

# Schedule 2 – Application for Registration of Indigenous Land Use Agreement (clause 5.1)

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NNTT Office Use

File Number:

Date lodged:

State/s covered by agreement:

**To the Native Title Registrar:**

*Native Title Act 1993 s.24 CG*

**Application for registration of an  
AREA AGREEMENT  
on the Register of Indigenous Land Use Agreements**

Application for registration of an area agreement pursuant to ss.24CA to 24CL of the **Native Title Act 1993** (Cth) (the Act), r.7 of the Native Title (Indigenous Land Use Agreements) Regulations 1999 (the Regulations) and r.9(2) of the Native Title (Prescribed Bodies Corporate) Regulations 1999 (the PBC Regulations).

Note:

Only use this form to apply for registration of an Area Agreement under s.24CG of the **Native Title Act 1993**. Separate forms are available for Body Corporate and Alternative Procedure Agreements. Read the notes at the back of the form before completing this application.

## Area Agreement Application

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**Short name for agreement:**

Yawuru Area Agreement

**2. Other parties to the agreement (do not include the applicant party again)**

**Note:** This information (excluding email, telephone, and fax numbers) will be included in the public notice and on the ILUA Register.

**Party name:**

**Minister for Lands**

**Representative (if any):**

Manager  
Kimberley Pilbara - State Land Services  
Department of Regional Development and Lands

**Contact person:**

Murray Raven  
Manager, Kimberley Pilbara - State Land Services

**Contact address:**

PO Box 1575, Midland WA 6936

**Telephone (daytime):**

(08) 9347 5100

**Fax:**

(08) 9347 5003

**Email:**

Murray.raven@lands.rdl.wa.gov.au

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**Party name:**

**Conservation Commission of Western Australia**

**Representative (if any):**

Acting Director

**Contact person:**

Gordon Graham

**Contact address:**

Corner Australia II Drive and Hackett Drive  
Crawley WA 6009



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**3. Representative Aboriginal/ Torres Strait Island**

(i) any person who claims to hold native title in relation to the area

Yes  No

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**6. Government parties**

Are any of the following parties to the agreement?

Commonwealth government or authority

Yes  No

If yes please identify which party or parties

n/a

State / Territory government or authority

Yes  No

If yes please identify which party or parties

State of Western Australia  
Minister for Lands  
Conservation Commission of Western Australia  
Conservation and Land Management Executive Body  
Marine Parks and Reserves Authority

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**7. Any other comments in relation to parties?**

None





## **PART C – Timeframe**

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Does the agreement specify a period during which it will operate?

Yes  No

If *yes*, please specify where each such statement is located in the agreement.

6.7, 8 and 9.1

*Please note;* the relevant government is required to be party to the agreement where there is a surrender of native title which is intended to extinguish that native title.

#### **4. Validation of future acts**

Does the agreement provide for the validating of a future act or class of acts that have already been done (ie; before signing of the agreement), whether or not subject to conditions?

Yes  No

If *yes*, please specify where each such statement is located in the agreement.

Clause 8

#### **5. Intermediate period acts affected**

Does the agreement provide for changing the effects on native title of an intermediate period act or class of acts?

Yes  No

If *yes*, please note where each such statement is located in the agreement.

N/a

#### **6.**

## PART E – Checklist

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The application **must** be accompanied by the following documents (where relevant) pursuant to the Act, r.7(2) of the Regulations and r.9(2) of the PBC regulations.

- 1 s.24CG(2) A copy of the agreement including any attachments or appendices

		If the application is not certified, a statement setting out how requirements for identification and authorisation have been met	<input checked="" type="checkbox"/> <b>Not applicable</b> <input type="checkbox"/> <b>Yes</b> <input type="checkbox"/> <b>In application</b> <input type="checkbox"/> <b>Attached</b>
8	r.7(2)(g) r.9(2)PBC Regulations	If a registered native title body corporate covers any of the ILUA area, and the relevant representative body is not a party, a document as mentioned in r.9(2) of the PBC Regulations	<input checked="" type="checkbox"/> <b>Not applicable</b> <input type="checkbox"/> <b>Yes</b>
9	r.7(4)	If no representative body is a party, a statement signed by a native title party that one representative body was informed of the native title group's intention to enter into the agreement.	<input checked="" type="checkbox"/> <b>Not applicable</b> <input type="checkbox"/> <b>Yes</b> <b>I-b</b>

# NOTES – to assist applicants

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The Registrar actively encourages parties to provide drafts of a proposed application and accompanying documentation including the agreement and will provide an assessment against the criteria. However applicants are ultimately responsible for ensuring that their applications fulfil the statutory criteria by carefully examining their application, agreement and attachments in the context of the Native Title Act and associated Regulations.

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**Completion of an application for registration of an area agreement**

Section 24CG of the *Native Title Act 1993* (Cth) (the Act) sets out the requirements for an application for registration of an area agreement.

