Notice of applications to register area agreements on the Register of Indigenous Land Use Agreements

State of Western Australia
Notification day: 16 September 2015

National Native Title Tribunal

Six Indigenous Land Use Agreements (Area Agreements) were negotiated between the State of Western Australia and the Noongar People. These agreements provide for a full and final settlement of all current and future applications made, or to be made, by the Noongar People under the *Native Title Act 1993* (Cth).

Contact details for the Native Title Parties are:
c/- South West Aboriginal Land & Sea Council
Aboriginal Corporation
PO Box 585
Cannington WA 6987

Contact details for Minnie Edith Van Leeuwen are:
c/- Roe Legal Services
Level 3, 12 St Georges Terrace
Perth WA 6000

The following are also parties to each of the agreements:
State of Western Australia, Minister for Aboriginal Affairs, Minister for Lands, Minister for Mines and Petroleum, Minister for Environment, Minister for Water, Conservation Commission of Western Australia, Conservation and Land Management Executive Body, Housing Authority, Marine Parks and Reserves Authority, Water Corporation, Western Australian Land Authority (LandCorp)
c/- State Solicitor's Office
Level 14 Westralia Square
141 St Georges Terrace
Perth WA 6000

South West Aboriginal Land & Sea Council
Aboriginal Corporation
PO Box 585
Cannington WA 6987

Application Number	*Agreement Name*	*Description of Agreement Area*	*Native Title Parties*
WI2015/004	***Ballardong People ILUA***	Approximately 63,000 sq km located about 60km east of Perth, extending north to Dalwallinu, southeast towards Ravensthorpe and west towards Narrogin. **Relevant LGAs:** Shires of Beverley, Brookton, Bruce Rock, Corrigin, Cunderdin, Dalwallinu, Dowerin, Dumbleyung, Goomalling, Kellerberrin, Kent, Kondinin, Koorda, Kulin, Lake Grace, Merredin, Mount Marshall, Mukinbudin, Narembeen, Narrogin, Northam, Nungarin, Quairading, Ravensthorpe, Tammin, Toodyay, Trayning, Victoria Plains, Wagin, Westonia, Wickepin, Wongan-Ballidu, Wyalkatchem, Yilgarn and York.	Reg Yarran (Jnr), Murray Yarran, Fay Slater, Carol Holmes, Allan Jones, Dianne Taylor, Reg Hayden, Ricky Nelson, Tim Riley, Winnie McHenry, Anthony Bennell, Glen Colbung, Jack Hill, Robert Isaacs, Fred Pickett, William Reidy, Barbara Corbett-Councillor Stammner, Trevor Walley and Beryl Weston for and on behalf of the Native Title Agreement Group
WI2015/005	***Gnaala Karla Booja ILUA***	Approximately 31,500 sq km located about 25 km south of Perth, extending south towards Busselton, east past Narrogin and seaward to the 3 nautical mile limit. **Relevant LGAs:** Cities of Armadale, Bunbury, Busselton, Cockburn, Kwinana, Mandurah and Rockingham. Shires of Beverley, Boddington, Boyup Brook, Bridgetown-Greenbushes, Brookton, Capel, Collie, Corrigin, Cuballing, Dardanup, Donnybrook-Balingup, Harvey, Kojonup, Murray, Narrogin, Pingelly, Serpentine-Jarrahdale, Wagin, Wandering, Waroona, West Arthur, Wickepin, Williams and Woodanilling. Town of Narrogin.	Franklyn Nannup, Derrick Smith, Harry Narkle, Joseph Adrian Northover, Mervyn Neil Abraham, Peter Michael, Barbara Corbett-Councillor Stammner, Lorraine Bellotti, Minnie Edith Van Leeuwen, Anthony Bennell, Glen Colbung, Dallas Coyne, Aden Eades, Ezzard Flowers, Jack Hill, Robert Isaacs, Carol Pettersen, Trevor Walley and Beryl Weston for and on behalf of the Native Title Agreement Group
WI2015/006	***South West Boojarah #2 ILUA***	Approximately 12,000 sq km located along the south west coast of WA, extending east of Manjimup, north of Busselton and seaward to the 3 nautical mile limit. **Relevant LGAs:** City of Busselton. Shires of Augusta-Margaret River, Bridgetown-Greenbushes, Capel, Donnybrook-Balingup, Manjimup and Nannup.	William Webb, Donald Hayward, Bertram Williams, William Thompson, Margaret Culbong, Barbara Corbett-Councillor Stammner, Wendy Williams, Minnie Edith Van Leeuwen, Anthony Bennell, Glen Colbung, Dallas Coyne, Aden Eades, Ezzard Flowers, Jack Hill, Robert Isaacs, Carol Pettersen, Trevor Walley and Beryl Weston for and on behalf of the Native Title Agreement Group
WI2015/007	***Wagyl Kaip & Southern Noongar ILUA***	Approximately 56,400 sq km located along the south coast of WA, extending east past Ravensthorpe, west towards Manjimup, north towards Wagin and seaward to the 3 nautical mile limit. **Relevant LGAs:** City of Albany. Shires of Boyup Brook, Bridgetown-Greenbushes, Broomehill-Tambellup, Cranbrook, Denmark, Dumbleyung, Gnowangerup, Jerramungup, Katanning, Kent, Kojonup, Lake Grace, Manjimup, Plantagenet, Ravensthorpe, Wagin and Woodanilling.	Glen Colbung, Hazel Brown, Mingli Wunjurri Nungala, Dallas Coyne, Aden Eades, Jerry Narkle, Justin Miniter, Anthony Bennell, Ezzard Flowers, Robert Isaacs, Fred Pickett, William Reidy, Barbara Corbett-Councillor Stammner, Trevor Walley and Beryl Weston for and on behalf of the Native Title Agreement Group
WI2015/008	***Whadjuk People ILUA***	Approximately 6,600 sq km located over the Perth metro area, extending north past Yanchep, east to Toodyay, south past Armadale and seaward to the 3 nautical mile limit. **Relevant LGAs:** Cities of Armadale, Bayswater, Belmont, Canning, Cockburn, Fremantle, Gosnells, Joondalup, Melville, Nedlands, Perth, Rockingham, South Perth, Stirling, Subiaco, Swan, Vincent and Wanneroo. Shires of Beverley, Chittering, Gingin, Kalamunda, Mundaring, Northam, Peppermint Grove, Toodyay and York. Towns of Bassendean, Cambridge, Claremont, Cottesloe, East Fremantle, Mosman Park and Victoria Park.	CD [name withheld for cultural reasons], Noel Morich, Nigel Wilkes, Trevor Nettle, Dianne Wynne, Glen Colbung, Robert Isaacs, Barbara Corbett-Councillor Stammner, Trevor Walley and Beryl Weston for and on behalf of the Native Title Agreement Group
WI2015/009	***Yued ILUA***	Approximately 26,000 sq km located about 60km north of Perth, extending north past Jurien Bay, east to Dalwallinu and seaward to the 3 nautical mile limit. **Relevant LGAs:** City of Wanneroo. Shires of Chittering, Coorow, Dalwallinu, Dandaragan, Gingin, Goomalling, Moora, Toodyay, Victoria Plains and Wongan-Ballidu.	Malcolm Ryder, Charlie Shaw, Dennis Jetta, May Maguire, Anthony Bennell, Glen Colbung, Jack Hill, Robert Isaacs, Fred Pickett, William Reidy, Barbara Corbett-Councillor Stammner, Trevor Walley and Beryl Weston for and on behalf of the Native Title Agreement Group

