

Schedule 15 – Joint Management Agreement

>3DJH LQWHQWDRQNOHVIHQH[W SDJH@

[2020]

BETWEEN

**CHIEF EXECUTIVE OFFICER OF
THE DEPARTMENT OF BIODIVERSITY,
CONSERVATION AND ATTRACTIONS**

AND

YAMATJI SOUTHERN REGIONAL CORPORATION

AND

BUNDI YAMATJI ABORIGINAL CORPORATION

SECTION 56A

**JOINT MANAGEMENT AGREEMENT
FOR CONSERVATION RESERVES IN
YAMATJI COUNTRY**

6WDWH 6ROLFLWRU V 2IILFH

%DUUDFN 6WUHHW
3HUWK :\$

5HI

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THIS AGREEMENT LV PDGH RQ WKH

GD\ RI

BETWEEN

**7 K CHIEF EXECUTIVE OFFICER OF THE DEPARTMENT OF BIODIVERSITY,
CONSERVATION AND ATTRACTIONS, ACTING THROUGH THE CONSERVATION
AND LAND MANAGEMENT EXECUTIVE BODY D ERG\ FRUSRUDWH HVWDE
VHFWLRQ RI WKH &RQVHUYDWLRQ DQG /DQG 0DQDJHPHQW
7HFKQRORJ\ 3DUN WHVWMLQJWRELOLQJWHUQ \$XVWUDOL**

\$ 1'

YAMATJI SOUTHERN REGIONAL CORPORATION Regional Entity

\$ 1'

BUNDI YAMATJI ABORIGINAL CORPORATION (BYAC)

RECITALS

\$ 7KH &(2 LV DFWLQJ WKURXJK WKH &RQMHXWLVH RQRGQ
WKH ERG\ FRUSRXQGHUHVWVWDRQKHGRILRQKIQ&RQDQ
0DQDJHPHQW \$FW

% 7KH 5HJLRQDO (QWLW\ DQG WKH %\$RWHJSLQDVHQMRVQ

D DFW RI *RG OLJKWQLQJ VWRUP QIORFGRQLHURUHZU
DQG ZDYH FRQGLWLRQV DVVRFLDWHVGLZGLWKDGRYHBU
ZHDWKHU FRQGLWLRQV

E VWULNH ORFNDERU BWIKLFXOW\

F UDGLRDFWLYHDFRUFEDWORLDQDWLRQ

G HSLGHPLF RU SDQGHPLF

H IDLOXUH RI D SXEOLF XWLOLW\

I LPSDFW RI YHKLFOHV RU DLUFUDIW

J DFW RI SXEOLF HQHPEDFNDGBERUMORXOXWHLRQLRQLR
FRPPRWLRQ HSLGHPLF WHUURULVP RU

K WKH HIIHFW RI DQ\ ODZ RU DXWKREDW\EN[ODZLVHG

ILUA PHDQV WKH ,QGLJHQRXV /DQG 8VH \$WUHRIPHQWWHQ
\$XVWUDOLD WKH OLQJLVWHQLMWHUDQJH(QYLRPRLQVHLQ
&(2 WKH %<\$& DQG WKH 5HJLRQDO (QWLV\JLZKWFHUKU
,QGLJHQRXV /DQG 8VH \$DQWHFRQWHFHWBWHQH &LWROHW\$FW

Insolvency Event PHDQV ZKHUH DQ\WRQH IR OPRZLHQJR IR FRXUV WR
WKH 5HJLRQDO (QWLW\

D LW LV SODFHG XQGHU H[WHUQDO WSRVLQV VWU&KDISR
RI Corporations Act 2001 & WK

E LW LV SODFHG XQGHU H[WHUQDO WSRVLQV VWU&KDISR
RI Corporations (Aboriginal and Torres Strait Islander) Act 2006 & WK

