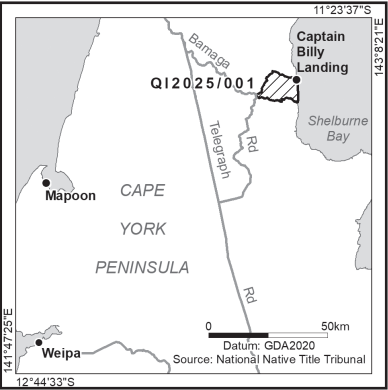


Notice of an application to register an area agreement on the Register of Indigenous Land Use Agreements in Queensland

Notification day: 2 April 2025



National Native Title Tribunal



QI2025/001 Wuthathi Captain Billy Landing Land Transfer ILUA

Description of the agreement area:

The agreement area covers about 148.2 sq km and is located in the vicinity of Captain Billy Landing approx. 137 km north east of Weipa

Relevant LGA: Cook Shire Council

The agreement contains the following statements:

[Explanatory notes in brackets inserted by the National Native Title Tribunal]

4. Consent to and validating of Agreed Acts

4.1 The Parties:

- (a) consent to the doing of the Agreed Acts to the extent that they are Future Acts; and
- (b) subject to compliance with this Agreement, if any of the Agreed Acts done prior to the Registration Date are invalid Future Acts, the Parties agree to the validating of those Agreed Acts.

4.2 Clause 4.1(a) is a statement for the purposes of section 24EB(1)(b) of the NTA and clause 4.1(b) is a statement for the purposes of section 24EBA(1)(a) of the NTA.

5. Right to negotiate

5.1 To avoid any doubt, Part 2 Division 3 Subdivision P of the NTA does not apply to the doing of the Agreed Acts.

“Agreed Acts” means all acts necessary to give effect to this Agreement and the Deed of Variation and the IMA, including but not limited to any acts done as part of, or in relation to, the following acts:

- (a) making any of the land within the Agreement Area Transferable Land;
- (b) the grant or grants of part or all of the Proposed ALA Areas as Aboriginal Land to the Corporation under the ALA, to be held in accordance with the ALA;
- (c) the State and the Corporation entering into, being bound by and complying with the Deed of Variation for the IMA;
- (d) the State and Corporation being bound by and complying with the IMA;
- (e) the dedication, use and management of the Proposed National Park (CYPAL) Area as national park (Cape York Peninsula Aboriginal land);
- (f) the doing of all acts in the Proposed National Park (CYPAL) Area that are covered by the IMA in accordance with the procedures set out in the IMA;
- (g) any variation or assignment of the IMA in accordance with the terms of the IMA and the ALA;
- (h) the making, approval, giving effect to, amendment or revocation of, and the making of any regulation giving effect to, any Management Instrument in relation to the Proposed National Park (CYPAL) Area;
- (i) the Corporation granting the Southern Foreshore Licence to the State for pedestrian access to the Southern Foreshore Licence Area shown in the draft licence agreement in Schedule 4;
- (j) the Corporation granting the Lookout Licence to the State for vehicular and pedestrian access to the Lookout Area as shown in Schedule 3;
- (k) the State and the Corporation entering into, being bound by and complying with the Gravel Storage Lease;
- (l) the Corporation constructing and maintaining access tracks on the Proposed ALA Areas after they become Aboriginal Land held by the Corporation;
- (m) the registration and grant of a Carbon Abatement Interest, including any interest granting the right to deal with Carbon Abatement Products, or the declaration of an Eligible Offsets Project over any or all Proposed ALA Areas, after they become Aboriginal Land held by the Corporation, in favour of the Corporation;
- (n) the making, approval, giving effect to, amendment or revocation of, and the making of any regulation giving effect to, any Management Instrument in relation to the Proposed National Park (CYPAL) Area; and
- (o) the Relevant Acts.

“Agreement Area” means the area of land as described and shown in Schedule 1 [of the agreement].

“ALA” means the *Aboriginal Land Act 1991* (Qld).

“Associated Activity” means the doing of any activity in relation to a valid lease, agreement, licence, profit à prendre, permit or other authority created, authorised or otherwise granted in accordance with this Agreement, that is associated and consistent with the purpose for which the lease, agreement, licence, profit à prendre, permit or other authority is created including:

- (a) the construction or operation of infrastructure;
- (b) extraction of Quarry Materials or water in accordance with any lease, agreement, licence, profit à prendre, permit or other authority; and
- (c) survey activities and geotechnical investigations required prior to the creation, authorisation or grant of the lease, agreement, licence, profit à prendre, permit or other authority.

“CFI Act” means the *Carbon Credits (Carbon Farming Initiative) Act 2011* (Cth).

“Corporation” means the Wuthathi Aboriginal Corporation RNTBC (ICN 7157).

“Deed of Variation” means the deed of variation to the IMA to be made in accordance with the ALA between the State and the Corporation on substantially the same terms as the draft agreement in Schedule 2.

