



Extract from Register of Indigenous Land Use Agreements

NNTT number	QI2019/010
Short name	Burketown Wharf Upgrade Project ILUA
ILUA type	Body Corporate
Date registered	17/06/2019
State/territory	Queensland
Local government region	Burke Shire Council

Description of the area covered by the agreement

"ILUA Area" means the area of land described in Part A of Schedule 1 and shown on the map in Part B of Schedule 1.

[A written description of the ILUA area is contained in Part A of Schedule 1 and a map of the ILUA Area is contained in Part B of Schedule 1. A copy of Schedule 1 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 covers approx. 3 ha located about 4.8km east of Burketown in the vicinity of Truganini Landing.]

Parties to agreement

Applicant

Party name	Burke Shire Council
Contact address	PO Box 90 Burketown QLD 4830

Other Parties

Party name	Gangalidda and Garawa Native Title Aboriginal Corporation RNTBC
Contact address	PO Box 71 Burketown QLD 4830

Period in which the agreement will operate

Start date	03/04/2019
End Date	not specified

3.1 Subject to clause 3.2, this ILUA commences on the Commencement Date.

3.2 Clause 7 commences on Registration.

"Commencement Date" means the date the last Party signs this ILUA or, where the ILUA is signed in counterpart, the date that the Parties exchange all executed counterparts.

"Registration" means the date on which the ILUA is registered and placed on the Register by the Registrar.

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

7.1 The Native Title Party on its own behalf and on behalf of the Native Title Group agrees and consents to the activities constituting the Wharf Upgrade Project (Agreed Acts) and, to the extent that the Agreed Acts took place prior to Commencement Date, agrees not to Object to or challenge their validity at any time in the future.

7.4 The Parties acknowledge that the consents in this clause 7 constitute the requisite consent of the Parties for the purposes of the Native Title Act [1993 (Cth)] to the doing of any of the Agreed Acts.

7.5 To avoid any doubt, Subdivision P of Division 3 of Part 2 of the Native Title Act does not apply to any of the Agreed Acts consented to under this clause 7.

"Agreed Acts" means the acts consented and agreed to under clause 7 for the Wharf Upgrade Project, and, in respect of the definition of Compensation Entitlement and clause 9, also includes:

- (a) any effect on Native Title Rights and Interests of the Agreed Acts; and
- (b) any other effect on Native Title Rights and Interests of the exercise of or discharge of rights or obligations in connection with the Agreed Acts.

"Compensation" means the benefits provided by the Council under clause 8.

"Compensation Entitlement" means any compensation, right or entitlement (whether monetary or otherwise) under any law (including common law, equity or statute) with respect to:

- (a) the doing of the Agreed Acts;
 - (b) any other effect on Native Title Rights and Interests of the Agreed Acts; and
 - (c) any other effect on Native Title Rights and Interests of the exercise of or discharge of rights or obligations in connection with the Agreed Acts;
- whether payable by the Council or any other person.

"Determination" means the Approved Determinations of Native Title made by the Federal Court of Australia in relation to claimant application QUD 66/2005 - Gangalidda & Garawa #2.

"Native Title Group" means the Gangalidda People as identified in the Determination.

"Native Title Party" means Gangalidda and Garawa Native Title Aboriginal Corporation RNTBC (ICN 7365) on behalf of the Native Title Group.

"Wharf Upgrade Project" means:

- (a) the following works undertaken, and to be undertaken in the future, by Council in relation to the ILUA Area:
 - (i) the expansion and upgrade of that part of Truganini Road that falls within the ILUA Area;
 - (ii) the construction of a 36 metre floating pontoon with 24 metre gangway and 24 metre walkway;
 - (iii) the construction of entertainment area adjacent to the Albert River, including new shelters, toilets, irrigation, water supply infrastructure, landscaping and BBQ facilities;
 - (iv) the expansion of the single lane recreational fishing ramp to a three lane barge capable boat ramp; and
 - (v) the construction of 70 all-weather car/trailer/ute car parks; and
- (b) the doing by Council of all things ancillary to or reasonably necessary for the Wharf Upgrade Project, including the grant of any interest, including any lease or licence, in relation to the ILUA Area,
- (c) but, for the avoidance of doubt, the Wharf Upgrade Project does not involve the provision of facilities so as to enable camping or sites for caravans or motorhomes in the ILUA Area.

Attachments to the entry

[QI2019_010 Part A of Schedule 1 - Description of the ILUA Area.pdf](#)

[QI2019_010 Part B of Schedule 1 - Map of ILUA Area.pdf](#)