



Extract from Register of Indigenous Land Use Agreements

NNTT number	SI2017/002
Short name	Barngarla and Lucky Bay ILUA
ILUA type	Area Agreement
Date registered	26/04/2018
State/territory	South Australia
Local government region	District Council of Franklin Harbour

Description of the area covered by the agreement

[A written description of the agreement area appears at Part F item 12 of the application form. A map of the agreement area is at Attachment 2 of the application. A copy of Attachment 2 and Part F item 12 is 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 covers about 66 sq km, situated approx. 17 km south-east of Cowell and extends about 18 km southerly into Spencer Gulf from the high water mark.]

Parties to agreement

Applicant

Party name	Sea Transport Development SA Pty Ltd as Trustee of Spencer Gulf Trust
Contact address	PO Box 1043 Southport QLD 4215

Other Parties

Party name	Elliott McNamara, Barry Croft and Howard Richards on behalf of the Barngarla People
Contact address	c/- Norman Waterhouse Level 15 45 Pirie Street Adelaide SA 5000

Party name	Minister for Transport and Infrastructure and Minister for Sustainability, Environment and Conservation
Contact address	Department of Planning, Transport and Infrastructure (South Australia) PO Box 1533 Adelaide SA 5001

Period in which the agreement will operate

Start date not specified

End Date not specified

The agreement is dated 9 August 2017, that being the date that the last of the parties executed the agreement and continues for an indefinite period thereafter subject to earlier termination pursuant to this Agreement or by operation of law.

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

9.1 The Parties acknowledge that the Proposed Development may require:

9.1.1 the making of regulations under the Harbors and Navigation Act 1993 (SA) to declare part or all of the ILUA Area to be a harbor under the Act;

9.1.2 the making of regulations under the Harbors and Navigation Act 1993 (SA) to constitute part or all of the ILUA Area as a port under the Act;

9.1.3 the Minister for Transport entering into a Port Operating Agreement in relation to the port referred to in clause 9.1.2; and

9.1.4 the issue of new or amended leases to enable the operation of the Proposed Development.

12.1 The Barngarla People surrender to the State any Native Title rights and interests that might exist in the land and waters within Allotment 5 in Deposited Plan 88637 in the area named Lucky Bay in the Hundred of Wilton.

12.2 The surrender of Native Title rights and interests pursuant to clause 12.1 extinguishes the surrendered native title rights and interests.

12.3 The surrender and extinguishment of the Native Title rights and interests pursuant to this clause 12 will take place upon the Registration of this Agreement.

13.1 Subject to clause 13.3, for the purpose of all Native Title laws including section 24EB(1) of the NTA [Native Title Act 1993 (Cth)], the Parties consent, without conditions, to the acts referred to in clauses 9.1.1. to 9.1.4 and any other act or activity (other than the grant of a fee simple title) reasonably necessary for the construction and operation of the Proposed Development on the ILUA Area.

13.2 The Parties acknowledge and agree that the acts referred to in clause 13.1 will be Valid to the extent that they affect Native Title.

13.3 The Parties agree that the consent given in clause 13.1 does not apply to the land and waters referred to in clause 12.

15. The Parties agree that Subdivision P of Division 3 of Part 2 of the NTA (the right to negotiate) and any alternative State provisions in effect under section 43 or 43A of the NTA are not intended to apply to the acts referred to in clauses 12 and 13.

Attachments to the entry

[SI2017002 Attachment 2 Map of the agreement area.pdf](#)

[SI2017002 Written description of the agreement area.pdf](#)