



Extract from Register of Indigenous Land Use Agreements

NNTT number	NI2018/007
Short name	Barkandji Interim Licences ILUA
ILUA type	Body Corporate
Date registered	20/11/2018
State/territory	New South Wales
Local government region	Balranald Shire Council, Bourke Shire Council, Broken Hill City Council, Central Darling Shire Council, Cobar Shire Council, Wentworth Shire Council, Unincorporated Far West

Description of the area covered by the agreement

Clause 5 of the agreement describes the agreement area as covering all land and waters described in the written description and shown on the map provided in Schedule A (Attachments A1 and A2). For clarity, the Agreement Area includes all the land and waters in the Determination Area where native title was held to exist.

[A map and written description of the agreement area (Attachments A1 and A2 respectively) are contained in Schedule A of the agreement. A copy of Schedule A, Attachment A1 and Schedule A, Attachment A2 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 covers about 712 sq km and is located in western NSW extending from the NSW/SA State Border in the west to Ivanhoe in the east and from the NSW/VIC State Border in the south to 75 km south from the NSW/QLD Border.]

Parties to agreement

Applicant

Party name	Minister administering the Crown Lands Act
Contact address	c/- NSW Department of Industry, Legal Branch PO Box K348 Haymarket NSW 1240

Other Parties

Party name	Barkandji Native Title Group Aboriginal Corporation RNTBC
Contact address	c/- NTSCORP Limited PO Box 2105 Strawberry Hills NSW 2012

Period in which the agreement will operate

Start date	20/11/2018
End Date	20/11/2023

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

[Explanatory notes in brackets inserted by the National Native Title Tribunal]

[CONSENT TO FUTURE ACTS]

6.1 Where the procedure in clause 9 is followed, the Parties consent to the Re-issue of a Remaining Terminated Licence by the Crown Lands Minister to the Former Licensee, for a period not exceeding five (5) years and provided that the period of such a licence may not operate beyond the date that is five (5) years from the date of Registration of this Agreement. [Clause 9 provides a procedure for reissuing Remaining Terminated Licences]

6.2 The Parties consent to the continuing use and occupation of the TL Land by a Former Licensee from the date of Registration of the Agreement to the date the Terminated Licence is validly re-issued under the NTA or under this Agreement, provided that the use and occupation by the Former Licensee without such a licence may not continue beyond the date that is five (5) years from the date of Registration of this Agreement.

6.3 Where the relevant procedures set out in Schedule C (AFAR) of this agreement are complied with, the Parties consent to the doing of a future act that is in a class covered by the AFAR. The AFAR may not operate beyond the date that is five (5) years from the date of Registration of this Agreement. [Schedule C provides a procedure for an Alternative Future Acts Regime (AFAR)]

6.4 Clauses 6.1, 6.2 and 6.3 contain the parties consent to future acts for the purposes of section 24EB(1)(b) of the NTA and regulation 7(5)(a) of the ILUA Regulations.

7.1 For the purposes of section 24EBA(1)(a)(1) of the NTA and regulation 7(5)(d) of the ILUA Regulations, the Parties agree to the validation of any use and/or occupation of the IL Land by the Former Licensees prior to Registration of this Agreement, to the extent that the use and/or occupation was done invalidly because of the existence of Native Title.

10.3 Without limiting the rights of the Native Title Holders set out in the AFAR, the Parties consent to the doing of an act that is in a class covered by AFAR, which shall be valid, provided the Crown Lands Minister complies with the procedures in the AFAR.

DEFINITIONS AND INTERPRETATION

"Former Licensee" means the holder of a Terminated Licence as at the Determination Date. For the avoidance of doubt, "Former Licensee" may include a Transferee.

"Reissue" or any of its grammatical forms, means to grant a new licence on substantially similar terms and conditions as the relevant Terminated Licence, except as to the commencement date, term and licence fee of that licence. For the avoidance of doubt, a Terminated Licence can be Reissued more than once and the licence may:

- i. be granted over a smaller area of land;
- ii. have a more limited purpose than the Terminated Licence; or
- iii. be granted to a licensee with a different name.

"Remaining Terminated Licences" means the Terminated Licences that cannot be reissued under the NTA and which can be reissued under this Agreement in order to comply with the NTA.

"Terminated Licence" means a licence, permit or authority that by its terms, terminated on the Determination Date, including those listed in Schedule D [of the agreement].

"TL Land" means the land the subject of the Terminated Licences.

"Transferee" means a person who has made a transfer application with respect to a Terminated Licence.

Attachments to the entry

[Schedule A, Attachment A1 Map of agreement area.pdf](#)

[Schedule A, Attachment A2 Written description of agreement area.pdf](#)