



Extract from Register of Indigenous Land Use Agreements

NNTT number	QI2023/012
Short name	Kowanyama Defence Facilities ILUA
ILUA type	Body Corporate
Date registered	11/03/2024
State/territory	Queensland
Local government region	Kowanyama Aboriginal Shire Council

Description of the area covered by the agreement

ILUA Area means, the area to which this Agreement applies, being the land and waters in Lot 518 on Survey Plan 272069 as described in Schedule 1 ("Description of ILUA Area") and shown in the map and survey plan in Schedule 2 ("Map and Survey Plan of ILUA Area").

A copy of Schedule 1 and Schedule 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:

The agreement area covers about 5,880 sq m located over Lot 518 on Survey Plan 272069 located on Shelfo Road in the township of Kowanyama.]

Parties to agreement

Applicant

Party name	Commonwealth of Australia acting through the Department of Defence
Contact address	c/- Ashurst Australia 123 Eagle Street Brisbane QLD 4000

Other Parties

Party name	Abm Elgoring Ambung Aboriginal Corporation RNTBC (ICN 7163)
Contact address	c/- Cape York Land Council PO Box 2496 Cairns QLD 4870

Period in which the agreement will operate

Start date not specified

End Date not specified

2 Commencement

- a. This Agreement commences on the Commencement Date and operates for the duration of the Project unless terminated earlier.
- b. Upon termination, this Agreement may be removed from the Register [of *Indigenous Land Use Agreements*].
- c. If this Agreement is terminated after the Agreement is recorded on the Register, then the Parties must advise the Registrar in writing in accordance with section 199C(1)(c)(ii) of the NTA.

Agreement or **ILUA** means this agreement as novated, assigned, altered, supplemented or amended from time to time.

Commencement Date means the date this Agreement is executed by the last of the Parties to execute it.

NTA means the *Native Title Act 1993* (Cth).

Project means Defence's Kowanyama Patrol Base operated on Lot 518 on SP272069, Shelfo Road, Kowanyama.

Register of Indigenous Land Use Agreements has the meaning given to that term in section 253 of the NTA.

Registrar has the meaning given to that term in section 253 of the NTA.

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

5 Statement for the purpose of the NTA

For the purposes of:

- a. section 24EB(1)(c) of the NTA; and
 - b. regulation 6(5)(b) of the ILUA Regulations,
- the Parties agree that Subdivision P, Division 3, Part 2 of the NTA is not intended to apply to the Agreed Acts.

9 Consent and Agreement

9.1 Project Rights and Associated Rights

- a. The Parties consent to:
 - (i) the doing of the Project;
 - (ii) the Grant and implementation of the Project Rights;
 - (iii) other acts necessary, ancillary, usual, incidental or expedient to give effect to the Project and the Grant and implementation of the Project Rights; and
 - (iv) the Prior Acts and the Validation of the Prior Acts, (collectively, the "**Agreed Acts**").
- b. For the avoidance of doubt, the RNTBC consents to Defence and its nominees accessing the ILUA Area for the purpose of exercising its rights under the Agreed Acts.

9.2 Requisite Consent

The Parties acknowledge that the consents in this clause 9 constitute the requisite consent of the Parties to the doing of the Agreed Acts ("Consent and agreement") for the purposes of:

- a. section 24EB(1)(b) of the NTA; and
- b. regulation 6(5)(a) of the ILUA Regulations.

9.3 No Objection

The RNTBC agrees that it will use reasonable endeavours to procure that the Native Title Holders for which they are agents, will not challenge or Object to the Grant of the Project Rights consented to under clause 9.1a ("Agreed Acts"), or do, or omit to do, any act that may prevent or delay the Agreed Acts.

Agreed Acts has the meaning given to that term in clause 9.1.

Applicable Laws means laws or regulations of the State or the Commonwealth from time to time in operation in the State that are applicable to the rights consented to or activities undertaken under or with respect to the rights consented to under this Agreement.

Claims means any claim, proceeding, action, cause of action, demand, damage, cost, loss or expense.

Government Agency means means any federal, State or local government, any government authority and the Governor in Council.

Grant means initial grant, reissue, remaking, substitution, renewal, extension or further or subsequent grant, and **Granted** has a corresponding meaning.

ILUA Area means, the area to which this Agreement applies, being the land and waters in Lot 518 on Survey Plan 272069 as described in Schedule 1 ("Description of ILUA Area") and shown in the map and survey plan in Schedule 2 ("Map and Survey Plan of ILUA Area").

ILUA Regulations means the Native Title (Indigenous Land Use Agreement) Regulations 1999 (Cth).

Kowanyama People Determination means the determination made by the Federal Court of Australia in *Greenwool & Ors on behalf of the Kowanyama People v State of Queensland* [2012] FCA 1377 (QUD6119/1998; QCD2012/017).

Kowanyama People for the ILUA Area means those people determined to be the Native Title Holders for the ILUA Area in the Kowanyama People Determination.

Native Title Holders has the meaning given to that term in section 224 of the NTA, and for the purposes of this Agreement, includes the Kowanyama People for the ILUA Area and any other persons who are Native Title Holders for the ILUA Area.

Object means to serve, make or raise any objection or opposition to, or challenge, or by instituting any Claim, and **Objection** has a corresponding meaning.

Prior Acts means any acts referred to in clauses 9.1 (a)(i), 9.1 (a)(ii) and 9.1 (a)(iii) which occurred before this Agreement is signed.

Project means Defence's Kowanyama Patrol Base operated on Lot 518 on SP272069, Shelfo Road, Kowanyama.

Project Rights means all approvals, authorisations, authorities, certificates, consents, declarations, directions, easements, leases, licences, notices, permits, renewals, rights, tenures, or titles:

- a. from any Government Agency or governmental or other competent authority;
- b. which are necessary, ancillary, usual or incidental for the carrying out of the Project in the ILUA Area or the doing of any other act necessary, ancillary, usual or incidental to give effect to the Project in the ILUA Area or to enable the Project to proceed in the ILUA Area in accordance with all Applicable Laws which includes the grant of a lease of land from the Kowanyama Aboriginal Shire Council to Defence in relation to Lot 518 on SP272069, including any renewals to that lease, all of such things required under:
- c. the *Defence Act 1903* (Cth);
- d. the *Defence Instructions (General) 59-1* ;
- e. the *Defence Regulation 2016* (Cth);
- f. the *Environmental Protection Act 1994* (Qld);
- g. the *Environmental Protection and Biodiversity Conservation Act 1999* (Cth);
- h. the *Land Act 1994* (Qld);
- i. the *Lands Acquisition Act 1989* (Cth);
- j. the *Nature Conservation Act 1992* (Qld);
- k. the *State Development and Public Works Organisation Act 1971* (Qld);
- l. the *Planning Act 2016* (Qld);
- m. the *Vegetation Management Act 1999* (Qld);
- n. the *Water Act 2000* (Qld);
- o. local government by-laws and ordinances; and
- p. any other legislation, regulation, by-law, ordinance, or other such instrument required for the Project.

State means the State of Queensland

Validation has the meaning given to that term in the Native Title Act.

Attachments to the entry

[QI2023_012 Schedule 1 - Description of ILUA Area.pdf](#)

[QI2023_012 Schedule 2 - Map and Survey Plan of ILUA Area.pdf](#)