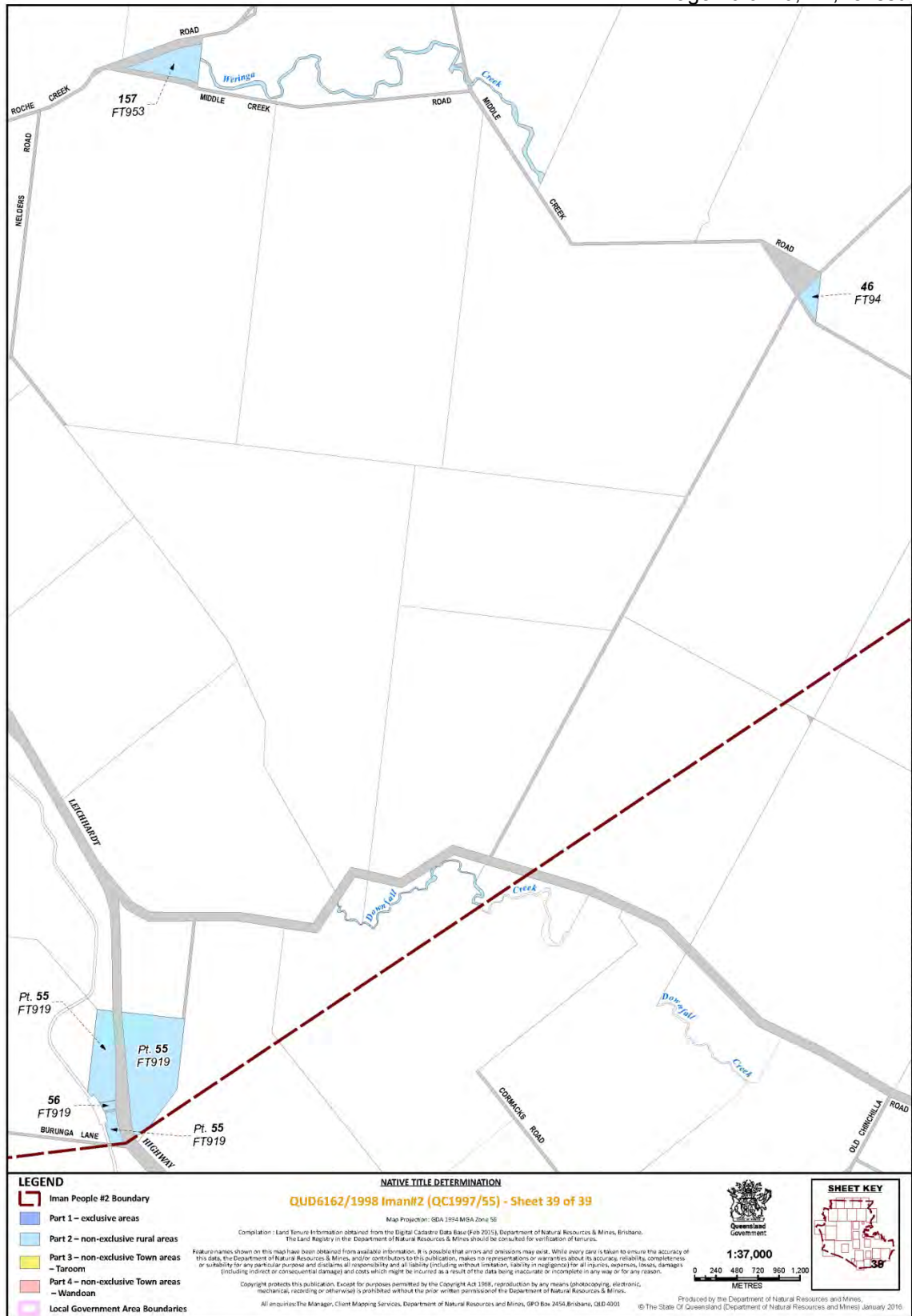














# Extract from the National Native Title Register

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## Determination Information:

**Determination Reference:** Federal Court Number(s): QUD6162/1998  
NNTT Number: QCD2016/005

**Determination Name:** [Doyle on behalf of the Iman People #2 v State of Queensland](#)

**Date(s) of Effect:** 11/11/2016

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

---

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

**Determination Date:** 23/06/2016

**Determining Body:** Federal Court of Australia

### ADDITIONAL INFORMATION:

On 23 June 2016, the Federal Court of Australia made a determination that native title exists in all of the determination area - see [Doyle on behalf of the Iman People #2 v State of Queensland \[2016\] FCA 743](#).

Please note that the native title determination made on 23 June 2016 was amended by Court order on 24 August 2016 by amending Schedule 1 to:

- (a) Include in Part 3 the words 'and that is also within the External Boundary Description described in Part 5' after the words 'described in Part 6';
- (b) Delete in Part 7 the reference to 'south-eastern corner of Lot 163 of FT999'; and
- (c) Insert in Part 7 the words 'south-western corner of Lot 163 of FT999'.

These amendments have been made to the entry on the National Native Title Register.

It is also noted that the applicant never intended to claim Part Lot 25 on F4037 (Reserve), Part Lot 27 on FT627 (Reserve) and Part Lot 30 on NPW493 (National Park).

Order 2 of the determination provides that the determination is to take effect upon the agreements referred to in paragraph 1 of Schedule 4 being registered on the Register of Indigenous Land Use Agreements. All of the agreements were on the Register of Indigenous Land Use Agreements as at 11 November 2016. The conditions attached to the determination have therefore now been met and the determination came into effect on 11 November 2016.

### REGISTERED NATIVE TITLE BODY CORPORATE:

Wardingarri Aboriginal Corporation RNTBC  
Trustee Body Corporate  
Just Us Lawyers  
PO Box 120  
Red Hill Queensland 4059

*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:**

7. The native title is held by the Iman People described in Schedule 3 (“the native title holders”).

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

- (a) Mary Arwa;
- (b) Jim Waterton;
- (c) Ada Robinson;
- (d) Maggie Palmtree;
- (e) Lizzie Palmtree;
- (f) Eliza Shields;
- (g) Mary Ann (mother of Maggie Dunn);
- (h) Fanny Waddy/Sandy;
- (i) Dick Bundi/Bundai and Alice Dutton; or
- (j) the mother of John Serico (known as Aggie).

**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. The determination will take effect upon the agreements referred to in paragraph 1 of Schedule 4 being registered on the Register of Indigenous Land Use Agreements.
3. In the event that the agreements referred to in paragraph 2 above are not registered on the Register of Indigenous Land Use Agreements within six (6) 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.

