



Extract from Register of Indigenous Land Use Agreements

NNTT number	WI2015/013
Short name	RTIO and Nyiyaparli People Additional ILUA (Area Agreement) for Nyiyaparli People's Native Title Claim #3
ILUA type	Area Agreement
Date registered	10/03/2016
State/territory	Western Australia
Local government region	Shire of East Pilbara, Shire of Meekatharra

Description of the area covered by the agreement

Clause 1.1 of the agreement defines 'ILUA Area' as the area described in Schedule 1, a map of which is in Schedule 2.

[A copy of Schedule 1 and Schedule 2 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 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:

The agreement area covers about 782 sq km, located west of Newman.]

Parties to agreement

Applicant

Party name Hamersley Iron Pty Ltd

Contact address c/- Ashurst Australia
Level 10
Brookfield Place Tower 2
123 St Georges Terrace
Perth WA 6000

Party name Robe River Mining Co Pty Ltd on its own behalf as a venturer and as manager for and on behalf of Robe River Mining Co Pty Ltd, Mitsui Iron Ore Development Pty Ltd, Cape Lambert Iron Associates, Pannawonica Iron Associates and North Mining Limited as participants of the Robe River Iron Associates Joint Venture

Contact address c/- Ashurst Australia
Level 10
Brookfield Place Tower 2
123 St Georges Terrace
Perth WA 6000

Party name Hamersley HMS Pty Ltd as manager for and on behalf of Hope Downs Iron Ore Pty Ltd and Hamersley WA Pty Ltd as participants of the Hope Downs Joint Venture

Contact address c/- Ashurst Australia
Level 10
Brookfield Place Tower 2
123 St Georges Terrace
Perth WA 6000

Party name Hamersley Resources Ltd on its own behalf as a venturer and as manager for and on behalf of Hamersley Resources Ltd and Wright Prospecting Pty Ltd as participants of the Rhodes Ridge Joint Venture

Contact address c/- Ashurst Australia
Level 10
Brookfield Place Tower 2
123 St Georges Terrace
Perth WA 6000

Other Parties

Party name David Stock, Leonard Stream, Raymond Drage, Victor Parker and Billy Cadigan on their own behalf as registered native title claimants and on behalf of the Nyiyaparli People

Contact address c/- Yamatji Marlpa Aboriginal Corporation
Level 8
12-14 The Esplanade
Perth WA 6000

Party name	Karlka Nyiyaparli Aboriginal Corporation
Contact address	PO Box 2161 South Hedland WA 6722

Period in which the agreement will operate

Start date	not specified
End date	not specified

13.1 This document commences on the Commencement Date.

13.2 Subject to clauses 13.3 and 18.3(b), this document terminates on the termination of the Participation Agreement in accordance with its provisions.

Commencement Date means the earlier of:

(a) the date inserted above the parties' names on page 1 of the body of this document or where no date has been inserted or the date inserted is manifestly wrong, the date on which this document is taken to have been signed by all of the parties named on page 1 of the body of this document; and

(b) the date on which this document is notified by the Registrar in accordance with section 24CH of the Native Title Act.

[The application to register the agreement states that the 'Commencement Date' is 9 October 2015].

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

8.1 (a) The Native Title Applicants agree with, consent to and support and continue to agree with, consent to and support the Existing Operations including all RTIO Existing Titles.

(b) Subject to clause 11.12 of the Participation Agreement, the Native Title Applicants agree with, consent to and support, and continue to agree with, consent to and support:

(i) the doing of every Future Act;

(ii) the Grant or Modification of every:

(A) Approval; and

(B) Interest; and

(iii) the Modification of every RTIO Existing Title, that is for an Agreed Purpose.

8.2 Without limiting clause 8.1, the Native Title Applicants agree with, consent to and support and continue to agree with, consent to and support the reliance on and the conduct by RTIO Entities of all activities required, permitted or contemplated by each Agreed Act, including as Modified.

8.4 RTIO Existing Title means:

(a) each Approval and each Interest which relates in whole or in part to the ILUA Area, Granted or purported to have been Granted as at the Commencement Date and held by:

(i) a RTIO Entity; or

(ii) a third party that is for the purpose of, or upon which a RTIO Entity materially relies for or in relation to, RTIO's Pilbara Iron Ore Business; and

(b) any Approval or Interest created in substitution of and for substantially the same purpose as an Approval or Interest in clause 8.4(a), including as Modified.

8.5(a) An Agreed Purpose means any of the following from time to time:

(i) the Existing Operations;

(ii) any Modification of any of the things comprising those operations provided they remain part of RTIO's Pilbara Iron Ore Business; and

(iii) the planning, development, operation and expansion, further expansion and

decommissioning of any aspect of RTIO's Pilbara Iron Ore Business from time to time, including new iron ore mines, borrow and ballast pits and necessary supporting infrastructure.

11.4 For the purposes of section 24EB(1) of the [Native Title Act 1993 (Cth)], the parties consent to all Agreed Acts to the extent they involve Future Acts without conditions but in accordance with this document.

11.6 The process set out in Subdivision P of Division 3 of Part 2 of the [Native Title Act 1993 (Cth)], known as the "right to negotiate" process, is not intended to apply to any Agreed Act.

Agreed Act refers to a thing or things agreed to, consented to or supported under clause 8.1 and clause 8.2 and includes those things deemed to be Agreed Acts for the purposes of clause 9.2(d).

Existing Operations refers to those parts of RTIO's Pilbara Iron Ore Business that are within the ILUA Area as at the Commencement Date.

Participation Agreement means the agreement referred to in recital (D).

RTIO Titles means all Interests and Approvals relating to RTIO's Pilbara Iron Ore Business or an Agreed Purpose, including RTIO Existing Titles. To avoid doubt, this includes the Interests and Approvals of an Election Venture insofar as they form part of RTIO's Pilbara Iron Ore Business.

Attachments to the entry

[WI2015_013 Schedule 1 Description of ILUA Area.pdf](#)

[WI2015_013 Schedule 2 Map of ILUA Area.pdf](#)