



Extract from Register of Indigenous Land Use Agreements

NNTT number	WI2024/001
Short name	Wajarri Yamaji Conservation Estate ILUA
ILUA type	Body Corporate
Date registered	16/04/2024
State/territory	Western Australia
Local government region	Shire of Cue, Shire of Murchison, Shire of Upper Gascoyne, Shire of Yalgoo

Description of the area covered by the agreement

ILUA Agreement Area means the area comprising the:

- (a) Mount Augustus National Park;
- (b) Burringurrah Areas;
- (c) Burringurrah Additional Area;
- (d) Muggon Areas;
- (e) Dalgaringa Areas;
- (f) Lakeside Area;
- (g) Walganha Rock Area;
- (h) Future Park Area #1;
- (i) Butchers Track; and
- (j) Burringurrah Community,

and which areas are within the Determination Area. The **ILUA Agreement Area** is shown, for identification purposes, on the Map in Schedule 1.

[A copy of Schedule 1 is attached to this Register extract. Schedule 2 of the agreement contains a written description of the ILUA area and Schedule 3 of the agreement contains an Agreement Area Overview Map and Map Enlargements. Copies of Schedules 2 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 a combined area of about 8,718 sq km and is located west of the Great Northern Highway and approximately 17 km west of Cue.]

Aboriginal Cultural Heritage Act means the *Aboriginal Cultural Heritage Act 2021 (WA)*.

Aboriginal Heritage Act means the *Aboriginal Heritage Act 1972 (WA)*.

Boom Boom Spring Protected Area means the protected area described as 'Boom Boom Spring' in the order made under the Aboriginal Cultural Heritage Act (continued in effect as if it is an order under section 19(4) of the Aboriginal Heritage Act) published in the Western Australian Government Gazette on 20 June 2023 (page 1947), the boundary of which is the area labelled 'B' on Deposited Plan 425874.

Burringurrah Additional Area means the land that includes the Boom Boom Spring Protected Area and which is described in Item 3, Part I of Schedule 2.

Burringurrah Areas means the land and waters described in Item 1, Part 1 of Schedule 2.

Burringurrah Community means the land described in Part 7 of Schedule 2 and which, as at the Execution Date, is reserved (Reserve 39182) for the purpose of "use and benefit of Aboriginal Inhabitants" and held by the Aboriginal Lands Trust.

Butchers Track means the land, or any part of it, described in Part 6 of Schedule 2.

Dalgaranga Areas means the land and waters described in Item 1, Part 2 of Schedule 2.

Determination Area means the area of land and waters where Native Title has been determined to exist under Determination Part A, Determination Part B, Determination Part C, Determination Part D or Determination Part E, as applicable to the context in which the term is used.

Determination Part A means the determination by the Federal Court of Australia in *I.S. (Deceased) on behalf of the Wajarri Yamatji People (Part A) v State of Western Australia* [2017] FCA 1215 (19 October 2017), as amended by the orders of Griffiths J dated 29 July 2021 in *Hamlett on behalf of the Wajarri Yamatji People v State of Western Australia (No 3)* [2021] FCA 869 that Native Title exists over specified land and waters (WCD2017/007).

Determination Part B means the determination by the Federal Court of Australia in *Hamlett on behalf of the Wajarri Yamatji People (Part B) v State of Western Australia* [2018] FCA 545 (23 April 2018) as amended by the orders of Griffiths J dated 29 July 2021 in *Hamlett on behalf of the Wajarri Yamatji People v State of Western Australia (No 3)* [2021] FCA 869 that Native Title exists over specified land and waters (WCD2018/002).

Determination Part C means the determination by the Federal Court of Australia in *Egan on behalf of the Wajarri Yamatji People (Part C) v State of Western Australia* [2018] FCA 1945 (7 December 2018), as amended by the orders of Griffiths J dated 29 July 2021 in *Hamlett on behalf of the Wajarri Yamatji People v State of Western Australia (No 3)* [2021] FCA 869 that Native Title exists over specified land and waters (WCD2018/014).

Determination Part D means the determination by the Federal Court of Australia in *Dann on behalf of the Wajarri Yamatji People (Part D) v State of Western Australia* [2021] FCA 867 (29 July 2021) that Native Title exists over specified land and waters (WCD2021/004).

Determination Part E means the determination by the Federal Court of Australia in *Hamlett on behalf of the Wajarri Yamatji People (Part E) v State of Western Australia (No 2)* [2021] FCA 868 (29 July 2021) that Native Title exists over specified land and waters (WCD2021/005).

Execution Date means the date on which this Agreement is finally executed by all of the Parties to it.

