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Agreements, Treaties and Negotiated Settlements Project

Comalco Indigenous Land Use Agreement (ILUA) (Western Cape Communities Co-existence Agreement)

Date: 24 August 2001

Sub Category: [Indigenous Land Use Agreement \(ILUA\) \(Native Title Act\)](#) | [Land Transfer Agreement](#)

Place: Western Cape York

State/Country: Queensland, Australia

The areas covered by the Agreement are located in the Weipa region and, in total, cover an area of about 4,135 sq km. The Agreement area includes mining leases ML6024 and ML7024 and, in parts, coastal waters of the State of Queensland. The Agreement area falls within the local government areas of the Town of Weipa and the Shire of Cook.

Legal Status: Registered with the National Native Title Tribunal

Legal Reference: National Native Title Tribunal File No: QIA2001/002

Alternative Names:

- **Western Cape Communities Co-existence Agreement**
- **WCCCA**
- **Comalco ILUA**

Payments:

- Comalco Annual Contribution (\$2500000)
- Queensland Government Annual Contribution (\$1500000)

Subject Matter: [Employment and Training](#) | [Environmental Heritage](#) | [Land Transaction](#) | [Land Use](#) | [Mining and Minerals](#) | [Native Title](#) | [Native Title - Extinguishment](#) | [Recognition of Traditional Rights and Interests](#)

Summary Information:

The Agreement known as the Western Cape Communities Co-existence Agreement (WCCCA) was registered as an Indigenous Land Use Agreement (ILUA) with the National Native Title Tribunal, under the *Native Title Act 1993* (Cth) (the NTA), on 24 August 2001, and is now also known as the Comalco Indigenous Land Use Agreement (Comalco ILUA). The signatories to the Comalco ILUA, include eleven Traditional Owner groups, four Indigenous Community Councils (Aurukun, Napranum, Mapoon and New Mapoon), Comalco Aluminium Limited and the Cape York Land Council on behalf of the Native Title Parties. The Queensland Government is also a signatory and agreed to provide additional financial benefits on registration of the WCCCA as an ILUA. Under the Agreement, the parties agree to validate any acts that are defined as part of the "Comalco" and "Other" interests and activities in the area. The Comalco interests are defined in the ILUA as "The Mining Leases and various property interests" and "Any right or interest granted under the *Commonwealth Aluminium Corporation Pty Limited Agreement Act 1957* (Qld). "Other" interests are defined as the area of any Special Perpetual Mining Purpose Lease (SPMPL) granted within the Weipa Township - this includes land where the SPMPL has been converted to other title. Without this agreement, such activities would be subject to the future act provisions of the NTA, which require a right to negotiate process to be followed for all future activities that may affect native title. These provisions may also have found past activities done in the area to be invalid. The ILUA specifies that the right to negotiate, which would apply under the future act provisions, does not apply to any of the activities covered by the agreement. Under the agreement, native title is extinguished by these activities and any surviving rights are surrendered. The ILUA covers Mining Leases 6024 and 7024 but includes consent for any "extensions, renewals or replacements" required to access and transport materials between the areas. The parties also consent to the Queensland Ports Corporation granting land and rights necessary for Comalco to carry out their interests in the agreement area, which includes shipping goods in and out of Weipa. The ILUA specifies that this consent is not intended "to

preclude the application of any law concerned with the protection of Aboriginal cultural heritage or environmental protection". Further items covered by the ILUA include: - consent to "construction, operation, use, maintenance or repair" of public facilities in Weipa - this includes roads, bridges, schools, hospitals, pipelines and communications facilities; - consent to "rights to enable the supply of gas to the Weipa Operations and to any related gas pipelines or provide any storage installations and other facilities" subject to conditions including compensation payment; and - consent to transfer land to Traditional Owners.

