



## Extract from Register of Indigenous Land Use Agreements

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<b>NNTT number</b>	QI2010/033
<b>Short name</b>	Jirrbal People Protected Areas ILUA
<b>ILUA type</b>	Area Agreement
<b>Date registered</b>	07/02/2011
<b>State/territory</b>	Queensland
<b>Local government region</b>	Cassowary Coast Regional Council, Tablelands Regional Council

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### Description of the area covered by the agreement

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

"ILUA Area" means all of the land and waters described in Part A of Schedule One and shown on the map in Part B of Schedule One, and to the extent of any inconsistency between them Part A of Schedule One prevails.

[Schedule One (Part A written description of agreement area and Part B map of agreement area) are attached to the Register].

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The following general description of the agreement area has also been provided by the National Native Title Tribunal to assist people to understand the location of the agreement area. It does not replace, and is less precise than, the description of the agreement area contained in the agreement. It is provided for information only and should not be considered part of the Register of ILUAs:

The area subject to this agreement falls within the external boundary of Native Title Application Jirrbal People #3 (QUD42/04), covering about 443 square kilometres located west of Innisfail and Tully, south of Atherton in the vicinity of Ravenshoe.

### Parties to agreement

#### *Applicant*

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<b>Party name</b>	State of Queensland
<b>Contact address</b>	GPO Box 2454 Brisbane QLD 4001

#### *Other Parties*

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<b>Party name</b>	Gerald McKenzie and Betty Cashmere on their own behalf and on behalf of the Jirrbal People
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<b>Contact address</b>	c/- North Queensland Land Council PO Box 679N Cairns QLD 4870
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<b>Party name</b>	Wet Tropics Management Authority
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<b>Contact address</b>	PO Box 2050 Cairns QLD 4870
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<b>Party name</b>	Wabubadda Aboriginal Corporation
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<b>Contact address</b>	c/- North Queensland Land Council PO Box 679N Cairns QLD 4870
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#### **Period in which the agreement will operate**

<b>Start date</b>	06/09/2010
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<b>End date</b>	not specified
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Clause 2.1 This agreement commences upon the Execution Date [being 6 September 2010].

Clause 2.2 This agreement expires upon any of the following:

- (a) a regulation giving effect to one or more Management Plans for the ILUA Area in accordance with s 69 of the NCA where that plan regulates Native Title Rights and Interests; or
- (b) 30 June 2020; or
- (c) a Determination that Native Title does not exist in the ILUA area.

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

The agreement includes no statements mentioned in subsection 24EB(1) or 24EBA(1) or (4)

#### **Attachments to the entry**

QI2010\_033 Schedule 1 (Part A) Written Description of ILUA Area.pdf

QI2010\_033 Schedule 1 (Part B) Map of ILUA Area.pdf

## SCHEDULE 8 - LOW NATIVE TITLE IMPACT ACTIVITIES

This Schedule contains classes of Activities which have a *Low Native Title Impact* (refer to Clause 42.1).

Short Description	Class of Activities
Maintenance	<p>Anything which involves the maintenance, repair, protection or making safe of existing infrastructure, structures, improvements, and earthworks and areas under the <i>Local Government's</i> ownership, care or control.</p> <p><i>Examples</i> - Repairs to buildings, re-sealing roads and car parks, mowing parks, removing rubbish, restoring erosion.</p>
Low Impact Infrastructure	<p>Anything which involves the construction or establishment of infrastructure, structures, improvements and earthworks which:</p> <ul style="list-style-type: none"> <li>(a) comprises signage or fencing which does not prevent the exercise of <i>Native Title</i>;</li> <li>(b) replaces, in the same location, previously existing infrastructure, structures, improvements and earthworks;</li> <li>(c) responds to an emergency or threats to public health and safety;</li> <li>(d) is located wholly in an area which is a <i>Reserve</i> and is consistent with the purpose of the <i>Reserve</i>; or</li> <li>(e) consists of the construction, operation, use, maintenance or repair of any of the things listed from time to time in Section 24KA(2) of the <i>Native Title Act</i>. <p><i>Examples</i> - Street signs, replacing an existing sewerage treatment plant, underground water pipeline.</p> </li></ul>
Statutory Approvals	<p>Anything which involves, or which permits or requires, the granting, issuing, making by or to the <i>Local Government</i> of any approval, consent or permission under any <i>Law</i>.</p> <p><i>Examples</i> - Ministerial approval of a trustee lease, environmental approvals, permits under <i>Local Laws</i>.</p>
Low Impact Tenure Grants	<p>Anything which involves, or which permits or requires, the granting, issuing, dedicating, renewal, or making by or to the <i>Local Government</i> of an interest in land or waters<sup>13</sup> (including a <i>Permitted Lease</i>) but does not include a <i>High Impact Tenure Grant</i>.</p> <p><i>Examples</i> - Trustee lease by the <i>Local Government</i> to a sporting club over a reserve, Permit to Occupy, easements</p>
Invalid Past Acts	<p>Anything which involves, or which permits or requires, the granting, issuing or making of anything which rectifies an <i>Invalid Past Act</i>.</p> <p><i>Example</i> - Gazettal of a road reserve over an off alignment road.</p>
Pest Control	<p>Anything which permits, requires or consists of the management, control or elimination of pests.</p> <p><i>Examples</i> - Removing weeds, eradicating feral animals.</p>
Contractual Interests	<p>Anything which permits, requires or consists of the granting or making by or to the <i>Local Government</i> of a contractual interest relating to the management or use of land or waters for a public purpose.</p> <p><i>Examples</i> - The <i>Local Government</i> entering into a contract with a <i>Third Party</i> for the mowing or maintenance of public places, licence to a community group to use land or waters under the <i>Local Government's</i> management or control.</p>