**BY CONSENT THE COURT DETERMINES THAT:**



5. 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 in Schedule 1 and the map, the written description prevails.
6. Native title exists in relation to the Determination Area described in Parts 1, 2, 3 and 4 of Schedule 1.
7. The native title is held by the Iman People described in Schedule 3 (“the native title holders”).
8. Subject to paragraphs 12, 13 and 14 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 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.
9. Subject to paragraphs 12, 13 and 14 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, 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;
  - (i) teach on the area the physical and spiritual attributes of the area;
  - (j) light fires on the area for domestic purposes including cooking, but not for the purpose of hunting or clearing vegetation; and

(k) be accompanied on the area by those persons who, though not native title holders, are:

(i) spouses of native title holders;

(ii) persons required or permitted under the traditional laws acknowledged and traditional customs observed by the native title holders for the performance of, assistance with or participation in rituals or ceremonies.

10. Subject to paragraphs 12, 13 and 14 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) fish and gather on the land and waters of the area for personal, domestic and non-commercial communal purposes;

(c) perform dances, conduct smoking ceremonies and ceremonies associated with the reinterment of remains on the area;

(d) 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;

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

(f) be accompanied on the area by those persons who, though not native title holders, are:

(i) spouses of native title holders;

(ii) persons required or permitted under the traditional laws acknowledged and traditional customs observed by the native title holders for the performance of, assistance with or participation in rituals or ceremonies; and

(g) be buried and bury native title holders within the area.

11. Subject to paragraphs 12, 13 and 14 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 are the non-exclusive rights to:

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

(b) fish and gather on the land and waters of the area for personal, domestic and non-commercial communal purposes;

(c) hunt on the land and waters of the area for personal, domestic and non-commercial communal purposes, but not to do so using weapons as defined in the *Weapons Act 1990* (Qld);

(d) take, use, share and exchange Natural Resources from the land and waters for personal, domestic and non-commercial communal purposes;

(e) perform dances, conduct smoking ceremonies and ceremonies associated with the reinterment of remains on the area;

(f) 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;

- (g) teach on the area the physical and spiritual attributes of the area;
- (h) be accompanied on the area by those persons who, though not native title holders, are:
  - (i) spouses of native title holders;
  - (ii) persons required or permitted under the traditional laws acknowledged and traditional customs observed by the native title holders for the performance of, assistance with or participation in rituals or ceremonies; and
- (i) be buried and bury native title holders within the area.

12. 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.

13. The native title rights and interests referred to in paragraphs 8(b), 9, 10 and 11 above do not confer possession, occupation, use or enjoyment to the exclusion of all others.

14. 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).

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

16. The relationship between the native title rights and interests described in paragraphs 8, 9, 10 and 11 above 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;
- (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;
- (d) without limiting the operation of paragraphs 16(a) to (c) above, where the native title right to hunt (referred to in paragraphs 9(c) and 11(c) above) is exercised in a Protected Area, the native title holders must:

- (i) exercise the right in a manner consistent with the management principles applicable to the class of Protected Area under Part 4 of the *Nature Conservation Act 1992* (Qld);
  - (ii) unless pursuant to an Aboriginal traditional use authority under the *Nature Conservation (Wildlife Management) Regulation 2006* (Qld), not take, use, keep or interfere with wildlife prescribed under the *Nature Conservation Act 1992* (Qld) from time to time as endangered wildlife, vulnerable wildlife, extinct in the wild, near threatened wildlife, least concern wildlife, or prohibited wildlife, or established under the *Environmental Protection and Biodiversity Conservation Act 1999* (Cth) from time to time as listed threatened species; and
  - (iii) obtain and comply with an approval under s 137 of the *Nature Conservation (Protected Areas Management) Regulation 2006* (Qld) for the possession or use of any Appliance;
- (e) without limiting the operation of paragraphs 16(a) to (c) above, where the native title right to camp (referred to in paragraph 9(b) above) is exercised in a Protected Area, the native title holders must:
- (i) exercise the right only under a camping permit granted under the *Nature Conservation (Protected Areas Management) Regulation 2006* (Qld) or if otherwise authorised under s 82 of the *Nature Conservation (Protected Areas Management) Regulation 2006* (Qld);
  - (ii) comply with the conditions of the permit or other authorisation provisions of the *Nature Conservation Act 1992* (Qld) and regulations made under that legislation in relation to the permit or other authorisation; and
  - (iii) comply with any regulatory notice under s 82(4) or any direction of a conservation officer under ss 86 or 87 of the *Nature Conservation (Protected Areas Management) Regulation 2006* (Qld); and
- (f) without limiting the operation of paragraphs 16(a) to (c) above, before the native title rights and interests (referred to in paragraph 9 above) are exercised on state forest land over which a term lease for grazing purposes has been granted, the native title holders must contact the lessee of the grazing lease, provided their contact details have been provided to the Wardingarrri Aboriginal Corporation, and discuss any safety issues associated with the proposed exercise of native title rights and interests and make reasonable efforts to agree on the route of access.

## DEFINITIONS AND INTERPRETATION

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

“Appliance” has the meaning given by the *Nature Conservation Act 1992* (Qld);

“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, 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;
- (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);

“Protected Area” has the meaning given by the *Nature Conservation Act 1992* (Qld);

“Water” means:

- (a) water which flows, whether permanently or intermittently, within a river, creek or stream; and
- (b) any natural collection of water, whether permanent or intermittent.

Any references in this determination to acts, regulations or statutory instruments includes those acts, regulations or statutory instruments as amended from time to time.

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:

18. Upon the determination taking effect:

- (a) The native title is held in trust;
- (b) The Wardingarri Aboriginal Corporation (ICN: 8305), incorporated under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (Cth), is to:
  - (i) be the prescribed body corporate for the purpose of ss 56(2)(b) and 56(3) of the *Native Title Act 1993* (Cth); and
  - (ii) perform the functions mentioned in s 57(1) 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, and depicted on the determination map, but does not include the areas described in Schedule 2.

