



Extract from Register of Indigenous Land Use Agreements

NNTT number	WI2015/010
Short name	Karajarri Traditional Lands Association KSCS Eighty Mile Beach ILUA
ILUA type	Body Corporate
Date registered	22/10/2015
State/territory	Western Australia
Local government region	Shire of Broome

Description of the area covered by the agreement

The agreement applies to the "ILUA Area" and the "Adjacent Areas".

The "ILUA Area" comprises the Eighty Mile Beach Marine Park Intertidal Area, the Walyarta Conservation Park Area, the Jinmarnkur Conservation Park Area, the Jinmarnkur Kulja Nature Reserve Area and the 1994 Dragon Tree Soak Nature Reserve Addition Area. The "Adjacent Areas" comprise (1) the Eighty Mile Beach Marine Park (Subtidal), that is within the Eighty Mile Beach Marine Park (Karajarri Part), and (2) that part of the Dragon Tree Soak Nature Reserve which does not include the 1994 Dragon Tree Soak Nature Reserve Addition Area.

[Technical descriptions of each of the 6 areas to which the agreement applies are contained in Schedule 1 of the agreement. Six maps, one of each area, are contained in Schedule 2 of the agreement. Copies of Schedules 1 and 2 are attached to this register extract.

The following general description of the ILUA 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 ILUA area covers approximately 342 sq km, and is located about 191 kms south of Broome.]

Parties to agreement

Applicant

Party name	The State of Western Australia
Contact address	c/- State Solicitor's Office Level 24, 28 Barrack Street Perth WA 6000

Other Parties

Party name	Conservation Commission of Western Australia
Contact address	c/- State Solicitor's Office Level 24, 28 Barrack Street Perth WA 6000

Party name	Karajarri Traditional Lands Association (Aboriginal Corporation) RNTBC
Contact address	c/- Kimberley Land Council PO Box 2145 Broome WA 6725

Party name Marine Parks and Reserves Authority
Contact address c/- State Solicitor's Office
Level 24, 28 Barrack Street
Perth WA 6000

Party name Minister for Environment
Contact address c/- State Solicitor's Office
Level 24, 28 Barrack Street
Perth WA 6000

Party name Minister for Lands
Contact address c/- State Solicitor's Office
Level 24, 28 Barrack Street
Perth WA 6000

Party name The Chief Executive Officer of the Department of Parks and Wildlife,
acting through the Conservation and Land Management Executive Body
Contact address c/- State Solicitor's Office
Level 24, 28 Barrack Street
Perth WA 6000

Period in which the agreement will operate

Start date not specified

End Date not specified

Some clauses of the ILUA operate as and from the date the ILUA is executed (the "Execution Date") [23 June 2015]. The balance of the clauses operate as and from the later of the dates upon which: (1) the ILUA is registered on the Register of Indigenous Land Use Agreements pursuant to s 24BG of the NTA, and (2) the Grant Agreement (as defined in the ILUA) is executed (the "Commencement Date").

6.1. Force and Effect of this Agreement

(a) Clauses 2, 3, 4, 5, 6, 7, 19, 20, 21, 22, 23, 24, 25, 27, 28 and 29 have force and effect from the Execution Date.

(b) The provisions of this Agreement, other than those referred to in clause 6.1 (a), have force and effect from the Commencement Date.

6.2. Term

Subject to clause 6.3 [Termination], this Agreement continues indefinitely.

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

8.1. Future Acts

(a) The Parties:

(1) irrevocably consent to the Future Acts set out in clauses 8.2, 8.3, 8.4, 8.5 to the extent that they are Future Acts, with the intent that such statements of consent satisfy the requirements of section 24EB(1)(b) of the Native Title Act, subject only to the PBC's right to withdraw consent in respect of the Walyarta Conservation Park (Karajarri Part) in accordance with clause 8.6; and

(2) agree to validate the creation of the 1994 Dragon Tree Soak Nature Reserve Addition Area to the extent that it was a Future Act that was done invalidly, with the intent that such a statement of consent satisfies the requirements of section 24EBA(1)(a) of the Native Title Act.

(b) For the avoidance of doubt, nothing in this Agreement shall be taken to be a consent to the doing of any future act other than the Future Acts identified in clauses 8.2, 8.3, 8.4 and 8.5 [Attachment A—Future Acts].

8.6. Opt-out in respect of Walyarta Conservation Park (Karajarri Part)

(a) Subject to paragraph (d), at any time prior to 30 June 2015 the PBC may, by Notice given under clause 25, withdraw consent to the Future Acts referred to in:

(1) clause 8.3(b)(1); and

(2) clause 8.4(b) to the extent that it relates the Walyarta Conservation Park (Karajarri Part).

(b) If the PBC withdraws its consent in accordance with paragraph (a), it is to be taken that, for the purposes of section 24EB of the Native Title Act, all the Parties have withdrawn consent.

(c) If no Notice is given under paragraph (a) within the time frame referred to in paragraph (a), the Parties' consent may not be withdrawn.

(d) The PBC may, by notice given under clause 25, waive its rights under paragraph (a) and such waiver will take effect as if all Parties have given notice under this paragraph (d).

(e) The State Parties shall not do the Future Acts referred to in clauses 8.3(b)(1) and clause 8.4(b) (to the extent

that it relates the Walyarta Conservation Park (Karajarri Part)) until the expiry of the period of time referred to in paragraph (a) unless paragraph (d) applies.

