

CONFIDENTIAL

DEED

THIS DEED is made on ^{22nd} day of February 2003

Between:

Thomas Oliver Miller on behalf of the Wonnarua People

and

Wonnarua Nation Aboriginal Corporation

and

**Ashton Coal Operations Limited
(ACN 078 556 500)**

and

**White Mining Limited
(ACN 009 713 893)**

and

**White Mining (NSW) Pty Limited
(ABN 19 089 414 595)**

and

**ICRA Ashton Pty Ltd
(ACN 097 499 780)**

Suite 15,
245 Chalmers Street
Redfern
Telephone: (02) 9310 3188
Fax (02) 9310 4177

AN AGREEMENT FOR THE PURPOSES OF SECTION 31(1)(b) of the
NATIVE TITLE ACT 1993 (CTH)

DEED

DEED made on

2003

BETWEEN

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

WONNARUA NATION ABORIGINAL CORPORATION of 297 Pioneer Road, Redbourneberry, New South Wales 2330 ("WNAC")

ASHTON COAL OPERATIONS LIMITED (ACN 078 556 500) of Level 6, 77 Eagle Street, Brisbane, Queensland ("ACOL")

WHITE MINING LIMITED (ACN 009 713 893) of Level 6, 77 Eagle Street, Brisbane, Queensland ("WML")

WHITE MINING (NSW) PTY LIMITED (ABN 19 089 414 595) of Level 14, 214 Miller Street, North Sydney, New South Wales ("WM(NSW)")

AND

ICRA ASHTON PTY LTD (ACN 097 499 780) of Level 15, Commonwealth Bank Building, 240 Queen Street, Brisbane, Queensland ("ICRA Ashton")

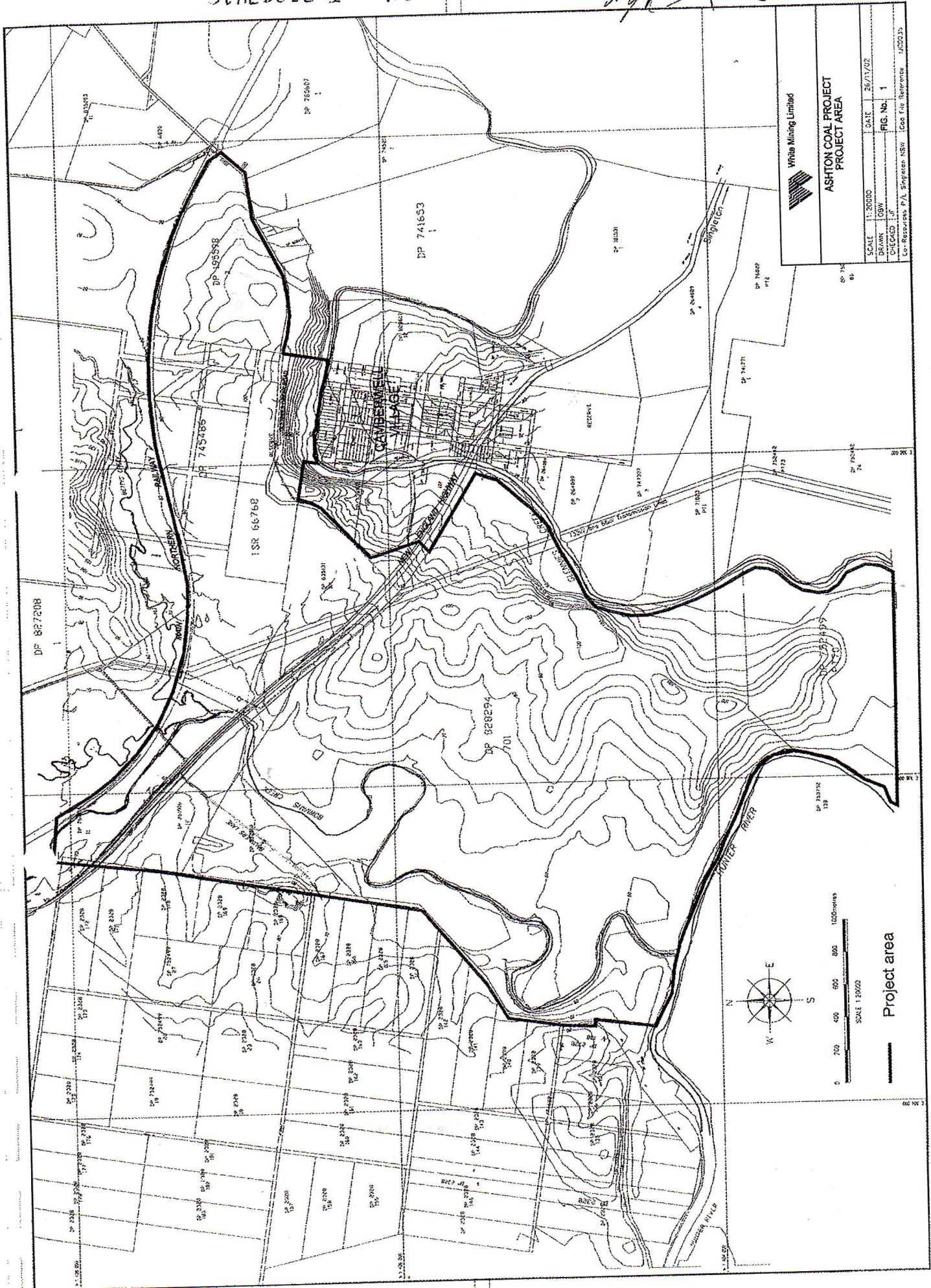
RECITALS

- A. WML has applied for mining lease applications 190 ("MLA 190") and 201 and has requested that they be issued to WML, WM(NSW) and ICRA Ashton (together referred to as the "Tenement Holders").
- B. New South Wales has given notice of its intention to grant MLA 190 pursuant to section 29 of the NTA.
- C. ACOL is a joint venture company owned by WM (NSW) and ICRA Ashton and will conduct the Mining Operations as operator for and on behalf of the Tenement Holders .
- D. Tom Miller on behalf of the Wonnarua People has lodged an application for a determination of native title (Federal Court No NG 6008 of 2002) in respect of part of the Project Area. The application has been entered in the Register of Native Title Claims maintained by the National Native Title Tribunal pursuant to the NTA.
- E. 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 Project Area and such continuing connection includes native title rights and interests.

Handwritten signatures and initials: A.P., AS, TM, L.R., [unclear]

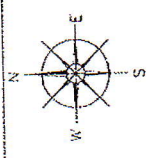
SCHEDULE 1 - THE PROJECT AREA

APL *13 in L.P. 69*



ASHTON COAL PROJECT
PROJECT AREA

| | | | |
|--------------|------------------|-----------------|----------|
| SCALE | 1:20000 | DATE | 26/11/02 |
| DRAWN | OSW | FIG. No. | 1 |
| CHECKED | AF | Scale Reference | 1:20000 |
| Co-ordinator | P/L Simpson, ASB | | |



0 100 200 300 400 500 600 700 800 900 1000metres
SCALE 1:20000

Project area

APL *13 in L.P. 69*