##### Part 1 – Exclusive Areas:

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

Area Description (at date of determination)	Determination map reference
Lot 9 on Plan LE58	Sheet 6
Lot 10 on Plan LE58	Sheet 7
Lot 4 on Plan TR2	Sheet 6

## Part 2 – Non-Exclusive Areas:

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

Area Description (at date of determination)	Determination map reference
That part of Lot 16 on Plan SP228375 that is within the external boundary described in Part 5	Sheet 1
That part of Lot 10 on Plan WT285 that is within the external boundary described in Part 5	Sheet 26
That part of Lot 11 on Plan FT983 that is within the external boundary described in Part 5	Sheet 25
That part of Lot 12 on Plan FT983 that is within the external boundary described in Part 5	Sheet 25
That part of Lot 164 on Plan FT136 that is within the external boundary described in Part 5	Sheets 17 and 19
That part of Lot 27 on Plan NPW826 that is within the external boundary described in Part 5	Keymap and Sheets 6, 11 and 12
That part of Lot 29 on Plan FT668 that is within the external boundary described in Part 5	Sheet 25
That part of Lot 302 on FTY1964 that is within the external boundary described in Part 5	Sheet 35
That part of Lot 3047 on Plan SP273877 that is within the external boundary described in Part 5	Keymap and Sheet 26
That part of Lot 3123 on Plan PH617 that is within the external boundary described in Part 5	Sheet 11
That part of Lot 4051 on Plan SP275225 that is within the external boundary described in Part 5	Sheet 10
That part of Lot 42 on Plan FTY1767 that is within the external boundary described in Part 5	Sheet 10
That part of Lot 44 on Plan FTY1714 which does not include the area formerly described as Lot 6 on LE304 that is within the external boundary described in Part 5	Keymap and Sheets 2, 3, 4, 5, 9 and 10
That part of Lot 47 on Plan FTY985 that is within the external boundary described in Part 5	Sheet 10
That part of Lot 4736 on Plan SP271705 that is within the external boundary described in Part 5	Sheet 1
That part of Lot 50 on Plan FTY1872 that is within the external boundary described in Part 5	Sheets 1, 6, 7 and 8



That part of Lot 55 on Plan FT919 that is within the external boundary described in Part 5	Sheet 39
That part of Lot 55 on Plan FTY1153 which does not include an area formerly described as Lot 5 on Plan AB248 that is within the external boundary described in Part 5	Sheet 26
That part of Lot 64 on Plan NPW417 that is within the external boundary described in Part 5 and 3	Sheets 1, 2 and 3
That part of Lot 7 on Plan BH297 that is within the external boundary described in Part 5	Sheet 1
That part of Lot 745 on Plan PH619 that is within the external boundary described in Part 5 and 4	Sheets 3 and 4
That part of Lot 221 on Plan T5012 that is within the external boundary described in Part 5 and 23	Sheets 17 and 23
Lot 1 on Plan LE267	Sheet 4
Lot 1 on Plan SP140746	Sheet 13
That part of Lot 10 on Plan AB239 excluding an area of constructed road 15 metres each side of the centreline A-B, as depicted on the map of the determination area	Sheet 27
Lot 102 on Plan FT328	Sheet 34
Lot 103 on Plan FT897	Sheet 34
Lot 11 on Plan AB152	Sheet 28
Lot 11 on Plan AB5	Sheet 27
That part of Lot 11 on Plan AB68 excluding an area of constructed road 15 metres each side of the centreline A-B, as depicted on the map of the determination area	Sheet 27
Lot 12 on Plan CP858822	Sheet 16
Lot 12 on Plan LE295	Sheet 14
Lot 12 on Plan LE54	Sheet 15
Lot 13 on Plan AB183	Sheet 16
Lot 13 on Plan LE287	Sheet 7
Lot 133 on Plan FT617	Sheet 33
Lot 14 on Plan LE51	Sheet 13
Lot 140 on Plan FT981	Sheet 38
Lot 147 on Plan FT978	Sheet 23
Lot 15 on Plan LE276	Sheet 5
Lot 15 on Plan LE51	Sheet 13
Lot 153 on Plan FTY829	Sheet 36
Lot 157 on Plan FT953	Sheet 39
Lot 159 on Plan FTY793	Sheet 36
Lot 16 on Plan LE276	Sheet 5
Lot 160 on Plan FTY794	Sheet 36
Lot 164 on Plan FT890	Sheet 38

Lot 168 on Plan CP909136	Sheet 38	
Lot 175 on Plan FTY1250	Sheet 35	
Lot 188 on Plan FTY1362	Sheet 35	
Lot 19 on Plan LE242	Sheet 14	
Lot 2 on Plan FT976	Sheet 24	
Lot 2 on Plan SP104634	Sheet 38	
Lot 2 on Plan SP140746	Sheets 7 and 13	
Lot 200 on Plan SP150039	Sheet 38	
That part of Lot 201 on Plan SP204666 which does not include an area identified as Road to be Closed between stations 2-3-8-9-12-13-2 on plan SP204666		
	Sheet 38	
Lot 218 on Plan FT998	Sheet 17	
Lot 219 on Plan LHDT40325	Sheet 20	
Lot 220 on Plan L42331	Sheet 19	
That part of Lot 25 on Plan LE28 excluding an area of constructed road 30 metres each side of the centreline A-B, as depicted on the map of the determination area		
	Sheet 10	
Lot 26 on Plan FTY1165	Sheet 9	
That part of Lot 28 on Plan FT313 excluding areas of constructed roads 15 metres each side of the centrelines A-B and C-D as depicted on the map of the determination area		
	Sheet 34	
Lot 3 on Plan FT778	Sheet 28	
Lot 3 on Plan SP104634	Sheet 38	
Lot 32 on Plan AB108	Sheet 30	
Lot 33 on Plan FT111	Sheet 35	
Lot 35 on Plan FT923	Sheet 28	
That part of Lot 36 on Plan FT339 excluding an area of constructed road 15 metres each side of the centreline A-B, as depicted on the map of the determination area		
	Sheet 29	
Lot 37 on Plan LE195	Sheet 14	
Lot 39 on Plan FTY604	Sheets 8 and 9	
Lot 4 on Plan FT902	Sheet 29	
Lot 40 on Plan CP899702	Sheet 37	
Lot 42 on Plan FT1021	Sheet 35	
Lot 43 on Plan AB222	Sheet 31	
Lot 44 on Plan FT855	Sheet 29	
Lot 46 on Plan FT94	Sheet 39	
That part of Lot 46 on FTY1813 which does not include Lot 1 on CP903548 and 13		Keymap and Sheets 6, 7, 12
Lot 46 on Plan USL45197	Sheet 18	



That part of Lot 5 on Plan FT312 excluding areas of constructed road 30 metres each side of the centrelines A-B and C-D as depicted on the map of the determination area Sheet 29

