



# Extract from Register of Indigenous Land Use Agreements

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<b>NNTT number</b>	VI2004/008
<b>Short name</b>	Wotjobaluk, Jaadwa, Jadawadjali, Wergaia and Jupagulk
<b>ILUA type</b>	Area Agreement
<b>Date registered</b>	11/11/2005
<b>State/territory</b>	Victoria
<b>Local government region</b>	Ararat Rural City, Buloke Shire, Hindmarsh Shire , Horsham Rural City , Mildura Rural City , Northern Grampians Shire , Pyrenees Shire , Southern Grampians Council, West Wimmera Shire , Yarriambiack Shire

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## Description of the area covered by the agreement

The Agreement area is all land and waters within the external boundary (subject to the exclusions below). The area is approximately 35,859 square kilometres and is located in the Wimmera region of Victoria. The Agreement area extends from the South-Australia / Victoria border in the west, to Birchip in the east, the Mallee Highway in the north and to Ararat and the Wimmera Highway in the south.

The areas excluded from the ILUA area are all areas within the ILUA boundary that are claimed as part of Yupagalk Peoples Native Title Claim Group v State of Victoria (VID6004/2000) or part of Gournditch-Mara Peoples v State of Victoria & Ors (VID6004/98) native title determination applications as filed with the Federal Court of Australia at the date this Agreement.

## Parties to agreement

### *Applicant*

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<b>Party name</b>	State of Victoria
<b>Contact address</b>	c/- Victorian Government Solicitor's Office Level 2/55 St Andrews Place East Melbourne VIC 3002

### *Other Parties*

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<b>Party name</b>	Barengi Gadjin Land Council Aboriginal Corporation
<b>Contact address</b>	c/- Native Title Services Victoria Ltd Level 2, 642 Queensberry Street North Melbourne VIC 3051

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<b>Party name</b>	Commonwealth of Australia
<b>Contact address</b>	c/- Australian Government Solicitor 50 Blackall Street Barton ACT 2600

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<b>Party name</b>	William John Kennedy (Senior) and Kaylene Pamela Clarke (registered native title claimants)
<b>Contact address</b>	c/- Native Title Services Victoria Ltd Level 2, 642 Queensberry Street North Melbourne VIC 3051

## Period in which the agreement will operate

<b>Start date</b>	not specified
<b>End Date</b>	not specified

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

Clause 10.1: Pursuant to s. 24EBA(1)(a) and (b) of the NTA, the Parties agree, that this Agreement validates future acts of all classes (other than intermediate period acts) which:

- (a) have already been done over any land and waters within the ILUA area up to and including the date of registration of this agreement;
- (b) are attributable to the State or the Commonwealth; and
- (c) are invalid because of the provisions of the NTA

Clause 11.1: Pursuant to s 24EB(1) of the NTA, the Parties agree that following the date of registration of this Agreement and in relation to the doing of future acts within the ILUA area;

- (a) the future act provisions of Part 2 of Division 3 of the NTA including subdivision P will continue to apply to any future act in relation to proposed determination area A, subject to Clause 12 of this Agreement [which states that the benefits under the agreement are full and final compensation for any act including any future act attributable to the State]; and
- (b) the parties consent to all future acts in the balance of the ILUA area and agree that Part 2, Division 3, (including Subdivision P) of the NTA does not apply to those acts.

Clause 8.1: To allow for the transfer of Crown land in fee simple by Private Treaty to the BGLCAC, the registered native title claimants for and on behalf of the Wotjobaluk, Jaadwa, Jadawadjali, Wergaia and Jupagalk native title claim group on registration of this Agreement, surrender to the State native title rights and interests (if any) in and relating to Goyura, Katyil, and Watchegatcheca.

Clause 8.2: The Parties consent that, pursuant to s 24EB(1)(d) of the NTA, the surrender of native title rights and interests (if any) pursuant to Clause 8.1 is intended to extinguish those native title rights and interests.

Clause 1.1: Certain words used in this Agreement have the meanings set out below: [not all definitions are given – only those needed to clarify the statements above]

Future act has the meaning given to that term by s. 233 of the NTA.

Goyura means Crown Allotment 2001, (Township of Goyura, Parish of Goyura) which is the subject of the Contract of Sale of Crown Land in Fee Simple by Private Treaty described in Schedule 3 but is not the subject of Application VID6002/98, Application VID6009/98 or V6005/99.

ILUA area means all of the land and water which fall within the boundary depicted on the map in Schedule 4 being the boundary described in writing in Schedule 5.

Intermediate period act has the meaning given to that term by s 232A of the NTA.

Katyil means Crown Allotment 3 Section C (Parish of Katyil (AMG Coordinates: E591135; 5981590; ZONE 54; AGD 66) which lies within proposed determination area B and which is the subject of the Contract of Sale of Crown Land in Fee Simple by Private Treaty described in Schedule 3.

Native title claim group has the meaning given to that term in s 253 of the NTA.

Native title rights and interests means the non-exclusive native title rights and interests described in Order 7 of the proposed consent determination relating to Application VID6002/98.

NTA means Native Title Act 1993 (Cth).

Proposed determination area A means the area, described in Order 1 of the proposed consent determination relating to Application VID6002/98 which will be the subject of a determination that native title exists.

Proposed determination area B means the area, described in Order 1 of the proposed consent determination relating to Application VID6002/98 which will be the subject of a determination that native title does not exist.

Registered native title claimants means the registered native title claimants of the Wotjobaluk, Jaadwa, Jadawadjali, Wergaia, and Jupagalk native title determination applications being Application VID6002/98, Application VID6009/98 and Application V6005/99.

Watchegatcheca means Crown Allotment 2002 (Parish of Watchegatcheca) (AMG coordinates: E 591180; N 5964550; ZONE 54; AGD 66) which lies within proposed determination area B and which is the subject of the Contract of Sale of Crown Land in Fee Simple by Private Treaty described in Schedule 3.

Wotjobaluk, Jaadwa, Jadawadjali, Wergaia and Jupagalk People means those people described in Order 1 and Schedule 8 of the proposed consent determination relating to Application VID6002/98.

**Attachments to the entry**

[VI2004\\_008 Attachment A.pdf](#)

[VI2004\\_008 Attachment B.pdf](#)