



Extract from Register of Indigenous Land Use Agreements

NNTT number	QI2018/028
Short name	Sand Quarry ILUA
ILUA type	Body Corporate
Date registered	26/02/2019
State/territory	Queensland
Local government region	Burdekin Shire Council

Description of the area covered by the agreement

"**ILUA Area**" means the area covered by the Sales Permit being the area described in writing in Schedule 1 of the Agreement being all of the land and waters shown edged in red on the map in Schedule 2A.

[A copy of Schedule 1 and Schedule 2A are attached to the 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 application area covers approx. 9 sq km and is located approx. 14 km south east of Home Hill and 2 km north west of Wunjunga adjacent to the mouth of the Burdekin River].

Parties to agreement

Applicant

Party name	Humphries Pty Ltd
Contact address	PO Box 1038 Fortitude Valley QLD 4006

Other Parties

Party name	Kyburra Munda Yalga Aboriginal Corporation RNTBC
Contact address	c/- P & E Law PO Box 2337 Cairns QLD 4870

Period in which the agreement will operate

Start date	not specified
End Date	not specified

3.1 The Agreement commences on the Execution Date [11 December 2018].

3.3 The Agreement may be Terminated:-

- (a) at any time by agreement in writing between the Parties; and
- (b) subject to the Proponent having fully complied with clause 9, by the Proponent giving notice in writing to the Native Title Party where the operation of all Works proposed by the Proponent for the ILUA Area are complete and the Sales Permit has been surrendered or the Term of the Sales Permit has otherwise expired.

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

8.2 Part 2 Division 3 Subdivision P of the Native Title Act (which relates to the right to negotiate) does not apply to any Consent Activities covered by the Agreement.

10.1 For Native Title purposes, the Parties consent to all Consent Activities included in the class specified in the following table where they are done after the Registration Date:

Short Description of Class	Meaning of Class
All Consent Activities	Means any one or more Consent Activities done by any Person which include, but are not limited to, the following:- (a) Amending or varying the Sales Permit in a way that removes the Native Title Restriction: (b) Re-issuing the Sales Permit in a way that removes the Native Title Restriction: (c) Issuing a new Sales Permit to the Proponent in substitution for Sales Permit No 201609010 that does not contain the Native Title Restriction.

10.2 For clarification, the Consent Activities do not include the issue, re-issuing, amending or varying of the Sales Permit in a way that:-

- (a) extends the area covered by the Sales Permit outside the ILUA Area;
- (b) provides for or extends the Term of the Sales Permit.

10.3 The Proponent will only undertake Consent Activities which:-

- (a) Involve the extraction and removal of Quarry Material from the Operational Area; or
- (b) which are necessary for, or relate to, the extraction and removal of Quarry Material from the Operational Area in the Activity Area.

"Aboriginal Cultural Heritage" has the meaning given in the Aboriginal Cultural Heritage Act.

"Aboriginal Cultural Heritage Act" means the *Aboriginal Cultural Heritage Act 2003* (Qld).

"Activity Area" means the area within the ILUA Area where Consent Activities are incidental to or relating to, the extraction and removal of Quarry Material from the Operational Area will take place as shown edged in green on the map in Schedule 2B [a copy of Schedule 2B is attached to the register extract].

"Consent Activities" means:-

- (a) where used in any provision of the Agreement which pertains specifically to Native Title (for example, clause 10), all Future Acts by, for, on behalf of or for the benefit of the Proponent which are necessary for, or incidental to, the removal of the Native Title Restriction from applying to the Sales Permit over the ILUA Area or to the removal or use of sand extracted from the Operational Area under the Sales Permit including any Sales Permit variation or issue for that purpose.
- (b) where used in respect of any provision of the Agreement which pertains specially to Aboriginal Cultural Heritage, any activities by, for, on behalf of, or for the benefit of the Proponent which:-
 - (i) are necessary for, or incidental to, the extraction and processing of sand;
 - (ii) are done in the Activity Area; and
 - (iii) have the capacity to Harm any Aboriginal Cultural Heritage;
- (c) where used in a provision of the Agreement which does not specifically pertain to either Native Title or Aboriginal Cultural Heritage, means both Native Title and Aboriginal Heritage as described in paragraphs (a) and (b).

"Forestry Act" means the *Forestry Act 1959* (Qld).

"Native Title Restriction" means any provisions in the Sales Permit held by the Proponent over the ILUA Area that limit the application of the Sales Permit or the extraction or use of Quarry Materials under the Sales Permit for, or in connection to, Native Title related purposes or by reference to the Native Title Act.

"Operational Area" means that part of the Activity Area from which Quarry Material may be won and removed under this Agreement as shaded in blue and depicted in Schedule 2B.

"Proponent" means Humphries Pty Ltd (ACN 124 550 018).

"Quarry Material" means sand.

"Sales Permit" means the Proponent's existing sales permit No 201609010 under the Forestry Act in respect of the Activity Area and any new or replacement sales permit that removes the Native Title Restriction but does not otherwise increase or amend the Term of the Sales Permit or the size of the Activity Area.

"Term of the Sales Permit" means the period ending on 31 July 2026.

Attachments to the entry

[QI2018_028 Schedule 1 - Written Description.pdf](#)

[QI2018_028 Schedule 2A - Map of ILUA Area.pdf](#)

[QI2018_028 Schedule 2B - Map of Activity Area and Operational Area.pdf](#)