Lot 5 on Plan FT971	Sheet 24
Lot 5 on Plan LE34	Sheet 9
Lot 5 on Plan TR839674	Sheet 12
Lot 50 on AP19198	Sheets 1, 2, 6, 7 and 8
Lot 50 on Plan FT991	Sheet 33
Lot 51 on Plan FT491	Sheet 32
Lot 56 on Plan FT919	Sheet 39
Lot 57 on Plan FT901	Sheet 37
Lot 58 on Plan FT1013	Sheet 37
Lot 69 on Plan FT715	Sheet 32
Lot 7 on Plan AB68	Sheet 27
Lot 71 on Plan FT503	Sheet 31
Lot 71 on Plan FT952	Sheet 38
Lot 72 on Plan FT508	Sheet 32
Lot 73 on Plan FT907	Sheet 31
Lot 76 on Plan FT973	Sheet 38
Lot 8 on Plan LE317	Sheets 3, 7, 8 and 9
Lot 8 on Plan LE55	Sheet 13
Lot 80 on Plan FT616	Sheet 32

That part of Lot 807 on Plan PH1979 that is within the external boundary described in Part 5 Sheets 11 and 12

Lot 86 on Plan FT616	Sheet 32
Lot 9 on Plan AB76	Sheet 16
Lot 90 on Plan FT832	Sheet 32

That part of Lot 91 on Plan FT320, excluding an area of constructed road 15 metres each side of the centreline A-B, C-D and E-F as depicted on the map of the determination area Sheet 32

Lot 5272 on Plan SP274283	Sheets 3, 4, 5, 8 and 9
Lot 780 on Plan SP272793	Sheets 7, 8 and 13
Lot 9 on Plan SP262435	Keymap and Sheet 26

Save for any waters forming part of a lot on plan, and save for any waters that fall within the Taroom Town Boundary Description or the Wandoan Town Boundary Description, all waterways natural lakes, creeks and rivers within the External Boundary Description described in Part 5.

### **Part 3 – Non-Exclusive Town Areas - Taroom:**

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

Area Description (at date of determination)	Determination map reference
That part of Lot 53 on Plan FT699 that is within the external boundary described in Part 5	Sheets 17 and 19
That part of Lot 221 on Plan T5012 that is within the external boundary described in Part 5	Sheets 17 and 19
Lot 10 on Plan T5020	Sheet 19
Lot 1 on Plan C8276	Sheet 20
Lot 11 on Plan CP853429	Sheet 19
Lot 126 on Plan FT882	Sheets 20 and 21
Lot 127 on Plan FT895	Sheets 20, 21 and 22
Lot 130 on Plan FT618	Sheet 21
Lot 144 on Plan SP173872	Sheets 17 and 19
Lot 3 on Plan T5018	Sheet 21
Lot 3 on Plan T5025	Sheet 19
Lot 36 on Plan FT807810	Sheet 19
Lot 54 on Plan FT570	Sheets 17 and 19
Lot 140 on Plan FT846	Sheets 17 and 19

Save for any waters forming part of a lot on plan, all waterways natural lakes, creeks and rivers within the Taroom Town Boundary Description described in Part 6 and that is also within the External Boundary Description described in Part 5.

#### Part 4 – Non-Exclusive Town Areas - Wandoan:

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

Area Description (at date of determination)	Determination map reference
Lot 1 on Plan SP130877	Sheet 38
Lot 10 on Plan W64125	Sheet 38
Lot 103 on Plan FT383	Sheet 38
Lot 12 on Plan W64139	Sheet 38
Lot 148 on Plan FT789	Sheet 38



Lot 153 on Plan FT843	Sheet 38
Lot 162 on Plan FT999	Sheet 38
Lot 163 on Plan FT999	Sheet 38
Lot 165 on Plan FT807	Sheet 38
Lot 26 on Plan FT662	Sheet 38
Lot 46 on Plan SP127543	Sheet 38
Lot 49 on Plan SP209359	Sheet 38
Lot 9 on Plan W64127	Sheet 38

Save for any waters forming part of a lot on plan, all waterways natural lakes, creeks and rivers within the Wandoan Town Boundary Description described in Part 7.

#### **Part 5 – External Boundary Description:**

[See NNTR attachment 1: “SCHEDULE 1 - DETERMINATION AREA - Part 5 – External Boundary Description:]

#### **Part 6 – Taroom Town Boundary Description:**

The Taroom Town Boundary Description means the land and waters bounded by the following description:

Commencing at the northernmost corner of Lot 23 on RP805169 then south-easterly along the south-western boundary of Tai Shue Street to its intersection with Taroom Street; then by a line to the westernmost corner of Lot 127 on FT895; then along the north-western, north-eastern and south-eastern boundaries of that lot, then along the south-eastern boundary of Lot 130 on FT618 and the south-eastern and south-western boundary of Lot 128 FT457 and then north-westerly along the south-western boundary of Lot 133 on FT895 to the intersection with the prolongation of northern boundary of Latimer Street; then by a line across Cromwell Street to the easternmost corner of Lot 44 on T5018; then south-westerly along the northern boundary of Latimer Street to the southernmost corner of Lot 3 on T5018; then south-easterly and south-westerly by the north-eastern and south-eastern boundaries of Lot 2 on T5037 to its southernmost corner, then by a line across Roma Taroom Road to the easternmost corner of Lot 217 on F403; then generally north-westerly along the western boundary of Roma Taroom Road to the northernmost corner of Lot 9 on T506; then by a line across Bonner Street to the southernmost corner of Lot 710 on T502; then north-westerly along the north-eastern boundary of Dawson Street to the southernmost corner of Lot 510 on T502; then south-westerly by a line across Dawson Street to a south-eastern corner of Lot 207 on T502; then south-westerly along the south-easterly boundaries of that lot and Lot 221 on T5012 to its southernmost corner; then westerly by a line across the Dawson River to a point on the western bank of that River at Longitude 149.791880° East, Latitude 25.643255° South being a point on the eastern boundary of the Leichhardt Highway; then generally north-westerly by the eastern boundary of the Leichhardt Highway to a point at Longitude 149.786301° East and Latitude 25.635887° South, then by a line in a north-easterly direction to the western boundary of Dawson River at Longitude 149.788531° East and Latitude 25.635132° South and then by a line in a north-easterly direction to the eastern boundary of Dawson River at Longitude 149.788788° East and Latitude 25.635065° South; then north-easterly, south-easterly and north-easterly direction along the northern boundaries of Lot 77 on FT136 to the westernmost boundary of Lot 140 on FT846 being a point on the south-eastern boundary of Rose Road; then by the south-eastern boundary of that road back to the point of commencement.

