



Extract from Register of Indigenous Land Use Agreements

NNTT number	QI2022/019
Short name	Routh Quarry ILUA
ILUA type	Body Corporate
Date registered	31/01/2023
State/territory	Queensland
Local government region	Etheridge Shire Council

Description of the area covered by the agreement

ILUA Area means all of the land within the boundary marked in blue shown on the map in Part A of Schedule 1 and as described in Part B of Schedule 1.

[A copy of Schedule 1 Parts A and B are 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 is a part of Lot 5277 on PH1565, covers about 1.65 sq km and is located about 22 km east of Georgetown, south of Gulf Developmental Road.]

Parties to agreement

Applicant

Party name	Bolwarra Enterprises Pty Ltd (ACN 009 853 221) (Bolwarra)
Contact address	c/- Holding Redlich Level 1, 300 Queen Street Brisbane QLD 4000

Other Parties

Party name	Ewamian People Aboriginal Corporation RNTBC (ICN 7950) (Corporation)
Contact address	c/- North Queensland Land Council PO Box 679N Cairns QLD 4870

Period in which the agreement will operate

Start date	18/11/2022
End Date	not specified

4. Commencement

- 4.1 Subject to clause 4.2, this ILUA commences on the Execution Date.
4.2 Clause 6 commences on Registration.
4.3 This ILUA continues for the Term.

16. Termination

16.2 The Parties may agree to terminate this ILUA.

Execution Date means the day on which this ILUA is executed by the Parties and if executed on different days, the later of those days.

Quarry Material has the meaning in the *Forestry Act 1959*.

Registered means registered on the Register of Indigenous Land Use Agreements.

Registration means the date on which this ILUA is Registered.

Replacement Sales Permit means the issue of a new or the replacement of a sales permit or permits by the State under the *Forestry Act 1959* (Qld) for the getting of Quarry Material over or within the Supply Zone.

Sales Permit means Sales Permit 20110868 issued to Bolwarra by the State of Queensland under the *Forestry Act 1959* (Qld) for the getting of Quarry Material in the Supply Zone as varied by Deed of Variation of Sales Permit 20110868 (Commercial QM) commencing 15 July 2011.

State means State of Queensland acting through the Department of Agriculture and Fisheries or other agency which from time to time has the administrative responsibility for quarry material sales under the *Forestry Act 1959* (Qld).

Supply Zone means the area of land identified as Area A in Schedule 1.

Term means the period from the Execution Date to the earlier of the following dates:

- (a) the later of the following dates:
(i) the date of expiration of the Sales Permit; and
(ii) the date of expiration of the Replacement Sales Permit; or
(b) the date the parties agree to terminate this ILUA under clause 16.2.

Variation of Sales Permit means any variation to the terms and/or conditions of the Sales Permit and/or to any other sales permits issued to Bolwarra by the State under the *Forestry Act 1959* (Qld) for the getting of Quarry Material over or within the Supply Zone.

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

6. Consents

6.1 The Parties consent to the:

- (a) Variation of Sales Permit;
(b) issue of a Replacement Sales Permit;
(c) subject to clause 20, the Assignment of Sales Permit; and
(d) any acts done under or in accordance with the Sales Permit, the Variation of Sales Permit or any Replacement Sales Permit, including the Activities.

6.3 Subdivision P of Division 3 of Part 2 of the NTA is not intended to apply to the Future Act or Future Acts to which the parties have consented in this ILUA.

20. Pre-emption and Assignment

20.1 Bolwarra may assign or otherwise deal with any right or interest in the ILUA Area or in the ILUA to another person (Assignee).

20.2 Prior to an assignment under clause 20.1 Bolwarra must provide to the Corporation a deed of assignment and assumption in a form acceptable to the Corporation (not unreasonably withheld).

20.3 Following an assignment referred to in clause 20.1, Bolwarra will be released from its obligations under the ILUA provided the Assignee enters into a deed of assumption in favour of the Corporation whereby the Assignee is substituted for Bolwarra in this ILUA.

20.4 Despite the immediately preceding paragraph, Bolwarra will remain liable for any payments or obligations incurred under the ILUA up to the date of the assignment.

Activities means any activity undertaken for the purpose of, or in association with, getting or selling Quarry Material

pursuant to the Sales Permit, including, but not limited to:

- (a) entering the Supply Zone to get Quarry Material;
- (b) the removal of Quarry Material from the Supply Zone;
- (c) the construction, maintenance and use of buildings and other infrastructure necessary or incidental to the getting or sale of Quarry Material; and
- (d) the construction, maintenance and use of access roads.

Assignment of Sale Permit means the assignment, transfer or novation of the Sales Permit or any Replacement Sales Permit.

Variation of Sales Permit means any variation to the terms and/or conditions of the Sales Permit and/or to any other sales permits issued to Bolwarra by the State under the *Forestry Act 1959* (Qld) for the getting of Quarry Material over or within the Supply Zone.

Attachments to the entry

[QI2022_019 Schedule 1, Part A - Map of ILUA area.pdf](#)

[QI2022_019 Schedule 1, Part B - Description of ILUA area.pdf](#)