

Notice of an application to register an area agreement on the Register of Indigenous Land Use Agreements in New South Wales

Notification day: 2 April 2025



National Native Title Tribunal



NI2024/002 Brewarrina Common ILUA
Description of the agreement area:
The agreement area covers a combined area of about 40 sq km and is located in the vicinities of Brewarrina and Gongolgon in northern New South Wales
Relevant LGA: Brewarrina Shire Council

The agreement contains the following statements:
[Explanatory notes in brackets inserted by the National Native Title Tribunal]

8. CONSENT TO FUTURE ACTS
8.1 For the purposes of clause 8, the following acts are **Agreed Acts**:

(a) the exercise by Brewarrina LALC of all rights, interests, powers and entitlements as the holder of the fee simple interest over Lot 10 Sec 5 in DP 758457, including the rights to use, manage, control, hold, lease, licence, or dispose of, or otherwise deal with, land vested in it in accordance with the *Aboriginal Land Rights Act 1983* (NSW); **Note:** In accordance with clause 10 of this Agreement, all Native Title Rights and Interests in relation to Lot 10 Sec 5 in DP 758457 are surrendered. (b) the grant and transfer of the Brewarrina LALC Transfer Lands in fee simple to Brewarrina LALC in accordance with subsections 36(9)–(13) and section 36AA of the *Aboriginal Land Rights Act 1983* (NSW); (c) subject to this Agreement, the exercise by Brewarrina LALC of all rights, interests, powers and entitlements as the holder of a fee simple interest in relation to the Brewarrina LALC Transfer Lands, including

8.7 The Native Title Party shall do all things reasonably necessary to give effect to the consents in clauses 8.2 and 8.4, including signing any documents and providing any consents.
8.6 *[sic]* The Native Title Party acknowledges that the consents in clauses 8.2 and 8.4 constitute the requisite statements for the purposes of section 24EB(1)(b) of the NTA and regulation 7(5) of the ILUA Regulations to the doing of any of the acts referred to in clauses 8.2 – 8.4.

Additional Transfer Lands means the parcels described in Part 3 of Schedule 1. **Agreed Acts** means the acts referred to in clause 8.1. **Agreement** means this agreement, its recitals and schedules. **Agreement Area** means the area described in Part 1 of Schedule 1. **Applicant** or **registered native title claimant** means the person or persons whose name or names appear from time to time in an entry on the Register of native title claims as the Applicant in relation to the Application, and as at the execution date those names are Elaine Ohlsen, Grace Gordon, Phillip Sullivan, Daniella Chedzey, John Shipp, Danielle Flakelar-Carney, Raymond Thompson, David Clarke, Jaye Lee Snowden, Peter Harris, Pearl Harris, Dennis Rankmore and Josephine (Josie) Winsor. **Application** means the native title determination application filed by the Applicant on behalf of the Ngemba, Ngiyampaa, Wangaaypuwan and Wayilwan People on 14 March 2012, Federal Court proceeding number NSD 415 of 2012, which became NSD 38 of 2019. **Assignment Deed** means an executed deed generally in the form of the document at Schedule 5 to this Agreement. **Assignment Deed Delivery Date** means the date on which the executed Assignment Deed is delivered to the Brewarrina LALC in accordance with the Assignment Deed. *[Brewarrina LALC is the short name in the agreement of Brewarrina Local Aboriginal Land Council]*. **Brewarrina LALC Transfer Lands** means those parcels described in Part 2 of Schedule 1. **Determination Orders** means orders made by the Federal Court as an Approved Determination of Native Title in relation to the Application which relates to an area that includes the Agreement Area. **Future Act** has the same meaning as in the NTA. **ILUA Regulations** means the *Native Title (Indigenous Land Use Agreements) Regulations 1999* (Cth). **Native Title** or **Native Title Rights and Interests** means any native title rights and interests recognised in the Determination Orders in respect of land or waters in the Agreement Area within the meaning given by section 223 of the NTA. **Native Title Party** means: (a) on Commencement of the Agreement – the Applicant on behalf of the Ngemba, Ngiyampaa, Wangaaypuwan and Wayilwan People (NSD 38/2019); (b) after the Agreement is Registered, but before the Assignment Deed Delivery Date – the Applicant and proposed RNTBC; and (c) on and after the Assignment Deed Delivery Date – the proposed RNTBC on behalf of the NNWW People. **NNWW Native Title Claim** has the same meaning as **Application**. **NNWW People** has the same meaning as in the Proposed Consent Determination Orders, being those Aboriginal persons who: (a) are the descendants of *[certain named apical ancestors (these names are identical to those apical ancestors listed in the entry on the Register of Native Title Claims for the Application (NSD38/2019))]*; (i) identify as a Ngemba, Ngiyampaa, Wangaaypuwan or Wayilwan person; and (ii) are recognised as a Ngemba, Ngiyampaa, Wangaaypuwan or Wayilwan person by Ngemba, Ngiyampaa, Wangaaypuwan and Wayilwan People in accordance with their traditional law and custom. **NTA** means the *Native Title Act 1993* (Cth). **PBC Transfer Lands** means the parcels described in Part 4 of Schedule 1 of this Agreement. **Plan of Management** means the interim document referred to in Clause 10 of the Joint Management Agreement at Schedule 2 of this Agreement and any Plan of Management later prepared in accordance with Schedule 2 of this Agreement. **Proposed Consent Determination Orders** means the consent orders proposed to be made by the Federal Court in the NNWW Native Title Claim (NSD38/2019). **Real Property Act** means the *Real Property Act 1900* (NSW). **Surrendered Land** means the Additional Transfer Lands and Lot 10 Sec 5 in DP 758457. **Transfer** means the transfer of a parcel of the PBC Transfer Lands to the proposed RNTBC in fee simple in accordance with clause 7 of this Agreement and the Real Property Act.