## **Part 7 – Wandoan Town Boundary Description:**

The Wandoan Town Boundary Description means the land and waters bounded by the following description:

Commencing at the northern-most corner of Lot 94 on FT1017; then in a easterly, south-easterly and southerly direction along the northern and eastern boundary of that lot to its south-eastern corner; then by a line across Hamlyn Street to the easternmost corner of Lot 1 on W64115 and along a south-eastern boundary of that lot to the northernmost corner of Lot 165 on FT807; then south-easterly and southerly along the eastern boundaries of that lot and Lot 102 on SP235462 to the southernmost corner of Lot 102 on SP235462; then by a line across Lower North Street to the easternmost corner of Lot 101 on FT658 and generally southerly to the south-eastern corner of that lot; then generally westerly along the northern boundary of Royd Street to the westernmost corner of Lot 2608 on W64140; then by a line across Royd Street to the easternmost corner of Lot 2 on RP204587; then south-westerly and westerly along the south-eastern and southern boundaries of that lot to its south-western corner; then by a line to the southernmost corner of Lot 137 on FT793; then by a line across Zupp Road to the northernmost corner of Lot 2 on RP170166; then generally south-easterly and south-westerly to the southernmost corner of that lot; then generally north-westerly direction along the north-eastern side of the Leichhardt Highway to the south-western corner of Lot 163 of FT999; then by a line across the Leichhardt Highway to the easternmost corner of Lot 46 on SP127543; then westerly and north-easterly by the southern and north-westerly boundaries to its northernmost corner; then by a line across Leichhardt Highway to the westernmost corner of Lot 108 on FT968 and along the north-western boundary of that lot to its northern-most corner; then by a line across Henderson Road to the westernmost corner of Lot 134 on FT649 and along the north-western and north-eastern boundaries of that lot; then continuing along a southern boundary of Lot 200 on SP150039 to the most northernmost corner of Lot 201 on SP204666; then generally south-westerly by the south-eastern boundary of Lane Street to its intersection with Henderson Road; then south-easterly by north-eastern boundary of that road to its intersection with West Street; then generally in a north-easterly direction along the north-western boundary of that street to the eastern most corner of Lot 5 on SP130877; then westerly by the northern boundary of that lot to its intersection with the south-eastern boundary of West Street; then northerly by the western boundary of Lot 1 on SP130877 to its north-western corner; then easterly by the northern boundaries of that lot and Lot 93 on W6415 to its intersection with a point on the western boundary of Lot 94 on FT1017; then northerly and easterly by the western and northern boundaries of that lot to its commencement point.

### **B. Map of Determination Area**

[See NNTR attachment 2: "Schedule 1B - Map of Determination Area"]

### **SCHEDULE 2 - AREAS NOT FORMING PART OF THE DETERMINATION AREA**

[See NNTR attachment 3: "SCHEDULE 2 - AREAS NOT FORMING PART OF THE DETERMINATION AREA"]

### **SCHEDULE 3 - NATIVE TITLE HOLDERS**

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

- (a) Mary Arwa;
- (b) Jim Waterton;



- (c) Ada Robinson;
- (d) Maggie Palmtree;
- (e) Lizzie Palmtree;
- (f) Eliza Shields;
- (g) Mary Ann (mother of Maggie Dunn);
- (h) Fanny Waddy/Sandy;
- (i) Dick Bundi/Bundai and Alice Dutton; or
- (j) the mother of John Serico (known as Aggie).

#### **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) the agreement entitled Santos, Petronas and Iman People #2 GLNG ILUA (QI2010/10) registered on the Register of Indigenous Land Use Agreements on 18 October 2010;
- (b) the agreement entitled Australia Pacific LNG and Iman People ILUA (QI2011/025) registered on the Register of Indigenous Land Use Agreements on 11 November 2011;
- (c) the agreement entitled APLNG and Iman People Fairview and Eurombah Creek Projects ILUA (QI2013/032) registered on the Register of Indigenous Land Use Agreements on 9 December 2013;
- (d) the agreement entitled ATP701P CSG ILUA (QI2002/044) registered on the Register of Indigenous Land Use Agreements on 8 August 2003;
- (e) the agreement between Richard Doyle, Patrick Silvester, Kenny Waterton, Eve Fesl, Eddie Waddy, Graham Anderson, Arwa Waterton, Cynthia Kemp, Bradley Curtis, Dena Marie Dodd-Ugle, Heidi Anne-Marie Lawson, Bevan Tull, Stuart White and Jason Jarro on their own behalf and on behalf of the Iman People and the Banana Shire Council, Central Highlands Regional Council, Maranoa Regional Council and Western Downs Regional Council as parties to the Iman People and Local Government ILUA (QI2015/012) registered on the Register of Indigenous Land Use Agreements on 14 September 2015;
- (f) the agreement between Richard Doyle, Patrick Silvester, Ken Waterton, Eve Fesl, Edward Waddy, Graham Anderson, Arwa Waterton, Cynthia Kemp, Bradley Curtis, Dena Marie Dodd-Ugle, Heidi Anne-Marie Lawson, Stuart White, Bevan Tull and Jason Jarro on their own behalf and on behalf of the Iman People #2 and Consolidated Pastoral Company Pty Limited as parties to the Iman People #2 Comely and Mapala ILUA dated 9 May 2016;
- (g) the agreement between Richard Doyle, Patrick Silvester, Ken Waterton, Eve Fesl, Edward Waddy, Graham Anderson, Arwa Waterton, Cynthia Kemp, Bradley Curtis, Dena Marie Dodd-Ugle, Heidi Anne-Marie Lawson, Stuart White, Bevan Tull and Jason Jarro on their own behalf and on behalf of the Iman People #2 and Eion Evan Atkins as parties to the Iman People #2 Coorada ILUA dated 11 May 2016;
- (h) the agreement between Richard Doyle, Patrick Silvester, Ken Waterton, Eve Fesl, Edward Waddy, Graham Anderson, Arwa Waterton, Cynthia Kemp, Bradley Curtis, Dena Marie Dodd-Ugle, Heidi Anne-Marie Lawson, Stuart White, Bevan Tull and Jason Jarro on their own behalf and on behalf of the Iman People #2 and Patrick Robert Scott, Joan Marjorie Cogill, William Robert Cogill and Kathleen Ann Harrison as parties to the Iman People #2 Glenleigh ILUA dated 16 June 2016;

