



Extract from Register of Indigenous Land Use Agreements

NNTT number	QI2021/009
Short name	Kowanyama People Forestry Act Sales Permit ILUA
ILUA type	Body Corporate
Date registered	23/12/2021
State/territory	Queensland
Local government region	Carpentaria Shire Council

Description of the area covered by the agreement

"Agreement Area" means all parts of the Determination Areas for each of the Kowanyama People Part B Determination and the Kowanyama People Part D Determination:

- (a) in relation to which Native Title exists; and
- (b) that are within the Council's Local Government Area, as shown on the map in Schedule 1, Part A and as described in Schedule 1, Part B.

[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 area covers approx. 14,126 sq km, located between Kowanyama and the Staaten River National Park on Cape York Peninsula].

Parties to agreement

Applicant

Party name	State of Queensland
Contact address	Department of Agriculture and Fisheries GPO Box 46 Brisbane QLD 4001

Other Parties

Party name	Abm Elgoring Ambung Aboriginal Corporation RNTBC (ICN 7163)
Contact address	c/- Cape York Land Council PO Box 2496 Cairns QLD 4870

Party name	Carpentaria Shire Council
Contact address	PO Box 31 Normanton QLD 4890

Period in which the agreement will operate

Start date	21/10/2021
End Date	not specified

3. Commencement and Expiry

3.1 Clauses 1 (Definitions), 2 (Interpretation), 3 (Commencement and Expiry), 4 (Authority), 8 (Notification of Quarry Material Gotten under Relevant Sales Permit), 9 (Notification of Bank Account Details), 10 (Payment-Quarry Material Got before Execution Date) and 17 (Registration of Agreement) commence on the Execution Date.

3.2 The remaining clauses of this Agreement commence on Registration.

3.3 Subject to clauses 3.4 to 3.6, this Agreement will continue in force in perpetuity.

3.4 This Agreement may be terminated by written agreement executed by the parties.

3.5 If there is a determination by the Federal Court of Australia that Native Title does not exist in part of the Agreement Area or that Native Title in part of the Agreement Area is held by people other than the Kowanyama People, this Agreement expires in relation to that part of the Agreement Area subject to that determination, but remains in force in relation to the balance of the Agreement Area.

3.6 A party may only notify the Registrar in writing pursuant to the Native Title Act, section 199C(1)(c)(i) that this Agreement has expired if:

- (a) each party has agreed in writing that the Agreement has so expired;
- (b) the court of competent jurisdiction to which a Dispute has been referred as permitted by clause 19 has determined that the Agreement has so expired; or
- (c) the Federal Court of Australia has ordered that the details of the Agreement be removed from the Register of Indigenous Land Use Agreements.

"**Execution Date**" means the date of this Agreement or, where the parties sign the Agreement on different dates, the date on which the last party signs the Agreement.

"**Native Title**" has the meaning given in the Native Title Act;

"**Native Title Act**" means the *Native Title Act 1993* (Cth);

"**Registered**" means registered on the Register of Indigenous Land Use Agreements;

"**Registration**" means the date on which this Agreement is Registered.

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

5. Consents

5.1 The parties consent to:

- (a) the doing of the Agreed Acts to the extent that they are Future Acts; and
- (b) the validation of any of the Agreed Acts done after the Execution Date but prior to Registration, to the extent that they are Future Acts.

5.2 The parties consent to the validation of a Prior Grant to the extent the Prior Grant:

- (a) was a Future Act;
- (b) was done invalidly for the purposes of Native Title; and
- (c) can be validated by this Agreement.

"**Agreed Acts**" means all of the following:

- (a) a Future Grant;
- (b) all acts necessary for, or to incidental to, a Future Grant;
- (c) all acts necessary to give effect to this Agreement;

"**Forestry Act**" means the *Forestry Act 1959* (Qld);

"**Future Act**" has the meaning given in the Native Title Act;

"**Future Grant**" means any or all of the following:

- (a) the amendment, extension, renewal or variation of a Relevant Sales Permit that is in force on the Execution Date;
 - (b) the grant of a Relevant Sales Permit on or after the Execution Date;
 - (c) the amendment, extension, renewal or variation of a Relevant Sales Permit that is granted on or after the Execution Date,
- and, to avoid doubt, includes a Relevant Amendment of a Relevant Sales Permit;

"**Get**", in relation to Quarry Material, has the meaning given in the Forestry Act;

"**Prior Grant**" means the grant, amendment, extension, renewal or variation of a Relevant Sales Permit between 5

December 2012 and the Execution Date;

“Quarry Material” has the meaning given in the Forestry Act;

“Relevant Amendment”, of a Relevant Sales Permit, means an amendment, variation, extension or renewal of the Relevant Sales Permit that relates to:

- (a) an area to which the Relevant Sales Permit applies that is within the Agreement Area;
- (b) the expiry date of the Relevant Sales Permit;
- (c) the scope of activities authorised by the Relevant Sales Permit for the purpose of Getting Quarry Material from within the Agreement Area; and
- (d) the type or quantity of Quarry Material authorised to be Got under the Relevant Sales Permit from within the Agreement Area;

“Relevant Sales Permit”:

- (a) means a sales permit granted or issued under the Forestry Act, sections 46 and 56, to the Council that authorises the Council to Get Quarry Material from within the Agreement Area; and
- (b) includes Sales Permit 201509018 to the extent it applies to the Agreement Area;

Attachments to the entry

[QI2021_009 Schedule 1 Part A Map of Agreement Area.pdf](#)

[QI2021_009 Schedule 1 Part B Written Description of Agreement Area.pdf](#)