8.7. Opt-out in respect of joint vesting or joint care, control and management

- (a) Subject to paragraph 8.6(d), at any time prior to six (6) months after the enactment of the legislative amendments referred to in clause 8.4(a), the PBC may, by Notice given under clause 25, withdraw consent to the Future Acts referred to in clause 8.4(b)(4).
- (b) If the PBC withdraws its consent in accordance with paragraph 8.7(a), it is to be taken that, for the purposes of section 24EB of the Native Title Act, all the Parties have withdrawn consent.
- (c) If no Notice is given under paragraph 8.7(a) within the time frame referred to in paragraph 8.7(a), the Parties' consent may not be withdrawn.
- (d) The PBC may, by notice given under clause 25, waive its rights under paragraph 8.7(a) and such waiver will take effect as if all Parties have given notice under this paragraph (d).
- (e) The State Parties shall not do the Future Acts referred to in clause 8.4(b)(4) until the expiry of the period of time referred to in clause 8.7(a) unless clause 8.7(d) applies.
- (f) If the PBC withdraws its consent to the Future Acts referred to in clause 8.4(b)(4) in accordance with this clause 8.7, then clause 8.4(c) applies.

9.3. No Native Title Act procedures required

- (a) In respect of the ILUA Area the future act provisions in Part 2 Division 3 of the Native Title Act (other than Subdivision B) do not apply to the Future Acts referred to in clauses 8.1(a)(2), 8.2, 8.3, 8.4 and 8.5 and those Future Acts are valid if done in accordance with this Agreement whether or not the provisions of Part 2 Division 3 of the Native Title Act would otherwise apply.
- (b) For the avoidance of doubt, this clause:
 - (1) does not apply to any future acts other than the Future Acts; and
 - (2) does not affect the application of the provisions of Part 2 Division 3 of the Native Title Act to the Adjacent Areas.

Definitions

1994 Dragon Tree Soak Nature Reserve Addition Area means that part of Dragon Tree Soak Nature Reserve for the purposes of conservation of flora and fauna which was included in Dragon Tree Soak Nature Reserve by Government Gazette notice on 20 December 1994 pursuant to the Reserves Act (No. 2) 1994 (WA) and which is described in SCHEDULE 1 and shown on Map 3 in SCHEDULE 2.

Conservation Estate means Eighty Mile Beach Marine Park (Karajarri Part), Walyarta Conservation Park (Karajarri Part), the Jinmarnkur Conservation Park, the Jinmarnkur Kulja Nature Reserve and the Dragon Tree Soak Nature Reserve as shown on Map 2 in SCHEDULE 2.

Eighty Mile Beach Marine Park Intertidal Area means the waters between the lowest astronomical tide and the mean high water mark, within the Determination Area, to be reserved under section 13 of the Conservation and Land Management Act for the purpose of Marine Park, and which are described in SCHEDULE 1 and shown on Map 4 in SCHEDULE 2.

Eighty Mile Beach Marine Park (Subtidal) means the whole of the waters described in Schedule 1 to the Eighty Mile Beach Marine Park Order 2013, reserved and classified as Class A on 29 January 2013 (Government Gazette No. 13, 29 January 2013, pages 325-329), which includes waters beyond the Determination Area.

Future Acts means the future acts consented to in clause 8.

Jinmarnkur Conservation Park means the land in respect of the Jinmarnkur Conservation Park Area, following reservation of that area under section 41 of the Land Administration Act for the purpose of "Conservation Park".

Jinmarnkur Conservation Park Area means the land to be reserved under section 41 of the Land Administration Act for the purpose of "Conservation Park" and to which the Conservation and Land Management Act will apply by sections 5(1)(ca) and 7(2a) of that Act, and which is described in SCHEDULE 1 and shown on Map 5 in SCHEDULE 2.

Jinmarnkur Kulja Nature Reserve means the land in respect of the Jinmarnkur Kulja Nature Reserve Area, following reservation of that area under section 41 of the Land Administration Act for the purpose of "conservation of flora and fauna".

Jinmarnkur Kulja Nature Reserve Area means the land to be reserved under section 41 of the Land Administration Act for the purpose of "conservation of flora and fauna" and to which the Conservation and Land Management Act will apply by sections 5(1)(d) and 7(2) of that Act, and which is described in SCHEDULE 1 and shown on Map 5 in SCHEDULE 2 and which falls within the Determination Area.

Walyarta Conservation Park (Karajarri Part) means the land in respect of the Walyarta Conservation Park Area, following reservation of that area under section 41 of the Land Administration Act for the purpose of "Conservation Park", and which falls within the Determination Area.

Walyarta Conservation Park Area A means one of two alternative areas (the other being Walyarta Conservation Park Area B) to be reserved under section 41 of the Land Administration Act for the purpose of "Conservation Park" and to which the Conservation and Land Management Act will apply by sections 5(1)(ca) and 7(2a) of that Act, and

which is described in SCHEDULE 1 and shown on Map 6 in SCHEDULE 2 and which falls within the Determination Area.

Walyarta Conservation Park Area B means one of two alternative areas (the other being Walyarta Conservation Park Area A) to be reserved under section 41 of the Land Administration Act for the purpose of "Conservation Park" and to which the Conservation and Land Management Act will apply by sections 5(1)(ca) and 7(2a) of that Act, and which is described in SCHEDULE 1 and shown on Map 6 in SCHEDULE 2 and which falls within the Determination Area.

Attachments to the entry

[WI2015_010 Schedule 1 Land Description.pdf](#)

[WI2015_010 Schedule 2 Plans.pdf](#)

[WI2015_010 Attachment A-Future Acts.pdf](#)