



# Extract from Register of Indigenous Land Use Agreements

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<b>NNTT number</b>	WI2019/004
<b>Short name</b>	Balanggarra #3 Indigenous Land Use Agreement
<b>ILUA type</b>	Area Agreement
<b>Date registered</b>	14/02/2020
<b>State/territory</b>	Western Australia
<b>Local government region</b>	Shire of Wyndham-East Kimberley

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## Description of the area covered by the agreement

Schedule 1 of the agreement describes the agreement area as all those lands and waters comprising:

- (i) Lot 1776 on Deposited Plan 208835 being the whole of the land comprised in Certificate of Title 2561/586;
- (ii) Lot 1777 on Deposited Plan 208835 being the whole of the land comprised in Certificate of Title 2561/587;
- (iii) Lot 1778 on Deposited Plan 208835 being the whole of the land comprised in Certificate of Title 2561/588;
- (iv) Lot 1779 on Deposited Plan 208835 being the whole of the land comprised in Certificate of Title 2561/589;
- (v) Lot 1365 on Deposited Plan 213443 being the whole of the land comprised in Certificate of Title 2600/54;  
and
- (vi) Lot 1297 on Deposited Plan 210697 being the whole of the land comprised in Certificate of Title 2726/303.

[A map of the agreement area is contained in Schedule 1 of the agreement. A copy of Schedule 1 is attached to this register extract. The following general description of the agreement area has been provided to 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 9 ha, consisting of six land parcels; being Lots 1776, 1777, 1778 and 1779 on DP208835, Lot 1365 on DP213443 and Lot 1297 on DP210697 located within the Town of Wyndham adjacent to the Great Northern Highway.]

## Parties to agreement

### *Applicant*

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<b>Party name</b>	The State of Western Australia acting through the Attorney General
<b>Contact address</b>	c/- State Solicitor's Office David Malcolm Justice Centre 28 Barrack Street Perth WA 6000

### *Other Parties*

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<b>Party name</b>	Balanggarra Aboriginal Corporation (RNTBC)
<b>Contact address</b>	c/- The Kimberley Land Council 11 Gregory Street Broome WA 6725

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<b>Party name</b>	Jean Leyland, Jeff Clark, Tom Birch and Vernon Gerrard for and on behalf of the Balanggarra #3 Claim Group
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**Contact address** c/- The Kimberley Land Council  
11 Gregory Street  
Broome WA 6725

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**Party name** Kimberley Land Council Aboriginal Corporation  
**Contact address** 11 Gregory Street  
Broome WA 6725

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**Party name** Minister for Lands, a body corporate continued under section 7(1) of the  
Land Administration Act 1997 (WA)  
**Contact address** c/- State Solicitor's Office  
David Malcolm Justice Centre  
28 Barrack Street  
Perth WA 6000

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**Period in which the agreement will operate**

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**Start date** 19/09/2019  
**End Date** not specified

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2.1 This Agreement commences on the Execution Date and binds each of the Parties, their successors and permitted assigns.

2.2 No party may unilaterally terminate this Agreement for any reason, including by reason of any breach or repudiation of this Agreement by any Party.

2.3 If all Parties agree in writing, the Parties may terminate this Agreement at any time, including at any time after this Agreement is registered on the ILUA Register.

**"Execution Date"** means the date of execution of this Agreement by the last of the Parties to execute it.

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

3.1 Each Party acknowledges and agrees that the Agreed Acts may be Future Acts to which the provisions of Part 2, Division 3 of the NTA may apply.

3.2 The Parties acknowledge and agree that the Agreed Acts comprise the creation and grant by the State, of the following leases and estates in fee simple:

- (a) Certificate of title 2561/586, comprising Lot 1776 on Deposited Plan 208835;
- (b) Certificate of title 2561/587, comprising Lot 1777 on Deposited Plan 208835;
- (c) Certificate of title 2561/588, comprising Lot 1778 on Deposited Plan 208835;
- (d) Certificate of title 2561/589, comprising Lot 1779 on Deposited Plan 208835;
- (e) Certificate of title 2600/54, comprising Lot 1365 on Deposited Plan 213443;
- (f) General lease H815492, granted pursuant to section 79 of the LAA, being the whole of Lot 1365 on Deposited Plan 213443;
- (g) Certificate of title 2726/303, comprising Lot 1297 on Deposited Plan 210697; and
- (h) General lease H852292, granted pursuant to section 79 of the LAA, being the whole of Wyndham Lot 1297 on Land Administration Plan 210697.

3.3 Each Party agrees to the validating of the Agreed Acts referred to in clause 3.2 to the extent that any or all of those acts was a Future Act that was done invalidly, with the intent that such statement of agreement to validity satisfies the requirement of section 24EBA(1)(a) of the NTA.

3.5 For the avoidance of doubt consent to the validating of the Agreed Acts includes agreement to the validation of, and consent to, the exercise of any right or obligation created by the Agreed Acts on the person on whom the right or obligation is, or was, conferred.

3.6 (a) The Parties agree to the surrender of any and all native title rights and interests which exist in the Agreement Area to the State. The surrender of the native title rights and interests in relation to the Agreement Area to the State is intended to extinguish those native title rights and interests.

(b) The Parties agree that in respect of the Agreed Acts, the Parties intend that the surrender and extinguishment will occur on the Registration Date.

3.7 (a) The Right to Negotiate Procedure does not apply to any of the Agreed Acts, with the intent that such statement satisfies the requirement of section 24EB(1)(c) of the NTA.

"**Agreed Acts**" means those acts described at clause 3.2.

"**Future Act**" has the same meaning as given to it by the NTA.

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

"**Registration Date**" means the date when the details of the Agreement are entered onto the ILUA Register.

"**Right to Negotiate Procedure**" means the procedure under Subdivision P of Division 3 of Part 2 of the NTA.

#### **Attachments to the entry**

[WI2019\\_004 Schedule 1 - Agreement Area Maps and Technical Description \(Clause 1\\_1\).pdf](#)