



**INDIGENOUS LAND USE AGREEMENT  
(BODY CORPORATE AGREEMENT)  
REGISTRATION DECISION**

Name of ILUA:	Moa Island Torres Strait Social Housing ILUA
NNTT application number:	QI2013/008
Date application lodged:	12 February 2013
Name of applicant:	State of Queensland
Name(s) of other parties:	Mualgal Torres Strait Islanders Corporation RNTBC and Torres Strait Island Regional Council
State/territory/region:	Queensland
Name of delegate:	Carissa Kok

I have considered the Moa Island Torres Strait Social Housing ILUA and accompanying documents with the application for registration in accordance with the conditions in s. 24BA and s. 24BI of the *Native Title Act 1993* (Cwlth)<sup>1</sup>. For the reasons attached I am of the view that the agreement is an ILUA within the meaning of s. 24BA and that the requirements of ss. 24BI(2) and (3)) are met.

The Moa Island Torres Strait Social Housing ILUA is accepted for registration pursuant to s. 24BI(1).



Carissa Kok

Delegate of the Native Title Registrar pursuant to Part 2, Division 3, Subdivisions B, C, D and E (ss. 24BA to 24EC inclusive) and Part 8A (ss. 199A to 199C inclusive)

**Date of decision: 26 April 2013**

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<sup>1</sup> All references in these reasons to legislative sections refer to the *Native Title Act 1993* (Cwlth) (the Act), unless otherwise specified.

# Reasons for decision

## Introduction

This document sets out my reasons for the decision to accept the Moa Island Torres Strait Social Housing ILUA for registration in accordance with s. 24BI.

Section 24BI states that:

- (1) *Subject to this section, the Registrar must register the agreement on the Register of Indigenous Land Use Agreements.*
- (2) *The Registrar must not register the agreement if any of the parties to the agreement advises the Registrar, within 1 month after the notification day, that the party does not wish the agreement to be registered on the Register.*
- (3) *The Registrar must not register the agreement if:*
  - (a) *a representative Aboriginal/Torres Strait Islander body for any of the area advises the Registrar, within 1 month after the notification day, that the requirements of paragraph 24BC(4)(a) were not complied with in relation to the agreement; and*
  - (b) *the Registrar is satisfied that the requirements were not complied with.*

I also consider below whether the agreement is an ILUA in accordance with s. 24BA of the Act, which provides that an 'agreement meeting the requirements of ss. 24BB to 24BE is an Indigenous Land Use Agreement' (body corporate agreement). The agreement must be an ILUA in accordance with s. 24BA in order to be registered.

### **Delegation of the Registrar's powers**

I have made this decision as a delegate of the Native Title Registrar (the Registrar). The Registrar delegated her powers under Part 2, Division 3, Subdivisions B, C, D and E (ss. 24BA to 24EC inclusive) and Part 8A (ss. 199A to 199C inclusive) to certain members of staff of the National Native Title Tribunal, including myself, on 12 October 2012. This delegation is in accordance with s. 99. The delegation remains in effect at the date of this decision.

### **Is the agreement an ILUA?**

**Delegate's comment:** In making this registration decision I have reconsidered my preliminary conclusions in the pre-notification assessment (decision to accept the agreement for notification) dated 7 March 2013 that the agreement satisfied the requirements of ss. 24BB to 24BE. I have received no information asserting non-compliance with these requirements. I have reviewed the agreement, accompanying application for registration and Geospatial assessments dated 18 February 2013 and am satisfied, for the same reasons as set out in the pre-notification assessment dated 7 March 2013 that the agreement meets the requirements of ss. 24BB to 24BE.

**Delegate's finding:** The agreement meets the requirements of ss. 24BB to 24BE and I am therefore of the view that it is an ILUA within the meaning of s. 24BA of the Act.

## **First condition – s. 24BI(2) – Party advises Registrar not to register**

*The first condition is that the Registrar must not register the agreement if any of the parties to the agreement advises the Registrar, within 1 month after the notification day, that the party does not wish the agreement to be registered on the Register.*

**Delegate’s comment:** No party during the notice period has advised the Registrar not to register the agreement.

### **Delegate’s finding in relation to the first condition:**

I find that the first condition of s. 24BI is met.

## **Second condition – s. 24BI(3) – Notice of intention to enter into an agreement**

*The second condition is that the Registrar must not register the agreement if:*

- (a) a representative Aboriginal/Torres Strait Islander body for any of the area advises the Registrar, within 1 month after the notification day, that the requirements of paragraph 24BD(4)(a) were not complied with in relation to the agreement; and*
- (b) the Registrar is satisfied that the requirements were not complied with.*

*The requirements of s. 24BD(4)(a) are that, if there are any representative Aboriginal/Torres Strait Islander bodies for any of the area and none of them is proposed to be a party to the agreement, the registered native title body corporate, before entering into the agreement, must inform at least one of the, of its intention to enter into the agreement.*

**Delegate’s comment:** No native title representative body during the notice period has advised the Registrar that the requirements of s. 24BD(4)(a) were not complied with. Having regard to my preliminary conclusions in the pre-notification assessment dated 7 March 2013, I am satisfied that the only registered native title body corporate for the agreement area informed the only representative body for the area of its intention to enter into the agreement, prior to entering into the agreement.

### **Delegate’s finding in relation to the second condition:**

I find that the second condition of s. 24BI is met.

*End of reasons*