<sup>13</sup> Includes an interest in the nature of a trust.

Short Description	Class of Activities
Operational Activities	<p>Anything which permits, requires or consists of the carrying out of the operational functions of the <i>Local Government</i> and which is not an <i>Activity</i> which has a <i>High Native Title Impact</i>.</p> <p><i>Examples</i> - Storage and stockpile of gravel, civic functions on land or waters, carrying out enforcement actions regarding alleged breaches of <i>Local Laws</i>, <i>Local Planning Instrument</i> and legislation.</p>
Access and Site Investigation	<p>Access and site investigation activities which do not require major excavations or earthworks.</p> <p><i>Examples</i> - Inspecting an area, surveying an area, conducting geotechnical testing, water quality testing.</p>
Emergencies	<p>Anything which is undertaken for the purpose of preventing or minimising physical harm or the threat of physical harm to persons or public property.</p> <p><i>Examples</i> - Constructing a fire break or a safety barrier.</p>
Contractual Interests with <i>Third Parties</i>	<p>Anything which involves, or which permits or requires, the granting, issuing or making of a contract or agreement.</p> <p><i>Examples</i> - A management agreement, maintenance contract, permit or agreement entered into in accordance with the <i>Law</i>.</p>
Low Impact Works/infrastructure Otherwise Agreed at a <i>Capital Works Forum</i>	<p>Anything which involves the construction or establishment of infrastructure, structures, improvements or earthworks and which is decided to be low impact for purposes of <i>Native Title</i> at a <i>Capital Works Forum</i>.</p> <p><i>Note:</i> Clause 62 has more information about how this decision is made at a <i>Capital Works Forum</i>.</p>
Implementing an <i>Approved Management Plan</i>	<p>Anything which involves implementing an <i>Approved Management Plan</i>.</p>

## SCHEDULE 9 - HIGH NATIVE TITLE IMPACT ACTIVITIES

This Schedule contains classes of *Activities* which have a *High Native Title Impact* (refer to Clause 42.3).

Short Description	Class of Activities
High Impact Infrastructure	Anything which consists of the construction or establishment of infrastructure, structures, improvements and earthworks which is not <i>Low Impact Infrastructure</i> .
<i>High Impact Tenure Grants</i>	Means the granting, issuing or making of a lease other than a <i>Permitted Lease</i> or the issue of a deed of grant in fee simple.
Preventing the Exercise of <i>Native Title</i>	Anything which prevents the exercise and enjoyment of <i>Native Title</i> unless the <i>Activity</i> is: (a) temporary; (b) undertaken for reasons of public health or public safety; (c) done pursuant to a <i>Permitted Lease</i> ; or (d) required by <i>Law</i> . <i>Example</i> - Enclosing an area by a fence or other structure which prevents the <i>Native Title Claim Group</i> from entering the area.
High Impact Works/infrastructure Otherwise Agreed at a <i>Capital Works Forum</i>	Anything which involves the construction or establishment of infrastructure, structures, improvements or earthworks and which is decided to be high impact for purposes of <i>Native Title</i> at a <i>Capital Works Forum</i> . <i>Note:</i> Clause 56 has more information about how this decision is made at a <i>Capital Works Forum</i> .