



# Extract from Register of Indigenous Land Use Agreements

---

<b>NNTT number</b>	WI2010/023
<b>Short name</b>	Macedon ILUA
<b>ILUA type</b>	Body Corporate
<b>Date registered</b>	17/01/2011
<b>State/territory</b>	Western Australia
<b>Local government region</b>	Shire of Ashburton, Shire of Exmouth

---

## Description of the area covered by the agreement

[Explanatory notes in brackets inserted by the National Native Title Tribunal]

Clause 1.1 defines 'Agreement Area' to mean the land and waters as described in Schedule 1, excluding the areas described in Schedule 2, of the Thalanyji Determination as shown in the descriptions and maps attached as Schedule 7 [to the agreement].

'Thalanyji Determination' is described in Clause 1.1 as meaning the approved determination of native title made by the Federal Court in relation to application for determination of native title, Federal court no. WAD 6113 of 1998 (WC99/045) on 18 September 2008, being Hayes on behalf of the Thalanyji People v State of Western Australia [2008] FCA 1487, and includes any varied determination which may be made in the future under section 13(4) of the NTA or any other approved determination of native title which may be made in the future following revocation of the existing approved determination.

[Copies of the First Schedule of the Thalanyji Determination and the maps in Schedule 7 of the agreement are included as attachments to the Register.]

The following general description of the agreement area has also been provided by the National Native Title Tribunal to assist people to understand the location of the agreement area. It does not replace, and is less precise than, the description of the agreement area contained in the agreement. It is provided for information only and should not be considered part of the Register of ILUAs:

The area subject to this agreement covers about 11,000 square kilometers and is located in the area surrounding Onslow as shown on the locality map. The agreement area covers those areas where native title exists that are subject to the determination of native title made on 18 September 2008 for WAD6113/98 Thalanyji. The agreement area covers the Local Government Authorities of the Shire of Ashburton and the Shire of Exmouth.

## Parties to agreement

### *Applicant*

---

<b>Party name</b>	BHP Billiton Petroleum Pty Ltd
<b>Contact address</b>	PO Box J668 PERTH WA 6001

### *Other Parties*

---

<b>Party name</b>	Buurabalayji Thalanyji Aboriginal Corporation
<b>Contact address</b>	C/- Manager PO Box 55 ONSLOW WA 6710

## Period in which the agreement will operate

---

<b>Start date</b>	23/06/2010
<b>End Date</b>	not specified

---

Clause 1.1 defines 'Commencement Date' to mean the date upon which the Parties execute this Agreement [that date being 23/06/2010].

Clause 15.1(1) This Agreement may be terminated by mutual agreement of the parties in writing.

Clause 15.1(2) This Agreement may be terminated pursuant to and in the circumstances described in clause 14 [default provisions].

Clause 15.1(3) In addition, the Joint Venturers may by notice to the other Parties terminate this Agreement if the Joint Venturers cease to have any Interests in the Agreement Area.

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

### 3.6 Effect of registration

If this Agreement is registered on the Register of Indigenous Land Use Agreements then notwithstanding anything else in this Agreement, Part 2 Division 3 Subdivisions M and P of the NTA [defined in clause 1.1 as Native Title Act 1993 (Cth), as amended] are not intended to apply to:

- (1) the grant of Project Titles, Future Project Titles and Approvals; and
- (2) any other act to be done under this Agreement that is an act to which Part 2 Division 3 Subdivision M or Subdivision P of the NTA applies.

### 4.1 Agreement to Project Titles

BTAC [Buurabalayji Thalanyji Aboriginal Corporation] agrees to:

- (1) the grant of the Project Titles and any Future Project Titles;
- (2) the grant of any Approval required by the Joint Venturers in connection with the Project;
- (3) the compulsory taking of land and waters and any rights and interests (including any native title rights and interests) within the Agreement Area by any competent authority (whether Commonwealth, State or local) for the purpose of or in connection with the grant of a Project Title or Future Project Title;
- (4) the Joint Venturers and other Interest holders exercising their rights and discharging their obligations under any Project Titles, Future Project Titles and/or Approvals; and
- (5) the conduct of the Project Works within the Agreement Area.

### Clause 4.2 Agreement to Project Titles

Clause 4.1 constitutes:

- (1) if this Agreement is not registered on the Register of Indigenous Land Use Agreements and the grant of a Project Title or Future Project Title is an act to which Part 2 Division 3 Subdivision M or P of the NTA applies - the agreement of BTAC for the purposes of sections 24MD(6B), 28(1)(f) and 31(1)(b) NTA; or
- (2) if this Agreement is registered on the Register of Indigenous Land Use Agreements – the consent of the Parties for the purposes of section 24EB(1)(b)(i) NTA.

### Clause 1.1 defines:

'Project' as the project referred to in Recital 2. Recital 2 states that 'The Joint Venturers intend to construct and operate a natural gas project for the purposes of sourcing and processing natural gas derived from the Macedon Gas Field. The Project will include onshore petroleum and water pipelines, a gas processing plant in the vicinity of Onslow, accommodation facilities, a road and a metering skid.'

'Approval' means any approval, authorisation, permit, licence, certificate, consent, direction or notice (including any renewal, replacement or extension) from any government or other competent authority (whether Commonwealth, State or local) (including the Environmental Approvals) for the purpose of or in connection with the development (including planning, design and construction), operation and maintenance of all or any part of the Project, and to facilitate or carry out any Project Works.

'Project Title' means any application, proposal or request by the Joint Venturers or any other person for the grant of the Interests described in Schedule 1 (which Interests are estimated to comprise an area of approximately 400 hectares) or for the renewal, replacement or the extension of the term of all or part of those Interests together with the land the subject of the application, proposal or request. Following the grant of the Interest, 'Project Title' also means the Interest as granted together with the land the subject of the Interest. [A copy of Schedule 1 - Project Titles is included as an attachment to the Register]

'Future Project Title' means any application, proposal or request made from time to time after the execution of this Agreement:

- (a) for the grant of an Interest; or
- (b) for the grant of a renewal, replacement, amalgamation or conversion, or an extension of the term, of all or part of an Interest, wholly or partly within the Agreement Area by:
  - (c) the Joint Venturers or their Related Bodies Corporate; or
  - (d) the Joint Venturers or their Related Bodies Corporate with any other person; or
  - (e) any other person if:
    - (i) the Joint Venturers have an interest or a right to acquire an interest in the application, proposal or request or the

Interest to be granted under the application, proposal or request by the other person; or  
(ii) the application, proposal or request is in connection with the Project or Project Works,  
and the Joint Venturers give a notice to BTAC that the application satisfies the requirements of subparagraph (e)(i)  
or (e)(ii) and that the Joint Venturers elect to have the application, proposal or request treated as a Future Project  
Title for the purpose of this Agreement,  
PROVIDED THAT such titles are in replacement or substitution for a Project Title or are otherwise required to  
conduct the Project and are not sought for Project Expansion.

**Attachments to the entry**

[WI2010-023 Attachment 1 - Description of Agreement Area.pdf](#)

[WI2010-023 Attachment 2 - Maps of the Agreement Area.pdf](#)

[WI2010-023 Attachment 3 - Schedule 1- Project Titles.pdf](#)