

BUNUBA DAWANGARRI ABORIGINAL CORPORATION (BDAC) RNTBC

ICN: 7813 ABN: 80 365 218 271

Authorisation Meeting Notice Bunuba Fitzroy Parks ILUA

Place: Old School Under Cover Area, Forrest Road, Fitzroy Crossing

Date: Thursday, 24 November 2022

Member Registration: 9.00am

Time: 9.30am

Purpose: Discuss the draft Bunuba Fitzroy Parks Indigenous Land Use Agreement (ILUA), including key changes to the ILUA following the previous authorisation meeting held on 10 November 2020. If agreed, authorise entering into the ILUA and registration of that ILUA in accordance with the Native Title Act.

Who Can Attend and Vote at this Authorisation Meeting?

Bunuba native title holders as defined below can attend and vote at this meeting. Bunuba native title holders are defined in *Wurrumurra v the State of Western Australia* [2012] FCA 1399, *Wurrumurra v the State of Western Australia* [2015] FCA 1480, *George Brooking on behalf of the Bunuba People (Bunuba #2) v State of Western Australia* [2015] FCA 1481 and *Mary Aiken on behalf of the Bunuba People (Bunuba #3) v State of Western Australia* [2015] FCA 1482 as:

- (a) descendants of the following ancestors:
 - Mubu (Banjo Wurrumurra's MM and David Fairfield's MM);
 - Jarangu (Johnny Marr's F);
 - Jurrunga (Rita Laylay's MF);
 - Frank Edgar (Pilot) (Felix Edgar's F);
 - Limirruwa;
 - Nindiligali (Nancy Williams' MF and George Brooking's FF);
 - Dawanjina (Billy Oscar's FM, Lionel Jambara's FFMM);
 - Ganggula (George Leopold's MM);
 - Mangalanyi (Adam Andrews' F);
 - Yambanana (Fred Green's F);
 - Minyjinyji (Moses Beharrel's M);
 - Balyburru (Joe Ross' MFF and Wibiy Roger's FF);
 - Gijalamili (Betty Smith's MMF);
 - Jingirriban (Rose Benning's MF);
 - Guburrmiya (Barbara Cole's FM);
 - Bundu (Harry and Lena Skinner's F and Nita Skinner's FF); and
 - Limadji;
- (b) the individuals, and their descendants, who have been adopted or are being adopted or Marurra (people who are raised, grown up, embraced and acknowledged as a Bunuba person) by members of the Bunuba People, or by their predecessors, in accordance with the traditional laws and customs of the Bunuba People; and
- (c) Aboriginal persons who:
 - (i) self-identify as Bunuba; and
 - (ii) are recognised by other members of the Bunuba People as Bunuba under traditional law and custom.

Agenda

1. Welcome, Code of Conduct
2. Apologies
3. Proxies received
4. Confirm Quorum
5. Briefing on the ILUA, including key changes made to the ILUA following the previous authorisation meeting (see page 3 for a summary of the ILUA)
6. Questions
7. Authorisation of the ILUA:
 - (a) Confirm decision-making process.
 - (b) Discuss and, if thought appropriate, authorise entry into and registration of the ILUA.
8. Meeting close

Proxies

Please note that:

- a member who is entitled to attend and cast a vote may appoint a proxy;
- the proxy must be from the member's muway; and
- the proxy need not be a member of BDAC but must be a native title holder.

A notice of appointment of a proxy form is enclosed with this notice of Authorisation Meeting.

For an appointment of a proxy to be effective, the following documents must be received by BDAC at least 48 hours before the AGM (no later than 9am Monday, 21 November 2022)

- the appointment of a proxy form, and
- if the appointment is signed by the appointor's attorney, the authority, or a certified copy of the authority.

A proxy can only act for 3 members at a time.

Proxy forms may be submitted to BDAC:

by email to finance@bunuba.com (preferred method);

by mail to PO Box 264, Fitzroy Crossing WA 6765;

or by hand to the BDAC Office, Forrest Road, Fitzroy Crossing.

By order of the BDAC Board of Directors

Travel and Meals

For travel support – please contact the **Danielle Mills at Kimberley Land Council on 0418 967 479 or danielle.mills@klc.org.au** BEFORE 12pm Friday 18 November 2022

Please note accommodation in Fitzroy Crossing is extremely limited and may book out early.

Subject to demand, a bus service from Fitzroy Crossing and Derby may be available for pick-up & drop-off on Wednesday 23 November only.

If you would like to reserve a seat on either bus, please contact Danielle Mills at KLC ASAP.

Bus running times for Fitzroy Crossing and Derby will be advised closer to the date.

