



Extract from Register of Indigenous Land Use Agreements

NNTT number	DI2021/001
Short name	Tiwi Pontoon Project ILUA
ILUA type	Area Agreement
Date registered	13/08/2021
State/territory	Northern Territory
Local government region	

Description of the area covered by the agreement

4. RELEVANT AREA FOR THIS AGREEMENT

This Agreement applies to the ILUA Area.

ILUA Area means, the area to which this Agreement applies, being the land as described in Schedule 1 and depicted on the plans at Schedule 2;

[Copies of Schedule 1, Schedule 2 and the additional map in Attachment B are attached to this register extract.]

The following general description of the agreement area has been provided by the National Native Title Tribunal to assist people to understand the location of the agreement area. It is provided for information only and should not be considered part of the Register of ILUAs:

The agreement area comprises two lots located in Apsley Strait between Melville and Bathurst Islands, covering a combined area of approx. 9,390 square metres.]

Parties to agreement

Applicant

Party name	Northern Land Council
Contact address	Level 3, 45 Mitchell Street Darwin NT 0801

Other Parties

Party name	Mantiyupwi Pty Ltd
Contact address	PO Box 40245 Casuarina NT 0811

Party name	Northern Territory of Australia
Contact address	c/- Solicitor for the Northern Territory Level 2, Old Admiralty Towers 68 The Esplanade Darwin NT 0801

Period in which the agreement will operate

Start date	26/02/2021
End Date	not specified

3. TERM

- (a) This Agreement commences on the Commencement Date and operates for the duration of Project, unless terminated earlier with the consent of all Parties.
- (b) Upon termination, this Agreement may be removed from the Register.
- (c) If this Agreement is terminated after the Agreement is recorded on the Register, then the Parties must advise the Registrar in writing in accordance with section 199C(1)(c)(ii) of the NTA.

Commencement Date means the date this Agreement is executed by the last of the Parties to execute it;

NTA means the *Native Title Act 1993* (Cth);

Project means all activities, works and operations to develop, construct, install, use, operate, maintain, replace and further develop boating pontoon infrastructure for the provision of ferry services in the ILUA Area;

Registrar has the meaning given to that term in section 253 of the NTA;

Registration, Registered and Register means the entry of this Agreement by the Registrar on the Register of Indigenous Land Use Agreements;

Statements of the kind mentioned in ss. 24EB(1) or 24EBA(1) or (4)

6. STATEMENTS FOR THE PURPOSE OF THE NTA

- (a) For the purposes of section 24EB(1)(c) of the NTA and regulation 7(5)(b) of the ILUA Regulations, the Parties agree that Subdivision P, Division 3, Part 2 of the NTA is not intended to apply to the Agreed Acts.

7. CONSENT TO AGREED ACTS

The Parties consent and agree to the doing of the Agreed Acts and the validation of any Prior Acts.

Agreed Acts means:

- (i) the grant of the Crown Leases; and
 - (ii) all acts necessary or expedient for, in connection with or in relation to, or ancillary or incidental to the Project, including all activities conducted or authorised under any Project Right; and
 - (iii) the Prior Acts,
- to the extent that such matters constitute or amount to Future Acts, whether before, on or after the Commencement Date;

Crown Lease or Crown Leases means a Crown lease granted pursuant to section 9(1) of the *Crown Lands Act 1992* (NT) for a term of 2 years with development covenants relating to the establishment of the Project, which will be (upon satisfaction of those covenants) convertible to a Crown lease term granted for 40 years for the operational aspects of the Project;

Future Act has the meaning given to that term in section 233 of the NTA;

ILUA Regulations means the *Native Title (Indigenous Land Use Agreement) Regulations 1999* (Cth);

Prior Acts means any of those things done by Mantiyupwi or the Territory prior to the Registration Date which fall within the scope of clause 1.1(a)(ii) of the definition of 'Agreed Acts';

Project Rights means all approvals, authorisations, authorities, certificates, consents, declarations, directions, easements, leases, licences, notices, permits, renewals, rights, tenures or titles:

- (i) from any Government Agency; and
- (ii) for the carrying out of the Project in the ILUA Area;

Attachments to the entry

[Schedules 1 and 2 - Written description and map of the ILUA area.pdf](#)

[Attachment B - Geographic map of the ILUA area.pdf](#)