- (i) the agreement between Richard Doyle, Patrick Silvester, Ken Waterton, Eve Fesl, Edward Waddy, Graham Anderson, Arwa Waterton, Cynthia Kemp, Bradley Curtis, Dena Marie Dodd-Ugle, Heidi Anne-Marie Lawson, Stuart White, Bevan Tull and Jason Jarro on their own behalf and on behalf of the Iman People #2 and Owen Arthur Price, Brigid Ann Price and Gail Lorraine Price as parties to the Iman People #2 Korcha ILUA dated 3 May 2016;
- (j) the agreement between Richard Doyle, Patrick Silvester, Ken Waterton, Eve Fesl, Edward Waddy, Graham Anderson, Arwa Waterton, Cynthia Kemp, Bradley Curtis, Dena Marie Dodd-Ugle, Heidi Anne-Marie Lawson, Stuart White, Bevan Tull and Jason Jarro on their own behalf and on behalf of the Iman People #2 and Andrew Douglas Simmons and Tracey Robin Simmons as parties to the Iman People #2 Woodline ILUA dated 26 April 2016;
- (k) the agreement between Richard Doyle, Patrick Silvester, Kenny Waterton, Eve Fesl, Eddie Waddy, Graham Anderson, Arwa Waterton, Cynthia Kemp, Bradley Curtis, Dena Marie Dodd-Ugle and Heidi Anne-Marie Lawson on their own behalf and on behalf of the Iman People #2; Elliot Anderson, Elizabeth Blucher, Robert Bond, Brian Clancy, Robert Clancy, Desmond Dodd, Annette Fuller, Elizabeth Law, Drew Millar, Marjorie Reid, Neil Saltner, Ivan Saltner, Celeste Williams, Jeffrey Williams and Jill Wilson on their own behalf and on behalf of the Wulli Wulli People, SunWater Limited (ACN 131 034 985) and the State of Queensland as parties to the Nathan Dam, Glebe Weir Raising and Pipelines Project ILUA dated 14 January 2013;
- (l) the agreement between Richard Doyle, Patrick Silvester, Kenny Waterton, Eve Fesl, Eddie Waddy, Graham Anderson, Arwa Waterton, Cynthia Kemp, Bradley Curtis, Dena Marie Dodd-Ugle, Heidi Anne-Marie Lawson, Stuart White, Jason Jarro and Bevan Tull on their own behalf and on behalf of the Iman People #2, the Minister for Economic Development Queensland and the State of Queensland as parties to the Wandoan and Taroom ILUA dated 3 December 2015; and
- (m) the agreement between Patrick Silvester, Kenny Waterton, Eve Fesl, Richard Doyle, Eddie Waddy, Graham Anderson, Cynthia Kemp, Arwa Waterton, Bradley Curtis, Dena Marie Dodd-Ugle, Heidi Anne-Marie Lawson, Stuart White, Bevan Tull and Jason Jarro on their own behalf and on behalf of the Iman People #2 QUD 6162/1998 and Ergon Energy Corporation Limited ACN 087 646 062 dated 15 December 2015.

2. The rights and interests of Santos TOG Corp, PAPL (Upstream) Pty Limited, Total E&P Australia, Total E&P Australia II, Santos TOGA Pty Ltd, KGLNG E&P Pty Ltd, Santos TPY CSG Corp, Santos QNT Pty Ltd, Santos TPY Corp and Santos Queensland Corp as holders of:

- (a) petroleum leases numbered 90, 91, 92, 99, 100, 232, 234, 235 and 236 granted under the *Petroleum Act 1923* (Qld);
- (b) an authority to prospect number 526 granted under the *Petroleum Act 1923* (Qld); and
- (c) petroleum pipeline licence number 76 granted under the *Petroleum Act 1923* (Qld) and administered under the *Petroleum and Gas (Production and Safety) Act 2004* (Qld).

3. The rights and interests of Santos GLNG Pty Ltd, PAPL (Downstream) Pty Limited and Total GLNG Australia as holders of petroleum pipeline licence number 166 granted under the *Petroleum and Gas (Production and Safety) Act 2004* (Qld).

4. The rights and interests of Santos TOGA Pty Ltd, PAPL (Upstream) Pty Limited, Total E&P Australia, Total E&P Australia II and KGLNG E&P Pty Ltd as holders of petroleum pipeline licence number 92 granted under the *Petroleum Act 1923* (Qld) and administered under the *Petroleum and Gas (Production and Safety) Act 2004* (Qld).

5. The rights and interests of Santos GLNG Pty Ltd, PAPL (Downstream) Pty Limited, Total GLNG Australia and KGLNG Liquefaction Pty Ltd as holders of petroleum pipeline licences numbered 118, 147, 164 and 193 granted under the *Petroleum and Gas (Production and Safety) Act 2004* (Qld).



6. The rights and interests of Total E&P Australia III, Bronco Energy Pty Limited, PAPL (Upstream II) Pty Limited and KGLNG E&P II Pty Ltd as holders of authority to prospect number 803 granted under the *Petroleum and Gas (Production and Safety) Act 2004* (Qld).

7. The rights and interests of Vamgas Pty Ltd, PAPL (Upstream II) Pty Limited, KGLNG E&P Pty Ltd, Total E&P Australia and Total E&P Australia II as holders of authority to prospect number 868 granted under the *Petroleum and Gas (Production and Safety) Act 2004* (Qld).

8. The rights and interests of PAPL (Upstream II) Pty Limited, Santos QNT Pty Ltd, Total E&P Australia, Total E&P Australia II, Vamgas Pty Ltd and KGLNG E&P Pty Ltd as holders of petroleum lease number 176 granted under the *Petroleum Act 1923* (Qld).