Regulation 7 of the Native Title (Indigenous Land Use Agreements) Regulations 1999 (the Regulations) sets out the information and the documents which must accompany an application for registration.

The National Native Title Tribunal (the Tribunal) has developed this application form and notes to assist applicants in applying for registration of an area agreement. When filling in the application please reference relevant clauses in the agreement.

**When not to use this form**

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## **PART A – Parties    Information required in application**

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### **Applicant party name and contact address**

Any party to the agreement can apply but all parties must have agreed to the application being made, refer to s.24CG and r.7(2)(b) of the Act.

Print the name, contact person name, address and telephone and facsimile numbers of the applicant party. If the applicant is represented, please provide details of the representative; the contact address may be that of the representative.

Note: the full name and contact address will appear in the public notice and on the Register.

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### **Other parties**

#### **Names of other parties to the agreement r.7(3)(a)**

Print the full name of the party, contact person name, address, and telephone and facsimile numbers for each of the other parties to the agreement other than the applicant.

**Note: the full name and contact address of each party will appear in the public notice and on the Register.**

#### **Representative body parties r.7(3)(b)**

Identify any party that is a recognised representative body (see s.203AD). Is there a representative body (or bodies) for any of the area covered by the agreement, but none is a party, was one such body informed of the native title group's intention to enter into the agreement? s.24CD(7) and r.7(4)?

If there are any representative bodies, and none is a party to the agreement, **attach a statement** from a party who is a member of the native title group. This statement should give information about whether any member of the native title group has informed a representative body of its intention to enter into the agreement. It should include details of **how** and **when** they informed the representative body (see checklist).



**PART B –  
Authorisation/  
certification**

All ILUAs have to be properly authorised.

In addition, the relevant representative body/s can certify the application. All representative bodies that the ILUA area covers must certify if the application is to be certified. If the a



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**Is any surrender of native title intended to extinguish native title?**

Surrender of native title s.24EB(1)(d) and r.7(5)(c) and s.24EBA(4)(b) and r.7(5)(g)

Does the agreement contain a statement to the effect that the surrender of native title is intended **to extinguish or to have extinguished** native title rights and interests?

Mark 'yes' or 'no' on the appropriate box on the form.

If 'yes', give the location in the agreement of the statement that provides for this.

Note: each statement will appear in the public notice and on the Register.

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**Validation of future acts**

Note: this part applies only to future acts that have **already** been done, that are not intermediate period acts' (as defined in s.232A of the Act)

Does the agreement provide for the validating of a particular future act, or class of acts, (whether or not subject to conditions) that have already been done? (s.24EBA(1)(a)(i) and r.7(5)(d))

Mark 'yes' or 'no' on the appropriate box on the form.

If 'yes', give the location in the agreement of each statement that provides for this.

NB: the relevant government needs to be a party.

Note: each statement will appear in the public notice and on the Register.

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**Intermediate period acts affected**

Does the agreement change the effect on native title of a validated intermediate period act or class of acts? (s.24EBA(1)(a)(iii) and r.7(5)(f)). Mark 'yes' or 'no' on the appropriate box on the form. If 'yes', give the location in the agreement of each statement that provides for this.

Note: each statement will appear in the public notice and on the Register.

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**Part E -Checklist**

Please note that all required documents and information must be submitted with the application. Use this checklist to make sure all the required documents and information have been provided.

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**Attachments**

Ensure that **a copy of the agreement** and all other relevant documents are attached (see checklist).

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**Lodgement**

Three copies of the application form and attachments (including copies of the agreement and any maps) should be lodged at the *National Native Title Tribunal or sent to GPO Box 9973 in your capital city*. For the addresses of our Registries visit [www.nntt.gov.au](http://www.nntt.gov.au)

If you are not able to provide three (3) copies processing times may be extended. The Registrar will assess the application and will only proceed to notify the application if it complies.

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**Party name:**

**Pat Dodson, Frank Sebastian (Yawuru Native Title Group)**

**Representative (if any):**

**Contact person:**

Jacki Turfrey

**Contact address:**

PO Box 425  
BROOME WA 6725

**Telephone (daytime):**

(08) 9192 5155

**Fax:**

(08) 9193 7352

**Email:**

[Jacki.turfrey@klc.org.au](mailto:Jacki.turfrey@klc.org.au)

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**Party name:**

Marine Parks and Reserves Authority

**Representative (if any):**

Executive Officer

**Contact person:**

Alena Kessell

**Contact address:**

Suite 3, Level 3, Queensgate Building  
10 William Street  
Fremantle WA 6160

**Telephone (daytime):**

08 9336 0106

**Fax:**

08 9430 5408

**Email:**

alena.kessell@dec.wa.gov.au

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**Party name:**

Shire of Broome

**Representative (if any):**

Chief Executive Officer  
Shire of Broome

**Contact person:**

Kenn Donohoe  
Chief Executive Officer

**Contact address:**

PO Box 44  
BROOME WA 6725

**Telephone (daytime):**

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