

Schedule 3 – Certification by KLC that Native Title Act requirements met for Registration (clause 5.5)

**Yawuru Area Agreement Broome Indigenous Land Use
Agreement ("The Agreement")**

CERTIFICATION REPORT

**PREPARED BY THE KIMBERELY LAND COUNCIL FOR THE PURPOSES OF THE APPLICATION
FOR REGISTRATION OF THE YAWURU AREA AGREEMENT BROOME INDIGENOUS LAND
USE AGREEMENT ON THE REGISTER OF INDIGENOUS LAND USE AGREEMENTS (pursuant to
subsections 24CG(3)(a) of the *Native Title Act 1993* (Cth))**

INTRODUCTION

As the Native Title Representative Body (NTRB) for the Kimberley Region, the Kimberley Land Council is pleased to certify the Yawuru Area Agreement Broome Indigenous Land Use Agreement. It does so, on the evidence provided to it by the Yawuru Native Title Aboriginal Corporation RNTBC and the expert evidence of the KLC's senior anthropologist, Henry Cox, who witnessed the authorisation of the Agreement on 30th October 2009. The KLC also certifies the agreement on the following 'certification requirement' basis:

CERTIFICATION REQUIREMENTS

This CERTIFICATION is provided on the basis that the following requirements have been met:

- (i) all reasonable efforts have been made (including by consulting all representative Aboriginal/Torres Strait Islander bodies for the area) to ensure that all persons who hold or may hold native title in relation to land or waters in the area covered by the agreement have been identified;
- (ii) all of the persons so identified have authorised the making of the agreement;

The statements setting out grounds on which the KLC are satisfied that these requirements are met are as follows.

Identification of common law native title holders

The areas which are the subject of the agreement are excluded from the area that is the subject of the Yawuru Native Title Determination of 28 April 2006 (Rubibi Determination). These areas are surrounded by and adjoin areas that are the subject of the Rubibi Determination. Therefore, it is beyond doubt that any person who may hold native title in the area will be from the same claim group as those the subject of the Rubibi Determination. At the meeting held on the 30th October 2009, the native title holders self-identified and were identified by others as such at the meeting. A record of attendance was compiled at the meeting.

For these reasons, the KLC is of the opinion that all reasonable efforts have been made to ensure that all persons who hold or may hold native title in relation to land or waters subject to the Area Agreement have been identified.

Authorisation by common law native title holders

The decision of the Yawuru common law native title holders in relation to the Area ILUA occurred at the same time as a decision of the Yawuru native title holders for the related Body Corporate ILUA at a large community meeting held on the 30th October 2009. The decision making process was in accordance with Rules of the Yawuru Native Title Aboriginal Corporation RNTBC. These Rules had been agreed to and adopted by the Yawuru native title holding group to relate to agreements of this kind concerning their native title.

These decision-making rules were followed by the common law holders in authorising the Area Agreement. As the common law holders and Yawuru native title holding group are the same people, the Kimberley Land Council considers that this authorisation process is applicable to the Area Agreement as well as the Body Corporate Agreement and therefore believes that all identified common law holders of native title for the area subject to the Area Agreement have authorised the making of the Agreement.

Advertising of Meeting

- Correspondence advising all members of the Yawuru Native Title Holders Aboriginal Corporation 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 Native Title Holders Aboriginal Corporation and whose addresses were known were of the meeting to authorise the ILUA was mailed 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;
- An insert of the Notice of Meeting was placed in every copy of the Broome Advertiser on 22 October 2009;
- An advertisement of the Notice of Meeting was placed in the Broome Advertiser on 29 October 2009;
- Notices were distributed by hand to members with known difficulties with postal addresses.

Attendance at the Meeting

Ninety two native title holders attended the meeting. A list of attendees is **Annexure 1** 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.

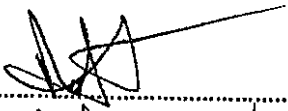
Meeting Process

The meeting commenced at approximately 10 am and continued until approximately 4pm. A presentation was made to the members detailing the provisions of the ILUA, the negotiation events and processes that have occurred since May 2006. After considered discussion, all affected native title holders present at the meeting agreed by consensus (unanimous) to accept the ILUA in accordance with the agreed and adopted decision making process.

KLC satisfied

For these reasons, the KLC believes that all the persons so identified as being common law native title holders have authorised the making of the agreement in accordance with an agreed and adopted decision making process.

Certified by Mr. Nolan Hunter, Acting Chief Executive Officer, Kimberley Land Council


.....on 21st December 2009.
Nolan Hunter

ANNEXURE 1

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	Tericita	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	