National Native Title Tribunal

Extract from Register of Indigenous Land Use Agreements

NNTT number	QI2023/014
Short name	Toomulla Beach Aquaculture Facility ILUA
ILUA type	Area Agreement
Date registered	22/05/2024
State/territory	Queensland
Local government region	Townsville City Council

Description of the area covered by the agreement

"ILUA" means this Indigenous Land Use Agreement and all Schedules to it. The Schedules forms part of this ILUA.

"ILUA Area" means the area of land and waters described in Schedule 1.

[A copy of Schedule 1, 2, 2A, 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 2.2 hectares in the vicinity of Toomulla, approx. 40 km north west of Townsville.]

Parties to agreement

Applicant

Party name	Tasmanian Lobster Hatchery Pty Ltd
Contact address	c/- Moray & Agnew Lawyers PO Box 7068 Cairns Qld 4870

Other Parties

Party name	Virginia Wyles, Christina George, Brenton Creed, Florence Watson, Petrina Pam Hegarty, Gail Ambrym, Esalyn Ambrym on their on behalf and on behalf of the Gurambilbarra Wulgurukaba People
Contact address	c/- North Queensland Land Council Native Title Representative Body Aboriginal Corporation Principal Legal Officer PO Box 679N North Cairns Qld 4870

Period in which the agreement will operate

Start date	13/11/2023
End Date	not specified

3. COMMENCEMENT AND TERMINATION

3.1 Subject to clause 3.2, this ILUA commences on the Commencement Date.

3.2 Clauses 7, 8.3 and 8.4 commence on Registration of the ILUA with the Tribunal.

3.3 In the event that:
(a) there is a Determination of Native Title from the Federal Court that native title does not exist in the entirety of the ILUA Area; or
(b) an Aboriginal group that does not include any members of the Native Title Claim Group obtains a Determination of Native Title from the Federal Court that they hold native title over the ILUA Area, the Corporation may at its absolute discretion terminate this ILUA

3.4 The termination of this agreement pursuant to clause 3.3 or removal of this ILUA from the Register does not affect the validity under the NTA of any Agreed Act that is a Future Act undertaken by the Corporation pursuant to this ILUA prior to its termination or removal of this ILUA from the Register

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

7. AGREED ACTS

7.1 For the purposes of section 24EB(1)(b), the Parties consent to the Agreed Acts.

4.4 Subdivision P of Division 3 of Part 2 of the NTA is not intended to apply to any Future Acts for which the Native Title Party has given consent under this ILUA.

"Agreed Acts" means:-

(a) the grant of a licence in the ILUA Area by the Chief Executive to the Corporation under s34 of the Nature Conservation Act 1992 (Qld) covering the Existing Access Track as depicted in Schedule 2;

(b) use, access and maintenance of the Existing Access Track referred to in (a) above;

(c) construction of a new intersection adjacent to the Bruce Highway, including vegetation clearing and all works associated with construction and maintenance of the intersection and connection to the existing access track, in that part of the ILUA Area as shown in Schedule 2A;

(d) the grant of a license in the ILUA Area by the Chief Executive to the Corporation under s35 of the Nature Conservation Act 1992 (Qld) covering the proposed Water Pipeline as shown in Schedule 3;

(e) use, access and maintenance of the proposed Water Pipeline referred to in (d) above.

"Existing Access Track" means the track shown in Schedule 2 nominally being 750m in length and 7.5m in width including the area to be cleared for the intersection upgrade adjacent to the Bruce Highway as shown in Schedule 2.

"Future Act" has the meaning given in the NTA.

"Native Title Party" means the registered native title claimants under the NTA for and on behalf of the Native Title Claim Group.

"Water Pipeline" means the proposed water pipeline being a 100mm diameter polyethylene pipe which is to be buried a minimum of 900mm under the ground as depicted in Schedule 3.

Attachments to the entry

QI2023_014 Schedule 1 - ILUA Area (Map and Description).pdf

QI2023_014 Schedule 2 - Plan of existing access track.pdf

QI2023_014 Schedule 2A - Plan of Access Easement Area.pdf

QI2023_014 Schedule 3 - Plan of Water Pipeline.pdf