The agreements contain the following statements:
[Explanatory notes in brackets inserted by the National Native Title Tribunal]

6.1 Validating of Invalid Acts
(a) The Parties agree to and consent to, on and from 11.59pm on the day before the date on which the Surrender will take effect under clause 6.2 of this Agreement, the validating of all Invalid Acts that have been, or are being, carried out by the State or any State Party in relation to any part of the Agreement Area.
(b) Clause 6.1(a) of this Agreement is a statement for the purposes of section 24EBA(1)(a)(i) of the NT Act *[Native Title Act 1993 (Cth)]* and regulation 7(5)(d) of the ILUA Regulations *[Native Title (Indigenous Land Use Agreements) Regulations 1999 (Cth)]*.

6.2 Surrender of Native Title Rights and Interests
(a) The Parties agree to and consent to the Surrender.
(b) The Surrender will take effect:
(i) on the date that is 30 Business Days after the earlier of:
A. the Deemed Settlement Effective Date; and
B. the Settlement Effective Date; or
(ii) immediately before the State and SWALSC *[South West Aboriginal Land and Sea Council Aboriginal Corporation]* file with the Federal Court executed Consent Orders, together with supporting affidavits and supporting joint submissions, in accordance with clause 6.3(c)(v) of this Agreement,
whichever is the earlier.
(c) The Parties agree that the Surrender is intended to extinguish all Native Title Rights and Interests that exist in relation to the Agreement Area at the time of the Surrender.
(d) Clause 6.2(c) of this Agreement is a statement for the purposes of:
(i) section 24EB(1)(b)(i) and 24EB(1)(d) of the NT Act; and
(i) regulation 7(5)(a) and 7(5)(c) of the ILUA Regulations.

"Surrender" means the surrender to the State of all Native Title Rights and Interests in relation to the Agreement Area.

Objections to the registration of an ILUA where the application for registration has been certified:
These six applications for the registration of an indigenous land use agreement (ILUA) were certified by the South West Aboriginal Land and Sea Council Aboriginal Corporation, the representative body for the areas concerned. The area covered by each agreement is shown on the map. Any person claiming to hold native title to any part of the area covered by any of the agreements may object in writing within the notice period to the registration of that agreement if they think that the application to register the ILUA was not properly certified. If you wish to object to the registration of any of the agreements (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 was not properly certified. That is, that the requirements of paragraphs 203BE(5)(a) and (b) of the *Native Title Act 1993* (Cth) were not satisfied in relation to the certification. You must make this objection in writing by **16 December 2015** by sending it to the **Native Title Registrar, National Native Title Tribunal, GPO Box 9973, Perth, WA, 6848**. Generally, procedural fairness requires 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 agreements are not available from the National Native Title Tribunal. The details of the terms of the agreements are available at www.dpc.wa.gov.au.
For assistance and further information about these applications, call Claire Smith on freecall 1800 640 501 or visit www.nntt.gov.au.

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