

## **ABORIGINAL AFFAIRS PLANNING AUTHORITY ACT 1972**

### **REPORT OF THE ABORIGINAL AFFAIRS PLANNING AUTHORITY**

#### **THE ISSUE**

Reserves 15530 and 23079 are both proclaimed reserves under Part III of the *Aboriginal Affairs Planning Authority Act 1972* (**AAPA Act**) for the use and benefit of persons of Aboriginal descent and are under the control and management of the Aboriginal Lands Trust (**ALT**).

To achieve the agreed outcomes of the Dambimangari KSCS Marine Parks Indigenous Land Use Agreement (**the Dambimangari ILUA**), Part III AAPA Act is to be removed from the following intertidal areas of Reserves 15530 and 23079:

- Reserve 15530 – Lots 301, 303, 304 and 305 on Deposited Plan 408955
- Reserve 23079 – Lots 506, 507, 509, 511 and 512 on Deposited Plan 408955

#### **THE RESERVE**

Reserve 15530 comprises 96,315 hectares of land and Reserve 23079 comprises 421,900 hectares of land, and both are located in the Shire of Wyndham East Kimberley near Brunswick Bay.

Reserves 15530 and 23079 are both reserved for persons of Aboriginal descent and vested in the Aboriginal Affairs Planning Authority (**AAPA**) under Part III of the AAPA Act. As Part III reserves, restrictions are placed on dealings with and access to the land. Control and management of Reserves 15530 and 23079 is conferred on the ALT.

As Reserves 15530 and 23079 are proclaimed under Part III AAPA Act, no changes can be made to the boundaries of the reserves until a proclamation is made declaring that excised areas are no longer reserved for persons of Aboriginal descent.

#### **NATIVE TITLE**

Reserves 15530 and 23079 are subject to the Dambimangari native title determination (WAD 6061/1998) made on 26 May 2011. The determination states that native title exists in relation to Reserves 15530 and 23079 with intertidal areas of the reserves being subject to non-exclusive native title rights and interests.

As part of the Kimberley Science and Conservation Strategy (**KSCS**), the Dambimangari native title holders and the State of Western Australia entered into the Dambimangari ILUA. The Dambimangari ILUA was executed on 18 November 2016 and requires intertidal areas of Reserves 15530 and 23079 to be included in the Lalang-garram / Camden Sound Marine Park and the Lalang-garram / Horizontal Falls Marine Park (**the Marine Parks**).

To achieve this, the vesting in the AAPA under Part III AAPA Act first needs to be removed from certain intertidal areas of Reserves 15530 and 23079 before those intertidal areas are excised from the reserve and new marine reserves created. A map of the intertidal areas to be excised is attached as Attachment A.

## **REMOVING PART III FROM AREAS OF THE RESERVES**

The process for removing the Part III vesting in the AAPA is set out in section 25 AAPA Act and requires the Governor to make a declaration that the land shall cease to be reserved for persons of Aboriginal descent.

This process is necessary to comply with the intent of the KSCS and implement the State's commitments contained in the Dambimangari ILUA.