F LW LV GHUJLVWHG (Aboriginal and Torres Strait Islander)
Act 2006 & WK

Joint Management Body PHDQV WKH ERG\ HVWDEOLVKHG LQ FODX

Management Plan PHDQV WKH PDQDJRPHQWKQSDUQVHFSWLRQ
&\$/0 \$FW LQ UHVSHFW RI WKH <DPDWML &RQVHUYDWLRQ

Member PHDQV D 5HSUHVHQWDWLYH OHPEHU RU DQ \$OWHU

Minister PHDQV WKH OLQLVWHU WR ZKRP WKHQDQDQV
ODQDJHPHQW \$FW LV FRPPLWWHG ZKLFQLVWUHWKRU
(QYLURQPHQW

Minister for Lands PHDQV WKH ERG\ FRUSRUDWH FRQWLQXH
\$GPLQLVWUDWLRQ \$FW

Native Title Act PHDQV Matwekthe Act 1993 & WK

Party PHDQV D SDUW\ WR Wakties/ P\$JUHHPHQW RD QGKH SDUW
\$JUHHHPHQW

Representative Member PHDQV D SHUVRQ VSHFLILHG XQGHU FODX
FODXVH

Resolution Institute PHDQV WKH HQWLW\ QDPHG ³5HVROXWLRQ WKH
WKH \$XVWUDOLDQ %XVLQHVV 1XPEHU VSXWH UHVRQSV
RUJDQLVDWLRQ ,I WKH 5HVROXWLRQGLQ\$XVWVXWHVFC
RUJDQLVDWLRQ WKHQWVWVHWRQDQDQDQDQWBNWKEUWBL
UHVROXWLRQ RUJDQLVDFWLRQVZLVKUHHPG WR E\ DFRQV
UHOHYDQW GLVSXWH RU LI QR FRQKHQVXUWRDQKEMUHUD
WKH UHOHYDQW GLVSXWH

State PHDQV WKH 6WDWH RI :HVWHUQ \$XVWUDQDQWVWWRQ
*HQHUDO

Term PHDQV WKH WHUP RI WKLV \$JUHHHPHQW VSHFLILHG L

Yamatji Conservation Estate PHDQV WKH ODQG DQG ZDWHUV GHV
6FKHGXOH >[@

1.3. Interpretation

- ,Q WKLV \$JUHHHPHQW UHQWLVWLRQ DSSHUV
- D ZRUGV DQG H[SUHVVWKHQVDFWLRQVGLQFHS\$PW DQDQH
ZKHUH XVHG LQ WKLV \$JUHHHPHQW
- E KHDGLQJV DQG VXEHQDQGLRQJVDHUUHQW RQOH DQGW
PHDQLQJ RU FRQVWUXFWLRQ RI WKLVWSDUHQHFLQW
\$JUHHHPHQW
- F ZRUGV H[SUHVVHGLQFQXGHWKBJXQDU DO DQG YLFH Y
- G ZRUGV H[SUHVVHG LQ RQH JHQGHU LQFOXGH WKH R
- H D UHIHUHQFH WR D 3DUW\ WR WKLV \$JUHHHPHQW \$ALQV

H[HUFLVDEOH E\ DQD WKHHU USHQFVHR QV DEW KMK S@UR B
FRQVWLWXWHG LQFKWLW S OI X QH VR LUR EIVZKDWDHE @HFRPH

K D UHIHUHQFH WRGS XQGRQ BQWZEDVWVHHOH CHZH Q@FC
DQ\ SHUVRQ RU ER@U XQER@B@S@B@WDRUHGR@HW@QXHC
WR SHUIRUP WKE@WLD@P@H@R@V@L@P@L@D@W@D@I@X@Q@F@W@L@R@Q

L D UHIHUHQFH WR D WKLQJ LQFOXV@B@M@H@Q@D@S@DL@P@S@OR@I@
WKDW SHUIRUPDQ@E@H@B@W@S@B@Q@W@L@R@W@X@K@S@I@Z@K@R@O@P@D@Q@F@H@F

M D UHIHUHQFH WR HD F@D@X@P@c@B@E@K@p@Q@S@E@D@h@Q@e@D@Z@M@

L H[HUFLVLQJ WKH S&R DN UW KRI MKLHQ W RSHHUS R/Q VL E
DUHDV RI WKH <DPDWML &RQVHUYD WLLQW K MW D
%<\$& DQG &RPPLVVX&E ODXE M HFWEMR Z DQG

