



Extract from Register of Indigenous Land Use Agreements

NNTT number	QI2019/001
Short name	Birriah People and Collinsville, Scottsville and District Historical Society Inc ILUA
ILUA type	Body Corporate
Date registered	18/03/2019
State/territory	Queensland
Local government region	Whitsunday Regional Council

Description of the area covered by the agreement

ILUA Area means the area described in writing in Schedule 1 and shown on the map in Schedule 1.

[A copy of Schedule 1 is attached to this register extract. A copy of an annotated map, prepared by the National Native Title Tribunal to provide clarity about the ILUA Area, is also 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 about 4.1 ha, being Lot 111 on CP851562 and Part of Lot 1 on AP11631, in the vicinity of Scottsville and approx 78 km south west of Bowen.]

Parties to agreement

Applicant

Party name	Collinsville, Scottsville and District Historical Society Inc
Contact address	16 Ninth Ave Scottsville QLD 4804

Other Parties

Party name	Birriah Aboriginal Corporation RNTBC
Contact address	c/- Michael Owens, Lawyer & Consultant PO Box 1989 Aitkinvale BC QLD 4814

Period in which the agreement will operate

Start date	not specified
End Date	not specified

2.1 Subject to clause 2.2, this ILUA commences upon the date that it is executed by the last Party to execute the ILUA [12 November 2018] and operates for so long as the Society continues to use the ILUA Area for cultural or historical purposes, unless terminated earlier by agreement between the Parties or in accordance with the terms of this ILUA.

2.2 Clause 5 commences on the Registration Date.

Registration Date means the date on which this ILUA is Registered.

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

5.1 The RNTBC on behalf of the Birriah People and the Society consent to:

- (a) the dedication of the Reserve and the appointment of the Society as trustee of the Reserve;
- (b) subject to clause 5.1, the use of the ILUA Area for any cultural and historical purposes that the Society sees fit, including:
 - (i) the use of any existing structures within the ILUA Area;
 - (ii) maintaining or upgrading any existing structures within the ILUA Area;
 - (iii) constructing any buildings or structures for cultural and historical purposes;
 - (iv) allowing the public access to view historical items on the ILUA Area;
 - (v) the relocation to the site of historical buildings or other buildings required by the Society for cultural and historical purposes;
 - (vi) the construction of public access tracks and walkways within the ILUA Area; and
 - (vii) relocation to the site, or construction of, accommodation for a caretaker appointed by the Society.
- (c) the grant of any lease, licence or other similar rights, tenure or approvals over the ILUA Area, provided the area is to be used for cultural and historical, or similar, purposes; and
- (d) any other act necessary or desirable to give effect to the Rights in relation to the ILUA Area.

12.3 The parties agree that:

- (a) for the purposes of Section 24EB(1)(c) NTA [*Native Title Act 1993 (Cth)*], Subdivision P, Division 3, Part 2 of the NTA (which deals with the Right to Negotiate Procedure) is not intended to apply to the Rights;
- (b) for the purposes of Section 24EBA(1)(a)(i) & (ii) there is no agreement that the Rights are not an intermediate period act or of such acts included in classes, that have already been done invalidly;
- (c) for the purposes of Section 24EBA(1)(a)(iii) there is no agreement by the parties to change the effect on native title of validation of an intermediate period act or of such acts included in classes; and
- (d) for the purposes of Section 24EBA(4)(b) there is no surrender of native title under this ILUA that is intended to extinguish the native title rights and interests of the Birriah People.

Rights means the acts described in clause 4.1(a) to (c) and anything reasonably required to be done for:

- (a) the dedication of Lot 111 on CP 851562 as a reserve for cultural and historical, or similar, purposes under the trusteeship of the Society; and
- (b) the use of the ILUA Area for any cultural and historical purposes that the Society sees fit.

Attachments to the entry

[QI2019_001 Schedule 1 ILUA Area Description and Map.pdf](#)

[QI2019_001 Annotated Map Schedule 1 ILUA Area.pdf](#)