Parties to the agreement and their contact addresses:

Brewarrina Local Aboriginal Land Council (Applicant)	c/- Chalk & Behrendt Pty Ltd, Level 1, 63 Foveaux Street, Surry Hills, NSW 2010
Elaine Ohlsen, Grace Gordon, Phillip Sullivan, Daniella Chedzey, John Shipp, Danielle Flakelar-Carney, Raymond Thompson, David Clarke, Jaye Lee Snowden, Peter Harris, Pearl Harris, Dennis Rankmore and Josephine (Josie) Winsor as the Applicant in proceedings no. NSD 38 of 2019 (Native Title Party)	c/- NTSCORP Limited Level 1, 44-70 Rosehill St Redfern NSW 2016 PO Box 2105, Strawberry Hills NSW 2012
Attorney-General of New South Wales as State Minister for New South Wales under the <i>Native Title Act 1993</i> (Cth) (State)	GPO Box 5341 Sydney NSW 2001
Minister for Lands and Property as the Minister administering the <i>Crown Land Management Act 2016</i> (NSW) (State)	GPO Box 5341 Sydney NSW 2001

Objections to the registration of an ILUA where the application for registration has been certified:
This application for registration of an indigenous land use agreement (ILUA) has been certified by NTSCORP Limited, the entity performing the functions of the representative body for the area. Any person claiming to hold native title to any part of the area covered by the ILUA may object in writing within the notice period to the registration of this agreement if they think that the application to register the ILUA has not been properly certified. If you wish to object to the registration of this agreement (and you hold or claim to hold native title in any part of the area covered by the agreement) you may only object for one reason: in your view, the application to register the ILUA has not been properly certified, as stated in section 203BE(5)(a), (b) and (c) of the *Native Title Act 1993* (Cth). You must make this objection in writing and send it to the **Native Title Registrar, National Native Title Tribunal, PO Box 12440 George Street Post Shop, Brisbane QLD 4003 by 2 July 2025**. Generally, procedural fairness will require that the material you provide is given to certain other persons or organisations for comment. It may also be taken into account in the registration of other ILUAs and claimant applications and thus be provided to relevant persons or organisations for comment.

Details of the terms of the agreement are not available from the National Native Title Tribunal.
For assistance and further information about this application, including the description of the area, call Claire Smith on 08 6317 5333 or visit www.nntt.gov.au.