9. The right and interests of:

(a) the holders under the following petroleum tenures and other petroleum authorities:

(i) Australia Pacific LNG Pty Limited as the holder of petroleum leases numbered 408, 415, 416 and 417 administered under the *Petroleum and Gas (Production and Safety) Act 2004* (Qld);

(ii) Australia Pacific LNG Pty Limited as the holder of authorities to prospect numbered 592, 606 and 692 and petroleum leases numbered 195, 209 and 220 granted under the *Petroleum Act 1923* (Qld) and administered under the *Petroleum and Gas (Production and Safety) Act 2004* (Qld);

(iii) Australia Pacific LNG Pty Limited as the holder of petroleum lease number 203 granted and administered under the *Petroleum Act 1923* (Qld);

(iv) Australia Pacific LNG CSG Marketing Pty Limited and Australia Pacific LNG Pty Limited as the holders of petroleum lease number 204 granted and administered under the *Petroleum Act 1923* (Qld);

(v) Australia Pacific LNG Pty Limited and Australia Pacific LNG (Moura) Pty Limited as the holders of petroleum lease number 101 granted and administered under the *Petroleum Act 1923* (Qld);

(vi) Australia Pacific LNG Gladstone Pipeline Pty Limited as the holder of pipeline licence number 163 granted and administered under the *Petroleum and Gas (Production and Safety) Act 2004* (Qld);

(vii) Australia Pacific LNG CSG Transmissions Pty Limited as the holder of pipeline licences numbered 143 and 180 granted and administered under the *Petroleum and Gas (Production and Safety) Act 2004* (Qld); and

(viii) Oil Company of Australia (Moura) Transmissions Pty Limited as the holder of pipeline licence number 90 granted under the *Petroleum Act 1923* (Qld) and administered under the *Petroleum and Gas (Production and Safety) Act 2004* (Qld);

(b) Australia Pacific LNG Pty Limited arising under:

(i) the Right to Negotiate Deed of Agreement dated 21 September 2010 regarding the proposed grant of Petroleum Lease Number 268 (in replacement of Petroleum Lease Number 203) under s 31(1)(b) of the *Native Title Act 1993* (Cth) between the State of Queensland, Patrick Silvester, Russell Tatow, Troy Noble, Cynthia Kemp, Eve Fesl, Fred Tull, Fergus Waterton, Richard Doyle and Madonna Barnes acting on their own behalf and on behalf of the Iman People #2, Leslie Weribone, Alexandra Combarngo, David Combarngo, Phyllis

Hopkins, Lorraine Tomlinson, Miranda Mailman, Sylvia McCarthy, Violet Costa, Sarah Trindall and Leigh Himstedt, acting on their own behalf and on behalf of the Mandandanji People and Australia Pacific LNG Pty Limited;

(ii) the Right to Negotiate Deed of Agreement dated 17 September 2010 regarding the addition of Excluded Land into Authority to Prospect 592 and any subsequent Petroleum Lease(s) under s 31(1)(b) of the *Native Title Act 1993* (Cth) between the State of Queensland, Patrick Silvester, Russell Tatow, Troy Noble, Cynthia Kemp, Eve Fesl, Fred Tull, Fergus Waterton, Richard Doyle and Madonna Barnes acting on their own behalf and on behalf of the Iman People #2, Leslie Weribone, Alexandra Combarngo, David Combarngo, Phyllis Hopkins, Lorraine Tomlinson, Miranda Mailman, Sylvia McCarthy, Violet Costa, Sarah Trindall and Leigh Himstedt, acting on their own behalf and on behalf of the Mandandanji People and Australia Pacific LNG Pty Limited;

(iii) the Agreement dated 1 July 2010 that is ancillary to the Deeds in paragraphs 9(b)(i) and 9(b)(ii) above between Australia Pacific LNG Pty Limited and Russell Tatow, Patrick Silvester, Cynthia Kemp, Eve Fesl, Troy Noble, Fred Tull, Fergus Waterton, Richard Doyle and Madonna Barnes, acting on their own behalf and on behalf of the Iman People #2;

(iv) the Right to Negotiate Deed of Agreement dated 10 December 2014 regarding the addition of further Excluded Land into Authority to Prospect 592 and any subsequent Petroleum Lease under s 31(1)(b) of the *Native Title Act 1993* (Cth) between the State of Queensland, Australia Pacific LNG Pty Limited, Richard Doyle, Patrick Silvester, Kenny Waterton, Eve Fesl, Eddie Waddy, Graham Anderson, Arwa Waterton, Cynthia Kemp, Bradley Curtis, Dena Marie Dodd-Ugle, Heidi Anne-Marie Lawson, Stuart White, Jason Jarro and Bevan Tull, acting on their own behalf and on behalf of the Iman People #2, Brendan Wyman, Patricia Fraser, Helen Coulahan, Sheryl Lawton, Keelen Mailman, Robert Raymond Robinson, Floyd Robinson, Randall Johnson and Robert Ernest Mailman acting on their own behalf and on behalf of the Bidjara People, Leslie Weribone, Wayne Weribone, Vincent Anderson, Tracy Landers, Theresa Manns, Rodney Landers, Neville Munn, Leigh Himstedt, Alexandra Combarngo, Jude Saldanha, Max MacDonald and Alex Costa acting on their own behalf and on behalf of the Mandandanji People; and

(v) the Agreement dated 2 December 2014 that is ancillary to the Deed in paragraph 9(b)(iv) above between Australia Pacific LNG Pty Limited, Richard Doyle, Patrick Silvester, Kenny Waterton, Eve Fesl, Eddie Waddy, Graham Anderson, Arwa Waterton, Cynthia Kemp, Bradley Curtis, Dena Marie Dodd-Ugle, Heidi Anne-Marie Lawson, Stuart White, Jason Jarro and Bevan Tull, being the Iman Applicant; and

(c) Origin Energy Resources Limited and Australia Pacific LNG Pty Limited arising under the Cultural Heritage Management Plan dated 11 June 2010 between Origin Energy Resources Limited and Russell Tatow, Patrick Silvester, Cynthia Kemp, Eve Fesl, Troy Noble, Fred Tull, Fergus Waterton, Richard Doyle and Madonna Barnes, the Endorsed Aboriginal Parties for and on behalf of the Iman People 2 Native Title Claim Group.

