



Extract from Register of Indigenous Land Use Agreements

NNTT number	DI2023/004
Short name	Upper Daly (Repeat) Land Claim No. 128 Settlement ILUA
ILUA type	Area Agreement
Date registered	22/11/2024
State/territory	Northern Territory
Local government region	Victoria Daly Regional Council, Un-Incorporated (Marrakai-Douglas Daly) Area

Description of the area covered by the agreement

"ILUA Area" means the Acquisition Lots and the Roads as depicted on the Map of the ILUA Area at Annexure D.

"Acquisition Lots" means the land the subject of the compulsory acquisition notified in NT Government Gazette S39 dated 21 July 2000 included at Annexure C, and which now comprise NT Portions 6068-6077 as depicted on Survey Plan S2000/223A-D, included at item 2 of Annexure B.

"the Roads" means, collectively:

- Part Umbrawarra Road (refer Item 4 of Annexure B);
- the 100m wide road corridor within the external boundaries of NT Portion 4200 as depicted on S2000/186A (refer Item 3 of Annexure B);
- the 100m wide road corridor within the external boundaries of NT Portion 5919 as depicted on S2000/186B (refer Item 3 of Annexure B);
- the 100m wide road corridors within the external boundaries of NT Portion 5920 as depicted on S2000/186C (refer Item 3 of Annexure B); and
- the 100m wide road corridor within the external boundaries of NT Portion 5990 as depicted on S2000/212B (refer Item 3 of Annexure B).

[A copy of Annexures D, C and B 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 a combined area of about 302 sq km and is located approximately 70 kms northwest of Katherine.]

Parties to agreement

Applicant

Party name	Northern Territory of Australia
Contact address	c/- Solicitor for the Northern Territory GPO Box 1722 Darwin NT 0801

Party name Northern Land Council
Contact address c/- Northern Land Council
GPO Box 1222
Darwin NT 0801

Period in which the agreement will operate

Start date not specified
End Date not specified

2. COMMENCEMENT AND OPERATION

(a) This Agreement commences on the date the last Party to execute this Agreement does so and will continue in perpetuity.

(b) This Agreement applies to the ILUA Area.

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

3.1 Condition precedent

(a) It is a condition precedent to both:

(i) the Native Title Group's consent to the surrender and extinguishment of native title rights and interests (if any) under clause 3.2; and

(ii) the Native Title Group's agreement to the validation of the Acquisition under clause 3.3(a), that the Stray Creek Grant occur.

(b) For the avoidance of doubt, the validation, surrender and extinguishment described in clause 3.1(a) will only take effect on and from the date of the Stray Creek Grant.

3.2 Surrender of native title

(a) The Native Title Group consents to surrender to the Territory all native title rights and interests (if any) that may subsist in the Roads.

(b) The Parties agree that the surrender of native title under clause 3.2(a) is intended to wholly extinguish the native title.

3.3 Validation of Acquisition

(a) The Native Title Group agrees to the validation of the Acquisition.

(b) The Parties agree that the consequence of clause 3.3(a) is that native title rights and interests (if any) in the Acquisition Lots have been wholly extinguished.

3.4 Right to negotiate

(a) Subdivision P (Right to Negotiate) of Division 3 of Part 2 of the NTA is not intended to apply to the Relevant Acts.

3.5 Non-extinguishment principle

(a) The Parties acknowledge and agree that except in accordance with this clause 3, nothing in this agreement is intended to extinguish customary or native title.

"Acquisition" means the acquisition of native title over the Acquisition Lots as set out in the Notice of Acquisition at Annexure C.

"Stray Creek Conservation Area" means, collectively:

- the whole of NT Portion 6073 as depicted on Survey Plan S2000/223C;
- the whole of NT Portion 6076 as depicted on Survey Plan S2000/223B; and
- the whole of NT Portion 6077 as depicted on Survey Plan S200[sic]/223A

"the Relevant Acts" means the acts defined and referred to in clauses 3.1, 3.2 and 3.3.

"the Stray Creek Grant" means the grant under the ALRA of the Stray Creek Conservation Area as Aboriginal Land vested in the Wagiman (No. 2) Aboriginal Land Trust.

Attachments to the entry

[DI2023_004 Annexure B Materials for the ILUA Area.pdf](#)

[DI2023_004 Annexure C Northern Territory Government Gazette.pdf](#)

[DI2023_004 Annexure D Map of ILUA Area.pdf](#)