



**QI2009/063 Djiru Cassowary Coast Regional Council Area ILUA**

**Description of the agreement area:** The area subject to this agreement covers about 101km<sup>2</sup>, located east of Tully and south of Silkwood in the vicinity of Mission Beach as shown on the locality map.

The agreement falls within the Local Government Authority of Cassowary Coast Regional Council.

**The parties to agreement and their contact addresses are:**

Cassowary Coast Regional Council  
c/- Jenny Humphris  
MacDonnells Law  
Level 14, BOQ Centre  
259 Queen Street,  
BRISBANE QLD 4000

Dawn Hart, John Clumpoint, Charity Ryan, Beryl Buller, Rae Kelly, Margaret Murray and John Andy who are the living members of the applicant in the Djiru People #2 and the Djiru People #3 native title determination applications, on their behalf and on the behalf of the Djiru People, c/- Leah Brown, North Queensland Land Council  
PO Box 679N, CAIRNS QLD 4870

**The agreement contains the following statements:**

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

4. PROVISIONS FOR THE PURPOSES OF THE NATIVE TITLE ACT.
- 4.5 Subdivision P of Division 3 of Part 2 of the Native Title Act is not intended to apply to any Future Acts for which the Native Title Parties have given consent under this Deed.
9. FUTURE COUNCIL WORKS AND ACTIVITIES
- 9.1 In the event the Council wishes to construct or carry out Works or Activities in the ILUA Area in respect of which it has not already received consent under this Deed it may seek to obtain such consent by having the Work or Activity become an Approved Future Act by following the process set out in Schedule 4.
- 9.2 A Work or Activity is an Approved Future Act for the purposes of this Deed if:
  - (a) it is described in a Proposed Activity Notice or Revised Activity Notice given to the Native Title Parties; and
  - (b) either:
    - i) the Native Title Parties have given a Concurrence Notice; or
    - ii) consent is deemed to be given under paragraph 10 of Schedule 4.
- 9.3 If requested by Council, the Native Title Parties will provide all reasonable assistance to Council in securing the doing of Approved Future Acts.
- 9.4 The Parties consent to the doing of Approved Future Acts and agree that Sub-division P of Division 3 of Part 2 of the Native Title Act is not intended to apply to Approved Future Acts.
- 9.5 This clause does not apply to any part of the ILUA Area where native title rights and interests have otherwise been extinguished or determined not to exist.
10. MINOR WORKS OR ACTIVITIES
- 10.1 The Parties consent to the construction or carrying out of Minor Works or Activities on the conditions described in Schedule 5.
- 10.2 This clause does not apply to any part of the ILUA Area where native title rights and interests have otherwise been extinguished.

**1. Definitions**

*"ILUA Area"* means the area described in Schedule 1 *[of the agreement]* and depicted in the map contained in Schedule 2 *[of the agreement]*. *[Schedule 1 describes the area by reference to land parcels and a description of the external boundary, depicted above. For details of the description please contact the Cairns office of the National Native Title Tribunal on 1800 640 501].*

*"Minor works or Activities"* means the acts described in paragraph 2 of Schedule 5 *[of the agreement, which identifies emergency works, inspections, repairs, maintenance, tree-logging, fencing and signage in relation to Council infrastructure]*.

*"Approved Future Act"* has the meaning in clause 9.2 *[of the agreement and stated above]*.

**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 North Queensland Land Council Native Title Representative Body Aboriginal Corporation 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* (Cwlth).

You must make this objection in writing and send it to the **Native Title Registrar, National Native Title Tribunal, GPO Box 9973, Cairns by 27th April 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 for comment.

**Data statement:** agreement area boundary compiled by the National Native Title Tribunal based on data sourced from and with the permission of the Department of Environment & Resource Management (QLD). 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 Case Manager, Lisa Serpa on freecall 1800 640 501 or visit [www.nntt.gov.au](http://www.nntt.gov.au)**