

Schedule 4– Certification by Yawuru RNTBC that
Native Title Act requirements met
for Registration (clause 5.5)

The Yawuru Native Title Holders Aboriginal Corporation RNTBC

("the Yawuru PBC")

CERTIFICATION REPORT

EVIDENCE OF CONSULTATION AND CONSENT

The Yawuru Native Title Holders Aboriginal Corporation RNTBC ("the Yawuru PBC") has authorised the Yawuru Prescribed Body Corporate Indigenous Land Use Agreement in accordance with 9.2-9.3 of its corporate rules, which comply with s251A of the *Native Title Act 1993* (Cth).

This document is in compliance with rule 9.3.3(a) of the Yawuru PBC Rules.

In accordance with rule 9.3.3(b)(i) it is certified that the affected native title holders have been consulted about, and consent to, the proposed native title decision.

Description of Area and Impact on Native Title

In accordance with 9.3.3(c), a summary of the ILUA presented to the Yawuru PBC meeting of 30 October 2009 is annexed at **Annexure 1.** to this document which:

- in accordance with 9.3.3(c)(i) provides a **description** of the proposal that is the subject of the proposed native title decision;
- in accordance with 9.3.3(c)(ii) provides a description sufficient to enable the **identification of the affected area**;
- in accordance with 9.3.3(c)(iv) provides sufficient information to enable the **impacts of the proposed native title decision** to be identified;
- in accordance with 9.3.3(c)(v) provides sufficient information to **enable the effect on native title of the proposed native title decision** to be identified;
- in accordance with 9.3.3(c)(vi) provides details of the extent, if any, of any **claims, actions or debts to which any native title holder may be liable** as a result of the proposed native title decision.

Map of Area

In accordance with 9.3.3(c)(iii) a map showing the location and extent of the affected area is provided in the ILUA.

Identification of Affected Native Title Holders

In accordance with 9.3.3(c)(vii) all Yawuru native title holders recognised in the Federal Court native title determination of 28 April 2006 (Rubibi Determination) are affected native title holders for this native title decision.

List of Yawuru native title holders who considered and consented to the native title decision

In accordance with 9.3.3(c)(vii) a list of the Yawuru native title holders who attended the meeting of 30 October 2009 and consented to the native title decision is **Annexure 2**.

Report of the Involvement of Affected Native Title Holders in Decision

In accordance with 9.3.3(c)(viii) the following is the report setting out the involvement of affected native title holders in considering and making decisions about the proposed native title decision.

Advertising of Meeting

- Correspondence advising all members of the Yawuru PBC of the meeting to authorise the ILUA was sent on or around 6 October 2009.
- correspondence advising Yawuru native title holders who were not yet members of the Yawuru PBC and whose addresses were known, was sent, advising them of the meeting to authorise the ILUA on or around 15 October 2009.
- public notices of the meeting were announced on the local Indigenous radio station twice daily, from the morning of 21 October to the morning of 30 October;
- public notices were distributed by hand to members with known difficulties with postal addresses.
- Loose leaflets of the public notice were inserted into the every Broome Advertiser on 22 October 2009.
- Public Notice advertisement in the Broome Advertiser on 29 October 2009.

Attendance at the Meeting

Over 65 members of the Yawuru PBC attended. A list of attendees is **Annexure 2** to this document.

Four out of five of the Nominated Law Bosses were in attendance. They were Frank Sebastian, Patrick Dodson, Thomas Edgar Jnr and Neil McKenzie. Mr Joseph Roe, a Lead Negotiator, was unable to attend, but sent his apologies and advised his agreement to approving the ILUA. Other Yawuru law bosses in attendance included Doris Edgar and Francis Djiagween.

Meeting Process

The meeting commenced at approximately 10.00am and continued until around 4.00pm. A presentation was made to the members detailing the provisions of the ILUA. After

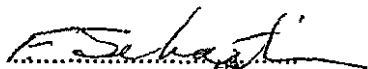
considered discussion, all affected native title holders present at the meeting agreed by consensus to accept the ILUA in accordance with Rule 9.3.2(a) of the Rules and passed a resolution to this effect provided at Annexure 3.

