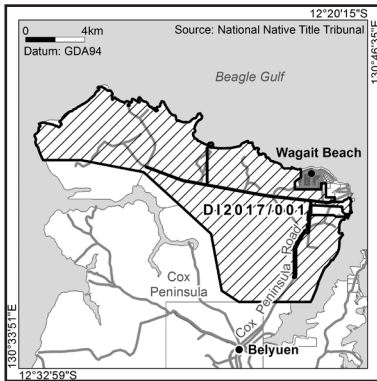


Notice of an application to register an area agreement on the Register of Indigenous Land Use Agreements



National
Native Title
Tribunal

Notification day: 10 May 2017



D12017/001 Kenbi ILUA

Northern Territory

Description of the agreement area:

The application area covers about 122 sq km, located on the Cox Peninsula approximately 3 km north of Belyuen.

Relevant LGA: Un-Incorporated (Cox-Daly) Area

The agreement contains the following statements:

3(c) Subdivision P (Right to Negotiate) of Division 3 of Part 2 of the NTA is not intended to apply to the doing of all or any of the *Relevant Acts*.

4(a) To the extent that any or all of the *Relevant Acts* constitute or amount to a Future Act, the Parties consent to the doing of any or all of the *Relevant Acts* subject to the provisions of this Agreement.

(c) The Parties consent to the surrender to the Territory of all native title rights and interests upon the doing of any or all of the *Relevant Extinguishing Acts*.

(d) The Parties agree that the surrender of native title rights and interests under clause 4(c) is intended to extinguish all native title rights and interests with respect to the *Relevant Extinguishing Acts*.

Relevant Acts means the *Relevant Non-Extinguishing Acts* and the *Relevant Extinguishing Acts*

Relevant Non-Extinguishing Acts comprise: a) the transfer of the Commonwealth's fee simple estate over the areas of Sections 261 - 264 to the Territory; b) the transfer of the Commonwealth's fee simple estate over the areas of Section 241 from the Commonwealth to the Territory; c) the grant of Kenbi Freehold Title over the area of Section 241 to the Kenbi Land Trust; d) the grant of Kenbi Freehold Title over the areas of Sections 244 and 245 to the Kenbi Land Trust; e) the grant of an estate, interest, licence, permission or authority in Kenbi Land Trust Land to any person for any purpose by the Kenbi Land Trust under section 13(2) of the Kenbi Land Trust Act; f) the transfer of the Commonwealth's fee simple estate in Section 33 from the Commonwealth to the Territory; and g) any and all acts necessary or incidental to the acts done in accordance with subparagraph (a) to (f) above provided that such acts have no greater effect on native title than any of the acts done in accordance with sub-paragraph (a) to (f).

Relevant Extinguishing Acts comprise: a) the grant of freehold title over the areas of Sections 261, Section 262 and Section 263 to the Development Body by the Territory; b) the incorporation of Section 264 into Cox Peninsula Road under the Control of Roads Act (NT); c) the grant of the freehold title in Section 33 to the Power and Water Corporation or similar body by the Territory; and d) any and all acts necessary or incidental to the acts done in accordance with (a) and (b) above provided such acts have no greater effect on native title than any of the acts done in accordance with a) and b).

Parties to the agreement and their contact addresses:

Northern Territory of Australia
c/- Solicitor for the Northern Territory
GPO Box 1722
Darwin NT 0801

Northern Land Council
GPO Box 1222
Darwin NT 0801

Objections to the registration of an ILUA where the application for registration has been certified:

This application for registration of an indigenous land use agreement (ILUA) has been certified by the Northern Land Council, the representative body for the area. Any person claiming to hold native title to any part of the area covered by the ILUA may object in writing within the notice period to the registration of this agreement if they think that the application to register the ILUA has not been properly certified. If you wish to object to the registration of this agreement (and you hold or claim to hold native title in any part of the area covered by the agreement) you may only object for one reason: in your view, the application to register the ILUA has not been properly certified, as stated in section 203BE(5)(a) and (b) of the *Native Title Act 1993* (Cth). You must make this objection in writing and send it to the **Native Title Registrar, National Native Title Tribunal, GPO Box 9973, Brisbane, QLD, 4001** by **10 August 2017**.

Generally, procedural fairness will require that the material you provide is given to certain other persons or organisations for comment. It may also be taken into account in the registration of other ILUAs and claimant applications and thus be provided to relevant persons or organisations for comment.

Details of the terms of the agreement are not available from the National Native Title Tribunal.

For assistance and further information about this application, call Tracey Jefferies on freecall 1800 640 501 or visit www.nntt.gov.au.