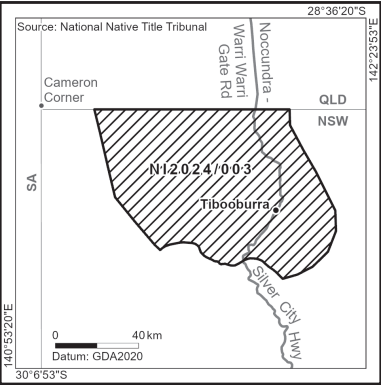


Notice of an application to register an area agreement on the Register of Indigenous Land Use Agreements in New South Wales

Notification day: 5 March 2025



National Native Title Tribunal



NI2024/003 Wangkumarra Kawalanyi Land Use Agreement

Description of the agreement area:

The agreement area covers about 5,941 sq km and is located in northwest New South Wales, adjoining the Queensland State border in the vicinity of Tibooburra

Relevant LGA: Unincorporated - Far West Area

The agreement contains the following statements:

[Explanatory notes in brackets inserted by the National Native Title Tribunal]

Right to negotiate

5.3 For the purposes of section 24EB(1)(c) of the Native Title Act 1993 (Cth) nothing in this Agreement affects the right to negotiate under Subdivision P of Division 3 of Part 2 of the Native Title Act 1993 (Cth).

Validation

[Clauses 5.4 to 5.9 provide that ss 19, 22F, 24EBA(1)(a)(i) and 24EBA(3) of the Native Title Act 1993 (Cth) and ss 8, 8A and 30 of the Native Title (New South Wales) Act 1993 (NSW) apply to validate all past acts, all intermediate period acts and all future acts (other than intermediate period acts) attributable to the State, that s 24EB(2) of the Native Title Act 1993 (Cth) applies to all future acts done in relation to land or waters in the native title area on or after the date that this Agreement is registered (provided any future act is in accordance with the procedures set out in the agreement or the relevant Native Title Act), that s 24EB(2A) of the Native Title Act 1993 (Cth) applies where the details of this Agreement are removed from the Register of Indigenous Land Use Agreements and that s 24EBA(7) of the Native Title Act 1993 (Cth) applies to not affect the validity of any future act done under this Agreement.]

Non-extinguishment principle

5.10 Section 24EB(3) of the Native Title Act 1993 (Cth) and section 30(3) of the Native Title (New South Wales) Act 1994 (NSW) apply to certain acts carried out in accordance with this Agreement.

5.11 Section 24EBA(4) of the Native Title Act 1993 (Cth) and section 30(3) of the Native Title (New South Wales) Act 1994 (NSW) apply to certain acts undertaken before this Agreement is registered.

Public works

5.13 Section 24EBA(1)(a)(i) of the Native Title Act 1993 (Cth), Regulation 7(5)(d) of the Native Title (Indigenous Land Use Agreements) Regulations 1999 (Cth) and section 30 of the Native Title (New South Wales) Act 1994 (NSW) apply to validate all public works, attributable to the State, that were constructed or established before the date this Agreement is registered (including those identified in the NSW determination), other than intermediate period acts, and such public works which have extinguished native title in relation to: (a) the land or waters on which the public works which were, or are, situated; and (b) adjacent land or waters, the use of which is or was necessary for, or incidental to, the construction, establishment or operation of the public works.

5.14 All public works that were constructed or established on land or waters in the native title area on and after the execution date and before this Agreement is registered, are valid to the extent they are constructed or established invalidly because of the existence of native title, provided that they are constructed or established in accordance with the procedures set out in this Agreement or in the Native Title Act 1993 (Cth).

Other future acts

5.16 Division 3 of Part 2 of the Native Title Act 1993 (Cth) applies to any future act not covered by Schedule C (Alternative future acts regime).

[Clause 18.2 Definitions:] **Crown land** has the meaning given Division 1.3 of the Crown Land Management Act 2016 (NSW) and includes: (a) any land dedicated for a public purpose; or (b) any land dedicated as a State Forest under Division 1 of Part 3 of the Forestry Act 2012 (NSW). **future act** has the meaning given by section 233 of the Native Title Act 1993 (Cth), but does not include a future act done by the Commonwealth. **Local Land Services** means the NSW agency created pursuant to Part 2 of the Local Land Services Act 2013 (NSW) and includes officers and employees of the State who carry out functions and duties pursuant to that Act. **Minister** means the Minister allocated, from time to time, with responsibility for the administration of a NSW law under section 50B of the Constitution Act 1902 (NSW). **NSW agency** means [the Ministers administering and with relevant responsibilities under the Biosecurity Act 2015 (NSW), Crown Land Management Act 2016 (NSW), National Parks and Wildlife Act 1974 (NSW), National Parks and Wildlife Act 1974 (NSW) and Local Land Services where its functions relate to local land services and State priorities for local land services under the Local Land Services Act 2013 (NSW), and includes officers and employees of relevant NSW agencies]. **NSW laws** means any law in force in the State of New South Wales, and includes the common law, legislation, a statutory rule, statutory instruments and environmental planning instruments. **registered**, when used in the context of an Indigenous land use agreement, means the entry of an Indigenous land use agreement, including this Agreement, by the Registrar on the Register of Indigenous Land Use Agreements established and maintained under Part 8A of the Native Title Act 1993 (Cth). **State** means the Crown in right of the State of New South Wales and includes: (a) any Minister or NSW agency; and (b) any person or entity acting for or on behalf of the State; unless the context or terms of a provision in the Agreement requires otherwise; and also includes: (c) any State-owned corporations created under a NSW law, for the purposes of clause 9 (Compensation) of this Agreement.

Parties to the agreement and their contact addresses:

Clancy John McKellar, Iona Dawn Smith, Ernest (Hope) Ebsworth, Rosemary (Rose) Anne Wilson, Margaret Anne Collins, Sharlene Louise Knight, Archie Alfred Ebsworth, Norman John Hodge, Jacqueline Elizabeth Hill, on behalf of the Wongkumara People as the applicant in Federal Court (proceedings No QUD851 of 2018) (Applicant)

AND  
Wangkumarra Kawalanyi Aboriginal Corporation, ICN 7384 (RNTBC)  
c/- Eddy Neumann Lawyers  
255 Castlereagh Street  
Sydney NSW 2000

Attorney General of New South Wales (as the State Minister under the Native Title Act 1993 (Cth))  
Minister for the Environment (as the Minister administering the National Parks and Wildlife Act 1974 (NSW))  
Minister for Agriculture (as the Minister administering the Biosecurity Act 2015 (NSW))  
Minister for Lands and Property (as the Minister administering the Crown Land Management Act 2016 (NSW))  
Chief Executive Officer of Local Land Services  
c/- NSW Crown Solicitor's Office  
GPO Box 25  
Sydney NSW 2001

Responses to an application to register an ILUA—where the application has not been certified:

Any person claiming to hold native title in relation to land or waters in the area covered by the agreement may wish, in response to this notice, to make a native title determination application or equivalent application under a law of a state or territory in respect of any part of the area. **The application must be made by 5 June 2025.** If that application is registered on the Register of Native Title Claims, the registered native title claimants must be a party to this agreement before it can be registered.

Details of the terms of the agreement are not available from the National Native Title Tribunal.

For assistance and any further information about this application, including the description of the area, call Claire Smith on 08 6317 5333 or visit [www.nntt.gov.au](http://www.nntt.gov.au).