

WOPPABURRA PEOPLE #2 NATIVE TITLE CLAIM

CONDITIONS UNDER SECTION 251BA OF THE ACT ON THE AUTHORITY OF THE APPLICANT

Those persons authorised to form the Applicant to make the native title determination application and deal with matters arising in relation to it are authorised subject to section 62A of the *Native Title Act* and the terms and conditions set out below.

Section 62A of the Native Title Act is as follows:

NATIVE TITLE ACT 1993 - SECT 62A - Power of applicants where application authorised by group

(1) *In the case of:*

(a) *a claimant application; or*

(b) *a compensation application whose making was authorised by a compensation claim group; the applicant may deal with all matters arising under this Act in relation to the application.*

(2) *Subsection (1) is subject to any conditions under section 251BA on the authority of the applicant.*

ACTING IN THE INTEREST OF THE WHOLE GROUP

1. Each member of the Applicant is to act at all times in the interests of the claim group as a whole. This applies despite members of the Applicant being appointed from particular family or descent group within the Woppaburra #2 claim group.
2. Each member of the Applicant has an overriding duty of good faith to the whole Woppaburra #2 claim group.
3. The members of the Applicant shall not be paid any wages, fees or remuneration in respect of the performance of obligations in connection with their role without disclosure to the Woppaburra #2 claim group. This does not affect any claim that they may make for travel assistance.

DECISION MAKING BY MEMBERS OF THE APPLICANT

4. Where members of the Applicant cannot agree about a matter by consensus, the decision of the Applicant shall be determined by majority vote of the Applicant. Written or telephone communication to the legal representatives from member of the Applicant stating their position on the matter shall be included in determining a majority decision.
5. A quorum for an Applicant meeting shall be half the number of the Applicant plus one.
6. If a person who is a member of the Applicant does not attend a meeting of the Applicant, those in attendance may make a binding decision in the absence of such person or persons provided that there is a quorum for the meeting.
7. Meetings of the Applicant may be in person, or by telephone or video conference (or other appropriate technology) where appropriate. Meetings may be requested by the legal representatives of the native title claim group, or by three or more members of the Applicant.
8. A decision may be made by the Applicant without a meeting if each member of the Applicant assents to the decision in writing.
9. In making decisions each member of the Applicant must have regard to the following management principles:

- a. The native title claim is to be managed and brought to a successful conclusion in an effective and efficient manner;
- b. Any future acts negotiations are to be conducted in a transparent manner that results in the effective protection of our lands, waters, resources and cultural heritage, and the optimization of benefits to our people;
- c. Any cultural heritage matter is to be managed and protected in a cohesive and effective manner which ensures equity between families and individuals in the performance of all cultural heritage work; and
- d. Any compensation and other benefits are held on trust for the whole claim group and only distributed according to the wishes of the Native Title Claim Group.

CEASING TO BE PART OF THE APPLICANT

10. If one or more of the individuals comprising the Applicant is incapable, unable or unwilling to continue to act as an Applicant member whether as a result of the death, ill health or any other reason, the remaining member(s) of the Applicant may continue to act for or on behalf of the Woppaburra #2 claim group in bringing the native title determination application without the need to reconvene the members of the claim group to appoint a replacement for the individual who is unable, unwilling or incapable of continuing to act.
11. Any member of the Applicant who does not attend two consecutive meetings of the Applicant without reasonable excuse will be regarded as being unable or unwilling to continue to act as a member of the Applicant. That member cannot be replaced or reappointed until a subsequent resolution of the Woppaburra #2 claim group at a validly held authorisation meeting.
12. Any member of the Applicant who does not within 10 days of being requested to do so execute or duly respond or return any documents or written communication provided by registered post necessary to implement the resolutions of the Woppaburra #2 claim group or decisions of the Applicant or progress the native title determination application will be regarded as being unable, incapable or unwilling to continue to act as a member of the Applicant. (N.B. Any member of the Applicant if they are planning to be out of the country or otherwise un-contactable for an extended period of time should notify the legal representative).

APPLICANT'S AUTHORITY TO ACT

13. The members of the Applicant must do all things necessary to implement the resolutions of the Woppaburra #2 claim group passed at this meeting held on 13 April 2024 and any other validly held authorisation meeting and must not act inconsistently with those resolutions. This applies even when subsequent resolution of the Woppaburra #2 claim group at a validly held authorisation meeting may amend or rescind a prior resolution.
14. The Applicant are not authorised to agree to the determination of or discontinuance of the native title determination application on behalf of the Woppaburra People without first obtaining a resolution from the Woppaburra #2 claim group at a validly held authorisation meeting.
15. The Applicant may not agree to reduce the area of the claim and may take steps on behalf of the Woppaburra #2 claim group to give effect to such reduction without first obtaining a resolution from the Woppaburra #2 claim group at a validly held authorisation meeting.
16. The Applicant may not execute an agreement that has the effect of extinguishment or suppressing any native title rights and interests in the application claim area without first obtaining a resolution from the Woppaburra #2 claim group at a validly held authorisation meeting.
17. The Applicant may negotiate and reach agreement with respect to Future Act matters but are required to consult with the rest of the native title claim group before executing any agreement.

[REDACTED]

RESPONSIBILITY FOR ON-GOING COMMUNICATIONS

29. With the assistance of their legal representatives, the Applicant shall ensure that regular and timely written communication is provided to the native title claim group in relation to but not limited to:

- a. any decisions the Applicant makes;
- b. any people appointed to any negotiation teams;
- c. the progress of any relevant negotiations;
- d. the progress of the native title claim;
- e. Information as to which people have attended cultural heritage works since the last report; and
- f. The identify of an individual (s) who is unable or unwilling to continue to act as a member of the Applicant;

except to the extent that the whole or part of the information to be communicated ought not to be circulated due to its sensitive, secret/sacred, or commercial in confidence nature. In such circumstances, a public version of the information must be circulated to the members of the claim group.