## **CONSULTATION AND APPROVALS**

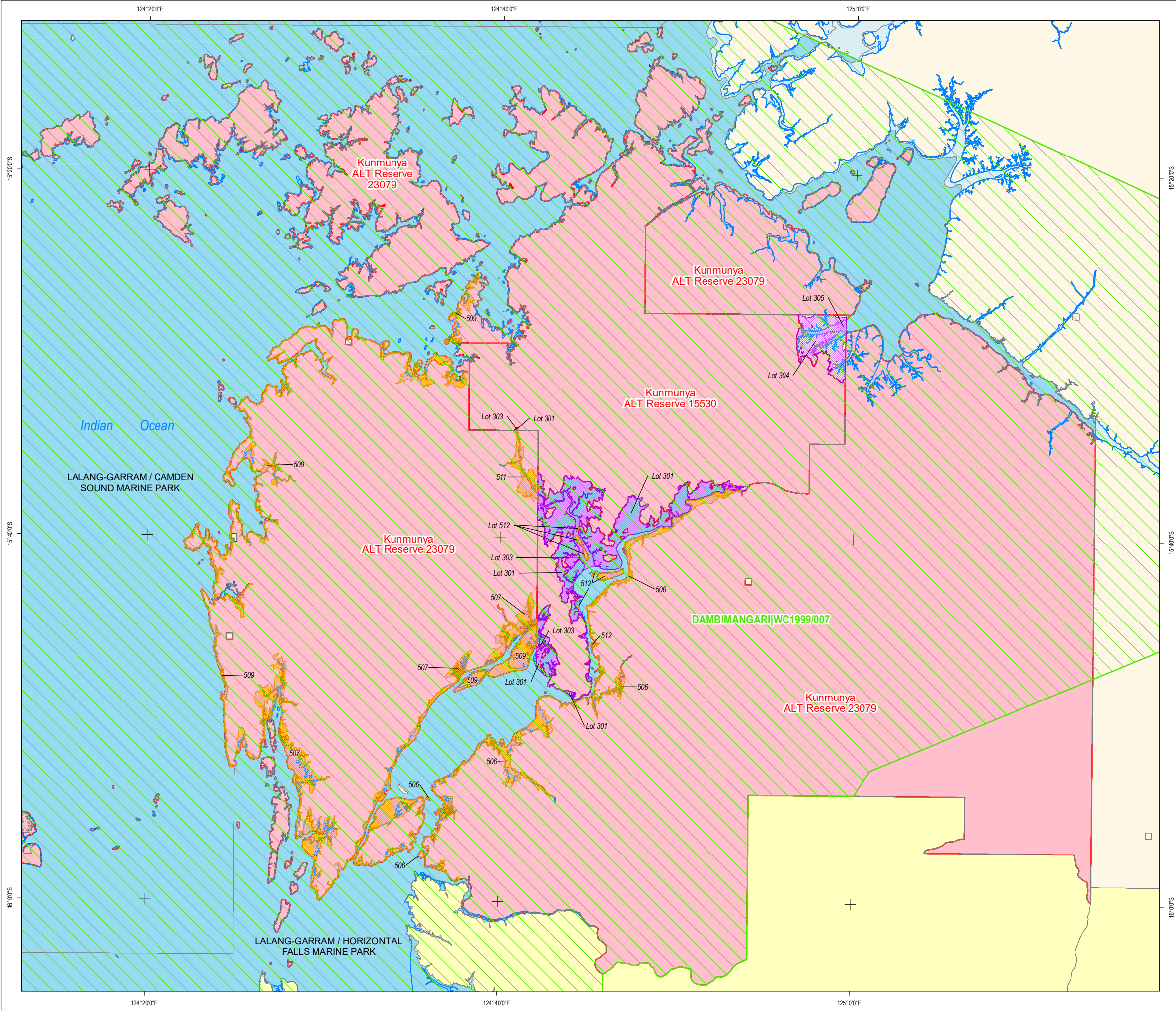
The Dambimangari native title holders were consulted regarding the requirement for the proclamation and excision of intertidal areas of Reserves 15530 and 23079 as part of the KSCS negotiations relating to the creation of the Marine Parks. The native title holders have executed the Dambimangari ILUA consenting to the creation of the marine parks following the removal of the Part III vesting and excision of intertidal areas.

On 27 October 2015, 21 November 2019 and 24 September 2020, the ALT resolved to recommend the removal of Part III of the AAPA Act from the intertidal areas of:

- Reserve 23079, identified as Lots 506, 507, 509, 511 and 512 on Deposited Plan 408955; and
- Reserve 15530, identified as Lots 301, 303, 304 and 305 on Deposited Plan 408955.

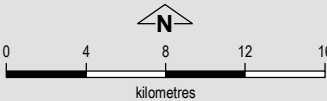
## **RECOMMENDATION**

The AAPA supports the Minister for Aboriginal Affairs' recommendation to the Governor that the boundaries of Reserves 15530 and 23079 be altered by excising intertidal areas required for surrounding marine parks and that those excised areas shall cease to be reserved for persons of Aboriginal descent under section 25 AAPA Act.



# ALT Reserve 15530 and 23079 Dambimangari

- Legend**
- Cadastre
  - Native Title determinations
  - Area to be excised from Reserve 15530
  - Area to be excised from Reserve 23079
  - Reserve
  - Marine park
  - Unallocated Crown land



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(Scale 1:25,000; positional accuracy +/- 5m)

