



Extract from Register of Indigenous Land Use Agreements

NNTT number	WI2016/003
Short name	FMG-Niyaparli Land Access ILUA
ILUA type	Area Agreement
Date registered	15/12/2016
State/territory	Western Australia
Local government region	Shire of Ashburton, Shire of East Pilbara, Shire of Meekatharra, Shire of Wiluna

Description of the area covered by the agreement

Appendix 4 of the application for registration contains a written description of the agreement area, which states that:

The agreement area is the area of land and waters which, as at the date of this application for registration of an area agreement, are:

1. covered by any one or more of:

- (1) native title determination application having Federal Court number WAD6280/1998 (David Stock & Ors on behalf of the Niyaparli People (Niyaparli)); and
- (2) native title determination application having Federal Court number WAD196/2013 (David Stock & Ors (Niyaparli People #3) v State of Western Australia); and

2. not covered by native title determination application having Federal Court number WAD22/2012 (Betty Peterson & Ors -v- State of Western Australia (Wunna Niyaparli People)).

[Appendix 5 to the application contains a map of the agreement area. A copy of appendix 4 and appendix 5 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 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 area covers approx. 33248 sq km and encompasses Newman and surrounds.]

Parties to agreement

Applicant

Party name Chichester Metals Pty Ltd
Contact address c/- Green Legal
GPO Box 2522
Perth WA 6001

Other Parties

Party name David Stock, Leonard Stream, Raymond Drage, Billy Cadigan and Victor Parker for and on behalf of the Nyiyaparli People and the Nyiyaparli People #3
Contact address c/- Yamatji Marlpa Aboriginal Corporation
PO Box 3072
249 Hay Street
East Perth WA 6892

Party name The Pilbara Infrastructure Pty Ltd
Contact address c/- Green Legal
GPO Box 2522
Perth WA 6001

Party name Fortescue Metals Group Ltd
Contact address c/- Green Legal
GPO Box 2522
Perth WA 6001

Period in which the agreement will operate

Start date not specified
End date not specified

- 3.1 This Agreement commences upon being executed by the Parties.
3.2 The Agreement continues for the life of the Project.

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

4.1 The Nyiyaparli People consent to the grant and renewal of all Project Tenure.
6.3 Notwithstanding any other provision of this Agreement:
(1) for the purposes of s 24EB(1)(b) of the NTA [Native Title Act 1993 (Cth)], the parties state that they consent to the grant and renewal of all Project Tenure; and
(2) for the purposes of s 24EB(1)(c) of the NTA, the parties state that if apart from Subdivision E of Division 3 of Part 2 of the NTA, the grant or renewal of any Project Tenure would be an act to which Subdivision P of Division 3 of Part 2 of the NTA would apply, then Subdivision P of Division 3 of Part 2 of the NTA is not intended to apply, including where notice of the act has been given in accordance with s 29 of the NTA prior to the registration of this Agreement on the Register of Indigenous Land Use Agreements.

Definitions:

"Project Tenure" means the:

- (a) Railway Tenure;
- (b) Port Tenure; and
- (c) Mining Tenure;

"Railway Tenure" means such tenure within the Agreement Area as may be necessary or desirable to construct or operate the Railway Infrastructure;

"Port Tenure" means such present and future tenure within the Agreement Area as may be necessary or desirable for the construction and operation of the Port Infrastructure;

"Mining Tenure" means any:

- (a) Exploration Licence;
- (b) Ancillary Licence;
- (c) Mining Lease; and
- (d) Water Extraction Authority,

that FMG acting reasonably may consider necessary or desirable for FMG Mining Operations, and includes any part or parts thereof;

Attachments to the entry

[Appendix 4 Complete description of the agreement area.pdf](#)

[Appendix 5 Map of the agreement area.pdf](#)