LL PDQDJLQJ WKH <DPDWML &RQVHUYD WMRQQ(W W D
PDQDJH PHQW DJUHHPHQW SXUVXDQW WR VHF W

F &ODXVH E L GRHV QRW DSSO\ VKRI WUKHV BEQVJE VHF
WR SUHSDUH DQG QWY SLDZ FDXQGHU B \$//6 F\$FWRQ RI V

2. ESTABLISHMENT OFH

& WKH H[SHQGLWXUH RI WKH DQQXDQ RSHUD
&RQVHUYDWLRQ (VWDWH DV LW UHODWHV
SXUSRVHV VHW RXW LQ FODXVH RI WKH
' DQ\ SURSRVHG QHZ PDQDJHPHQW SODQ
DPHQGPHQWV WR WKH PDQDJHPHQW SODQ
(VWDWH
(WKH GHYHORSPHQW RI QHZ EXVLQHVV DQG
WKH <DPDWML SHRSOH DQG EXVLQHVVVHV D
DQG RSHUDWLRQV RI WKH <DPDWML &RQVH
) WKH GHYHORSPHQW RI SROLFLHVLWDDPHH ZR
RSSRUWXQLWLHV IRU HFRQRPLF GHYHORSP

@DFE# OE 7V#` PG E"WR6 öPOLR6

\$ WKUHH SHUVRQ QWDLWH SHISEHUVH RI V
0DQDJHPHQW %RG\ DQG

% WKUHH SHUVRQV WR EH \$OWHUQDWH
0DQDJHPHQW %RG\

E 8QOHVV RWKHUZLVH DJUHHG E\ WKH\3WDL&(2 WK
VKDOO EH HPSOR\HHV RI WKH JRYHUQPHQW GWSIDR
:HVWU°W PSOP @ A !BL T

I \$Q \$OWHUQDWH 0HPE SIDUORW DSKH GFWVSHGH WKIDPCH
LQ SODFH RI WKH DEVHQW 5HSUHVHQWDWLYH 0HPE
J :KHQ DFWLQJ LQ WKH SODFH RI WKH HD \$OWHUQDWH
0HPEHU KDV WKH ULJKWV DQG UHVSRQDWEYGLWLPEV
DQG DQ\ UHIHUHQDWLWRLWKH 0HPEHUHLQ WKLV \$JUH
\$OWHUQDWH 0HPEHU DFWLQJ LQ WKH SRVLQW DQG LQ
WKH REOLJWKLWQV DQG HU

4.3. Chairperson

D \$W WKH ILUVW PHHWLQJ RI WKH -RMDWLDYH DJHPHHQ
VKDOO HOHFW D &KDLUSHUVRQ IURPKWKH 5HHHQHY
QRPLQDWHG E\ WKH 5HJLRQDO (QWKLDWUHQJHRQ L
DSSRLQWHGDWRZHYHPIRQWK WHUP
E 1RWZLWKVWDQGLQJ DQ\WKLQJ LQ SDUUVUDQKWH
&KDLUSHUVRQ SRVLWLRQ DIWHU WKH DQWKLWRI
&KDLUSHUVRQ LV HOHFWHG LQ DSRVLQW DQGLWUHLQ
F 7KH &KDLUSHUVRQ VKDOO SUHVLGHQW DQWPHHWHQW
WKH &KDLUSHUVRQ LV DEVHQW IURP OVHQHFWPDIH
5HSUHVHQWDWLYHGHPEWUWKWVSUPHHWLQJ

4.4. Persons ineligible to be members

8QOHVV RWKHUZLVHDLJUHHRPHWKLWIDWLNHL7LWOH *U
ZKR LV DQ HPSORVHRW WOHUHQPHQW DQW D 0HPEH

4.5. Vacancy of Member

D 7KH SRVLWLRQ RPHVYHPEHQWEHFRWKH SHUVRQ
LUHVLJQV WKH SRVLWLRQHEGWRWKH &KDLUSHU
LLV DEVHQW ZLWKRXX OHDYH IURP WKH &K
PHHWLQJV RI ZKLFK WKH SHUVRQ KDV KDG QRW
LLV UHPRYHG IURP WKH SRVLWLRQ DQWPHHWH -
FODXVH RU RU
LY

L ,I WKH 0HPEHU ZDV QRPLQDWHG E\ WOH 5HJL
(QWLW\ VKDOO QRPLQDWH WKH QHZ 0HPEHU

LL,I WKH 0HPEHU ZDV QRPLQDWHG E\ WWHK&(2 W
QHZ 0HPEHU

F \$ 3DUW\ VKDOO JLYH WR WKH RWKHU 3DUW\ ZULW
RI D QRPLQDWHG QHZ 0HPEHU

G 7KH QHZ 0HPEHU QRPLQDWHG XQGHVHSDWDWLD SKRIE
VDPH & \$ 3DUW\ WDK & PPELW & RHP DOQ TWK QH LARE EU ° ZKERW

F)ROORZLQJ D 'LVFORVXUH XQG HU SDUHQW SWLYH
0HPEHUV VKDOO YRWH LQ DFFRUGDQFH ZLW RFD.
0HPEHU VKDOO EH UHPRYHG IURP WKH -RLQW OD
ZKLFK YRWH VSDGOLQH WKHFRLQXWHV