Future Park Area #1 means the land, or any part of it, described in Item 2, Part 1 of Schedule 2.

Lakeside Area means the land and waters described in Part 4 of Schedule 2.

Mount Augustus National Park means Reserve 41051, a class A reserve for the reserve purpose of "national park", comprising the land and waters described in Part 8 of Schedule 2.

Muggon Areas means the land and waters described in Part 3 of Schedule 2.

Walganha Rock Area means the land, or any part of it, described in Part 5 of Schedule 2.

Parties to agreement

Applicant

Party name	The State of Western Australia through the Minister for Environment
Contact address	c/- State Solicitor's Office Level 25 David Malcolm Justice Centre 28 Barrack Street Perth WA 6000

Other Parties

Party name	The Chief Executive Officer of the Department of Biodiversity, Conservation and Attractions acting through the Conservation and Land Management Executive Body
Contact address	c/- State Solicitor's Office Level 25 David Malcolm Justice Centre 28 Barrack Street Perth WA 6000

Party name	The Conservation and Parks Commission
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Contact address c/- State Solicitor's Office
Level 25 David Malcolm Justice Centre
28 Barrack Street
Perth WA 6000

Party name The Minister for Lands
Contact address c/- State Solicitor's Office
Level 25 David Malcolm Justice Centre
28 Barrack Street
Perth WA 6000

Party name Wajarri Yamaji Aboriginal Corporation RNTBC (ICN 7878)
Contact address c/- HWL Ebsworth
Level 19
480 Queen Street
Brisbane QLD 6000

Period in which the agreement will operate

Start date not specified

End Date not specified

5.1 Force and Effect of this Agreement

(a) This Agreement, other than those provisions referred to in clause 5.1(b), only has force and effect from the Commencement Date.

(b) Clauses 1, 2, 3, 4, 5, 6, 19, 21, 22, 23, 24, 25, 26, 27, 28 and 29 have force and effect from the Execution Date.

5.2 Term

Subject to clause 5.3, this Agreement continues indefinitely.

5.3 Termination

This Agreement shall terminate only on the occurrence of the following events, whichever is the first to occur (the **Termination Date**):

(a) the Agreement ceasing under clause 4.7;

(b) all Parties agree in writing to end the Agreement;

(c) the Determinations are revoked in accordance with the Native Title Act in respect of the ILUA Agreement Area;

(d) the Agreement is removed from the Register of Indigenous Land Use Agreements by the Native Title Registrar in accordance with section 199C of the Native Title Act; or

(e) a Replacement Agreement comes into effect in accordance with clause 20.5(b).

5.4 No other termination

Except as otherwise provided in clause 5.3, no Party is entitled to terminate this Agreement for any reason, including by reason of breach or repudiation of this Agreement by any Party.

Agreement means this Agreement and includes the Schedules and their Annexures.

Commencement Date means the date on which this Agreement is registered on the Register of Indigenous Land Use Agreements pursuant to section 24BI of the Native Title Act.

Determinations means Determination Part A, Determination Part B, Determination Part C, Determination Part D and Determination Part E and **Determination** means any of Determination Part A, Determination Part B, Determination Part C, Determination Part D or Determination Part E.

Execution Date means the date on which this Agreement is finally executed by all of the Parties to it.

General definitions

In this Agreement unless it is a defined term in clause 1.2 or the context otherwise requires:

(a) Words and expressions defined in the Native Title Act, including common law holder **future act, native title, Native Title Registrar, native title rights and interests, non-extinguishment principle, Register of Indigenous Land Use Agreements** and **registered native title body corporate**, have the same meaning when used in this Agreement.

Native Title Act or NTA means the *Native Title Act 1993* (Cth).

Party means a party to this Agreement and **Parties** means two or more of them as the context requires.

Replacement Agreement has the meaning given to that term in clause 20.5.

Termination Date has the meaning given to that term in clause 5.3.

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

7.2 Burringurrah National Park - Burringurrah Areas, Burringurrah Additional Area and Future Park Area #1

The Parties consent to:

(a) Reservation:

(i) of the Burringurrah Areas for the reserve purpose of "national park" and for it to be classified as a class A reserve by orders of the Minister for Lands under sections 41 and 42 of the Land Administration Act; or

(ii) of one or more of the Burringurrah Areas for the reserve purpose of "national park" and for them to be classified as class A reserves by orders of the Minister for Lands under sections 41 and 42 of the Land Administration Act (**existing national park reserves**) and the addition of the remaining Burringurrah Areas to an existing national park reserve (a class A reserve) by orders of the Minister for Lands under section 45(2)(a) of the Land Administration Act;

(b) Reservation of the Burringurrah Additional Area for the reserve purpose of "national park" and for it to be classified as class A reserve by an order of the Minister for Lands under section 45(2)(a) of the Land Administration Act by which the Burringurrah Additional Area is added to the Burringurrah National Park; and

(c) Reservation of the Future Park Area #1 for the reserve purpose of "national park" and for it to be classified as

class A reserve by an order of the Minister for Lands under section 45(2)(a) of the Land Administration Act by which the Future Park Area #1 is added to the Burringurrah National Park.