Signatories to this Document in accordance with 9.3.3(a)(iv), 9.3.3(c)(ix) and 9.3.3(e)(i) and 9.3.3(f)

We, the signatories to this document of evidence of consultation and consent of the Yawuru native title holders to the Yawuru (Body Corporate) ILUA, believe that the Yawuru PBC has fulfilled its obligations under rule 9.2 and by consenting to the ILUA is:

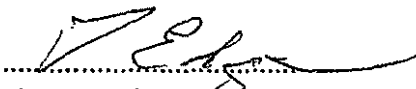
- fulfilling one or more objects of the Yawuru PBC;
- is protecting the interests of affected native title holders;
- is ensuring the maintenance of traditional Yawuru laws and customs;
- is minimising, and to the maximum extent practicable avoiding, exposing
- native title holders to claims, actions or debts for which they may be personally
- liable;
- that the native title decision has been made in compliance with rule 9.3 and that the
- decision is in accordance with the consent and direction of affected native title
- holders.

In accordance with Rule 9.3.3(f), we certify that the Representative Body for the affected area has been consulted about the proposed native title decision and the views of the body have been considered in accordance with these rules and the Native Title (Prescribed Body Corporate) Regulations 1999.



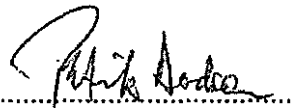
Frank Sebastian
Yawuru Native Title Holder
Nominated Yawuru Law Boss Director
in accordance with Rule 8.4.2

4 December 2009



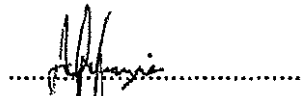
Thomas Edgar Jnr
Yawuru Native Title Holder
Nominated Yawuru Law Boss Director
in accordance with Rule 8.4.2

4 December 2009



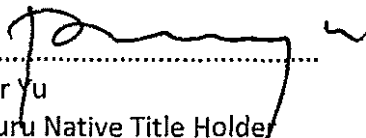
Patrick Dodson
Yawuru Native Title Holder
Nominated Yawuru Law Boss Director
in accordance with Rule 8.4.2

3 December 2009



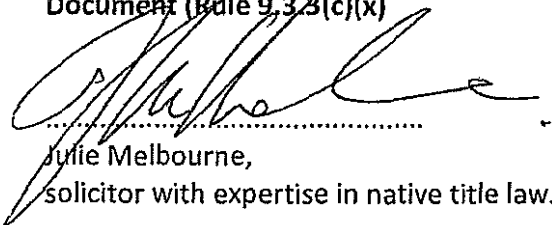
Neil McKenzie
Yawuru Native Title Holder
Nominated Yawuru Law Boss Director
in accordance with Rule 8.4.2

8 December 2009


.....
Peter Yu
Yawuru Native Title Holder
Director
in accordance with Rule 8.4.3

30th November 2009


Identity, qualifications and signature of the person who prepared the Document (Rule 9.3.3(c)(x))


.....
Julie Melbourne,
solicitor with expertise in native title law.

30th November 2009

Certification by Authorised member of the Representative Body (Rule 9.3.3(f)(ii))

I am an authorised member of the Representative Body and I certify that the Representative Body has been consulted about the proposed native title decision by the corporation.


.....

Nolan Hunter
Deputy Executive Director
Kimberley Land Council Aboriginal Corporation RNTBC

21 December
~~21 November 2009~~



**Yawuru Total Compensation Package is comprised of
Land grants, creation of a Conservation Estate & Monetary Payments**

**Yawuru consent to release State from all compensation liability in relation
to all of the Future Acts and Past Acts described in the ILUAs.**

Yawuru agree to not object to land transfers.

**Any additional effects on Native Title discovered within 7 years of
Registration will be subject to additional compensation.**

State Benefits: Land Grants and Settlement of Compensation Liability

Future Acts

Part 1 Land: Native Title surrendered and extinguished. Yawuru consent and agree not to object to transfer of freehold title to State.

LAND	Area (Ha)	N/TITLE STATUS	COMMENTS: affect on native title
Palmer Road church site	0.57	Exclusive	Native Title Surrendered and Extinguished.
Cable Beach (W)	8.5	Exclusive	Native Title Surrendered and Extinguished.
Coconut Wells (Nth)	100	Exclusive	Native Title Surrendered and Extinguished. Additional freehold grant of 100 ha to Yawuru.
Lots 12 & 14 Blick St	1.2	Exclusive	Native Title Surrendered and Extinguished.
Broome Rd Airport	365		Native Title Surrendered and Extinguished for purpose of airport development.
Extension of town caravan park		Unclaimed	Native title surrendered if not already extinguished
Fairway Drive Nth land		Unclaimed	Native title surrendered if not already extinguished
Wattle Downs	1200	Extinguished	Freehold grant of 819 ha to Yawuru

Part 2 Land: Native Title suppressed, non-extinguishment; management control with the Shire.

