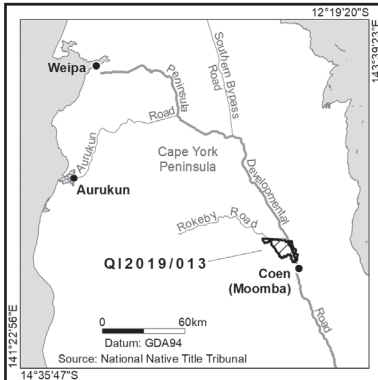


Notice of an application to register an area agreement on the Register of Indigenous Land Use Agreements

Notification day: 10 July 2019



National Native Title Tribunal



Q12019/013 Toolka Land Trust ILUA State of Queensland

Description of the agreement area:

The agreement covers approx. 181 sq km and is located on the Cape York Peninsula, approx. 7km north of Coen and 184 km south east of Weipa.

Link to map: <https://bit.ly/2MabjXH>

Relevant LGA: Cook Shire Council

The agreement contains the following statements:

[Explanatory notes in brackets inserted by the National Native Title Tribunal]

5.1 The Parties consent to the doing of the Agreed Acts, to the extent they are Future Acts, subject to:

- (a) In relation to the grant of the Quarry Lease to Kalan Enterprises, clause 8 *[clause 8 sets out conditions on the grant of the Quarry Lease to Kalan Enterprises];*
- (b) In relation to the grant of the Cattle Licence to James Creek, clause 9 *[clause 9 sets out conditions on the grant of the Cattle Licence to James Creek];* and

(c) In relation to future Land Use Activities, clause 10 *[clause 10 sets out conditions on future Land Use Activities in the Agreement Area].*
5.2 Subject to compliance with this Agreement, if any of the Agreed Acts done after the Execution Date and prior to the Registration Date are invalid Future Acts, the Parties agree to the validating of those Agreed Acts.

5.4 Subdivision P, Division 3, Part 2 of the *[Native Title Act 1993 (Cth)]* is not intended to apply to the doing of the Agreed Acts.

“Agreed Acts” means any act in the Agreement Area done as part of, or in relation to the following:

- (a) the grant of a Tenure; or
- (b) the doing of an Infrastructure Act;
- (c) the doing of an activity permitted by the grant of the Tenure;
- (d) the grant of the Quarry to Kalan Enterprises;
- (e) the grant of the Cattle Licence to James Creek; and
- (f) all Future Acts necessary to give effect or incidental to the above acts;

“Cattle Licence” means an agreement between James Creek and Toolka Land Trust, which includes terms that James Creek may occupy and use the Cattle Licence Area for the purpose of a cattle business, including breeding cattle, and may construct all necessary infrastructure, for a period of 10 years with an option to renew for 2 further periods of 10 years;

“High Impact Activities” means activities which are reasonably likely to involve:

- (a) Vegetation Clearance; or
- (b) Excavation Works;

“Infrastructure Act” means the construction, establishment, erection, deployment, carrying out or installation of works or infrastructure during the term of this Agreement;

“Land Use Activity” means the grant of Tenure, the doing of an Infrastructure Act or undertaking of High Impact Activities;

“Quarry Lease” means the agreement between the Toolka Land Trust and Kalan Enterprises Aboriginal Corporation ICN 7212 to extract and remove quarry materials from the Quarry Lease Area;

“Tenure” means a lease, permit, easement, licence or any other authority to use or occupy land that is granted, given or issued under the *[Aboriginal Land Act 1991 (Qld)]* or the *[Land Act 1994 (Qld)]*.

Parties to the agreement and their contact addresses:

Jenny Creek Snr, David Nicholls, Raymond Bally, Connell Creek, Eldine Creek and Donna Creek on their own behalf and on behalf of the Traditional Owners of Toolka Land Trust (Native Title Party);

James Creek on his own behalf and on behalf of the Cape York United Number 1 Claim Group (Cape York Party); and

Toolka Land Trust (Land Trust Party)

c/- Cape York Land Council

PO Box 2496

Cairns QLD 4870

Objections to the registration of an ILUA where the application for registration has been certified:

This application for registration of an indigenous land use agreement (ILUA) has been certified by the Cape York Land Council, the representative body for the area. Any person claiming to hold native title to any part of the area covered by the ILUA may object in writing within the notice period to the registration of this agreement if they think that the application to register the ILUA has not been properly certified. If you wish to object to the registration of this agreement (and you hold or claim to hold native title in any part of the area covered by the agreement) you may only object for one reason: in your view, the application to register the ILUA has not been properly certified, as stated in section 203BE(5)(a) and (b) of the *Native Title Act 1993 (Cth)*. You must make this objection in writing and send it to the **Native Title Registrar, National Native Title Tribunal, PO Box 9973, Cairns, QLD, 4870** by **10 October 2019**. 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 for comment.

Details of the terms of the agreement are not available from the National Native Title Tribunal. For assistance and further information about this application, call Maree Otto on freecall 1800 640 501 or visit www.nntt.gov.au.