National Native Title Tribunal

Extract from Register of Indigenous Land Use Agreements

NNTT number	QI2016/061
Short name	Wuthathi Land Transfer ILUA
ILUA type	Area Agreement
Date registered	07/03/2018
State/territory	Queensland
Local government region	Cook Shire Council

Description of the area covered by the agreement

Agreement Area means that area of land described in the table entitled "Agreement Area" in Part 1 of Schedule 1 as shown on the plans in Part 2 of Schedule 1.

[A copy of Schedule 1 (Parts 1 and 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:

Agreement covers about 1184 sq km on the eastern side of the Cape York Peninsula, located approximately 200km North of Lockhart River, in the vicinity of Shelburne Bay including Saunders Islands National Park and Sir Charles Hardy Group National Park].

Parties to agreement

Applicant

Party name	State of Queensland
Contact address	c/- Department of Natural Resources and Mines PO Box 15216 City East QLD 4002

Other Parties

Party name	Johnson Chippendale, Moira Macumboy, Richard McLean, Jean Mosby and Phillip Wallis on their own behalf and on behalf of the Wuthathi People
Contact address	c/- Cape York Land Council Aboriginal Corporation PO Box 2496 Cairns QLD 4870

Party name	Michael Ross, Silva Blanco, James Creek, Jonathan Korkaktain, Reginald Williams, Wayne Butcher, Clarry Flinders, Philip Port and Hogan Shortjoe on behalf of Cape York United Number 1 Claim
Contact address	c/- Cape York Land Council Aboriginal Corporation PO Box 2496 Cairns QLD 4870

Party name	Wuthathi Aboriginal Corporation RNTBC

Contact address	c/- Cape York Land Council Aboriginal Corporation PO Box 2496 Cairns QLD 4870

Period in which the agreement will operate

Start date	not specified
End Date	not specified

2.1 Subject to clause 2.2, this Agreement commences on the Agreement Date.
2.2 Clauses 4 (Consent to and Validating of Agreed Acts), 8 (Compensation) and 9 (Release, Waiver and Indemnity) commence on the Registration Date.

"Agreement Date" means the date when the last party executes this Agreement.

"Registration Date" means the date that this Agreement is registered on the Register of Indigenous Land Use Agreements.

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

4.1 The parties consent to the doing of the Agreed Acts to the extent that they are Future Acts.
4.2 Subject to compliance with this Agreement, if any of the Agreed Acts done prior to the Registration Date are invalid Future Acts, the parties agree to the validating of those Agreed Acts.
5. To avoid any doubt, Part 2 Division 3 Subdivision P of the NTA does not apply to the doing of the Agreed Acts.

"Agreed Acts" means all acts necessary to give effect to this Agreement and the IMA, including:
(a) the grant of the Proposed ALA Area as Aboriginal Land to the Corporation under the ALA;
(b) the State and the Corporation entering into, being bound by and complying with the IMA;
(c) the doing of all acts in the Proposed National Park (CYPAL) Areas that are covered by the IMA in accordance with the procedures set out in the IMA;
(d) any variation of the IMA in accordance with the terms of the IMA;
(e) the dedication, use and management of the Proposed National Park (CYPAL) Areas as national park (Cape York Peninsula Aboriginal land);
(f) the Corporation granting the Easement to the State for access to the Proposed National Park (CYPAL);
(g) the Corporation and the Licensee entering into and complying with the Licence;
(h) the Corporation constructing and maintaining the Funded Infrastructure on the Proposed ALA Area;
(i) the Corporation constructing and maintaining access tracks on the Proposed ALA Area;
(j) the registration and grant of a Carbon Abatement Interest, including any interest granting the right to deal with Carbon Abatement Products, or the declaration of an Eligible Offsets Project over the Proposed ALA Area in favour of the Corporation;
(k) the creation of any Management Instrument over the Proposed National Park (CYPAL) Areas subject to the terms of the IMA;
(l) the future grant of any part of the Esplanade Area as Aboriginal Land to the Corporation under the ALA; and
(m) Relevant Acts.

"ALA" means the Aboriginal Land Act 1991 (Qld).

"Associated Activity" means the doing of any activity in relation to a valid lease, agreement, licence, profit à prendre, permit or other authority created, authorised or otherwise granted, over Aboriginal Land in the Agreement Area held by the Corporation, that is associated and consistent with the purpose for which the lease, agreement, licence, profit à prendre, permit or other authority is created, including:
(a) the construction or operation of infrastructure;
(b) extraction of Quarry Materials or water in accordance with any lease, agreement, licence, profit à prendre, permit or other authority; and
(c) survey activities and geotechnical investigations required prior to the creation, authorisation or grant of the lease, agreement, licence, profit à prendre, permit or other authority.

"Carbon Abatement Interest" has the same meaning as in the Land Title Act and the Land Act.

"Carbon Abatement Product" has the same meaning as in the Land Title Act and the Land Act.

"CFI Act" means the Carbon Credits (Carbon Farming Initiative) Act 2011 (Cth).

"Eligible Offsets Project" has the same meaning as in the CFI Act.

"IMA" means the indigenous management agreement under the ALA and the NCA between the State and the Corporation on substantially the same terms as the draft agreement in Schedule 3.

"NCA" means the Nature Conservation Act 1992 (Qld).

"Quarry Material" includes stone, gravel, sand, rock, clay, earth and soil but does not include minerals within the

meaning of the Mineral Resources Act 1989 (Qld).

"Relevant Acts" means:
(a) the creation, authorisation or granting of a valid lease, agreement, licence, profit à prendre, permit or other authority over the Proposed ALA Area by the Corporation;
(b) the creation, authorisation or grant of a valid lease, agreement, licence, permit or other authority under section 42AD, section 42AE or section 42AEA of the NCA over National Park (CYPAL) by the State, subject to the written consent of the relevant Corporation and any other processes required under the IMA;
(c) the renewal or amendment of a lease, agreement, licence, profit à prendre, permit or other authority under (a) or (b) above; and
(d) an Associated Activity over Aboriginal Land in the Agreement Area.

Attachments to the entry

QI2016_061 Schedule 1 - Part 1 - Written description of the Agreement Area.pdf

QI2016_061 Schedule 1 - Part 2 - Plans of the Agreement Area.pdf