7.3 Dalgaranga National Park-Dalgaranga Areas

The Parties consent to the:

(a) Reservation of the Dalgaranga Areas for the reserve purpose of "national park" and for it to be classified as a class A reserve by orders of the Minister for Lands under sections 41 and 42 of the Land Administration Act; or
(b) Reservation of one or more of the Dalgaranga Areas for the reserve purpose of "national park" and for them to be classified as class A reserves by orders of the Minister for Lands under sections 41 and 42 of the Land Administration Act (**existing national park reserves**) and the addition of the remaining Dalgaranga Areas to an existing national park reserve (a class A reserve) by orders of the Minister for Lands under section 45(2)(a) of the Land Administration Act.

7.4 Muggon National Park-Muggon Areas

The Parties consent to the:

(a) Reservation of the Muggon Areas for the reserve purpose of "national park" and for it to be classified as a class A reserve by orders of the Minister for Lands under sections 41 and 42 of the Land Administration Act; or
(b) Reservation of one or more of the Muggon Areas for the reserve purpose of "national park" and for them to be classified as class A reserves by orders of the Minister for Lands under sections 41 and 42 of the Land Administration Act (**existing national park reserves**) and the addition of the remaining Muggon Areas to an existing national park reserve (a class A reserve) by orders of the Minister for Lands under section 45(2)(a) of the Land Administration Act.

7.5 Lakeside Conservation Park- Lakeside Area

The Parties consent to the Reservation of the Lakeside Area for the reserve purpose of "conservation park" by order of the Minister for Lands under section 41 of the Land Administration Act.

7.6 Walganha Rock National Park- Walganha Rock Area

The Parties consent to the Reservation of the Walganha Rock Area (including any part of it from time to time) for the reserve purpose of "national park" and for it to be classified as a class A reserve by orders of the Minister for Lands under sections 41 and 42 of the Land Administration Act.

7.7 Joint Vesting and grant of Tenure

The Parties consent to the:

(a) Joint Vesting in the Commission and WYAC of the Conservation Estate; and
(b) the grant, issue or creation, from time to time, of any Tenure over the Conservation Estate, within the ILUA Agreement Area.

7.8 Access Right Acts

(a) The Parties consent to the grant, from time to time, of Access Easements over any part of the Butchers Track as may be required to provide access between the Muggon National Park and the Camarvon-Mullewa Road by persons, including WYAC (for itself and on behalf of the Wajarri Yamaji People), the Southern Joint Management Body, the Conservation Parties and the employees, agents, contractors and invitees of them and the Department, as applicable; and
(b) the replacement of any of the Access Easements from time to time with another form of access right, if required.

7.9 Burringurrah Tenure Acts

The Parties consent to the grant, from time to time, of the Burringurrah Tenure.

7.10 Agreement to Future Acts includes exercise of rights

The Parties acknowledge that the consent to the Conservation Estate Acts, the Access Right Acts and the Burringurrah Tenure Acts includes consent to the doing of all acts involved in effecting the Conservation Estate Acts, the Access Right Acts and the Burringurrah Tenure Acts and:

(a) in respect of the Conservation Estate Acts, includes consent to the:

- (i) classification of the national park reserves as class A by order under section 42 of the Land Administration Act, if required;
- (ii) exercise of any power, duty or right or the discharge of any obligation, now and in the future, under:
 - (A) Conservation and Land Management Legislation and the Biodiversity Conservation Act and any regulations made under that Act; and
 - (B) any Tenure;
- (iii) exercise, now and in the future, of the various powers and functions under the Conservation and Land Management Legislation and the Biodiversity Conservation Act and any regulations made under that Act, including the preparation and approval of management plans, including the Northern Management Plan and the Southern Management Plan;
- (iv) construction, installation, management, maintenance and use of a Visitor Information Hub, Ranger Base, Satellite Ranger Base and Services required for, or in connection with, those improvements;
- (v) exercise of any power, duty or right or the discharge of any obligation, now and in the future, under any Authorisation relating to the Visitor Information Hub, Ranger Base or Satellite Ranger Base and Services required for, or in connection with, those improvements; and
- (vi) exercise of any power, duty or right or the discharge of any obligation, now and in the future, that arises under the Land Administration Act or other applicable legislation as a consequence of the land comprising a national park or conservation park;

