

# Schedule 3 – Application for Registration of Indigenous Land Use Agreement (clause 5.1)

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**Application for registration of an  
indigenous land use agreement (ILUA)**

## **Body corporate agreement**

Application form and information to accompany application

**May 2000**

(Amended 16 October 2000)

This form may be used to apply for the registration of a body corporate agreement.

**Application for registration of a body corporate agreement pursuant to ss.24BA to 24BI of the *Native Title Act 1993* (Cth) (the Act), r.6 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).**

**SHORT NAME OF AGREEMENT**

Yawuru PBC ILUA - Broome

**APPLICATION FOR REGISTRATION**

**The name of the party applying for registration is:**

Name:	State of Western Australia		
Contact address:	Mr Gary Hamley, Executive Director, Office of Native Title, Attorney-General's Department, Level 2 Governor Stirling Tower, 197 St Georges Terrace		
	Suburb/Town:	PERTH	State: WA Postcode: 6000
Telephone:	(08) 9222 9613	Fax:	(08) 9222 9877
E-mail:	Gary.Hamley@justice.wa.gov.au		

\_\_\_\_\_  
Signature of party applying for registration or party's solicitor

\_\_\_\_\_  
Date

BODY CORPORATE AGREEMENT – APPLICATION FORM

**FILING AND SERVICE**

**IF THE APPLICANT IS REPRESENTED**

APPLICANT'S REPRESENTATIVE

This application is filed by: Ms Sheila Begg for Mr Tim Sharp, State Solicitor

ADDRESS FOR SERVICE

State Solicitor's Office, Level 16, 141 St Georges Terrace

Suburb/Town

PERTH

State/Territory

WA

Postcode

6000

Telephone

(08) 9264 1564

Fax

(08) 9481 7169

This application is filed on behalf of:

State of Western Australia

Applicant's address

c/o Mr Gary Hamley, Executive Director, Office of Native Title, Level 2 Governor Stirling Tower,

Suburb/Town

PERTH

State/Territory

WA

Postcode

6000

**IF THE APPLICANT IS UNREPRESENTED**

NAME

This application is filed by:

ADDRESS FOR SERVICE

Suburb/Town

State/Territory

Postcode

E-mail address

Telephone

Fax

BODY CORPORATE AGREEMENT – APPLICATION FORM

**PART A**

**NAMES OF PARTIES TO THE AGREEMENT**

Note: This information will be included in public notification of the agreement.

Name:	Yawuru Native Title Holders Aboriginal Corporation RNTBC		
Contact Address:	PO Box 425		
Suburb/Town:	BROOME	State:	WA Postcode: 6725
Telephone:	08 9192 5155	Fax:	08 9193 7352
Name:	Nyamba Buru Yawuru Ltd		
Contact Address:	PO Box 425		
Suburb/Town:	BROOME	State:	WA Postcode: 6725
Telephone:	08 9192 5155	Fax:	08 9193 7352
Name:	State of Western Australia		
Contact Address:	c/o Office of Native Title, Department of the Attorney-General, Level 2, 197 St Georges Terrace		
Suburb/Town:	PERTH	State:	WA Postcode: 6000
Telephone:	(08) 9222 9613	Fax:	(08) 9222 9877
Name:	Minister for Regional Development and Lands		
Contact Address:	c/o 1 Midland Square		
Suburb/Town:	MIDLAND	State:	WA Postcode: 6936

**BODY CORPORATE AGREEMENT – APPLICATION FORM**

Telephone:	<input type="text" value="(08) 9347 5000"/>	Fax:	<input type="text" value="(08) 9347 5017"/>
Name:	<input type="text" value="Conservation Commission of Western Australia"/>		
Contact Address:	<input type="text" value="Cnr Australia II Drive and Hackett Drive"/>		
Suburb/Town:	<input type="text" value="CRAWLEY"/>	State:	<input type="text" value="WA"/>
		Postcode:	<input type="text" value="6009"/>
Telephone:	<input type="text" value="08 9389 1766"/>	Fax:	<input type="text" value="08 9389 8603"/>
Name:	<input type="text" value="Conservation and Land Management Executive Body"/>		
Contact Address:	<input type="text" value="c/o Director General, Department of Environment and Conservation Locked Bag 104, Bentley Delivery Centre"/>		
Suburb/Town:	<input type="text" value="BENTLEY"/>	State:	<input type="text" value="WA"/>
		Postcode:	<input type="text" value="6983"/>
Telephone:	<input type="text" value="08 6457 5501"/>	Fax:	<input type="text" value="08 6467 5562"/>
Name:	<input type="text" value="Shire of Broome"/>		
Contact Address:	<input type="text" value="c/o Chief Executive Officer, Shire of Broome PO Box 44"/>		
Suburb/Town:	<input type="text" value="BROOME"/>	State:	<input type="text" value="WA"/>
		Postcode:	<input type="text" value="6725"/>
Telephone:	<input type="text" value="08 9191 3456"/>	Fax:	<input type="text" value="08 9191 3455"/>

**PART A**  
(continued)

**REGISTERED NATIVE TITLE BODY CORPORATE**

State the registered native title body (or bodies) corporate for the area.

