



W12025/005 Marlinyu Ghoorlie Conservation Estate ILUA

Description of the agreement area:
The agreement area covers an area of about 3,545.7 sq km and is located in the vicinity of Mount Manning Nature Reserve situated approx. 150 km north west of Kalgoorlie-Boulder

Relevant LGA: Shire of Menzies and Shire of Yilgarn

The agreement contains the following statements:

7.1 Future Acts in ILUA Transactions Each Party acknowledges and agrees that the ILUA Transactions contemplated in this clause 7 comprise future acts to which Part 2, Division 3 of the Native Title Act may apply (**Future Acts**) and that consent to the ILUA Transactions under this clause 7 includes the grant of consent to such Future Acts.

7.2 Consent to Future Acts (a) Each Party irrevocably consents to the following ILUA Transactions in respect of the ILUA Agreement Area: (i) the Helena and Aurora Range National Park ILUA Transaction; and (ii) the Die Hardy Range National Park ILUA Transaction, (each an **ILUA**

Transaction), with the intent that such statement of consent satisfies the requirement of section 24EB(1)(b) of the Native Title Act in respect of each of them.

(b) The consents in subclause (a) of this clause include: (i) consent to the doing of every act comprised in the ILUA Transactions to the extent such requirement is applicable to such act, and any and all things ancillary to the doing of the ILUA Transactions, with the intent that such statement of consent satisfies the requirement of section 24EB of the Native Title Act in respect of each future act comprised in the ILUA Transactions; and (ii) the validation of any Future Act comprised in the prior Reservation of any land within the ILUA Agreement Area, including in the Reservation of the National Park R36208, with the intent that such statement of agreement to validity satisfies the requirements of section 24EBA(1)(a)(i) of the NT Act.

7.3 Agreement to Future Acts includes exercise of rights (a) Without limiting clause 7.2, the Parties acknowledge that the consent to the Future Acts includes consent to the doing of all acts involved in effecting the ILUA Transactions, including: (i) classification of the national park reserves as “Class A” by order under section 42 of the Land Administration Act, if required; (ii) the grant, issue or creation, from time to time, of any Tenure over the ILUA Agreement Area; (iii) the exercise of any power, duty, or right, or the discharge of any obligation, now and in the future, under: (A) Conservation and Land Management Legislation and the Biodiversity Conservation Act and any regulations made under those Acts; and (B) any Tenure; (iv) the exercise, now and in the future, of the various powers and functions under the Conservation and Land Management Legislation and the Biodiversity Conservation Act and any regulations made under those Acts, including the preparation and approval of any management plans; and (v) the exercise of any power, duty, or right, or the discharge of any obligation, now and in the future, that arises under the Land Administration Act or other applicable legislation as a consequence of the land comprising a national park, nature reserve, conservation park or marine park.

7.4 Requirements of section 24EB(1)(b) of the Native Title Act The Parties agree that each statement of consent in clauses 7.2 and 7.3 is intended to satisfy the requirement of section 24EB(1)(b) of the Native Title Act.

8.3 No Native Title Act procedures required (a) In respect of the ILUA Agreement Area, if any of the Future Acts in clause 7 are acts to which the Right to Negotiate or any other future act procedure under Division 3 of Part 2 of the Native Title Act (other than Subdivision C) would, apart from this Agreement apply, the Right to Negotiate and those other future act procedures do not apply to the Future Acts and those acts are valid pursuant to this Agreement. (b) The Parties intend that the statement in subclause (a) satisfies the requirements of section 24EB(1)(c) of the Native Title Act.

