

OPERATIVE PROVISIONS:

1. OVERVIEW

1.1 Parts of this deed

This deed is divided into the following parts:

- (1) Part 1 - General Provisions - contains general clauses which are applicable throughout the entire deed.
- (2) Part 2 – Native Title Consents to Future Acts - will take effect upon registration of this deed as an Indigenous Land Use Agreement ("ILUA").
- (3) Part 3 – Compensation Provisions

This part is an agreement among the Parties under which the benefits provided in Part 4 constitute full and final settlement of compensation for Previous Compensable Acts (which includes 'past acts' and 'intermediate period acts') and for 'future acts' done in the ILUA Area under this deed or for 'future acts' done under the Deed for the Compulsory Acquisition of Native Title Rights and Interests (Ord).

- (4) Part 4 - Benefit Provisions
 - (a) Under this part the State, LandCorp, the Conservation Commission and the CPC Parties are bound to provide benefits to MG People.
 - (b) Most of these benefits will be provided through a number of corporations and trusts to be established in accordance with that part.
 - (c) Part 4 Division 4D also deals with the rights and obligations of the CPC Parties.

1.2 Intended operation of this deed

- (1) This deed contains native title consents and agreements under the NTA and the LAA to enable the State to proceed with the Ord Stage 2 project, comprising the M2 Development Area, the Mantinea Development Area, the Ord West Bank Development Area, the Ord East Bank Acquisition Area, the Packsaddle Acquisition Area and Green Swamp. This deed also contains native title consents and agreements for other land which is related to the Ord Stage 2 project, being the Kununurra Additional Acquisition Area, Government Land Acquisition Area, CPC Acquisition Area and New Conservation Areas. It also contains consents and agreements for the State doing acts under this deed within the Ord Irrigation Scheme Area. The deed also deals with other areas of land as part of the benefits in Part 4.
- (2) The State may compulsorily acquire some priority areas of land under the Deed for the Compulsory Acquisition of Native Title Rights and Interests (Ord) following execution of that deed.
- (3) If this deed is registered as an Indigenous Land Use Agreement then:
 - (a) the Parties consent to the surrender and extinguishment of native title under Part 2 of this deed to the extent that any areas have not been compulsorily acquired under the Deed for the Compulsory Acquisition of Native Title Rights and Interests (Ord) prior to registration;

- (b) the benefits under this deed constitute full and final compensation for:
 - (i) if there has been the compulsory acquisition of native title rights and interests under the Deed for the Compulsory Acquisition of Native Title Rights and Interests (Ord), for the compulsory acquisition under that deed; and
 - (ii) previous compensable acts and future acts under this deed; and
 - (c) the M2 Development Area, the Ord West Bank Development Area, the Mantinea Development Area, the Kununurra Additional Acquisition Area and the Ord East Bank Acquisition Area must be developed in accordance with Part 4 of this deed.
- (4) If this deed is not registered within 9 months of the Execution Date then:
- (a) the State may acquire native title rights and interests in the acquisition areas under the Deed for the Compulsory Acquisition of Native Title Rights and Interests (Ord) (to the extent that they have not already been acquired under that deed as a priority area); and
 - (b) this deed shall operate as an ancillary agreement to the Deed for the Compulsory Acquisition of Native Title Rights and Interests (Ord) and:
 - (i) the benefits under this deed constitute full and final compensation for, inter alia, the compulsory acquisition of native title rights and interests under the Deed for the Compulsory Acquisition of Native Title Rights and Interests (Ord); and
 - (ii) the M2 Development Area, the Ord West Bank Development Area, the Mantinea Development Area, the Kununurra Additional Acquisition Area and the Ord East Bank Acquisition Area must be developed in accordance with Part 4 of this deed.