

Deed Number _____
(for Office Use Only)

DATED the _____ day of _____ 20____
(to be filled in by the Minister only)

THE STATE OF WESTERN AUSTRALIA

and

THE MINISTER FOR RESOURCES

and

(NATIVE TITLE PARTY)

and

(GRANTEE PARTY)

DEED FOR GRANT OF PETROLEUM OR GEOTHERMAL TITLE

PETROLEUM AND ROYALTIES DIVISION
DEPARTMENT OF INDUSTRY AND RESOURCES

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East Perth WA 6004

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DEED FOR GRANT OF PETROLEUM OR GEOTHERMAL TITLE
Native Title Act 1993 (Cth) - Sections 26D(2), 28(1)(f) and 31(1)(b)

SCHEDULE

1. Date of deed (to be entered by Minister only)	
2. Petroleum or geothermal title(s) Application number(s) Type of title	
3. Grantee party (applicant for petroleum or geothermal title) Name(s) Address	
4. Native title party (Registered native title body corporate) Name(s) Address Native title determination application number Date entered on the National Native Title Register	
5. Ancillary Agreement Native title party Other parties Date of ancillary agreement	YES / NO (delete the inapplicable)

Initialled: _____ for Government party _____ for native title party _____ for grantee party

THIS DEED is made on the date specified in the schedule

BETWEEN

THE STATE OF WESTERN AUSTRALIA and
**THE MINISTER FOR RESOURCES, AS THE MINISTER RESPONSIBLE FOR THE
ADMINISTRATION OF THE *PETROLEUM ACT AND GEOTHERMAL ENERGY RESOURCES
ACT 1967 (WA)*** (together the "Government party")

and

NATIVE TITLE PARTY described in the schedule ("native title party")

and

GRANTEE PARTY described in the schedule ("grantee party")

RECITALS

- A. The grantee party has made application for the title(s).
- B. If the grant of the title(s) affects native title it will be a future act which passes the freehold test in Part 2 Division 3 Subdivision M of the *Native Title Act 1993 (Cth)* (as amended) and the right to negotiate provisions in Subdivision P apply in accordance with section 26(1)(c)(i) of the *Native Title Act*.
- C. The Government party has given notice of its intention to grant the title(s) in accordance with section 29 of the *Native Title Act*.
- D. The native title party, or the native title claim group that preceded the native title party, made to the Federal Court the native title claim in relation to the subject land.
- E. The determination of native title has been entered in the National Native Title Register and the native title party is the registered native title body corporate.
- F. In accordance with Part 2 Division 3 Subdivision P of the *Native Title Act* negotiations in good faith in respect of the grant of the title(s) have been conducted between the Government party, the grantee party and the native title party.
- G. The native title party agrees to the grant of the title(s) and this deed is entered into for the purpose of ensuring the validity of the title(s) under the *Native Title Act*.

Initialled: _____
for Government party

for native title party

for grantee party

GENERAL

- 9.1 Each party agrees, at its own expense, on the request of another party, to do everything reasonably necessary to give effect to this deed and the matters contemplated by it.
- 9.2 The native title party consents to the arbitral body making a determination that the title(s) may be granted subject only to the conditions in clauses 5.1, 5.2 and 5.3 above.
- 9.3 Each party will pay its own legal and other costs and expenses in connection with the preparation and completion of this deed, except for stamp duty. The grantee party is to pay all stamp duty (including fines or penalties) payable on or with respect to this deed.
- 9.4 The grantee party and the native title party authorise the Government party, and the Government party agrees, to give a copy of this deed to the arbitral body and to advise the relevant Minister in writing of the making of this deed.
- 9.5 This deed is governed by the law in force in the State of Western Australia.
- 9.6 This Deed may be executed in any number of counterparts. All counterparts, taken together, constitute one instrument. A Party may execute this Deed by signing any counterpart.

Initialled: _____
for Government party

for native title party

for grantee party

EXECUTED as a deed

SIGNED for and on behalf of
**THE MINISTER FOR RESOURCES and
the STATE OF WESTERN AUSTRALIA**

Name of authorised person (block letters)

Signature of authorised person

Office held

Date of signature

in the presence of:

Name of witness (block letters)

Signature of witness

Address of witness

Occupation of witness

Initialled: _____
for Government party

for native title party

for grantee party

SIGNED BY

Name of grantee party

Signature of grantee party

in the presence of

Date of signature

Name of witness (block letters)

Signature of witness

Address of witness

Occupation of witness

OR IF THE GRANTEE IS A COMPANY

Note: Corporations law requires that a deed must be executed in accordance with the Articles of Association of the company, which is generally by affixing the common seal of the company to the deed in the presence of two directors, or one director and the company secretary. Grantee companies should check their Articles of Association. Alternatively, under section 127(1) of the Corporations Act 2001 a company can execute a document without using a common seal if the document is signed by two directors, or a director and a company secretary or for a proprietary company that has a sole director who is also the company secretary – that director.

Common seal
of grantee if a
company

The seal of the company was affixed hereto in accordance with the Articles of Association of the company in the presence of:

(Signature) _____
Director

(Name - block letters) _____
Director

Date of affixing
seal

(Signature) _____
Director/Secretary (delete inapplicable)

(Name - block letters) _____
Director/Secretary (delete inapplicable)

Initialed: _____
for Government party

_____ for native title party

_____ for grantee party

WITHOUT SEAL

The deed was signed in accordance with section 127(1) of the Corporation Act 2001 in the presence of:

(Signature) _____

Director

(Name – block letters) _____

Director

(Signature) _____

Director/Secretary (delete inapplicable)

TO BE SOLE SIGNATORY ONLY WHERE COMPANY IS A PROPRIETARY COMPANY

(Name – block letters) _____

Director/Secretary (delete inapplicable)

Initialed: _____
for Government party

for native title party

for grantee party

By executing this deed the signatories represent and warrant that they are authorised to execute this Deed on behalf of the native title party and all persons included in the native title holder

Common seal
of native title
party

The seal of the body corporate was affixed hereto in accordance with the Articles or Rules of Association of the body corporate in the presence of:

(Signature) _____

Director/Chairperson/Secretary/Treasurer (delete the inapplicable)

(Name - block letters) _____

Director/Chairperson/Secretary/Treasurer (delete the inapplicable)

(Signature) _____

Director/Chairperson/Secretary/Treasurer (delete inapplicable)

(Name - block letters) _____

Director/Secretary (delete inapplicable)

Date of affixing
seal

Initialed: _____
for Government party

for native title party

for grantee party