(b) in respect of the Access Right Acts, includes consent to the:

(i) exercise now and in the future of any right or the discharge of any obligation, including undertaking works that may be required to keep and maintain the area the subject of an Access Easement in a condition suitable for its intended use and as provided for in the Access Easement;

(ii) exercise, now and in the future, of the various powers and functions under the Land Administration Act and any regulations made under that Act pursuant to which the Access Easement has been granted; and

(iii) exercise of any right or the discharge of any obligation, now and in the future, that arises under other legislation applicable to the Access Easement or Easement Area dealt with by it; and

(c) in respect of the Burringurrah Tenure Acts, includes consent to the:

(i) construction, installation, management, maintenance and use of a Visitor Information Hub, Ranger Base and Services required for, or in connection with, those improvements;

(ii) exercise of any power, duty or right or the discharge of any obligation, now and in the future, under any Authorisation relating to the Visitor Information Hub, Ranger Base or Services required for, or in connection with, those improvements;

(iii) exercise of any power, duty or right or the discharge of any obligation, now and in the future, under any Burringurrah Tenure and including works to keep and maintain the area the subject of any Burringurrah Tenure and any improvements (including Services) on it in a condition suitable for its intended use and as provided for in or by any Burringurrah Tenure; and

(iv) exercise, now and in the future, of the various powers and functions under any Law pursuant to which Burringurrah Tenure has been granted or that is applicable to the Burringurrah Tenure.

8.4 No Native Title Act procedures required

(a) In respect of the ILUA Agreement Area if any of the Future Acts are acts to which the Right to Negotiate or any other future act procedure under Division 3 of Part 2 of the Native Title Act (other than Subdivision B) would, apart from this Agreement, apply, the Right to Negotiate and those other future act procedures do not apply to the Future Acts and those acts are valid pursuant to this Agreement.

Access Easement means an access/carrageway easement, licence or other right enabling access. For the avoidance of doubt, it is intended that the access right permit access by motorised vehicles or other means of motorised transport; with or without machinery, plant and equipment and the right to perform works and other acts from time to time relevant to the establishment of the access and its repair, maintenance and upkeep.

Access Rights Acts means the future acts described in clauses 7.8 and 7.10(b).

Authorisation a consent, authorisation, permit, licence, approval, agreement, certificate, authority or exemption from, by or with, a Government Agency or required under any Law and all conditions attached to an authorisation.

BCAC means the Burringurrah Community Aboriginal Corporation (ICN 593), a body corporate under the CATSI Act and includes, where the context requires, any successor or assignor of the Burringurrah *[sic]* Community Lease.

Biodiversity Conservation Act means the *Biodiversity Conservation Act 2016* (WA).

Burringurrah National Park means the reserve that is created for the reserve purpose of "national park" over the Burringurrah Areas and includes Future Park Area #1 and the Burringurrah Additional Area, as the context requires, if those areas or any part of them have been added to the national park reserve.

Burringurrah Tenure means a lease easement, licence or Authorisation as may be required, from time to time, in respect of land within the Burringurrah Community from any person including BCAC, the registered proprietor from time to time of the Burringurrah Community, or under any Law, relating to, or in connection with, the Visitor Information Hub and the Ranger Base, including:

(a) works preparatory to construction;

(b) construction works; and

(c) use, control management and maintenance, of the Visitor Centre and the Ranger Base or either of them.

Burringurrah Tenure Acts means the future acts described in clauses 7.9 and 7.10(c).

CATSI Act means the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (Cth).

Conservation Estate means the Northern Conservation Estate and the Southern Conservation Estate.

Conservation Estate Acts means the future acts described in clauses 7.2, 7.3, 7.4, 7.5, 7.6, 7.7 and 7.10(a).

Conservation and Land Management Act or **CALM Act** means the *Conservation and Land Management Act 1984* (WA).

Conservation and Land Management Legislation means the Conservation and Land Management Act and the *Conservation and Land Management Regulations 2002* (WA).

Conservation Parties means the CEO and the Commission.

Dalgaranga National Park means the reserve that is created for the reserve purpose of "national park" over the Dalgaranga Areas and includes Future Park Area #2, if it has been added to the national park reserve.

Department means the Department assisting the Minister for Environment in the administration of the Conservation and Land Management Act from time to time being, at the Execution Date, the Department of Biodiversity, Conservation and Attractions.

Future Acts means the Conservation Estate Acts, the Access Rights Acts and the Burringurrah Tenure Acts.

