



# Extract from Register of Indigenous Land Use Agreements

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<b>NNTT number</b>	QI2003/039
<b>Short name</b>	Birri and Kudjala Peoples Joint ILUA - Exploration Permit Backlog Project
<b>ILUA type</b>	Area Agreement
<b>Date registered</b>	23/02/2004
<b>State/territory</b>	Queensland
<b>Local government region</b>	Burdekin Shire Council, Charters Towers Regional Council

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## Description of the area covered by the agreement

The agreement area of approximately 830 square kilometres is located about 30 kilometres east and south east of Charters Towers, Queensland. The agreement area comprises EPM 11386, EPM 12118, EPM 12124, EPM 12155, EPM 12160, EPM 12372, EPM 12766, EPM 12830, EPM 13157, EPM 13158, and part of exploration permits 11581, 11602 and 11982 excluding those portions that are outside the boundary of QC01/1 Kudjala People #2 at the "Commencement Date".

## Parties to agreement

### *Applicant*

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<b>Party name</b>	State of Queensland
<b>Contact address</b>	Special Adviser, Native Title & Indigenous Land Services Department of Natural Resources and Mines Locked Bag 40 Coorparoo Delivery Centre QLD 4151

### *Other Parties*

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<b>Party name</b>	Allan Fisher, Heather Tilberoo, Gracelyn Smallwood, Algon Walsh Jnr, Colin McLennan, David Miller, Frank Fisher and Patrick Walsh on their own behalf and on behalf of the Birri People
<b>Contact address</b>	c/- Michael Owens and Associates PO Box 1013 TOWNSVILLE QLD 4810

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<b>Party name</b>	Gary Santo, Gordon Santo, Vincent Reid and Beverley McKean on their own behalf and on behalf of the Kudjala People
<b>Contact address</b>	C/-Suthers Taylor Lawyers, P.O. Box 1015 TOWNSVILLE QLD 4810

## Period in which the agreement will operate

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<b>Start date</b>	14/08/2003
<b>End Date</b>	14/08/2023

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The Agreement shall terminate on the 20th anniversary of the commencement date.

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

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

### Clause 1 – Definitions

“EP” means an Exploration Permit

“MDL” means a Mineral Development Licence

“MRA” means the Mineral Resources Act 1989 (Qld)

“NTA” means the Native Title Act 1993 (Cth)

“Native Title Conditions” means the conditions contained in Schedule 2

Clause 5.1: The Parties state as follows:

(c) the Right to Negotiate Procedure is not intended to apply to the Future Acts described in clauses 9.2, 9.3, 9.4, 9.5 and 9.6.

[The Birri People and Kudjala People have agreed to the grant of EPs and MDLs and the conduct of Exploration Activities in the Agreement Area]

Clause 9.1: The Native Title Parties on behalf of the Native Title Group consent to the Future Acts described in clauses 9.2, 9.3, 9.4, 9.5 and 9.6.

Clause 9.2: The Native Title Parties on behalf of the Native Title Group consent to the grant of an EP to an Explorer provided that:

- (a) the EP is granted for a maximum term of 5 years;
- (b) the EP contains the Native Title Conditions; and
- (c) the Explorer has paid the amount required to be paid under clause 14.1.

Clause 9.3: The Native Title Parties on behalf of the Native Title Group consent to the conduct of Exploration Activities under the EP provided that the Explorer complies with the Native Title Conditions.

Clause 9.4: The Native Title Parties on behalf of the Native Title Group consent to the grant of an MDL to an Explorer provided that:

- (a) the Explorer has previously been granted an EP in reliance on this Agreement;
- (b) the Explorer has not breached any conditions of that EP;
- (c) there is no outstanding dispute between the Explorer and the Native Title Parties in relation to the EP;
- (d) the MDL is granted for a maximum term of 5 years;
- (e) the MDL contains the Native Title Conditions; and
- (f) the Explorer has paid the amount required to be paid under clause 14.1

[Clause 14.1 sets out conditions for compensation payments to the Native Title Group for the grant of an EP or MDL in reliance on the Agreement]

Clause 9.5: The Native Title Parties on behalf of the Native Title Group consent to the conduct of Exploration Activities under the MDL provided that the Explorer complies with the Native Title Conditions.

Clause 9.6: The Native Title Parties on behalf of the Native Title Group consent to the renewal of an EP or MDL granted in reliance on this Agreement if the renewed EP or MDL continues to be subject to the conditions described in clause 9.2 and 9.4 and provided that the Explorer has paid the amount required to be paid under clause 14.1.

Clause 9.12: For the purposes of insuring the effect of section 24 EB of NTA, the State also consents to the future acts in clause 9 so long as such consent does not fetter its powers under any relevant law, such as the MRA.

## **Attachments to the entry**

Nil Attachments