



Extract from Register of Indigenous Land Use Agreements

NNTT number	WI2015/022
Short name	Newcrest Mining Project Area ILUA
ILUA type	Body Corporate
Date registered	17/02/2016
State/territory	Western Australia
Local government region	Shire of East Pilbara

Description of the area covered by the agreement

6.2 Area to which this Agreement applies - Native Title Act sections 24BB and 24BC

(a) In its capacity as an ILUA, this Agreement applies to the whole of the land and waters in the Project Area.

(b) To avoid doubt, the 'Project Area', as depicted in Schedule 2, is the 'Agreement Area' for the purposes of the ILUA Regulations and the registration of this Agreement as an ILUA.

1.1 Definitions

'Infrastructure Corridor' means the land which is the subject of miscellaneous licences L45/110, L45/101 and L45/139 as at the Commencement Date, to the extent that such land falls within the Martu Determination Area.

'Martu Determination Area' means the land and waters over which the Martu People were determined to hold native title rights and interests in the Martu Determinations.

'Plant Site' means the processing plant (located at 416,819mE, 7595,980mN (MGA94Z51)) at the Telfer Gold Mine Project, as depicted on the plan comprised in Schedule 2.

'Project Area' means the area within a 60 kilometre radius from the Plant Site, together with the Infrastructure Corridor, to the extent that such land falls within the Martu Determination Area and as delineated as the 'Project Area' on the plan comprised in Schedule 2.

'Telfer Gold Mine Project' means the gold mining operations undertaken by Newcrest at Telfer, Western Australia, currently comprising open pit and underground mines, associated mineral processing and tailings storage facilities and related exploration activities.

[A map of the agreement area is contained in Schedule 2 of the agreement. A copy of Schedule 2 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:

Agreement area covers about 11,150 sq km, approx. 60km radius from Telfer Mine Site and generally north west along Telfer Access Road towards Gregory Range.]

Parties to agreement

Applicant

Party name Western Desert Lands Aboriginal Corporation
(Jamukurnu-Yapalikunu) RNTBC (WDLAC)

Contact address c/- Castledine Gregory
Unit C4, 118 Railway Street
West Perth WA 6005

Other Parties

Party name Newcrest Operations Limited (Newcrest)

Contact address Manager Land Tenure
Newcrest Mining Limited
Level 9, 600 St Kilda Road
Melbourne VIC 3004

Period in which the agreement will operate

Start date 04/12/2015

End date not specified

2.1 Commencement and Term

(a) This Agreement comes into force and effect on the date that the last of the Parties executes this Agreement (being the Commencement Date).

2.2 Termination

This Agreement may be terminated as between the Parties:

- (a) by agreement of the Parties in writing;
- (b) in accordance with clause 25; or
- (c) on the date when:
 - (i) Newcrest or any of its Related Bodies Corporate or Assignees cease to hold an interest in all Project Titles; or
 - (ii) all Project Titles expire without renewal or re-grant, whichever occurs first.

1.1 Definitions

'Existing Titles' means the titles listed as 'Existing Titles' in Schedule 1.

'Future Titles' means any:

- (a) mining tenements under the Mining Act;
 - (b) titles or other interests in land under the Petroleum Pipelines Act 1969 (WA);
 - (c) licences under the Rights in Water and Irrigation Act 1914 (WA); and
 - (d) leases, licences or easements under the Land Administration Act 1997 (WA),
- and any other Interest within the Project Area applied for, held or acquired by Newcrest for the Project at any time and from time to time after the Commencement Date. To avoid doubt, 'Future Titles' includes any application for any of the things referred to in paragraphs (a) to (d) of this definition, and any such thing as granted.

'Mining Act' means the Mining Act 1978 (WA).

'Pending Titles' means the titles listed as 'Pending Titles' in Schedule 1.

'Project Titles' means the Existing Titles, the Pending Titles and any Future Titles.

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

6.3 Consent to the doing of Future Acts - Native Title Act subsection 24EB(1)

Despite any other provision of this Agreement, for the purposes of section 24EB(1)(b) of the Native Title Act, the Parties consent to the grant of the Project Titles to Newcrest, to the extent that each of them is a Future Act, in the Project Area.

6.4 Right to negotiate does not apply - Native Title Act subsection 24EB(1)(c)

For the purposes of section 24EB(1)(c) of the Native Title Act, if this Agreement is registered on the ILUA Register, then despite anything else in this Agreement, while this Agreement is registered on the ILUA Register, Part 2 Division 3 Subdivision P of the Native Title Act is intended not to apply to the grant of the Project Titles to Newcrest in accordance with this Agreement.

14.1 Consent and support for activities within the Project Area

(a) In accordance with this Agreement and subject to the Heritage Protocol, WDLAC consents and agrees to Newcrest carrying out the Project Activities within the Project Area, and in particular, provides consent to:

- (i) the grant of, and operation and exercise of rights pursuant to, the Project Titles, within the Project Area; and
- (ii) subject to clause 14.1(c), the grant of any other approvals, permits, licences or other authorisations required under any law by Newcrest, in order to undertake the Project Activities (the Project Authorisations).

(c) Nothing in this Agreement obliges WDLAC or the Martu People to consent to any Environmental Approvals required by Newcrest for the operation of a Uranium Mine. In this clause:

- (i) Environmental Approvals means any approval required by Newcrest under the EP Act or the EPBC Act; and
- (ii) Uranium Mine means any mining operation carried out by Newcrest within the Project Area, at which the primary mineral produced by that operation is uranium.

1.1 Definitions

'Project' means the Telfer Gold Mine Project and any other Mining Operations, including any future Mining Operations, carried out by Newcrest within the Project Area whether or not connected with the Telfer Gold Mine Project.

'Project Activities' means any activities lawfully undertaken or to be undertaken by Newcrest for the purposes of or directly in connection with the Project (as authorised by any applicable Law) and in accordance with this Agreement within the Project Area and the construction, use, maintenance, decommissioning and rehabilitation of infrastructure used in connection with any of the Project Activities.

Attachments to the entry

[WI2015_022 Schedule 2 Project Area Map.pdf](#)