You must include Name, email, or phone number so we can confirm where you are travelling from

Morning tea, Lunch and Afternoon Tea provided. **There will be NO purchase orders provided for food.**

Bunuba Fitzroy Parks ILUA

Background

The WA Government made an election commitment to create a Fitzroy River National Park. Some of the proposed national park area is within the area over which Bunuba People hold native title rights, which means the WA Government wants to enter into the ILUA with BDAC to authorise the creation of the national park and also the creation of some conservation parks.

BDAC has been negotiating the ILUA with the WA Government since 2019. An information session about the ILUA was held for Bunuba People at Waywulungu (Lilyhole) on 24 July 2019 and other on-Country meetings have been held to determine the boundaries of the ILUA areas.

On 10 November 2020, an authorisation meeting (**First Authorisation Meeting**) was held in Fitzroy Crossing at which Bunuba native title holders resolved to authorise the BDAC negotiation committee to finalise the ILUA and BDAC to enter into the ILUA provided it was on terms consistent with, or no less favourable to the Bunuba native title holders.

After the First Authorisation Meeting, negotiations with the State have resulted in some changes to the ILUA. Because of the changes, another authorisation meeting is needed (this meeting).

The key changes are set out in the table below. The remaining terms of the ILUA remain consistent with, or no less favourable to, the Bunuba native title holders when compared with the ILUA that was authorised at the First Authorisation Meeting.

Terms of ILUA as at 10 November 2020	Changes to ILUA
Certain areas were to be reserved for the purposes of Bunuba people's social, cultural and/or economic benefit (Bunuba Reserves). It was intended that a management order would be granted provided BDAC with the right to manage and control the Bunuba Reserves.	The areas that were to be Bunuba Reserves will instead be granted to BDAC as unconditional freehold. There is one additional freehold area which could potentially be created which adjoins the Yiramalay School area (Area #G).
The Biridi community area was included as a Bunuba Reserve Area.	Biridi community members have instructed the BDAC board that they do not wish for Biridi community area to be included in the Bunuba Reserves. The ILUA has been amended to remove the Biridi community area.

This meeting on 23 November 2022 is for discussion of the ILUA, including the amendments made to the ILUA following the First Authorisation Meeting, and for Bunuba People to decide whether to authorise the ILUA (as amended) with the WA Government. If authorised, BDAC will enter into the ILUA on behalf of Bunuba native title holders and an application will be made to the National Native Title Tribunal (**NNTT**) for the ILUA to be registered. If the ILUA is registered, it will bind all Bunuba native title holders.

The decision to enter into the ILUA will be a 'native title decision'. Clause 9.3 of the BDAC Rule Book sets out the process for making native title decisions. In summary, BDAC needs to make sure that affected Bunuba native title holders understand the ILUA and consent as a group to entering into the ILUA. The consent of affected native title holders does not need to be unanimous. If Bunuba native title holders decide not to authorise the ILUA then the ILUA will not be entered into.

What Will the ILUA Do?

If it is authorised, the ILUA will provide Bunuba native title holders' consent for the purposes of the *Native Title Act 1993* (Cth) to certain acts, including the creation of national park and conservation park areas.

The national parks and conservation parks will be jointly vested in BDAC and the Conservation and Parks Commission and jointly managed by BDAC and the CEO of the Department of Biodiversity, Conservation and Attractions. Bunuba People will choose a name for each of the national park and conservation park areas.

Some of the Bunuba People's native title rights will be suppressed by the national parks and conservation parks and in certain other areas covered by the ILUA. Bunuba's People's native title rights over the Bunuba Freehold Areas will need to be extinguished to allow BDAC to obtain an unconditional freehold interest in the Bunuba Freehold Areas.

The WA Government will provide financial and non-financial benefits for the Bunuba People. These benefits will be set off against any future compensation that Bunuba native title holders are entitled to under the Native Title Act.

A more detailed briefing on the ILUA will be provided at the authorisation meeting on 23 November 2022.

Will the ILUA Areas remain the same?