Sam Sui Lane	0.05 (approx)	Non - Exclusive	Suppress Native Title for public purpose.
Palmer Rd (existing road and road reserves)	0.03	Exclusive	Suppress Native Title for public purpose (road reserve)
Januburu ECC (Lot 300)	7.53	Exclusive	Suppress native title for public purposes (drainage and open space)
Services land	55	Exclusive	Suppress Native Title for public purpose (drainage and public open space)
BRACS/TAFE block Lot 3084	6.2	Exclusive	Suppress Native Title for public purpose (public recreation)
Demco Beach Access Road			Suppress Native Title for public purpose (road reserve)
Police Reserve Lot 15019 (Expanded footprint of original Police Reserve)		Exclusive	Suppress Native Title; Yawuru to have unfettered access.
Services land			Suppress Native Title for public purpose (drainage and public open space)

Release from Compensation liability for Past Acts

Cable Beach 5 A	199 invalid titles	Unclaimed but presumed Exclusive native title	Invalid titles. Native title (where it exists) extinguished by grant of freehold title.
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Cable Beach 5 B & C			Compensation over and above those benefits associated with Janaburu agreement (Broome Land Agreement) including other benefits (Kennedy Hill, Clementson St, Skuthorpe, 2.4ha Fairway Dve North, Yardoogurra Water Reserve 227ha, balance of R 2551)
Past Acts compensation release			Compensation for all categories of past and intermediate acts excluding CB 5B&C

Yawuru consent to release State from all compensation liability in relation to all of the Future Acts and Past Acts described in the ILUAs.

Yawuru agree to not object to land transfers.

Any additional effects on Native Title discovered within 7 years of Registration will be subject to additional compensation.

Area Agreement ILUA

Conservation Estate

1. Outside Town (Freehold Areas)

- At Registration, **Reserve land** Interim management order vested in DEC and Yawuru until legislative change that would allow joint management in freehold land granted to Yawuru;
- Within 4 years, State to amend CALM Act and grant freehold title to Yawuru with conditions for: **conservation, recreation, traditional Aboriginal use and enjoyment and sustaining Native Title;**
- **99 year lease back**, Joint Management with DEC
- Law grounds to be excluded from lease back and surrounded by Restricted Access Areas and managed in accordance with Cultural Management Plan
- Joint Management under cultural management plan and management plan
- Non-extinguishment principle to apply
- Yawuru may terminate lease if State funding levels fall below initial 5 year's agreed funding arrangements
- Rescission of some grazing licences affecting coastal park within 6 months of request by Park Council (DEC and Yawuru)
- Areas of cultural significance (3 on Thangoo) to be incorporated into the Conservation Estate (subject to agreement)

2. Intertidal Areas

Roebuck Bay ITZ

- Intertidal zone to be Class A Reserve
- Interim control by Yawuru and Conservation Commission pending amendment of CALM Act; then controlled by Yawuru (and subject to Yawuru agreement for future management)
- Joint Management in accordance with Yawuru cultural management plan and management plan

Cable Beach ITZ

- Class A Reserve
- Perpetual joint management with Yawuru, BSC and DEC

3. Inside Town

- Class A Reserve
- Controlled jointly by Yawuru and Broome Shire Council with assistance from DEC
- Joint management in accordance with Yawuru cultural management plan and management plan

Note: Some other Reserves not Class A but managed as above:

- Broome Port Authority land transferring to Parks
- Balance of Gantheaume Point UCL
- Heritage Buffer on Fairway Drive North

4. Marine Park (Under Area Agreement ILUA)

- Reserved as a Marine Park under CALM Act
- Vested in Marine Authority
- Joint Management by Yawuru, Marine Authority, and DEC
- Management in accordance with Yawuru cultural management plan and management plan

5. Aboriginal Land Trust Areas

- State to fund Yawuru for materials to fence around ALT lands adjacent to Conservation Estate

6. Funding

\$1m for joint management plan

\$9m for 5 years for joint management

\$2m over 5 years for capital works

State and Yawuru to make equal contributions to funds administered by DEC. (except for Cultural Management Plans)

7. Rangers

- Guaranteed full-time jobs for Yawuru as rangers and in parks management positions (within budgets)
- Rangers to be “triple badged” under CALM, Local Govt, and Fisheries
- Within 5 years of registration of ILUA all rangers will be Yawuru

8. Economic Benefits derived from Parks (eg eco tourism, biodiversity off-sets, carbon-trading, etc) to be re-invested into Parks management.

9. Yawuru retain right to **sustain native title practices** in Conservation Estate, including hunting and fishing as prescribed in cultural management plan and management plan

10. Non-extinguishment principle to apply to all Conservation Estate (including public works)

Other Items

Heritage

1. MoU to ensure Yawuru have “primary and principal interests” and rights and must be consulted in first instance regarding any development on Yawuru country.
2. State to require all State agencies to comply with MoU.