Detailed Information:

The WCCCA, also known as the Comalco ILUA, is a comprehensive regional agreement, inclusive of Traditional Owners and other Indigenous people with historical connections. It links present and future bauxite mine development at Weipa with regional development, employment opportunities, training, community assistance, and financial advice. The Agreement encourages: - Mutual respect and recognition; - Support for future Comalco mining operations; - Economic development of Indigenous communities; - Increased Indigenous representation in consultations about operations; and - Increased levels of cultural awareness among Comalco employees. A Charitable Trust (controlled by a majority of Traditional Owners) has been set up to manage the funds and annual contributions made by Comalco and the Queensland Government. 60% of the annual funding will be placed in long-term secure investments. As well as the annual contributions: - \$500 000 will be managed by Comalco to run employment and training programs endorsed by the Coordinating Committee; - \$150 000 will be allocated to a Cultural Awareness fund; - The Comalco owned Studley Station, a 1325 square kilometre pastoral property, will be transferred to the Traditional Owners; and - Parts of the Comalco lease that are no longer needed for mining will be relinquished to the State Government for its return to Aboriginal ownership. The Coordinating Committee has broad representation from all signatories to the agreement and will oversee the day to day implementation of the Agreement. The Committee will also consult on: - Cultural heritage and site management; - Comalco operations and plans; - Employment and training initiatives; - Environmental and rehabilitation aspects; and - Land access (mine and recreation).

Related Entries

- [Cape York Model Agreement](#)
- [Western Cape Communities Memorandum of Understanding](#)
- [Comalco Protocol](#)
- [Western Cape Communities Heads of Agreement](#)
- [Memorandum of Understanding to Increase Indigenous Employment in the Queensland Resources Sector and Related Indigenous Enterprise Development](#)
- [Western Cape Regional Partnership Heads of Agreement](#)
- [Wik and Wik Way Native Title Group v State of Queensland \[2009\] FCA 789 \(29 July 2009\)](#)
- [Wik & Wik Way People and Rio Tinto Aluminium Limited Indigenous Land Use Agreement \(ILUA\)](#)
- [Woosup on behalf of the Ankamuthi People #2 v State of Queensland \[2017\] FCA 832](#)
- [Woosup on behalf of the Ankamuthi People #1 v State of Queensland \[2017\] FCA 831](#)

Organisation

- [Cape York Land Council Aboriginal Corporation - Signatory](#)
- [Comalco Limited](#)
- [New Mapoon Community Council - Signatory](#)
- [Napranum Aboriginal Shire Council - Signatory](#)
- [Mapoon Aboriginal Shire Council - Signatory](#)
- [State of Queensland - Signatory](#)
- [Cook Shire Council](#)
- [National Native Title Tribunal](#)
- [Comalco Aluminium Limited - Signatory](#)
- [Aurukun Shire Council](#)
- [Western Cape Communities Trust](#)

- [Western Cape Communities Coordinating Committee](#)

Legislation

- [Native Title Act 1993 \(Cth\)](#)
- [Native Title Amendment Act 1998 \(Cth\)](#)
- [Native Title \(Indigenous Land Use Agreements\) Regulations 1999 \(Cth\)](#)

People

- [Peppan People](#)
- [Taepadhighi People](#)
- [Thanikwithi People](#)
- [Tjungundji People](#)
- [Warranggu People](#)
- [Wathayn People](#)
- [Wik and Wik-Way People](#)
- [Yupungathi People](#)
- [Alngith People](#)
- [Anathangayth People](#)
- [Ankamuthi People](#)
- [Native Title Party to the Comalco Indigenous Land Use Agreement \(ILUA\) - Signatory](#)

References

Conference Paper

[Bruce Harvey and Neville Tiffen](#) (2002) [Mining - Indigenous Agreement Making: A Global Context](#)

Documents



[Comalco Indigenous Land Use Agreement \(ILUA\) Map](#) - ([Image](#) | [Thumbnail](#) | [PDF](#))



Glossary

[Native Title \(Australia\)](#) | [Indigenous Land Use Agreement \(ILUA\) \(Native Title Act 1993 \(Cth\)\) \(Australia\)](#) | [Land Transfer Agreement](#)

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