



Extract from Register of Indigenous Land Use Agreements

NNTT number	WI2014/004
Short name	Anketell Port, Infrastructure Corridor and Industrial Estates Agreement
ILUA type	Body Corporate
Date registered	23/07/2014
State/territory	Western Australia
Local government region	Shire of Roebourne

Description of the area covered by the agreement

Schedule 1 of the agreement describes the agreement area and includes a map of the agreement area. a copy of Schedule 1 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:

The agreement area covers about 73sq km to the north and west of Cape Lambert]

Parties to agreement

Applicant

Party name	The State of Western Australia acting through the Premier of the State of Western Australia
Contact address	Department of State Development Level 6, Adelaide Terrace East Perth WA 6004

Other Parties

Party name	Western Australian Land Authority
Contact address	Level 6, 40 The Esplanade Perth WA 6000

Party name Ngarluma Aboriginal Corporation RNTBC
Contact address PO Box 263
Roebourne WA 6718

Period in which the agreement will operate

Start date not specified
End date not specified

3.1 Commencement

- (1) This deed, other than Parts 2, 3, 4 and 5, commences on the Execution Date.
- (2) Parts 2, 3, 4 and 5 of this deed commence on the Registration Date.

3.2 Termination

- (1) This deed will terminate upon the happening of one of the following events, whichever is the earlier:
 - (a) prior to the Registration Date, the State (acting reasonably) gives notice in writing to the NAC that it no longer intends to use any part of the agreement area for the Project;
 - (b) at least 6 months after the Execution Date and prior to the Registration Date, the State gives notice in writing to NAC terminating this deed;
 - (c) the State or the NAC gives a Termination Notice in accordance with clause 39;
 - (d) by mutual agreement in writing of the State and the NAC.
- (2) The Parties agree that, notwithstanding section 11(3) of the Property Law Act 1969 (WA), this deed may be terminated by the State or NAC in accordance with clause 3.2 without the consent of any other Party.

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

- 8.7(1) If this deed is registered on the Register of Indigenous Land Use Agreements then Part 2 Division 3 Subdivision P of the NTA is not intended to apply to the Grant of Project Titles and Project Approvals, nor the conduct of Project Activities, within the [Non-Extinguishment Area]
- 9 The NAC and the Ngarluma People consent to the Project in accordance with this deed
- 10.1(1) Without limiting or affecting anything else that the State or any other person may lawfully do within the Port Area or Infrastructure Corridor, subject to clause 12 the NAC on its own behalf and for and on behalf of the Ngarluma People:
- (a) consents to the Grant of Project Titles and Project Approvals within the Port Area, Infrastructure Corridor and Offshore Area;
 - (b) agrees to the State, each Port Area Manager and any other person (including each grantee of the rights conferred by each Project Title and Project Approval) conducting Project Activities within the Port Area, Infrastructure Corridor and Offshore Area;
- (2) Each of the other Parties also consents to the doing of the acts or class of acts referred to in clauses 10.1(1)(a) and 10.1(1)(b).
- (3) To avoid doubt, the consents in this clause 10 constitute consents to the doing of future acts within the [Non-Extinguishment Area] for the purposes of sections 24BB and 24EB of the NTA.

"Grant" includes the granting, creating, conferral, re-grant, re-making, renewal, replacement, extension of term or amendment of any estate, interest, right, title, tenement, reserve, vesting, management order or other thing from time to time

"Infrastructure Corridor" means the land and waters described as such in item S1.1, and depicted in the map (item S1.2), in Schedule 1.

"LAA" means the Land Administration Act 1997 (WA).

"Non-Extinguishment Area" means that part of the Port Area, Infrastructure Corridor and

Offshore Area in respect of which Ngarluma Native Title exists as recorded on the National Native Title Register at the Execution Date.

“NTA” means the Native Title Act 1993 (Cth).

“Offshore Area” means the land and waters described as such in item S 1.1 and depicted in the map (item S1.2) in Schedule 1

“Parties” means:

- (a) the NAC;
- (b) the State;
- (c) LandCorp;
- (d) each other person who is a Port Area Manager, but only during a Port Area Manager Appointment Period; and
- (e) each other person who is an Industrial Areas Manager, but only during an Industrial Areas Manager Appointment Period;

and “Party” means any one of them

“Port Area” means the land and waters described as such in item S 1.1, and depicted in the map (item S1.2), in Schedule 1

“Port Area Manager” means:

(a) during a Port Area Manager Appointment Period, any of the following entities as nominated in the Port Area Manager Appointment Notice:

- (i) the Dampier Port Authority;
- (ii) another port authority established under the Port Authorities Act 1999 (WA); or
- (iii) any other statutory authority or body corporate established under legislation (other than legislation which provides for the establishment of bodies corporate generally), to which the State has committed the management of all or part of the Port Area as part of the Project; or

(b) at any other time, the State.

"Project" means the establishment, operation, maintenance and expansion, within the Agreement Area, of a multi-user port and industrial precinct for the processing or manufacturing of, or export of and trade in, iron ore and other minerals, petroleum, livestock and commodities, and associated and ancillary infrastructure, facilities and uses within the Agreement Area including railways, transportation pipelines for mineral ore, access and services corridors, conveyors and roads to support the development of the iron ore and other industries.

“Project Activity” means:

(a) anything authorised or permitted to be done in the Agreement Area in accordance with a Taking Order, Project Title or Project Approval; and

(b) any activity in the Offshore Area in connection with the Project, including the installation, operation and maintenance of wharves and loading facilities, dredging of shipping channels, installation operation and maintenance of navigation equipment and the passage of vessels

“Project Approval” means any authorisation, licence, permit, approval, certificate, consent, statutory power, direction or notice, other than a Project Title, including from a Minister, government department or agency or other competent authority:

(a) to the extent it applies to land or waters within the Agreement Area; and

(b) which is for or in connection with the Project.

“Project Title” means any estate (as defined in the Interpretation Act 1984 (WA)), interest, right, title, tenement, reserve, vesting, management order or other thing in relation to the Agreement Area for or in connection with the Project, whether held by the Port Area Manager, the Industrial Areas Manager, or any other person, and includes:

(a) a freehold title, lease, sub-lease, licence, easement or reserve under the LAA, a State Agreement and/or any other legislation;

(b) a vesting, dedication or declaration under the Port Authorities Act 1999 (WA) or any other legislation;

(c) a reserve for, or proclamation or dedication of, a road, including under the Main Roads Act 1930 (WA); and

(d) a mining tenement (within the meaning of the Mining Act 1978 (WA)) for the quarrying or extraction of rock, gravel, soil, borrow or water.

Attachments to the entry

[WI2014_004 Technical description of Agreement Area.pdf](#)

[WI2014_014 Map of Agreement Area.pdf](#)