



NTSCORP LIMITED

ACN No. 098 971 209 ABN No. 71 098 971 209

Our Ref:
Your Ref:

16 February 2008

Laurie Perry
Director
Wonnarua Nation Aboriginal Corporation
PO Box 3066
Singleton Delivery Centre NSW 2330

Dear Laurie,

Re: Deed of Agreement between WNAC, Thomas Miller and Newcastle Coal

We refer to the above matter and your correspondence of 13 February 2009 requesting a copy of the deed of agreement entered into by WNAC, Thomas Miller and Newcastle Coal in July 2004.

Please find **enclosed** a copy of this deed.

Should you require anything further please don't hesitate to contact Ms. Cobey Taggart on (02) 9310 3188.

Regards

Yours faithfully,
ntscorp

Cobey Taggart
Future Act Solicitor

HEAD OFFICE

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Document1

 **COPY**

DEED

Date: 27 July 2004

BETWEEN

THOMAS OLIVER MILLER of 51 Bowden Street, Heddon Greta, New South Wales 2321 on behalf of **THE WONNARUA PEOPLE** ("the Wonnarua People"); and

WONNARUA NATION ABORIGINAL CORPORATION of 44 George St Singleton New South Wales 2330 ("WNAC"); and

NEWCASTLE COAL COMPANY PTY LIMITED (ACN 074 900 208) of Level 14, 6 O'Connell Street, Sydney, New South Wales, 2000 ("Newcastle Coal").

DEED

DEED made on.....27 July 2004.

BETWEEN

THOMAS OLIVER MILLER of 51 Bowden Street, Heddon Greta, New South Wales 2321 on behalf of THE WONNARUA PEOPLE ("the Wonnarua People"); and

WONNARUA NATION ABORIGINAL CORPORATION of 44 George St, New South Wales 2330 ("WNAC"); and

NEWCASTLE COAL COMPANY PTY LIMITED ACN 074 900 208 of Level 14, 6 O'Connell Street, Sydney, New South Wales 2000 ("Newcastle Coal").

RECITALS

- A. Newcastle Coal has applied for mining lease application 186 ("MLA186") under the *Mining Act 1992*.
- B. New South Wales has given notice of its intention to grant MLA 186 pursuant to section 29 of the NTA to Newcastle Coal.
- C. Tomas Oliver Miller on behalf of the Wonnarua People has lodged an application for a determination of native title (NG 6008 of 2002) in respect of the Application Area. The application was entered in the Register of Native Title Claims maintained by the National Native Title Tribunal pursuant to the NTA.
- D. The Wonnarua People maintain that in accordance with Aboriginal tradition and custom they have a continuing connection with the Hunter Valley of New South Wales, which includes the Application Area.
- E. The Parties have negotiated in good faith under Subdivision P, Division 3, Part 2 of the NTA in relation to the grant of MLA 186.

IT IS AGREED AS FOLLOWS:

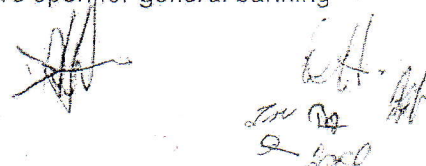
1. DEFINITIONS AND INTERPRETATION

1.1 Definitions

"Application Area" means the area shown in red on the map in Schedule 1.

"Assign" means assign, transfer or otherwise dispose of any legal or equitable interest, either in whole or part, whether by joint venture, sale, lease, declaration or creation of a trust or otherwise.

"Business day" means a day on which banks are open for general banking business in Sydney.



Schedule 1 - The Application Area

