



Extract from Register of Indigenous Land Use Agreements

NNTT number	WI2014/007
Short name	Esperance Nyungar - FQM Mining Validation ILUA
ILUA type	Area Agreement
Date registered	07/11/2014
State/territory	Western Australia
Local government region	Shire of Ravensthorpe

Description of the area covered by the agreement

'Agreement Area' means all the land and waters within the external boundaries of the Mining Tenements, that are within the external boundaries of the Esperance Nyungars Claimant Application lodged at the Federal Court and allocated number WAD6097/1998 (NNTT number WC1996/064) as accepted for registration on 25 June 2009 [Schedule 1].

[A map of the agreement area is contained in Schedule 2 of the agreement. 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 15 sq km and is located north of the South Coast Highway approximately 30 km east of Ravensthorpe.]

Parties to agreement

Applicant

Party name	Ms Elaine Bullen, Ms Jenny Woods, Ms Diane Clinch, Ms Veronica Williams-Bennell, Mr Jarman Jamieson and Mr Graham Tucker the Registered Native Title Claimant (for the Esperance Nyungars native title claim WAD6097/1998, NNTT number WC1996/064) for and on behalf of the Esperance Nyungar People.
Contact address	c/- Goldfields Land and Sea Council PO Box 3058 Adelaide Terrace Perth WA 6832

Other Parties

Party name FQM Australia Nickel Pty Ltd

Contact address c/- Ashurst Australia
Level 32, Exchange Plaza
2 The Esplanade
Perth WA 6000

Party name State of Western Australia

Contact address c/- State Solicitor's Office
Level 14, Westralia Square
141 St Georges Terrace
Perth WA 6000

Period in which the agreement will operate

Start date not specified

End date not specified

2.1 (a) The Agreement commences on the Commencement Date.

(b) This Agreement will come to an end and the Parties will be released from further compliance with its terms when:

- (i) the Mining Tenements including any renewal or extension of them have expired;
- (ii) the Parties agree in writing to terminate the Agreement; or
- (iii) if the Agreement is Registered, and subsequently removed, this Agreement is removed from the Register.

'Commencement Date' means the date on which this Agreement is signed by all of the Parties.

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

10.2 To the extent that the grants of the Mining Tenements, or the Mining Tenements themselves, are invalid because of Native Title, for the purposes of sections 24EBA(1)(a)(i) of the Native Title Act, the Parties agree that:

- (a) the grant of each of the Mining Tenements;
 - (b) the exercise of rights pursuant to the Mining Tenements; and
 - (c) the Mining Tenements,
- are validated to that extent by this Agreement.

11.4 For the purposes of sections 24EBA(1)(a)(i) and 24EBA(3) of the Native Title Act, the Parties agree to the validating of the grant of the Mining Tenements to the extent the Mining Tenements have been invalidly granted, without conditions but in accordance with this Agreement.

'Mining Tenements' means the mining leases M74/169 and M74/172, held by FQM Australia; and the renewal or substitution of those Mining Tenements under the Mining Act.

Attachments to the entry

[WI2014_007 Schedule 1 Description of agreement area.pdf](#)

[WI2014_007 Schedule 2 Map of agreement area.pdf](#)