

12.2.9 a) Noongar Boodja Trust
Rates Exemption Letter -
Lot 416 Dillon Bay Road, Bremer Bay



Perpetual Trustee
Company Limited
ABN 42 000 001 007

9 June 2026

Martin Cuthbert
Chief Executive Officer
Shire of Jerramungup
8 Vasey Street
Jerramungup WA 6337

Sent via email only
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Dear Mr Cuthbert

Request for rates exemption for land managed by the Noongar Boodja Trust

We write to you in our capacity as trustee for the Noongar Boodja Trust. The Noongar Boodja Trust is the special purpose charitable trust that receives, holds and manages all of the assets arising from the South West Native Title Agreement between the state of Western Australia and the Noongar People.

I write generally about the rateability of land held by the Noongar Boodja Trust, and also specifically in relation Lot 416 on P419708, which is referred to as Dillon Bay Rd Bremer Bay on the rates notice issued to the Noongar Boodja Land Sub Pty Ltd by the Shire, issued 26/05/2026, Assessment Number A160898. This Lot is Crown Reserve 54744 for the purpose of Noongar Social, Cultural and/or Economic Benefit, with a Management Order to the Noongar Boodja Trust, through its holding entity the Noongar Boodja Land Sub Pty Ltd.

The Noongar Boodja Trust is a registered charity that advances the culture, social and public welfare of Aboriginal and Torres people, specifically the Noongar People of the Noongar Nation, and in accordance with the trust deed. The Noongar Land Sub Pty Ltd is a wholly owned subsidiary of the Noongar Boodja Trust, that holds the legal title to all land and management orders on bare trust for the Noongar Boodja Trust. The Noongar Land Sub Pty Ltd is also a registered charity.

The Wagyl Kaip Southern Noongar Aboriginal Corporation is a beneficiary of the Trust and have been granted an interest in the land via a lease. The Wagyl Kaip Southern Noongar Aboriginal Corporation is also a registered charity that advances the cultural, social and public welfare of Aboriginal and Torres Strait Islander people, specifically the Wagyl Kaip and Southern Noongar people.

Error in the Rate Record

Section 6.26 of the Local Government Act 1995 sets out a wide range of circumstances in which land is not rateable land. Section.6.26(2)(g) provides that land is not rateable land if the land is used 'exclusively for a charitable purpose'. As the Noongar Boodja Trust (Trust), Noongar Boodja Land Sub Pty Ltd (Management Body) and Wagyl Kaip Southern Noongar Aboriginal Corporation (Lessee) are all registered charities, we maintain that Lot 416 on Deposited Plan 419708 is not rateable land on the grounds that the land is used exclusively for a charitable purpose.

The Trust holds and uses the land for the benefit of the Noongar People pursuant to the South West Native Title Settlement. The Trust is bound by its governing documents to use the land exclusively for that purpose.

Where land is used for the purpose of improving the economic position, social condition and traditional ties of an Aboriginal community, that will generally be a charitable use of the land: Shire of Derby-West Kimberley v Yungngora Association (2007) 157 LGERA 238; [2007] WASCA 233 at [54]. We confirm that the Trust uses the land exclusively for such purposes.

Pursuant to the Noongar (Koorah, Nitja, Boordahwan) (Past, Present, Future) Recognition Act 2016 (WA), the Parliament of Western Australia has expressly acknowledged the living cultural, spiritual, familial and social relationship that the Noongar People have with Noongar land (which includes the land): s 5(2)(a). The Trust's use of the land to promote and preserve the Noongar People's spiritual and cultural connections with their land is an exclusively charitable purpose.

Further, and without prejudice to the above, we note that the Trust does not use the land for any commercial purpose and derives no income from the land. Requiring the Trust to pay rates for land that is used exclusively for charitable purposes, and for which it does not derive any income, would be at odds with community expectations. We also observe that the local government would not suffer any prejudice by reason of granting this exemption given that the land was not rateable land prior to being assigned to the Trust.

We therefore respectfully request that the Shire correct the rate record to show that the Property is not rateable land and reimburse the Trust for rates paid pursuant to the Rates Notice.

Should you have any questions about our request or any related matters, we would be pleased to meet with you or your staff to assist you in making your determination in relation to our request.

Yours faithfully

A handwritten signature in black ink that reads "Vanessa Bray". The signature is written in a cursive, flowing style.

Vanessa Bray
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