Yawuru Native Title Holders Aboriginal Corporation RNTBC

**PART B**

**REPRESENTATIVE ABORIGINAL/TORRES STRAIT ISLANDER BODIES FOR THE AREA**

State which of the parties, if any, are representative bodies.

n/a

**PART C**

**GOVERNMENT PARTIES**

Are any of the following parties to the agreement?

Commonwealth Government  Yes  No

State Government  Yes  No

Territory Government  Yes  No

Which **government(s)** is/are party to the agreement?

State of Western Australia

Are any of the following parties to the agreement?

Commonwealth Government authority  Yes  No

State Government authority  Yes  No

Territory Government authority  Yes  No

Local Government authority  Yes  No

**PART C****GOVERNMENT PARTIES**

Which **authority(s)** is/are party to the agreement?

Minister for Regional Development and Lands, Conservation Commission of Western Australia, Conservation and Land Management Executive Body, Marine Parks and Reserves Authority, Shire of Broome

**PART D****TIMEFRAME**

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

Yes  No

If yes, please specify that period:

**PART E****CONSENT TO FUTURE ACTS**

Does the agreement cover consent to the doing of a particular future act or class of acts?

Yes  No

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

Clauses 4.1 and 11.2

**PART F**

**ACTS EXCLUDED FROM RIGHT TO NEGOTIATE**

Is it intended that the right to negotiate provisions of the Native Title Act not apply to any of the future acts included in the agreement?

Yes  No

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

Clause 4.4

**PART G**

**AREAS OVER WHICH NATIVE TITLE IS SURRENDERED**

Does the agreement provide that surrender of native title to government is intended to **extinguish** native title rights and interests?

Yes  No

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

Clauses 6.9 and 10.1

Does the agreement provide that surrender of native title to government is intended to **have extinguished** native title rights and interests?

Yes  No

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



**PART H**

**VALIDATION OF FUTURE ACTS**

Does the agreement provide for the validating of a future act or class of acts that have already been done?

Yes  No

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

Does the agreement provide for the validating, **subject to conditions**, of a particular future act or class of acts that have already been done?

Yes  No

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

**PART I**

**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, give the location in the agreement of each statement that provides for this.

**PART J**

**REPRESENTATIVE ABORIGINAL/TORRES STRAIT ISLANDER BODIES**

Are there any representative bodies for **any** of the area covered by the agreement?

**Yes**    **No**

If yes, is any representative body for any of the area a **party** to the agreement?

**Yes**    **No**

If there is a representative body (or bodies) and none is party to the agreement, attach a statement (labelled 'Attachment J') from a party that is a registered native title body corporate setting out the following information:

- Which representative body (or bodies) was/were informed?
- When were they informed?
- Which native title body corporate informed the representative body (or bodies)?

If the notice was in writing, please include a copy of the notice.

**Privacy Notice**

We will use the information you provide to process your application for registration of a body corporate agreement. Section 24BG of the Native Title Act authorises the National Native Title Tribunal to collect information for applications for registration of a body corporate agreement. We will disclose some of the information you give us in a public notice and to other parties specified by the Native Title Act. The details of a successful application will be entered on the Register of Indigenous Land Use Agreements and will be available for public inspection. If there is a challenge to a decision by the Registrar or a request under another law of the Commonwealth, we may need to disclose your information to a court or to another Commonwealth agency or other persons as required or authorised by law.

**The application must be accompanied by the following documents**

**Documents to be attached pursuant to the Act, r.6(2) of the Regulations and r.9(2) of the PBC Regulations.**

s.24BG(2)

- a copy of the agreement;

r.6(2)(a)

- a copy of **each** determination of native title, for the area covered by the agreement, for each party to the agreement that is a registered native title body corporate;

r.6(2)(b)

- a statement by **each** party to the agreement, signed by or for the party, that the party agrees to the application being made;

r.6(2)(c)

& r.5

- **a complete description of the area, ie:**

a written description of the area that enables identification of the internal and external boundaries of the area;

**and**

a map of the area showing geographic coordinates;

r.6(2)(d)

& r.5

- a complete description (ie. a written description and a map showing geographic coordinates) of any areas where the **surrender of native title** is intended to extinguish native title rights and interests;

r.6(2)(e)

**r.9(2) of the PBC Regulations**

- if:
  - (i) the agreement gives effect to a native title decision (ie. a decision to surrender native title rights and interests in relation to the land or waters; or to do or agree to do any other act that would affect the native title rights or interests of common law native title holders); and
  - (ii) for any part of the affected area, there is a representative body that is not a party to the agreement, or no representative body for the area;

a document as mentioned in r.9(2) of the PBC Regulations that relates to the decision. This document must certify that the common law native title holders have been consulted about, and have consented to, the proposed native title decision.