

NOTICE OF NYIYAPARLI COMMON LAW HOLDERS MEETING

Karlka Nyiyaparli Aboriginal Corporation RNTBC (ICN 3649) (**KNAC**) is the registered native title body corporate for the Nyiyaparli Native Title Determination (WCD2018/008) and invites Nyiyaparli native title holders (as described in Schedule Seven of the Nyiyaparli Native Title Determination) to the Nyiyaparli Common Law Holders meeting.

Time: 9.30 am (registration from 8.30am)
Date: Friday 2 December 2022
Place: JD Hardie Centre, Lot 5991 Cottier Drive,
South Hedland

Agenda:

Item	Description	Purpose
1	Welcome & Acknowledgement of Country: 1.1 Confirm the chair for the meeting 1.2 Apologies 1.3 Confirmation of quorum	Decision
2	Confirmation of the minutes of the 2021 Common Law Holders Meeting	Decision
3	Future Acts Report 2021/2022	Information
4	Pilbara Manganese Pty Ltd – M46/537 (Right to Negotiate) Ordinary Resolution - (see Attachment A)	Decision
5	Common Law Holder consultation (no decisions required): 5.1 DJ & GS Mallett (M52/1082) – right to negotiate 5.2 Warwick Resources Pty Ltd (M52/1083) – right to negotiate 5.3 Windfield Metals Pty Ltd (M47/1633) – right to negotiate	Information & Consultation
6	FMG Native Title Royalty Payment Direction Ordinary Resolution – (see Attachment B)	Decision
7	Proposed Fortescue Marsh Nature Reserves Indigenous Land Use Agreement (ILUA) with Department of Biodiversity, Conservation and Attractions (DBCA) and presentation of Healthy Country Plan	Information & Consultation
8	Agreement Review Update	Information
9	Aboriginal Cultural Heritage Act 2021	Information
10	Other Business	Information
	Close	

Morning Tea, Lunch and Afternoon Tea will be provided.

Please be advised that KNAC will not provide supervision for children to attend the venue. Children are not able to attend to the meeting.

Niyaparli Common Law Holders

Schedule Seven of the Niyaparli Determination (WCD2018/008) describes the Niyaparli Native Title Holders (common law holders) as:

The Niyaparli People are those persons who:

(a) are descended from, in accordance with the traditional laws acknowledged and the traditional customs observed by the Niyaparli People, one or more of the following persons:

- (i) Mintaramunya;*
- (ii) Pitjirrpangu;*
- (iii) Yirkanpangu (Jesse);*
- (iv) Kitjiempa (Molly);*
- (v) Mapa (Rosie);*
- (vi) Iringkulayi (Billy Martin Moses);*
- (vii) Parnkahanha (Toby Cadigan);*
- (viii) Wirpangunha (Rabbity-Bung);*
- (ix) Wuruwurunha (Tommy Malana);*
- (x) Ijiyangu (Daisy);*
- (xi) Sibling set of Ivy, Solomon and Mildred; and*
- (xii) Sibling set of Maynha and Itika,*

or, though not descended from those persons, have been incorporated into the Niyaparli group in accordance with Niyaparli traditional laws and customs,

and

(b) identify themselves as Niyaparli under traditional law and custom and are so identified by other Niyaparli People as Niyaparli;

and

(c) have a connection with the land and waters of the Determination Area, in accordance with the traditional laws acknowledged and the traditional customs observed by the Niyaparli People.

Niyaparli Common Law Holders and Persons on the Register of Niyaparli People maintained by KNAC are invited to attend and participate in the meeting.

No Proxies: A Niyaparli Common Law Holder is not entitled to appoint a proxy to attend and vote for them at the meeting.

Behaviour at the Common Law Holders Meeting

All Niyaparli Common Law Holders attending the meeting are required to maintain a safe and respectful meeting space. As such, no violence, abuse, threats or bullying will be tolerated. Any Niyaparli Common Law Holders identified by the Chairperson as engaging in these behaviours will be removed from the meeting by security and will not receive their meeting fee. Further, any Niyaparli Common Law Holder removed from the meeting for these dangerous and disruptive behaviours may also be suspended from KNAC representation for a period of time.

Personal Details for Payments

If KNAC does not have your personal details, payment cannot be made to you. If you are not in the payroll system, the personal detail forms and Tax File Declaration Form will be available at the meeting. You can phone the KNAC office before the meeting date to check if you need to bring your bank account details and Tax File Number to the meeting.

Payments

Payments for meeting attendance will be made in accordance with the Remuneration Policy. Separate payments are made for the morning and afternoon sessions.

- *Private vehicle allowance:* to receive the allowance you must provide your car registration number when you register.
- *Flights:* to receive a reimbursement for flights, you must provide a copy of the itinerary/account.