“Gravel Storage Lease” means the lease entered into between the State and the Corporation on substantially the same terms as the draft agreement in Schedule 5.

“IMA” means the indigenous management agreement entered into by the Corporation and

the State on 13 December 2016 for the joint management of the Wuthathi (Shelburne Bay), Wuthathi (Sir Charles Hardy Group) and Wuthathi (Saunders Islands) National Parks (Cape York Peninsula Aboriginal Land).

“Land Act” means the *Land Act 1994* (Qld).

“Land Title Act” means the *Land Title Act 1994* (Qld).

“Lookout Licence Area” means that area of land described as “Lookout Licence Area” in Part 1 of Schedule 1 and as shown in the plans in Part 2 of Schedule 1.

“Lookout Licence” means the licence granted by the Corporation to the State, on substantially the same terms as the draft licence agreement in Schedule 3.

“Management Instrument” means a Management Plan or Management Statement prepared under the NCA to specify how the Proposed National Park (CYPAL) Area is to be managed.

“NCA” means the *Nature Conservation Act 1992* (Qld).

“NTA” means the *Native Title Act 1993* (Cth).

“Parties” means the parties to this Agreement.

“Proposed ALA Areas” means those parts of the Agreement Area described as “Proposed ALA Areas” in Part 1 of Schedule 1 and shown in the plans in Part 2 of Schedule 1.

“Proposed National Park (CYPAL) Area” means those parts of the Agreement Area proposed to be dedicated as national park (Cape York Peninsula Aboriginal land), in accordance with clause 12, described as “Proposed National Park (CYPAL) Area” in Part 1 of Schedule 1 and shown in the plans in Part 2 of Schedule 1.

“Quarry Materials” includes stone, gravel, sand, rock, clay, earth and soil but does not include minerals within the meaning of the *Forestry Act 1959* (Qld).

“Registered” means registered on the Register of Indigenous Land Use Agreements.

“Registration Date” means the date that this Agreement is Registered.

“Relevant Acts” means:

- (a) following the grants of the Proposed ALA Areas to the Corporation, the creation, authorisation, grant or transfer of any valid lease, agreement, licence, profit à prendre, permit or other authority over any of the Proposed ALA Areas by the Corporation subject to the requirements in (where applicable) the NCA;
- (b) following the dedications of the Proposed National Park (CYPAL) Area in accordance with clause 12, the creation, authorisation or grant of a valid lease, agreement, licence, permit or other authority under section 42AD, section 42AE or section 42AEA of the NCA over the Proposed National Park (CYPAL) Area by the State, subject to the consent of the Corporation, and any other processes required under the IMA;
- (c) the renewal or amendment of a lease, agreement, licence, profit à prendre, permit or other authority under (a) or (b) above; and
- (d) an Associated Activity, but does not include the grant of a Mining Tenement or any authority relating to mining or mineral exploration under any legislation.

“Southern Foreshore Licence” means the licence granted by the Corporation, on substantially the same terms as the draft licence agreement in Schedule 4.

“Southern Foreshore Licence Area” means that area of land described as “Southern Foreshore Licence Area” in Part 1 of Schedule 1 and as shown in the plans in Part 2 of Schedule 1.

[“Aboriginal Land” and “Transferable Land” have the same meaning as in the ALA. “Carbon Abatement Interest” and “Carbon Abatement Product” have the same meaning as in the Land Title Act and the Land Act. “Eligible Offsets Project” has the same meaning as in the CFI Act. “Future Act” and “Register of Indigenous Land Use Agreements” have the same meaning as in the NTA. “Mining Tenement” has the same meaning as in the Mineral Resources Act 1989 (Qld).]

Parties to the agreement and their contact addresses:

The State of Queensland (Applicant) (State)	c/- Department of the Environment, Tourism, Science and Innovation Cape York Peninsula Tenure Resolution Program PO Box 4597, Cairns QLD 4870
Wuthathi Aboriginal Corporation ICN 7157 (Applicant) and Johnson Chippendale, Brian Macumboy, Smithy Wilson and Keron Murray on their own behalf and on behalf of the Wuthathi People (Applicant)	c/- P & E Law PO Box 2337 Cairns QLD 4870
The Cape York United Number 1 Claim Group	c/- Cape York Land Council Aboriginal Corporation PO Box 2496, Cairns QLD 4870

Responses to an application to register an ILUA—where the application has not been certified:

Any person claiming to hold native title in relation to land or waters in the area covered by the agreement may wish, in response to this notice, to make a native title determination application or equivalent application under a law of a state or territory in respect of any part of the area. The application must be made by 2 July 2025. If that application is registered on the Register of Native Title Claims, the registered native title claimants must be a party to this agreement before it can be registered.

Details of the terms of the agreement are not available from the National Native Title Tribunal.

For assistance and any further information about this application, including the description of the area, call Jake Ellis on 07 3052 4189 or visit www.nntt.gov.au.