



# Extract from Register of Indigenous Land Use Agreements

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<b>NNTT number</b>	QI2014/031
<b>Short name</b>	Gudjala People and Local Government ILUA
<b>ILUA type</b>	Area Agreement
<b>Date registered</b>	03/10/2014
<b>State/territory</b>	Queensland
<b>Local government region</b>	Charters Towers Regional Council, Flinders Shire Council

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## Description of the area covered by the agreement

A written description of the area of land and waters covered by the agreement is contained in Schedule 2 of the agreement. [Schedule 2 is attached to this Register extract].

A map depicting the extent of the area covered by the agreement is contained in Schedule 3 of the agreement. [Schedule 3 is attached to this Register extract.]

## Parties to agreement

### *Applicant*

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<b>Party name</b>	Charters Towers Regional Council and Flinders Shire Council
<b>Contact address</b>	c/- Gilkerson Legal GPO Box 12543 Brisbane QLD 4001

### *Other Parties*

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<b>Party name</b>	Gloria Santo, Andrew (Smokey) Anderson, Elizabeth Dodd, Christine Hero and Priscilla Michelle Huen on their own behalf and on behalf of the Gudjala People "Native Title Party"
<b>Contact address</b>	c/- North Queensland Land Council GPO Box 5296 Townsville QLD 4810

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<b>Party name</b>	Ngrragoonda Aboriginal Corporation
<b>Contact address</b>	c/- North Queensland Land Council GPO Box 5296 Townsville QLD 4810

## Period in which the agreement will operate

**Start date** not specified

**End Date** not specified

17.1 This Agreement takes effect as a contractually binding agreement between the Parties from the Executive Date and continues unless and until the Agreement is Terminated.

17.2 This Agreement is made up of five Parts and in certain circumstances some Parts no longer apply. For clarification:-

- (a) Part 2 no longer applies in the circumstances in sub-clause 28.2;
- (b) Part 3 no longer applies in the circumstances in sub-clause 37.3;
- (c) Part 4 no longer applies in the circumstances in sub-clause 46.2; and
- (d) Parts 1 and 5 continue indefinitely unless the Agreement is Terminated.

18.1 The Agreement may be Terminated by agreement in writing of the Parties.

18.2 Where:-

(a) the Native Title Claim:-

- i) results in an Unsuccessful Determination; or
- ii) is either struck out, dismissed or discontinued; and

(b) a native title claim is made on behalf of persons other than the Gudjala People over the ILUA Area and is included in the Register of Native Title Claims.

any Party may:-

(c) request the other Parties to consult about the change in circumstances brought about by another native title claim being included in the Register of Native Title Claims; or

(d) Terminate the Agreement by giving Notice in writing to each of the other Parties, in which case:

- i) where the Native Title Party gives Notice to the Local Governments – the Agreement is Terminated when the last Notice is received by the Local Government; or
- ii) where one or more Local Government give Notice to the Native Title Party – the Agreement is Terminated when the first Notice is received by the Native Title Party.

28.2 Where:-

(a) the Native Title Claim results in a Successful Determination or an Unsuccessful Determination in relation to the ILUA Area;

(b) all Native Title in the ILUA Area is surrendered under the Native Title Act;

(c) the Native Title Claim is:

- i) discontinued;
- ii) struck out; or
- iii) dismissed by order of the Federal Court of Australia

any Party may give Notice to the other Parties that Part 2 no longer applies.

37.3 Where:-

(a) the Native Title Claim results in an Unsuccessful Determination;

(b) all Native Title in the ILUA Area is surrendered under the Native Title Act ; or

(c) for any other reason there is legal certainty that Native Title does not exist anywhere in the ILUA Area any Party may give Notice to the other Parties that Part 3 no longer applies.

46.2 Where the Native Title Party is no longer an Aboriginal Party for all of the Cultural Heritage Area, any Party may give Notice to the other Parties that Part 4 no longer applies.

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

38.2 Part 2 Division 3 Subdivision P of the Native Title Act (which relates to the right to negotiate) does not apply to any Future Acts covered by the Agreement.

43.2 When Determination Orders have been made in relation to the Native Title Claim, where an Activity falls within the ILUA Area but is not specified in the Determination Orders as being the subject of a Successful Determination, the Parties agree that for Native Title purposes either:- (a) the terms of sub-clause 43.1 apply [the parties agree that (a) any native title in that area will have been Extinguished over those areas and Native Title will not be affected by the Activity; and (b) no Native Title compliance measures for the Activity are required]; or

(b) the Parties unconditionally consent to the Activity.

44.1 The parties consent to any Activity which has a Low Native Title Impact (they are described in Schedule 7). [Schedule 7 is attached to this Register extract].

44.3 Where the conditions in the immediately following sub-clause are satisfied, the Parties consent to any Activity which has a High Native Title Impact (they are described in Schedule 8). [Schedule 8 is attached to this Register extract].

44.4 The conditions are that the Local Government proposing the Activity satisfies one of the following:-

(a) The Local Government:

i) gives a Notice to the Native Title Party or the Native Title Party's Representative in accordance with paragraph 45.1(a); and

ii) completes Consultation in accordance with paragraph 45.1(b).

(b) Where the Activity involves a capital work dealt with at a Capital Works Forum (provisions about a Capital Works Forum are contained in clause 60), the Local Government:

i) gives a list of capital works involving the Activity under paragraph 60.6(e); and

ii) consensus is reached under paragraph 60.6(f) about the Activity being carried out.

**Attachments to the entry**

[QI2014\\_031\\_Schedule\\_7 - Low Native Title Impact Activities.pdf](#)

[QI2014\\_031\\_Schedule\\_8 - High Native Title Impact Activities.pdf](#)

[QI2014\\_031\\_Schedule\\_2 - Written Descriptions.pdf](#)

[QI2014\\_031\\_Schedule\\_3 - Map of Areas.pdf](#)