Registration

On the meeting day: Morning Session

- Registrations open at 8.30am
- Registrations will be taken for the morning session up to 10.00am
- ***If you register after that time, you will not be paid for the morning session.***

On the meeting day: Afternoon Session

- Registrations open at the end of the meeting
- If you do not register at that time, you will not be paid for the afternoon session.
- ***Payment for the afternoon session will be made the day after the meeting.***

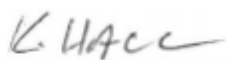
Copies of Documents

A copy of the KNAC Rule Book is available on our website: www.karlka.com.au. It is also available to Members upon request from the KNAC Office and will be available on the day. Confidential Information Sheets have been posted to Nyiyaparli Common Law Holders and will be available on the day.

Questions

If you have any queries, phone the KNAC office at 8 Byass Street, South Hedland, WA 6722 on (08) 9140 2755 or email reception@karlka.com.au. Postal address: PO Box 2161, South Hedland WA 6722.

Kind regards,



Keith Hall
KNAC Chairperson
1 November 2022

ATTACHMENT A: Agenda Item #4

Pilbara Manganese Pty Ltd (Mining Lease M46/537) – Right to Negotiate

*To consider and, if thought fit, to pass the following resolution as an **ordinary resolution**:*

Proposed Resolution

*In accordance with Item 2.4, Schedule 2 of the Karlka Nyiyaparli Aboriginal Corporation RNTBC (**KNAC**) Rule Book and regulation 8 of the Native Title (Prescribed Bodies Corporate) Regulations 1999 (Cth), the Nyiyaparli Common Law Holders consent to KNAC:*

- (a) making a native title decision (high level decision) to enter into the Balfour South Project Native Title Mining Agreement with Pilbara Manganese Pty Ltd and a state deed (an agreement for the purposes of section 31 of the Native Title Act) for the grant of mining lease M46/537; and*
- (b) nominating the Nyiyaparli Direct Benefits Trust (ABN 18 246 195 674) as the Trust to receive the Native Title Financial Compensation under the Balfour South Project Native Title Mining Agreement Mining Agreement.*

Explanatory Statement

Pilbara Manganese Pty Ltd (**PMPL**) (a subsidiary of Consolidated Minerals Pty Ltd or **ConsMin**) is the current holder of retention licence R46/1 and has made an application for Mining Lease M46/537.

The mining lease covers 2,309 hectares and is located approximately 135 kilometres northeast of Newman and will be accessed via the Ethel Creek-Jigalong Road (see Map).

PMPL is seeking to develop a manganese mine, using conventional drill & blast and load & haul mining operation.

Mining lease application M46/537 was notified under section 29 of the Native Title Act on **22 March 2019** and is in the 'right to negotiate'.

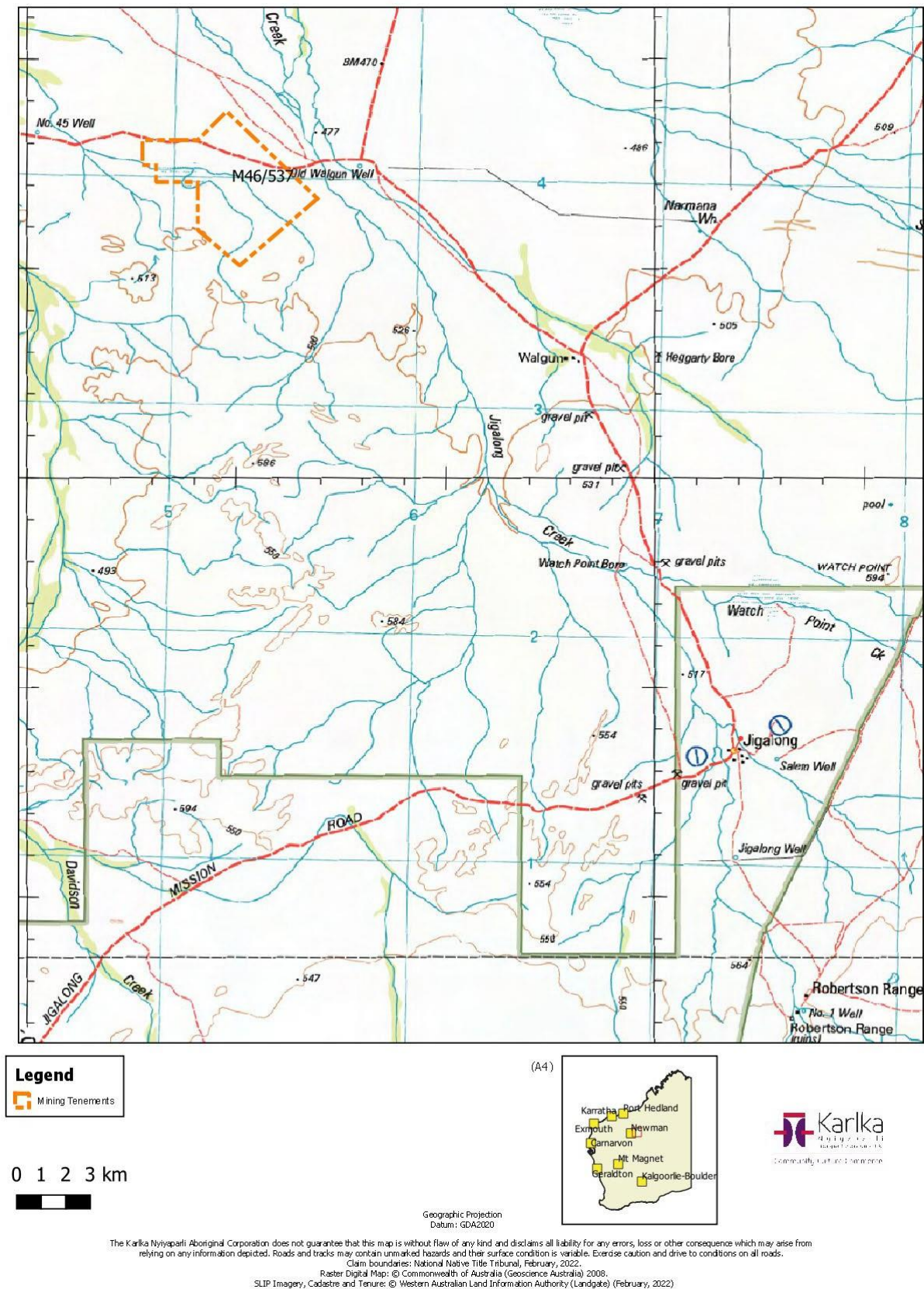
The 'negotiation parties' are KNAC (Native Title Party), PMPL (Grantee Party) and the State of Western Australia (Government Party). Under the Native Title Act, the negotiation parties must negotiate in good faith with a view to obtaining the agreement of the Native Title Party to the doing of the act (grant of the Mining Lease) with or without conditions.

