



Extract from Register of Indigenous Land Use Agreements

NNTT number	QI2020/018
Short name	Greenvale Training Area Ewamian ILUA
ILUA type	Area Agreement
Date registered	04/05/2021
State/territory	Queensland
Local government region	Charters Towers Regional Council

Description of the area covered by the agreement

3.1 Relevant area

This Agreement applies to the Ewamian ILUA Area.

Ewamian ILUA Area means the area to which this Agreement applies, being the land and waters as described in Schedule 1 ("Description of Ewamian ILUA Area") and shown in the map in Schedule 2 ("Map of Ewamian ILUA Area")

[Copies of Schedules 1 and 2 are attached to this 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. 36.4 sq km and is located on the Montgomery Range approx. 30 kms east of Lyndhurst.]

Parties to agreement

Applicant

Party name	Commonwealth of Australia acting through the Department of Defence (ABN 68 706 814 312)
Contact address	BP26-G-A007 Brindabella Park Offices Canberra ACT 2610

Other Parties

Party name	Barry Fisher and David Hudson
Contact address	c/- Ewamian Tatampi Puranga Aboriginal Corporation RNTBC (ICN 7950) PO Box 1327 Mareeba QLD 4880

Party name	Ewamian Tatampi Puranga Aboriginal Corporation RNTBC (ICN 7950)
Contact address	PO Box 1327 Mareeba QLD 4880

Period in which the agreement will operate

Start date	04/12/2020
End Date	not specified

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

5. Statement for the purpose of the NTA

For the purposes of:

- (a) section 24EB(1)(c) of the NTA; and
 - (b) regulation 7(5)(b) of the ILUA Regulations,
- the Parties agree that Subdivision P, Division 3, Part 2 of the NTA is not intended to apply to the Agreed Acts.

9.1 Agreed Acts

The Parties consent and agree to each of the following to the extent that they are Future Acts in the Ewamian ILUA Area;

- (a) the doing of the Project;
 - (b) the Grant and implementation of the Project Rights; and
 - (c) other acts necessary, ancillary, usual, incidental or expedient to give effect to the Project and the Grant and implementation of the Project Rights,
- and agree not to challenge their Validity in the future, (collectively, the **Agreed Acts**).

Project means all activities, works and operations which may be undertaken for military training initiatives, including the construction and operation of live fire, simulated and manoeuvre training facilities, weapons ranges, camp accommodation, fencing, telecommunication equipment, quarrying, roads, landing and embarkation grounds, and other training facilities, in the GVTA, but does not include:

- (a) Convention Regulated Activities;
- (b) any Carbon Offset Program that is not an Environment Offset; or
- (c) New Weapons Testing.

Project Rights means all approvals, authorisations, authorities, certificates, consents, declarations, directions, easements, leases, licences, notices, permits, renewals, rights, tenures or titles:

- (a) from any Government Agency or governmental or other competent authority; and
- (b) for the carrying out of the Project or the doing of any act to give effect to the Project or to enable the Project to proceed in accordance with all Applicable Laws,

including all of such things required under:

- (c) the *Defence Act 1903* (Cth);
 - (d) the *Defence Instructions (General) 59-1*;
 - (e) the *Defence Regulation 2016* (Cth);
 - (f) the *Environmental Protection Act 1994* (Qld);
 - (g) the *Environment Protection and Biodiversity Conservation Act 1999* (Cth);
 - (h) the *Forestry Act 1959* (Qld);
 - (i) the *Land Act 1994* (Qld);
 - (j) the *Lands Acquisition Act 1989* (Cth);
 - (k) the *Nature Conservation Act 1992* (Qld);
 - (l) the *State Development and Public Works Organisation Act 1971* (Qld);
 - (m) the *Planning Act 2016* (Qld);
 - (n) the *Vegetation Management Act 1999* (Qld);
 - (o) the *Water Act 2000* (Qld);
 - (p) local government by-laws and ordinances; and
 - (q) any other legislation, regulation, by-law, ordinance, or other such instrument required for the Project,
- but does not include:
- (a) any such things required or any interests that are issued, recognised or registered under the *Carbon Credits (Carbon Farming Initiative) Act 2011* (Cth); and
 - (b) any Carbon Abatement Interest.

Greenvale Training Area or GVTA means:

- (a) the areas acquired and proposed to be acquired by the Commonwealth and developed by Defence near Greenvale; and
- (b) any associated areas declared to be Defence Areas for the period of the declaration, as shown in the map in Schedule 3 ("Map of GVTA").

Convention Regulated Activities means activities that are prohibited or must be prevented under:

- (a) the *Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction* [1997] ATS 3;
- (b) the *Declaration Prohibiting the use of Asphyxiating Gases* [1907] ATS 9;

(c) the *Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare* [1930] ATS 6;
(d) the *Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and their Destruction* [1977] ATS 23;
(e) the *Treaty Banning Nuclear Weapons Tests in the Atmosphere, Outer Space, and Under Water* [1963] ATS 26;
(f) the *Treaty on the Non-Proliferation of Nuclear Weapons* [1973] ATS 3;
(g) the *Comprehensive Nuclear Test Ban Treaty* signed by Australia at New York on 24 September 1996; and
(h) the *South Pacific Nuclear Free Zone Treaty* [1986] ATS 32,
regardless of whether such activities are prohibited or must be prevented during peace time or during war, and regardless of whether such treaty, protocol or convention is entered into force, and includes activities that are prohibited under any other international, multi-lateral or bi-lateral conventions, treaties or protocols prohibiting the use, during peace time or during war, or testing of weaponry that are entered into and ratified by the Commonwealth of Australia after the Commencement Date.

Carbon Offset Program means all activities, works and operations carried out for the primary purpose of abating, sequestering or reducing carbon dioxide or other greenhouse gas emissions, including activities that generate Australian Carbon Credit Units pursuant to the *Carbon Credits (Carbon Farming Initiative) Act 2011* (Cth).

Environmental Offset means activities or works that:

(a) protect or manage vegetation, biodiversity, or other relevant flora and fauna; or
(b) mitigate impacts of the Project on vegetation, biodiversity, or other relevant flora and fauna,
and which are carried out for the primary purpose of compliance with Project Rights, including environmental approvals or authorisations for the Project.

New Weapons Testing means the testing or use of weapons including war materiel that have not yet been approved for use by Defence personnel in combat and training activities.

Carbon Abatement Interest means the exclusive legal right to obtain the benefit (whether present or future) of sequestration of carbon in, on, or in relation to land or waters and includes rights conferred by applicable state or territory legislation, including:

(a) an 'applicable carbon sequestration right' as defined under the *Carbon Credits (Carbon Farming Initiative) Act 2011* (Cth); and
(b) a 'carbon abatement interest' and 'carbon abatement product' as those terms are defined in the *Land Act 1994* (Qld), *Land Title Act 1994* (Qld) or *Forestry Act 1959* (Qld), as context requires.

Attachments to the entry

[QI2020_018 Schedule 1 Description of Ewamian ILUA Area.pdf](#)

[QI2020_018 Schedule 2 Map of Ewamian ILUA Area.pdf](#)

[QI2020_018 Schedule 3 Map of GVTA.pdf](#)