G ,I WKH UHPDLQLQJ 5HSUHVHQWDWLYH GHUPPHUW KYR
-RLQW ODQDJHPHQW %RG\ XQG HU SDUHQW SWLYH
YDFDQW IRU WKH SXUSRVHV RI FODXVHFDpP

F)ROORZLQJ WKH GLOVEFOR VWU,QQGHDIS&BDDJU

L

5. PROTECTION FROM PERSONAL LIABILITY

0HPEHUV RI WKH -RLQW 0DQDJHPPHQW %RG\ DUH SUR
DFFRUGDQFH ZLWK VHFWRU RI WKH &\$/0 \$FW

6. CONVENING MEETINGS

6.1. First meeting

:LWKLQ IRUW\ GD\V RI WKH &RPPHFRPHHQW'DWHL
PHHWLQJ RI WKH WR %RG\ 0DQDJHPPHQW %RG\ SODFH IDJL

6.2. Subsequent meetings

D 6XEMHFW WR FODXVH E L RU EOH LIRWIRQ&YHQV
PHHWLQJV

E \$W WKH ILUVW PHHWLQJ RU DW 0DQDJHPPHQW %RG\
VKDOO GHFLGH WKH SODFH IRU WKH VXEVTXHQW P

6.3. Frequency

D 7KH -RLQW 0DQDJHPPHQW %RG\ VKDOO %RG\ DW OHL

E E G P# G)RÜÀ°PÀ

DQG DGYLVH RU WRVPPQW WRFVPHH QRDQ WRCD Q X BK PFDQW
DV WKH -RLQW 0DQDJHPHQW %RG\ VHHV ILW

9. QUORUM

6L[5HSUHVHQWDWLYH 0HPEHUV FQW WLOWXDM WD T
5HSUHVHQWDWLYH 0HPEHUV QRPLQDWHGH EVWWKHZ R5 HJ
5HSUHVHQWDWLYH 0HPEHUV QRPLQDWHG E\ WKH &(2

10. VOTING

D (DFK (5HSUHVHQWDWLYH 0HPEHUV HSULQV DRJH PFKW- R
%RG\ LQFOXGLQJ LT `

LYUHIHU WKH 'LVSXWH WR WKH 0LQLVWHU WR GHF

F :KHQ GHFLGLQJ WKH SIDUSXW B SKQ GEHL WVKH B H&J(L2R DQ
(QWLW\ PD\ FRQVXOW ZLWK DQ\ SHUVRQ

G \$ GHWHUPLQDWLRQ RI WKH 'LVSXWH B\WKH B U2 D

UHJDUGLQJ KRZ WKH 'LVSXWH RXJKWE RWRKERI GHKWH
IROORZLQJ

L GHFLGH DV WR KRZ WKH 'LVSXWH LV WR EH GHV

LLGHFLGH WKH 'LVSXWH

E)RU WKH DYRLGDQEE LRWGRXIEWQ RMCHDFFRUGHSQWR Z
DQ\ DGYLFH RU UFRPPHQGDWLRQ PDGHVE\ MOKHW& (F
FRXUVH RKOVDWLRQ SURFHVV

F \$ GHWHUPLQDWLRQ RMKWKHLQLVSWWHXQG HUKDOKLVEH
GHHPHG WR EH DRGLQFLVIDRQJHPMOKH-%RG\

11.4. Obligations continue

,I D 'LVSXWH LV EHLQJ GHDOW ZLWKWKXGHRLODQ\0SDDW
%RG\ VKDOO SHQGLQJ WKH PDNLQJ RI D GHFLVLRQ R
REOLJDWLRQV XQGHU WKLV FXQ x

E 8SRQ UHFHLYLQJ D 'HIDXOW 1RWLFH WKH 'HIDXOWL
L

15.6. Remedies exercised under this clause 16 do not prejudice any other rights a Party may have

\$Q\ UHPHG\ H[HUFLVHG XQGHU WKLWFODD\VRWKHLU ZLJ
3DUW\ PD\ KDYH XQGHU WKLW \$JUHLRQWKR UURJKWHUZF

E LQ WKH HYHQW RI D VXVSHFWHG FRU DDFWRXEDOL EDWM DF
FRQILGHQWLDOLW\ XQGHU WKLV \$JWWHPHQW QWWDQMO
VHHN DQG REWDLQ LQMXQFWLYH URHUPDQFRURDQV IR
WHUPV RI WKLV FODXVH