The KNAC Board and PMPL have reached an in-principle agreement and KNAC is seeking consent from the Nyiyaparli Common law holders to enter into the Balfour South Project Native Title Mining Agreement and a 'state deed' (an agreement of the kind mentioned in section 31 of the Native Title Act) for the grant of mining lease M46/537.

A summary of the proposed agreement terms is included in the Nyiyaparli Common Law Holders Confidential Information Sheets.

The KNAC Board recommends that the Nyiyaparli Common Law Holders pass the proposed resolution.

Pilbara Manganese Pty Ltd - M46/537



ATTACHMENT B: Agenda Item #6

FMG Land Access Agreement – Royalty Payments

To consider and, if thought fit, to pass the following resolution as an **ordinary resolution**:

Proposed Resolution

1. Pursuant to the FMG Nyiyaparli Land Access Agreement (as amended by the Deed of Variation dated 21 June 2016) (**FMG Agreement**), the Nyiyaparli Common Law Holders authorise, instruct and direct KNAC to:
 - i. nominate the Nyiyaparli Charitable Trust (Mutual Trust as trustee) (ABN 51 985 238 522) to replace the Nyiyaparli Native Title Charitable Trust (AET as trustee) (ABN 35 581 431 498) as the 'Nyiyaparli People's Charitable Trust' under the FMG Agreement;
 - ii. nominate the Nyiyaparli Direct Benefits Trust (Mutual Trust as trustee) (ABN 18 246 195 674) as the 'Nyiyaparli People's Community Trust' to receive future 'Trust Amount' each Royalty Period (every 6 months);
 - iii. make applications from time to time for all Available Community Funds held by FMG to be distributed to the Nyiyaparli Charitable Trust and/or Nyiyaparli Direct Benefits Trust to be applied to Wealth Creation Purposes.
2. The Nyiyaparli Common Law Holders authorise, instruct and direct KNAC to investigate options for the winding up of the Nyiyaparli Native Title Charitable Trust (AET as trustee) and redistribution of the trust fund for future consideration by the Nyiyaparli Common Law Holders.

Explanatory Statement

On 10 October 2005 FMG and the Nyiyaparli People entered into the FMG – Nyiyaparli Land Access Agreement (**FMG Agreement**). On 21 June 2016 the Nyiyaparli People and FMG entered into the Deed of Variation to the FMG Agreement (**Deed of Variation**).

The terms of the FMG Agreement, as amended by the Deed of Variation, are confidential. A detailed explanation of the proposed resolution is contained in the Confidential Information Sheet which has been posted to Nyiyaparli Common Law Holders and will be available on the day.

The KNAC Board recommends that the Nyiyaparli Common Law Holders pass the proposed resolution.