



## Extract from Register of Indigenous Land Use Agreements

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<b>NNTT number</b>	QI2016/007
<b>Short name</b>	Barada Barna People and Local Government ILUA
<b>ILUA type</b>	Area Agreement
<b>Date registered</b>	29/08/2016
<b>State/territory</b>	Queensland
<b>Local government region</b>	Central Highlands Regional Council, Isaac Regional Council, Mackay Regional Council

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### Description of the area covered by the agreement

Schedule 2 of the agreement states that the agreement area includes all land and waters within the external boundary of native title determination application QUD380/2008 Barada Barna Peoples (QC2008/011) and excluding all land and waters subject to native title determination application QUD492/2013 Widi People of the Nebo Estate #2 (QC2013/006).

[A map of the agreement area is contained in Schedule 3 of the agreement. A copy of Schedules 2 and 3 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 about 15,469 sq km, located approximately 60 km south of Mackay in the vicinity of Nebo and Moranbah.]

### Parties to agreement

#### *Applicant*

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<b>Party name</b>	Central Highlands Regional Council, Isaac Regional Council and Mackay Regional Council
<b>Contact address</b>	c/- Gilkerson Legal GPO Box 12543 Brisbane QLD 4000

#### *Other Parties*

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<b>Party name</b>	Les Budby and Cecil Brown Jnr on behalf of the Barada Barna People
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**Contact address** c/- Dillon Bowers Lawyers  
Blackwood House  
62 Blackwood Street  
Townsville QLD 4810

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**Party name** Barada Barna People Aboriginal Corporation

**Contact address** c/- Dillon Bowers Lawyers  
Blackwood House  
62 Blackwood Street  
Townsville QLD 4810

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**Period in which the agreement will operate**

**Start date** not specified

**End date** not specified

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2.1 Part 1 commences on the Execution Date.

2.2 Part 1 applies indefinitely unless and until the Agreement is Terminated.

17.1 This Agreement takes effect as a contractually binding agreement between the Parties from the Execution Date and continues unless and until the Agreement is Terminated.

"Execution Date" means the date that the last party signs the Agreement.

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

39.2 Part 2 Division 3 Subdivision P of the [Native Title Act 1993 (Cth)] (which relates to the right to negotiate) does not apply to any Future Acts covered by the Agreement.

42.1 A Future Act is covered by the Agreement where it is expressly or impliedly done in a manner consistent with the Agreement.

42.2 A Future Act is not covered by the Agreement where:-

- (a) it is not done in a manner consistent with the Agreement; or
- (b) the Local Government state, or otherwise indicate, that it is not covered by the Agreement.

45.1 The Parties consent to any Activity which has a Low Native Title Impact [Schedule 7 sets out Low Native Title Impact Activities. A copy of Schedule 7 is attached to this register extract].

45.3 Where the conditions in the immediately following sub-clause are satisfied, the Parties consent to any Activity which has a High Native Title Impact [Schedule 8 sets out High Native Title Impact Activities. A copy of Schedule 8 is attached to this register extract].

45.4 The conditions are that the Local Government proposing the Activity satisfies one of the following:-

(a) The Local Government:

(i) gives a Notice to the Native Title Party or the Native Title Party's Representative in accordance with paragraph 46.1(a); and

(ii) completes Consultation in accordance with paragraph 46.1(b).

(b) Where the Activity involves a capital work dealt with at a Capital Works Forum (provisions about a Capital Works Forum are contained in clause 61):

(i) the Local Government gives a list of capital works involving the Activity under paragraph 61.6(e); and

(ii) consensus is reached under paragraph 61.6(f) about the Activity being carried out.

**Attachments to the entry**

[QI2016\\_007 Schedule 2 Written Description.pdf](#)

[QI2016\\_007 Schedule 3 Map of Areas.pdf](#)

[QI2016\\_007 Schedule 7 Low native title impact activities.pdf](#)

[QI2016\\_007 Schedule 8 High native title impact activities.pdf](#)