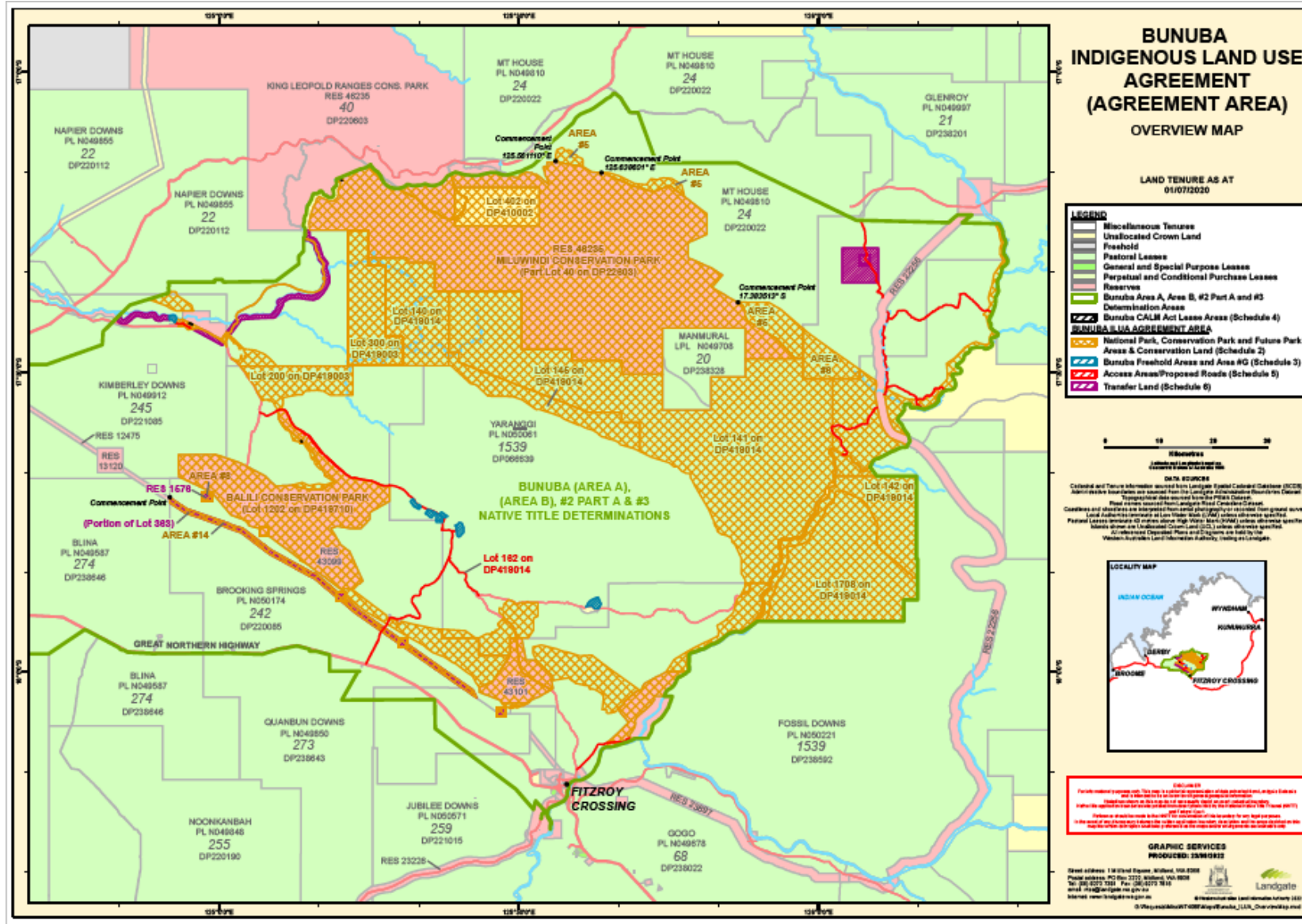
The ILUA will still cover the area shown on the map below. The key areas are within the Yuwa Pastoral Lease and the Yarangi Pastoral Lease, which will need to be surrendered out of the leases for the proposed national park and conservation parks within those areas to be created. The ILUA area will be explained in more detail at the authorisation meeting on 23 November 2022.

Are the Parties to the ILUA still the same?

The parties to the ILUA will still be BDAC (on behalf of Bunuba native title holders), Bunuba Aboriginal Corporation, the State of Western Australia represented by the Hon. Reece Whitby (the Minister for the Environment), the Minister for Lands, the Conservation and Parks Commission and the Chief Executive Office of the Department of Biodiversity, Conservation and Attractions acting through the Conservation and Land Management Executive Body.

An information session about this ILUA and the living areas component will be held 12pm Wednesday 23 November 2022 after the AGM. This will be presented by Darcy Doyle from Allens.

Map of ILUA Area



Appointment of a proxy

Rule 7.14.1

Type of Notice	Appointment of a proxy to the Bunuba Dawangarri Aboriginal Corporation RNTBC under Rule 7.14.1. Under Rule 7.14.4 the Notice must be sent to the contact person at least 48 hours before the Corporation's meeting.
Name of the Bunuba Contact Person	To:* Contact person for the Bunuba Dawangarri Aboriginal Corporation RNTBC *Copy this Notice to the person appointed proxy also
Name of member appointing a proxy	From: Member appointing the proxy
Name of proxy	Name of proxy:
Address of proxy	Address:
Name of proxy's muway
Details of the meeting for which the person is a proxy	Time:..... Date:..... Location of the meeting:
Power to vote	The person appointed as proxy may vote* or may not vote* (*strike out relevant section)
Optional	If a member wishes to specify the way the proxy is to vote on a particular resolution, include the additional information here.
Signature of appointing member [Signature] [INSERT NAME] Address:..... Tel No:
Number of Proxies	NOTE: A member must not exercise proxies for more than 3 members.