Biodiversity Conservation Act means the *Biodiversity Conservation Act 2016* (WA). **Conservation and Land Management Act** or **CALM Act** means the *Conservation and Land Management Act 1984* (WA). **Conservation and Land Management Legislation** means the Conservation and Land Management Act and the *Conservation and Land Management Regulations 2002* (WA). **Die Hardy Range National Park Area** means the area identified in Item 3 of Schedule 2 and, for ease of reference only, shown on the Map in Schedule 1. **Die Hardy Range National Park ILUA Transaction** means the Reservation of the Die Hardy Range National Park Area under section 41 of the Land Administration Act for the purposes of “national park”, and the classification of such land under section 42 of the Land Administration Act as “Class A” reserve, to which the CALM Act will apply by its sections 5(1)(c) and 7(2). **Helena and Aurora Range National Park Area** means the area comprising the land identified in Item 1 and Item 2 of Schedule 2 and, for ease of reference only, shown on the Map in Schedule 1. **Helena and Aurora Range National Park ILUA Transaction** means, in respect of the Helena and Aurora Range National Park Area: (a) following its excision from Reserve 48470, the Reservation of the whole or any portion of the R48470 Excised Land: (i) under section 41 of the Land Administration for the purposes of “national park” to which the Conservation and Land Management Act will apply by its sections 5(1)(c) and 7(2), or (ii) by an amendment under section 45(2) or another relevant provision in Part 4 of the Land Administration Act, of the boundaries of the National Park R36208 to include the whole or any portion of the R48470 Excised Land in the National Park R36208; and (b) the classification of the National Park R36208 and any Reserves created as contemplated under (a)(i), under section 42 of the LA Act as “Class A” reserves. **ILUA** means an indigenous land use agreement which meets the requirements of sections 24CB to 24CE of the Native Title Act. **ILUA Agreement Area** means the areas of land, as at the date of this Agreement comprising: (a) the Helena and Aurora Range National Park Area; and (b) the Die Hardy Range National Park Area, and which areas are within the Claim Area. **The ILUA Agreement Area** is shown, for identification purposes, on the Map in Schedule 1. **Land Administration Act** or **LA Act** means the *Land Administration Act 1997* (WA). **National Park R36208** means the area identified in Item 1 of Schedule 2 and, for ease of reference only, shown on the Map in Schedule 1. **No-Native Title Determination** means orders of the Federal Court or High Court of Australia which constitute an approved determination of native title or a revised approved determination of native title under which native title is determined not to exist over the entirety of the ILUA Agreement Area. **Reservation** means: (a) the creation of a Reserve or Reserves, for a particular purpose or purposes in the public interest by order of the Minister for Lands under section 41 or 51 of the Land Administration Act; or (b) where a Reserve for the requisite reserve purpose already exists, adding specified Crown land to the reserve by order of the Minister for Lands under a relevant provision in Part 4 of the Land Administration Act, such as, if applicable, section 45(2). **Reserve** means land, or land and waters, that has been reserved and to which the Conservation and Land Management Act applies pursuant to section 5 of that Act. **Right to Negotiate** means the right to negotiate procedure under and for the purposes of Subdivision P of Division 3 of Part 2 of the Native Title Act. **Tenure** means any lease, licence, permit or other authority which is granted, issued, created or renewed under the Conservation and Land Management Legislation or the Biodiversity Conservation Act and any regulations made under that Act.

Parties to the agreement and their contact addresses:

The State of Western Australia (State) c/- State Solicitor’s Office David Malcolm Justice Centre 28 Barrack Street, Perth WA 6000	Chief Executive Officer of the Department of Biodiversity, Conservation and Attractions (CEO); and Conservation and Parks Commission (Commission); Department of Biodiversity, Conservation and Attractions 17 Dick Perry Avenue, Kensington WA 6151
Henry Richard Dimer, Maxine Dimer, James Champion, Darren Indich, Simon Champion, Tania Champion, Leechelle Hammat and Darryl Trott on behalf of the Marlinyu Ghoorlie Native Title Claimants (the Claimants) c/- Houston Legal & Consultants PO Box 653, Fremantle WA 6959	Minister for Lands (Minister for Lands) 140 William Street, Perth WA 6000

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 23 October 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 Huia McGrath on 07 3052 4040 or visit www.nntt.gov.au