Future Park Area #2 means the land, or any part of it, described in Item 2, Part 2 of Schedule 2.

Governmental Agency means any government or any governmental, semi-governmental, administrative, department, commission, authority, tribunal, agency, statutory authority or entity or any statutory body corporate established or continued for a public purpose.

Joint Vesting means a joint vesting of land as provided for in section 8AA(2) of the Conservation and Land Management Act.

Lakeside Conservation Park means the reserve that is created for the reserve purpose of "conservation park" over the Lakeside Area.

Land Administration Act or **LA Act** means the *Land Administration Act 1997 (WA)*.

Law means any written law of the Commonwealth or the State of Western Australia, including all regulations and other instruments made under any statute.

Minister for Environment means the Minister to whom administration of the Conservation and Land Management Act is committed.

Muggon National Park means the reserve that is created for the reserve purpose of "national park" over the Muggon Areas.

Native Title Act or **NTA** means the *Native Title Act 1993 (Cth)*.

Northern Conservation Estate means the:

(a) Mount Augustus National Park; and

(b) Burringurrah National Park, when created,

and includes, as the context requires, the above parks collectively that have been created, or have had Crown land added to them, from time to time.

Northern Management Plan means the management plan prepared under section 54 and approved by the Minister for Environment under section 60 of the Conservation and Land Management Act for the Northern Conservation Estate and which is referred to in clause 12.4(b)(i).

Ranger Base means a facility, including workshop depot office and short-term worker accommodation (as required) that will be a State asset, through the Department and provide operational support to Department officers including Wajarri Yamaji rangers for land management activities in respect of the Conservation Estate.

Reservation means:

(a) the creation of a reserve for a particular purpose or purposes in the public interests by order of the Minister for Lands under section 41 of the Land Administration Act; or

(b) where a reserve for the requisite reserve purpose exists, adding specified Crown land to that reserve by order of the Minister for Lands under a relevant provision in Part 4 of the Land Administration Act, such as if applicable, section 45(2).

Right to Negotiate means the right to negotiate procedure under and for the purposes of Subdivision P of Division 3 of Part 2 of the Native Title Act.

Satellite Ranger Base means an ancillary operational facility, including workshop, office space and short-term worker accommodation (as required) that is a State asset that, through the Department, provides support for land management activities on or proximate to an area of the Conservation Estate.

Services includes roads (whether dedicated or not and including tracks for vehicular use), footpaths, waste disposal, water supply, sewerage, drainage, electricity and gas reticulation and telecommunication equipment or other services that would ordinarily be considered to be public utility services and all infrastructure, fixtures and fittings associated with the provision, metering and charging of any of those services.

Southern Conservation Estate means:

(a) Muggon National Park, when created;

(b) Dalgarranga National Park, when created;

(c) Lakeside Conservation Park, when created; and

(d) Walganha National Park, when created,

and includes, as the context requires, all of the above parks collectively that have been created, or had Crown land added to it, from time to time.

Southern Joint Management Agreement means the agreement required under section 56A of the Conservation and Land Management Act as the Southern Management Plan provides for the land comprising the Southern Conservation Estate to be jointly managed by the CEO with WYAC and which will be substantially in the form of the agreement at Schedule 7.

Southern Joint Management Body means the body established pursuant to the Southern Joint Management Agreement for the Southern Conservation Estate.

Southern Management Plan means the management plan prepared under section 54 and approved by the Minister for Environment under section 60 of the Conservation and Land Management Act for the Southern Conservation Estate and which is referred to in clause 12.4(b)(ii).

State means the State of Western Australia and, for the purposes of clause 9, includes any State government department, agency, instrumentality, Minister and any body, whether corporate or unincorporated, that is established or continued for a public purpose by or under an Act of the State (including the Minister for Lands and any other body corporate Ministers).

Tenure means any lease, licence permit or other authority which is granted, issued, created or renewed under the Conservation and Land Management Legislation or the Biodiversity Conservation Act and any regulations made under that.

Visitor Information Hub means a facility providing interpretative and other information about the national parks comprising the Northern Conservation Estate.

Wajarri Yamaji Native Title Holders or **Wajarri Yamaji People** means the persons determined to be the Common Law Holders of Native Title under the Determinations.

Walganha Rock National Park means the reserve that is created for the reserve purpose of "national park" over the Walganha Rock Area.

Attachments to the entry

[WI2024_001 Schedule 1 - Map of ILUA Agreement Area.pdf](#)

[WI2024_001 Schedule 2 - Land Descriptions.pdf](#)

[WI2024_001 Schedule 3 - Agreement Area Overview and Map Enlargements.pdf](#)