



Extract from Register of Indigenous Land Use Agreements

NNTT number	QI2018/026
Short name	Dauan Health Care ILUA
ILUA type	Area Agreement
Date registered	06/03/2019
State/territory	Queensland
Local government region	Torres Strait Island Regional Council

Description of the area covered by the agreement

"**Agreement Area**" means the area as shown on the map in Schedule 1 and described in Schedule 2.

[A map of the area agreement is contained in Schedule 1. A written description of the agreement area is contained in Schedule 2. A copy 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:

This agreement covers about 783 sq km, consisting of three (3) lots on Dauan (Mt Cornwallis Island) in the Torres Strait.]

Parties to agreement

Applicant

Party name	State of Queensland acting through the Torres and Cape Hospital and Health Service
Contact address	PO Box 5607 Cairns QLD 4870

Other Parties

Party name	Charles Bigie on his own behalf and on behalf of the Dauan People
Contact address	c/- Torres Strait Regional Authority PO Box 261 Thursday Island QLD 4875

Party name	Dauanalgap (Torres Strait Islanders) Corporation RNTBC
Contact address	c/- Dauan Island Council Dauan Island via Thursday Island QLD 4875

Party name	Torres Strait Island Regional Council
Contact address	PO Box 7336 Cairns QLD 4870

Period in which the agreement will operate

Start date	25/09/2018
End Date	not specified

4.1 Subject to clause 4.2, this Agreement commences on the Execution Date.

4.2 Clause 6 (Consent to Acts) and clause 9.1(a) (Compensation) commence on Registration.

"Execution Date" means the day on which this Agreement is executed by the parties and if executed on different days, the later of those days.

"Registration Date" means the date on which this Agreement is registered on the Register of Indigenous Land Use Agreements.

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

6.1 The parties consent to the doing of the Agreed Acts, to the extent they are Future Acts.

6.2 If any of the Agreed Acts are done on or after the Compensation Payment Due Date and prior to Registration are invalid Future Acts, the parties agree to the validating of those Agreed Acts.

6.3 To the extent that any of the Agreed Acts are Future Acts, the parties acknowledge that the Non-Extinguishment Principle applies.

6.5 Part 2, Division 3, Subdivision P of the NTA is not intended to apply to the doing of the Agreed Acts. This is a statement for the purpose of s24EB(1)(c) of the NTA.

"Agreed Acts" means:

- (a) the demolition of the Existing Facilities;
- (b) the grant of the Short-Term Lease;
- (c) the grant of the Long-Term Lease(s);
- (d) the construction of the New Facilities in the Agreement Area; and
- (e) all Future Acts necessary or incidental to (a) to (d) above.

"Area A" means that part of lot 48 on SP270872 as shown on the map at Schedule 1 and described in Schedule 2.

"Area B" means that part of lot 48 on SP270872 as shown on the map at Schedule 1 and described in Schedule 2.

"Area C" means lot 49 on SP270872 as shown on the map at Schedule 1 and described in Schedule 2.

"Existing Facilities" means the facilities existing on the Agreement Area as at the Execution Date, including but not limited to the Dauan Primary Health Care Centre.

"Long-Term Lease" means a trustee lease over Area C between TSIRC and the State under the TSILA for a term of 40 years on the terms, or generally on the same terms as set out in Schedule 3.

"New Facilities" means:

- a) the new Dauan Primary Health Care Centre and staff accommodation on Area C;
- b) temporary Health Clinic on Area A;
- c) construction lay down area on Area B;
- d) any other new facilities to be constructed on the Agreement Area under the terms of the Short-Term Lease(s) or the Long-Term Lease.

"Short-Term Lease" means a trustee lease or leases over the Areas A and B for a term of two years between TSIRC and the State under the TSILA for a term of two years, on the terms, or generally on the same terms as set out in Schedule 4.

"TSILA" means the *Torres Strait Islander Land Act 1991* (Qld).

"TSIRC" means the Torres Strait Island Regional Council ABN 15 292 645 165 constituted pursuant to the provisions on the *Local Government Act 2009* (Qld) with jurisdiction over the Torres Strait Island Regional Council area.

Attachments to the entry

[QI2018_026 Schedule 1 Map of Agreement Area.pdf](#)

[QI2018_026 Schedule 2 Written Description of Agreement Area.pdf](#)