17.6. No waiver or transfer of intellectual property rights

'LVFORVXUH RI &RQILGHQWLDOLW\ , QIRSUJPDWPRQWLGGFRHQ
ZDLYH RU WUDQVIRUSDFRSHUQW HULGHQW DQDVK, DWR & RQW
E\ D GLVFORVLQJ 3DUW\

18. TERM AND TERMINATION

18.1. Term

6XEMHFW WR FODXVH WKLV \$JWHFRPPHQW FUHPHQWV D
IRU DV ORQJ DMQWK 3000 DJHPPDLQV LQ IRUFH

18.2. Termination

D @K@W@P@S@I@A@P@H@Q@P@H@G@V@ @M@US°€V#€0\$WV#Q€'I#ŽD&YV

19. INTELLECTUAL PROPERTY

1R FKDQJH RI RZQHUVKLS ZKLFK PDXD[ISVWR SLHU WQVZBOC
E\ LWV EHLQJ PDGH DYDLODEOH WRHS[OHWRHQW 0VQB
WKH 5HJLRQDO (QWLW\ RU DQ\ RWKMU SDUW\ SXUVXDQ

20. CHIEF EXECUTIVE OFFICER OBLIGATIONS MAY BE PERFORMED BY OTHER OFFICERS

\$Q\ UHIHUHQFH WR \$W KH H&(H2QMQ LVQK DWGRH W KH U&(H WH W
WKURXJK WKH DJHQF\ RI D 'HSDUWPHQWDO RIILFHU

21. ACTS BY STATE – NO FETTER UPON DISCRETION

1RWKLQJ LQ WKLW \$JUHHPHQW FDQDQH VSWHURFQURFRD W W
SRZHU RU GLVFUHDVLRQ DFFRHHUJZLQVHH VZKWK WKH VWDWX

22. NO ASSIGNMENT WITHOUT CONSENT

7KH 5HJLRQDO (QWLW\ PD\ QRW DWLLJQRU VRLWKHUZRVE
DQG LQWHUHVWV XQGHUWKLV \$JUHFRQVHQW RI WKH &

23. GENERAL

23.1. Entire agreement

7KH \$JUHHPHQW FRQVWLWXWHV WKH HQDWLWHDVJ DWHV
VXEMHFW PDWWHU DQG LQ UHODWLRQWR BUWRD W X Q & B M
RU DJUHHPHQW EHWZHHQ DQ\ RI WKH SDUWV LQGGH DQ
UHSUHVHQWDWLRQ LPSRVHG JLYHQ RU PDGH E\ D 3DUV

23.2. Governing law and jurisdiction

D 7KH \$JUHHPHQW LV JRYHUQHGE\ WKH WOHUHQDSSXOWLF D
E (DFK 3DUW\ LUUHYRFDEO\ DQG XQFRQGLXWLRQDQ
MXULVGLFWLRQ RI WKH WOHUHQDSSXOWLF D

23.3. Severance

,I DQ\ SURYLVRQV RI WKH \$JUHHPHQW XLQH RRLGFHYDRLQ
LOOHJDO DFFRUGLQJ WR WKH ODZXVWUDED LIQWKKD G
GRZQ VR DV WR EH YDOLG DQG HQGRGRZDEWK IR US WRYM
ZKHUH SRVVLEOH WKH RIIHQGLQJ \$RUHNPHQW DQ W K V
QHFHVVDU\ XQOHVV LW ZRXOG PDWBUIGDQEMHFKWQYHVW
\$JUHHPHQW

EXECUTION

([HFXWHG E\ WKH 3DUWLHV DV DQ DJUHHPHQW

**The COMMON SEAL of the
CONSERVATION AND LAND
MANAGEMENT EXECUTIVE BODY**

D ERG\ FRUSRUDWH HVWDEOLVKHG XQGHU VHFWLRQ
RI Conservation and Land Management Act
ZDV DIILHG KHUHWLQ WKH SUHVHQFH RI

6LJQDWXUH RI ZLWQHVV 6LJQDWXUH RI &KLHI ([HFXWLYH 2

)XOO QDPH RI @P€``A0À

'LUHFWRU VLJQDWXUH 'LUH