

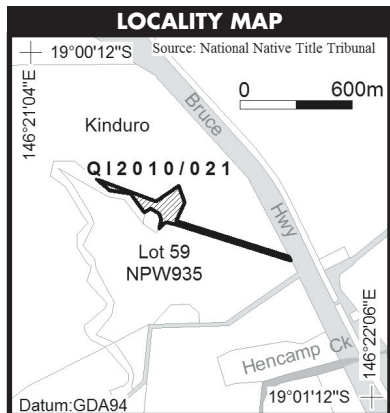
Notice of an application to register an area
agreement on the Register of Indigenous
Land Use Agreements

State of Queensland

Notification day: 8 September 2010



National
Native Title
Tribunal



QI2010/021 Nywaigi ILUA

Description of the agreement area: The agreement area is part of Lot 59 on Plan NPW935 covering about 4.1 hectares, located in the vicinity of Kinduro as shown on the locality map.

The agreement falls within the Local Government of Townsville City Council.

Parties to agreement and their contact address:

Townsville City Council
C/- Wilson Ryan Grose, 15 Sturt Street
TOWNSVILLE QLD 4810

State of Queensland
C/- Crown Law, GPO Box 5221
BRISBANE QLD 4001

Victor Bligh, Pearl Lightning and Ernest Addo on their own behalf and on behalf of the Nywaigi Native Title Group, C/- North Queensland Land Council (Townsville office)
313 Ross River Road, AITKENVALE QLD 4814

The agreement contains the following statements:

Clause 5. Consent and Agreement for the Purposes of the NTA

- 5.1 The parties consent to the doing of the Construction Acts, the grant of the Authority and the making of the Regulation.
- 5.2 If the making of the Regulation is an invalid Future Act, the parties agree to the validation of the Regulation.
- 5.3 If any of the Construction Acts or the grant of the Authority are done prior to this ILUA being Registered and any of them are an invalid Future Act, the parties agree to the validating of those acts.
- 5.4 To the extent that the doing of the Construction Acts, the grant of the Authority or the making of the Regulation are a Future Act, the parties agree that the Non-Extinguishment Principle applies to the doing of the Construction Acts, the grant of the Authority or the making of the Regulation.
- 5.5 Subject to clauses 8 and 9, the Native Title Parties agree that they and the Nywaigi Native Title Group will not:
 - a) object to the doing of the Construction Acts or the grant of Authority; or
 - b) do, or omit to do, anything that would prevent or delay the doing of the Construction Acts or the grant of the Authority.
- 5.6 Subdivision P, Division 3, Part 2 of the NTA is not intended to apply to the doing of the Construction Acts, the grant of the Authority or the making of the Regulation.

Clause 1 Definitions:

"Authority" means an authority under the Nature Conservation Act 1992 for the purpose of constructing, maintaining and using the WTP.

"Construction Acts" means any act done as part of, or in relation to, the construction or operation of the WTP including but not limited to, survey activities, geotechnical investigations and the grant of any development approvals, registration certificates, licences, permits or authorities.

"Regulation" means the Nature Conservation (Protected Areas Management) Amendment Regulation (No. 2) 2008 made by the Governor in Council on 21 August 2008.

"WTP" means the water treatment plant to be constructed, used and maintained on the ILUA Area.

Responses to an application to register an ILUA—where the application has not been certified

Because this application for registration of the agreement has not been certified by the Representative Aboriginal/Torres Strait Islander Body(ies) for the area, there is no opportunity to make a formal objection to its registration. However, if you claim to hold native title in relation to any of the land or waters covered by this agreement, you may wish, within the notice period, to make a native title determination application or equivalent application under a law of a state or territory in respect of any part of the area. If that application is registered on the Register of Native Title Claims, the registered native title claimants must be a party to this agreement before it can be registered. The native title determination application must be made by **8 December 2010**.

Any person wishing to provide any information regarding the identification of persons who may hold native title to the area and the authorisation by those persons of this agreement, should forward it to the **Native Title Registrar, National Native Title Tribunal, GPO Box 9973, in BRISBANE by 8 December 2010**

Generally procedural fairness will require that the material you provide is given to certain other persons or organisations for comment. It may also be taken into account in the registration of other ILUAs and claimant applications and thus be provided to relevant persons or organisations.

Data statement: **agreement area boundary compiled by the National Native Title Tribunal based on spatial reference data sourced from the Department of Environment and Resource Management, GPO Box 2454 BRISBANE, QLD 4000.**

Search and photocopy fees may apply. Details of the terms of the agreement are not available from the National Native Title Tribunal.

For assistance and further information about this application, contact Michelle Mann on freecall 1800 640 501 or visit www.nntt.gov.au

Facilitating timely and effective outcomes.