



# Extract from Register of Indigenous Land Use Agreements

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<b>NNTT number</b>	VI2018/001
<b>Short name</b>	Gariwerd Non-Extinguishment Principle ILUA
<b>ILUA type</b>	Area Agreement
<b>Date registered</b>	03/12/2018
<b>State/territory</b>	Victoria
<b>Local government region</b>	Ararat Rural City, Horsham Rural City , Southern Grampians Council, Northern Grampians Shire Council

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## Description of the area covered by the agreement

The agreement area is described in Background paragraph A of the agreement, and shown on the map in Schedule 1 to the agreement.

Background A. On 26 May 2016, Violet Clark, Bernice Clarke, Damein Bell, Denis Rose, Jennifer Beer, Brett Harrison (Applicant) filed Violet Clark & Ors v State of Victoria native title determination application VID533/2016 (Application) in the Federal Court of Australia for and on behalf of the Gariwerd native title claim group in respect of the land and waters described in Schedule B and Schedule C to that application, and shown on the map in Schedule 1 to this indigenous land use agreement (ILUA Area).

[A map of the agreement area is contained in Schedule 1 of the agreement. A copy of Schedule 1 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 covers approx. 1708 sq km and comprises the Grampians National Park and adjacent areas.]

## Parties to agreement

### *Applicant*

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<b>Party name</b>	State of Victoria
<b>Contact address</b>	Manager, Native Title Unit Department of Justice Regulation Level 24, 121 Exhibition Street Melbourne VIC 3000

### *Other Parties*

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<b>Party name</b>	Violet Clark, Bernice Clark, Damein Bell, Denis Rose, Jennifer Beer, and Brett Harrison on their own behalf and on behalf of the Gariwerd people (Federal Court proceeding VID533/2016)
<b>Contact address</b>	c/- First Nations Legal and Research Services Ltd PO Box 431 North Melbourne VIC 3051

## Period in which the agreement will operate

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<b>Start date</b>	20/06/2018
<b>End Date</b>	not specified

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4.(a) This Agreement commences as a simple contract between the parties on the date executed by the last of the parties to do so.

(b) In the event that the details of this Agreement are removed from the Register of Indigenous Land Use Agreements, this Agreement terminates if it has not already been terminated.

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

5. The parties consent to, and for the purposes of s 24EB(1) and s 24EBA(1) of the NTA [Native Title Act 1993 (Cth)] state that they consent to, the doing of any future act that:

- (a) is attributable to the State;
- (b) is done in relation to the ILUA Area;
- (c) consists of the construction or establishment of a public work;
- (d) apart from Subdivision E of Part 2 Division 3 of the NTA, is an act to which Subdivision J of Part 2 Division 3 of the NTA would apply; and
- (e) is done on or after the date on which this Agreement commences under clause 4(a).

9. Any future act that is included in the class of future acts described in clause 5 and which is done on or after the Registration Date satisfies the requirements of s 24EB(1) of the NTA, with the result that:

- (a) the act is valid to the extent that it affects native title in relation to the ILUA Area (NTA s 24EB(2)); and
- (b) the non-extinguishment principle applies to the act (NTA s 24EB(3)).

10. Any future act that is included in the class of future acts described in clause 5 and which is done before the Registration Date satisfies the requirements of s 24EB(1) of the NTA, with the result that:

- (a) the act is valid to the extent that it affects native title in relation to the ILUA Area (NTA s 24EBA(2)); and
- (b) the non-extinguishment principle applies to the act (NTA s 24EBA(4)).

### Attachments to the entry

[VI2018\\_001 Schedule 1-Map of ILUA Area.pdf](#)