



Extract from Register of Indigenous Land Use Agreements

NNTT number	QI2009/064
Short name	Girramay Cassowary Coast Regional Council Area ILUA
ILUA type	Area Agreement
Date registered	25/05/2010
State/territory	Queensland
Local government region	Cassowary Coast Regional Council

Description of the area covered by the agreement

The agreement defines the "ILUA Area" as 'the area described in Schedule 1 Part A, as shown on the maps in Schedule 1 Part B'. Schedule 1, Parts A and B, including the maps of the agreement area, are attached to the 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 does not replace, and is less precise than, the description of the agreement area contained in Schedule 1 to the agreement noted above. It is provided for information only and should not be considered part of the Register of ILUAs:

The area subject to this agreement covers about 14 square kilometres, located approximately 37 kilometres northwest of Ingham, in the vicinity of Cardwell. The agreement falls within the Cassowary Coast Regional Council local government area.

Parties to agreement

Applicant

Party name	Girramay Cassowary Coast Regional Council
Contact address	c/- MacDonnells Law Level 14, BOQ Centre, 259 Queen Street BRISBANE QLD 4000

Other Parties

Party name	Girramay People Aboriginal Corporation (ICN4739)
Contact address	C/- Chairperson 253 Victoria Street CARDWELL QLD 4849

Party name	Mr Abraham Muriata on behalf of the Girramay People
Contact address	C/- Giringun Elders and Reference Group 235 Victoria Street CARDWELL QLD 4849

Period in which the agreement will operate

Start date not specified

End Date not specified

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

Clause 4 – Provisions for the purposes of the Native Title Act

4.4 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 Party has given consent under this Deed.

Clause 7 – Existing Council Infrastructure

7.2 The Native Title Party consents to the continued operation, use and maintenance of:

- (a) the Non-Extinguishing Infrastructure;
- (b) the land on which the Non-Extinguishing Infrastructure is located; and
- (c) any land or waters which is adjacent to the land on which the Non-Extinguishing Infrastructure is located which is necessary for, or incidental to, the operation of the Non-Extinguishing Infrastructure.

Clause 8 – Future Council Works and Activities

8.1 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 act become an Approved Future Act by following the process set out in Schedule 2.

8.2 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:-
 - i) the Native Title Party prior to a Determination of Native Title; or
 - ii) the Girramay Corporation after a Determination of Native Title and
- (b) either:-
 - i) the Native Title Party or the Girramay Corporation has given a Concurrence Notice; or
 - ii) consent is deemed to be given under paragraph 10 of Schedule 2.

8.4 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.

Clause 9 – Minor Works or Activities

9.1 The Parties consent to the construction or carrying out of Minor Works or Activities on the conditions described in Schedule 3.

Definitions

“Council Infrastructure” means infrastructure or works owned, maintained, controlled or operated by Council for a Public Purpose including:-

- (a) amenities, buildings, causeways, cemeteries, conduits, crossings, dams, drains, jetties, pipes, recreation facilities, reservoirs, roads, rubbish dumps, service infrastructure, sheds, transfer stations and wharves; and
- (b) works serving a public need or for a Public Purpose; and
- (c) Public Works.

“Extinguishing Infrastructure” means Council Infrastructure that:-

- (a) was validly constructed or established within the ILUA Area on or before 23 December 1996; and
- (b) constitutes a Public Work.

“Minor Works or Activities” means the acts described in paragraph 2 of Schedule 3, which are defined as:

- (a) construct Council Infrastructure required in emergency circumstances to ensure the safety of people and the preservation of property where people or property are subject to an immediate threat;
- (b) tree lopping in the immediate vicinity of Council Infrastructure;
- (c) repairing any damaged Council Infrastructure;
- (d) reinstating any destroyed Council Infrastructure to its pre-existing state;
- (e) inspecting Council Infrastructure
- (f) maintaining Council Infrastructure;
- (g) fencing or barricading Council Infrastructure;
- (h) erecting sign posts;
- (i) accessing the ILUA Area at reasonable times for the purpose of undertaking anything in paragraphs (a) to (h) with any machinery, equipment or personnel and by such means as are reasonably necessary (including vehicle access, foot access or access by air).

“Non-Extinguishing Infrastructure” means Council Infrastructure that is:-

- (a) not Extinguishing Infrastructure; and
- (b) was constructed or established within the ILUA Area on or before the Commencement Date.

“Non-Extinguishment Principle” has the meaning given in the Native Title Act.

“Occupancy Interest” means an easement, lease, licence, permit or other authority to use or occupy land granted, given or issued under Laws of the State and Commonwealth.

"Public Purpose" means any activity or purpose of the Council relating directly or indirectly to its statutory or other rights, interests, duties and obligations and includes any purpose set out in the schedule to the Acquisition of Land Act 1967 (Qld) which the Council may lawfully carry out.

"Public Work" has the meaning given in the Native Title Act.

“Works or Activities” means any Council Infrastructure or the grant of an Occupancy Interest that Council may provide or undertake as a local government after the Commencement Date other than Minor Works or Activities.

Attachments to the entry

[QI09_064 - Girramay CCRC - Schedule 1 Part A - Written description of ILUA Area.pdf](#)

[QI09_064 - Girramay CCRC - Schedule 1 Part B - Map of ILUA Area.pdf](#)