



Extract from Register of Indigenous Land Use Agreements

NNTT number	QI2020/005
Short name	Mithaka People Land Exchange ILUA
ILUA type	Body Corporate
Date registered	18/05/2020
State/territory	Queensland
Local government region	Diamantina Shire Council

Description of the area covered by the agreement

"**Agreement Area**" means the land and waters described in Schedule 1 and depicted in Schedule 2.

[A written description of the agreement area is contained in Schedule 1. A map of the agreement area is contained in Schedule 2. Copies of Schedules 1 and 2 are 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. 1 sq km and is located in the vicinity of Betoota, 42 km north west of Haddon Corner.]

Parties to agreement

Applicant

Party name	State of Queensland
Contact address	Land and Native Title Services PO Box 15216 City East Brisbane QLD 4001

Other Parties

Party name	Mithaka Aboriginal Corporation RNTBC
Contact address	c/- Queensland South Native Title Services PO Box 10832 Adelaide Street Brisbane QLD 4001

Period in which the agreement will operate

Start date	24/12/2019
End Date	not specified

"**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;

3. Commencement and Expiry

3.1 Clauses 1 (Definitions), 2 (Interpretation), 3 (Commencement and Expiry), 4 (Authority) 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.

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

5. Consents

5.1 The parties:

(a) consent to the doing of the Agreed Acts to the extent that they are Future Acts;

(b) consent to the Surrender; and

(c) agree to the validating of any of the Agreed Acts, which are also Future Acts, done prior to Registration.

5.2 The parties consent to the validation of any Future Acts done prior to the Execution Date by the State in the Agreement Area to the extent they were done invalidly for the purposes of Native Title and can be validated in this Agreement.

9. Road

9.2 The parties consent for the purposes of native title to the opening of the Road identified in Schedule 7.

Schedule 8 - Agreed Acts

1. Subject to clause 7. 1, the Surrender of all Native Title Rights and Interests to the State over the Land Exchange Lots.
2. Any grant of Aboriginal Land over the ALA Lot in accordance with clause 8; and
3. The opening of the Road in accordance with clause 9.
4. Any variation of this Agreement consented to by the RNTBC in accordance with the *Native Title (Prescribed Bodies Corporate) Regulations 1999* (Cth).

"**ALA Lot**" means Lot 2 on D03 identified in the map at Schedule 6;

"**Land Exchange Lots**" means the USL lots identified in Schedule 3, and depicted in Schedule 4 or Schedule 5;

"**Road**" means the road intended to be dedicated on Part of Lot 4 on SP226882 as identified in Schedule 7 and further described as commencing at a point on the eastern boundary of the Birdsville Development Road at Latitude 25.701342° and extending north-easterly to the western boundary of Lot 2 on DO3 at Latitude 25.700228° South, then south-easterly along the boundary of that lot to Latitude 25.700620 South; then south-westerly to the eastern boundary of the Birdsville Development Road at Latitude 25.701771 South; then north-westerly back to the commencement point (subject to survey);

"**Surrender**" means the surrender to the State (and the permanent extinguishment of) all Native Title Rights and Interests in the Surrender Area;

"**Surrender Area**" means the Land Exchange Lots;

Attachments to the entry

[QI2020_005 Schedule 1 Written Description of Agreement Area.pdf](#)

[QI2020_005 Schedule 2 Map of Agreement Area.pdf](#)

[QI2020_005 Schedule 3 Land Exchange Lots.pdf](#)

[QI2020_005 Schedule 4 Map of State Land Exchange Lots.pdf](#)

[QI2020_005 Schedule 5 Map of RNTBC Land Exchange Lots.pdf](#)