



Extract from Register of Indigenous Land Use Agreements

NNTT number	WI2016/004
Short name	Yawuru Nagulagun / Roebuck Bay Marine Park ILUA
ILUA type	Body Corporate
Date registered	13/12/2016
State/territory	Western Australia
Local government region	Shire of Broome

Description of the area covered by the agreement

Clause 2.1 of the agreement describes the ILUA Area as the "Yawuru Nagulagun / Roebuck Bay Marine Park Intertidal Area, as shown on Map 1 in Schedule 2."

Yawuru Nagulagun / Roebuck Bay Marine Park Intertidal Area means the waters to be reserved under section 13 of the Conservation and Land Management Act as a Class A reserve for the purpose of Marine Park, within the Determination Area, which waters are described in Schedule 1 and shown on Map 1 in Schedule 2.

[A map of the agreement area is contained in Schedule 2 of the agreement. A copy of Schedule 1 and 2 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 about 380 sq km of land and water in the vicinity of Roebuck Bay and to the south east of Broome.]

Parties to agreement

Applicant

Party name	The State of Western Australia
Contact address	c/- State Solicitor's Office David Malcolm Justice Centre 28 Barrack Street Perth WA 6000

Other Parties

Party name	CEO of the Department of Parks and Wildlife, acting through the Conservation and Land Management Executive Body
Contact address	c/- State Solicitor's Office David Malcolm Justice Centre 28 Barrack Street Perth WA 6000

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

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

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

Party name Yawuru Native Title Holders Aboriginal Corporation (RNTBC)
Contact address c/- Nyamba Buru Yawuru Ltd
PO Box 425
Broome WA 6725

Period in which the agreement will operate

Start date not specified
End Date not specified

Not specified

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

4.1 Agreement Area

This agreement applies to:

- (a) the ILUA Area; and
- (b) the Yawuru Nagulagun/Roebuck Bay Marine Park (Adjacent Area)

4.2 Adjacent Area

The parties acknowledge and agree that:

- (a) the Yawuru Nagulagun / Roebuck Marine Park (Adjacent Area) does not form part of the ILUA Area for the purposes of section 24BC of the Native Title Act, but is included in the Agreement as part of the consideration; and
- (b) references in this Agreement to consent to future acts and the application of the non-extinguishment principle do not apply to the Yawuru Nagulagun / Roebuck Bay Marine Park (Adjacent Area).

8.1. The Parties irrevocably consent to the acts set out in clause 8.2 and 8.3 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.

8.2. The Parties irrevocably consent to, the reservation and classification as class A of the Yawuru Nagulagun / Roebuck Bay Marine Park Intertidal Area as Marine Park under section 13 of the Conservation and Land Management Act and the vesting of that reserve in the Commission under section 7 of the Conservation and Land Management Act.

8.3. For the avoidance of doubt the consent to the doing of the acts referred to in clause 8.2 includes consent to, in respect of any land or waters within the Yawuru Nagulagun / Roebuck Bay Marine Park Intertidal Area:

- (a) the granting, issue or creation of any Tenure;
- (b) the exercise of any right or the discharge of any obligation, now and in the future, under:
 - (i) the Conservation and Land Management Act and the Wildlife Conservation Act and any regulations made under those Acts; and
 - (ii) any Tenure;
- (c) the exercise, now and in the future, of the various powers and functions under the Conservation and Land Management Act and the Wildlife Conservation Act and any regulations made under those Acts, including the preparation and approval of management plan(s); and
- (d) the exercise of any right or the discharge of any obligation, now and in the future, that arises under other applicable legislation as a consequence of the creation of the Marine Park.

9.3. 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 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.

'Conservation and Land Management Act' means the Conservation and Land Management Act 1984 (WA).

'Future Acts' means the acts referred to in clauses 8.2 and 8.3.

'Tenure' means, in respect of the area of land or waters that is wholly or partly within the Yawuru Nagulagun / Roebuck Bay Marine Park, any licence, permit or other authority which is granted, issued or created under the Conservation and Land Management Act or the Wildlife Conservation Act and any regulations made under those Acts, following the creation of any of the Yawuru Nagulagun / Roebuck Bay Marine Park, but not including any lease.

'Wildlife Conservation Act' means the Wildlife Conservation Act 1950 (WA).

Attachments to the entry

[WI2016_004 Schedule 1 Land Description.pdf](#)

[WI2016_004 Schedule 2 Plans Map 1 and Map 2.pdf](#)