Broome Road Airport and Industrial land.

1. Yawuru to surrender native title on Broome Airport land affected by native title, subject to transfer of 80 ha Heavy Industrial land to Yawuru.
2. During the Development Phase.
 - State to give priority to Yawuru tenders
 - 10% of contractor’s employees to be Yawuru
 - At least 10% of contracts to be to Yawuru businesses
3. **Planning**
 - State and Shire to support inclusion of Yawuru in planning processes within determination area.
 - State to support Yawuru applications for re-zoning of land

4. Extinguishment of Native Title

- Transfers of freehold title to Yawuru will extinguish native title only at the time of transfer
- Non-Extinguishment principle applies to all areas where suppression of native title occurs and does not extinguish or abandon Yawuru native title rights

5. Indexation

- All payments to Yawuru after registration of ILUA indexed to CPI.

6. Rates Exemption

- State to support Yawuru application to BSC for rates exemption until Yawuru achieves an income stream from land development

7. Costs and charges

- State will cover GST, stamp duty and other government charges associated with compensation package.

ANNEXURE 2

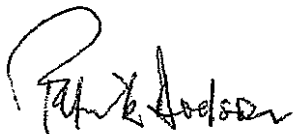
SURNAME	FIRST NAME	SURNAME	FIRST NAME
Albert	Jewell	Lee-Chi	Rueben
Albert	Monica	Mackay	Yona
Albert	Virginia	Mamid	Johani
Appleby	Dianne	Mamid	Kimberley
Bin Amat	Kimberley	Mamid	Michael
Bin Sulaiman	Dale	Mamid	Patricia
Bin Sulaiman	Lucille	Mamid	Paul - Snr
Chan	Natalie Anne	Mamid	Sarifah
Clarke	Sylvia	Manolis	Mark
Clarke	Thomas	Matsumoto	Peter
Clerc	Suzanne (Jub)	Matsumoto	Troy
Corpus	Henry (Emanual)	McKenna	Louise
Corpus	Michael	McKenna	Raylene
Corpus	Terricita	McKenzie	Neil
Corpus	Venessa	McKenzie	Thomas
Davidson	Patricia	Mellet	Carrie
Djiagween	Cissy	Mellet	James
Djiagween	Francis	Mills	Ninielia
Djiagween	Junie	O'Connell	Kym
Dodson	Cecil	Parriman	Frank
Dodson	Michael	Peek	Adele
Dodson	Patrick	Peek	Cara
Dodson-Shaw	Adrian	Pigram	Dalisa
Dolby	Philip	Pigram	David
Drummond	Aloysius	Pigram	Debra
Edgar	Doris	Pigram	Erica
Edgar	Susan	Pigram	Gavin
Edgar	Thomas	Pigram	Phillip
Everett	Benita	Puertollano	Darren
Everett	Caroline	Puertollano	David
Everett	Francine	Puertollano	Kevin
Fong	Kathrina	Puertollano	Rowena
Foy	Elsta	Richardson	Eileen (Janet)
Hamilton	Tyson	Roe	Daniel
Hunter	Pamela	Roe	Edward
Kitaura	Anthony	Roe	Leonard
Lee	Anthony	Roe	Stephen
Lee	Martha	Ryan	Siobhan

SURNAME	FIRST NAME	
Smith	Lennie	
Sulaiman	Georgina	
Tamwoy	Alberta	
Tamwoy	Janice	
Wade	Anom	
Wade	Chelsea	
Wade	Fay	
Wade	Jerome	
Wade	Ronald - Snr	
Yau	Margaret	
Yu	Eunice	
Yu	Gaye	
Yu	Katherine	
Yu	Mandela	
Yu	Peter	
Yu - Mackay	Lynette	

Minutes of an Extraordinary General Meeting
of the
Yawuru Native Title Holders Aboriginal Corporation RNTBC
ICN 7033
held at

Multi-Function Room, Department of Environment and Conservation
111 Herbert Street, Broome, Western Australia on
Friday 30 October 2009 at 9.00am (Western Standard Time).

Following an extensive presentation on the Global Settlement Package presented by Mr John Roberts, the members **RESOLVED** by Special Resolution, in accordance with rule 9.3.2 of the Corporation's Rule Book, that entry by the Company into the Yawuru Prescribed Body Corporate Broome Indigenous Land Use Agreement (the "Agreement") be approved and that any two Directors of the Company be authorised to execute the Agreement on behalf of the Company.



Patrick Dodson
Chairman