10. The rights and interests of Glencore Coal Queensland Pty Limited ACN 098 156 702:

(a) as the holder of exploration permits EPC 787, EPC 790, EPC 792, EPC 838, EPC 859, EPC 1143, EPC 1559, EPC 1615, EPC 1699 and EPC 2032 granted under the *Mineral Resources Act 1989* (Qld);

(b) as the holder of mineral development licences MDL 221, MDL 222, MDL 223, MDL 411, MDL 412, MDL 413, MDL 414 and MDL 449 granted under the *Mineral Resources Act 1989* (Qld);

(c) arising under the Cultural Heritage Management Plan Agreement - Wandoan Project between Glencore Coal Queensland Pty Ltd, ICRA Wandoan Pty Ltd, Sumisho Coal Australia Pty Limited and the applicant at the time for the Iman People, and under the decision of the Land Court of Queensland in the matter of *Xstrata Coal Queensland & Ors v Russell Tatow & Ors* [2008] QLC 0226;

(d) arising under the decision of the National Native Title Tribunal in the matter of *Russell Tatow & Ors (Iman People #2)/Xstrata Coal Queensland Pty Ltd, ICRA Wandoan Pty Ltd, Sumisho Coal Australia Pty Ltd/Queensland* [2010] NNTTA 54 (19 April 2010), and under the Mining Lease Consent Agreement for ML 50229 and ML 50231 between Russell Tatow, Patrick Silvester Cynthia Kemp, Eve Fesl, Troy Noble, Fred Tull, Fergus Waterton, Richard Doyle and Madonna Barnes acting on their own behalf and on behalf of the Iman



People #2 native title claim group, Xstrata Coal Queensland Pty Ltd, ICRA Wandoan Pty Ltd and Sumisho Coal Australia Pty Limited; and

(e) arising under the Deed regarding the renewal of exploration permit(s) pursuant to s 31 of the *Native Title Act 1993* (Cth) for EPC 790 between Glencore Coal Queensland Pty Ltd (formerly Xstrata Coal Queensland Pty Ltd), ICRA Wandoan Pty Ltd (formerly ICRA RPW Pty Ltd) and Sumisho Coal Australia Pty Limited, the applicant at the time for the Iman People and the State of Queensland dated 8 May 2008 and the associated Exploration Permit Consent Agreement between Glencore Coal Queensland Pty Ltd (formerly Xstrata Coal Queensland Pty Ltd), ICRA Wandoan Pty Ltd (formerly ICRA RPW Pty Ltd), Sumisho Coal Australia Pty Limited and the Iman People #2 native title claim group dated 7 December 2007.

11. The rights and interests of Jemena Queensland Gas Pipeline (1) Pty Ltd and Jemena Queensland Gas Pipeline (2) Pty Ltd as the holders of pipeline licence 30 granted under the *Petroleum Act 1923* (Qld).

12. 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 licence, lease, access agreement or easement relating to its telecommunications facilities in the Determination Area.

13. The rights and interests of Ergon Energy Corporation Limited 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); and

(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.

14. The rights and interests of Queensland Electricity Transmission Corporation Limited trading as Powerlink Queensland ACN 078 849 233 as an electricity entity exercising statutory functions, powers or rights and as the owner and operator of electricity transmission facilities and associated infrastructure situated upon the Determination Area, including but not limited to the right to enter upon the Determination Area.

15. The rights and interests of the State of Queensland, Banana Shire Council, Central Highlands Regional Council, Western Downs Regional Council and Maranoa Regional 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.

16. The rights and interests of Banana Shire Council, Central Highlands Regional Council, Western Downs Regional Council and Maranoa Regional Council:

(a) under their local government jurisdiction and functions under the *Local Government Act 2009* (Qld), the *Lands Protection (Pests 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 area under the *Local Government Regulations 2012* (Qld);

(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, including 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 bores, water point facilities, water pipelines and other infrastructure for the supply of water;

(iii) drainage facilities; and

(iv) gravel pits;

(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 16 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.

17. The rights and interests of SunWater Limited ACN 131 034 985 as the grantee of the following easements located within the Determination Area:

- (a) Easement 716558819;
- (b) Easement 716558797; and
- (c) Easement 716558808.

18. 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 those existing by reason of the following legislation or any regulation, statutory instrument, declaration, plan, authority, permit, lease or licence made, granted, issued or entered into under that legislation:

- (a) the *Land Act 1994* (Qld);
- (b) the *Nature Conservation Act 1992* (Qld);
- (c) the *Forestry Act 1959* (Qld);
- (d) the *Water Act 2000* (Qld);
- (e) the *Petroleum Act 1923* (Qld) or *Petroleum and Gas (Production and Safety) Act 2004* (Qld);
- (f) the *Mineral Resources Act 1989* (Qld);
- (g) the *Integrated Planning Act 1997* (Qld) or *Sustainable Planning Act 2009* (Qld);
- (h) the *Transport Infrastructure Act 1994* (Qld);
- (i) the *Fire and Rescue Service Act 1990* (Qld) or *Ambulance Service Act 1991* (Qld); and
- (j) the *Fisheries Act 1994* (Qld).

19. The rights and interests of members of the public arising from the common law, including but not limited to the following:

- (a) any subsisting public right to fish; and
- (b) the public right to navigate.

20. So far as confirmed pursuant to s 212(2) of the *Native Title Act 1993* (Cth) and s 18 of the *Native Title Act (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.

21. 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 and the Commonwealth.

**REGISTER ATTACHMENTS:**

1. SCHEDULE 1 - DETERMINATION AREA - Part 5 - External Boundary Description - re-issued, 49 pages - A4, 24/08/2016
2. QCD2016\_005 Schedule 1B - Map of Determination Area - re-issued, 40 pages - A4, 24/08/2016
3. QCD2016\_005 SCHEDULE 2 - AREAS NOT FORMING PART OF THE DETERMINATION AREA - re-issued, 17 pages - A4, 24/08/2016

*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.*





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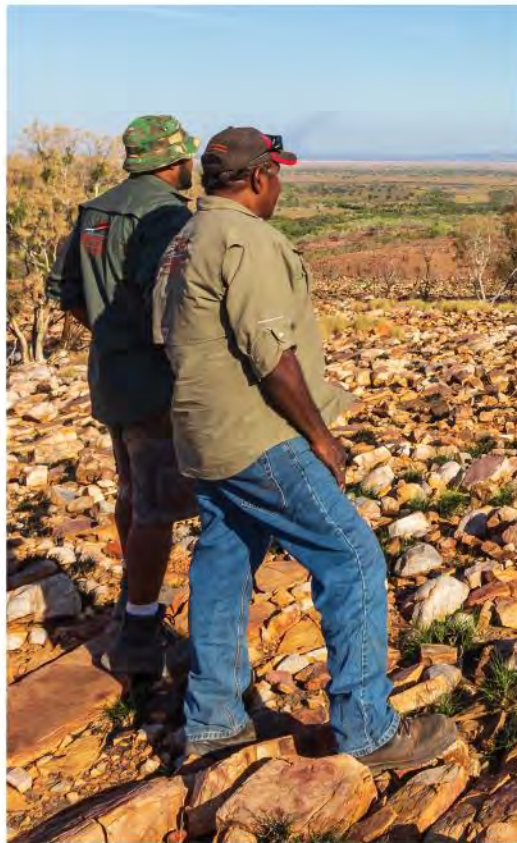
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