

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: Wednesday 29th November 2023
Place: JD Hardie Centre, Lot 5991 Cottier Drive, South Hedland
Agenda:

Item	Description	Purpose
1	Welcome & Acknowledgement of Country: 1.1 Confirmation of Chair for the meeting 1.2 Apologies 1.3 Confirmation of quorum	Decision
2	Confirmation of the minutes of the 2022 Nyiyaparli Common Law Holders Meeting - Ordinary Resolution	Decision
3	Proposed Fortescue Marsh Nature Reserves Indigenous Land Use Agreement (ILUA) and Joint Management Agreement (JMA) with the State of Western Australia - Ordinary Resolution see Attachment A	Decision
4	Proposed Hancock Iron Ore Project Mining Agreement with Iron Ore Company of Australia (IOCA) and Mallina Exploration Pty Ltd and State Deed with Iron Ore Company of Australia, Windfield Metals Pty Ltd and the State of Western Australia for M47/1633 (Right to Negotiate) - Ordinary Resolution see Attachment B	Decision
5	Proposed Sand Mining Project Agreement with DJ & GS Mallett - M52/1082 (Right to Negotiate) – Ordinary Resolution see Attachment C	Decision
6	Future Acts Report 2022/2023 & Active Right to Negotiate Matters Update	Information & Consultation
7	Agreement Review Update	Information & Consultation
8	Other Business	Information
	Close	

Morning Tea, Lunch and Afternoon Tea will be provided.

Please be advised that childcare will be provided onsite for children aged 4 and up from 8:30am.



Nyiyaparli Common Law Holders

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

The Nyiyaparli People are those persons who:

(a) are descended from, in accordance with the traditional laws acknowledged and the traditional customs observed by the Nyiyaparli 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. Ijyangu (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 Nyiyaparli group in accordance with Nyiyaparli traditional laws and customs,

and

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

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 Nyiyaparli People.

Persons on the Register of Nyiyaparli People maintained by KNAC are invited to attend and participate in the meeting.

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

Behaviour at the Nyiyaparli Common Law Holders Meeting

All Nyiyaparli Common Law Holders attending the Nyiyaparli Common Law Holders Meeting are required to maintain a safe and respectful meeting space.

The KNAC Code of Conduct applies to the Nyiyaparli Common Law Holders Meeting. Copies of the KNAC Code of Conduct will be available on the day.



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.

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 Nyiyaparli Common Law Holders upon request from the KNAC Office and will be available on the day. Confidential Information Sheets and minutes of the 2022 Nyiyaparli Common Law Holders Meeting 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 ceo@karlka.com.au. Postal address: PO Box 2161, South Hedland WA 6722.

Kind regards,

Keith Hall
KNAC Chairperson
2 November 2023



ATTACHMENT A: Agenda Item #3

Proposed Indigenous Land Use Agreement (Body Corporate) for the Creation, Joint Vesting and Joint Management of the Fortescue Marsh Nature Reserves (Niyaparli Country) and Joint Management Agreement with the State of Western Australia

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 Niyaparli Aboriginal Corporation RNTBC (**KNAC**) Rule Book and regulation 8 of the Native Title (Prescribed Bodies Corporate) Regulations 1999 (Cth), the Niyaparli Common Law Holders consent to KNAC:

- (a) making a native title decision (high level decision) to enter into the Indigenous Land Use Agreement (Body Corporate) for the Creation, Joint Vesting and Joint Management of the Fortescue Marsh Nature Reserves (Niyaparli Country) (**Fortescue Marsh Nature Reserves ILUA**) with the State of Western Australia, the Minister for Lands, the Conservation and Parks Commission and the CEO of the Department of Biodiversity, Conservation and Attractions (**DBCA CEO**) [**State Parties**] and Joint Management Agreement (**JMA**) with the DBCA CEO; and
- (b) doing all things reasonably necessary to have the **Fortescue Marsh Nature Reserves ILUA** registered on the Register of Indigenous Land Use Agreements as soon as practicable.

Explanatory Statement

In February 2019 the State Government announced its “Plan for Our Parks” initiative which proposes to “provide opportunities to establish Aboriginal ranger jobs and joint management opportunities through the creation of five million hectares of new national parks, marine parks and other conservation reserves over the next five years.”

KNAC and DBCA have been actively negotiating a proposed Body Corporate Indigenous Land Use Agreement (**ILUA**) for the creation, reservation, joint vesting and joint management of nature reserves over parts of the Fortescue Marsh.

KNAC and the State Parties have reached an in-principle agreement on the terms of an ILUA and Joint Management Agreement (**JMA**) providing for the creation and reservation of ‘class A’ nature reserves to be jointly vested in KNAC and the Parks Commission and jointly managed by KNAC and DBCA over parts of the Fortescue Marsh.

The proposed ILUA will provide native title consents to certain acts, including the creation, reservation, joint vesting and joint management of ‘class A’ nature reserves (**ILUA Transactions**) within the **ILUA Agreement Area** (see Map 1) and all things ancillary to the doing of the ILUA Transactions (**Future Acts**).

The non-extinguishment principle will apply to the Future Acts.



The proposed ILUA contains Non-Monetary and Monetary Benefits, including Joint Management Funding for the Ranger Program and Cultural Support Funds, constituting full and final settlement of any compensation entitlement arising from the defined Future Acts.

KNAC is seeking consent from the Nyiyaparli Common Law Holders to make a decision to enter into the ILUA and JMA.

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

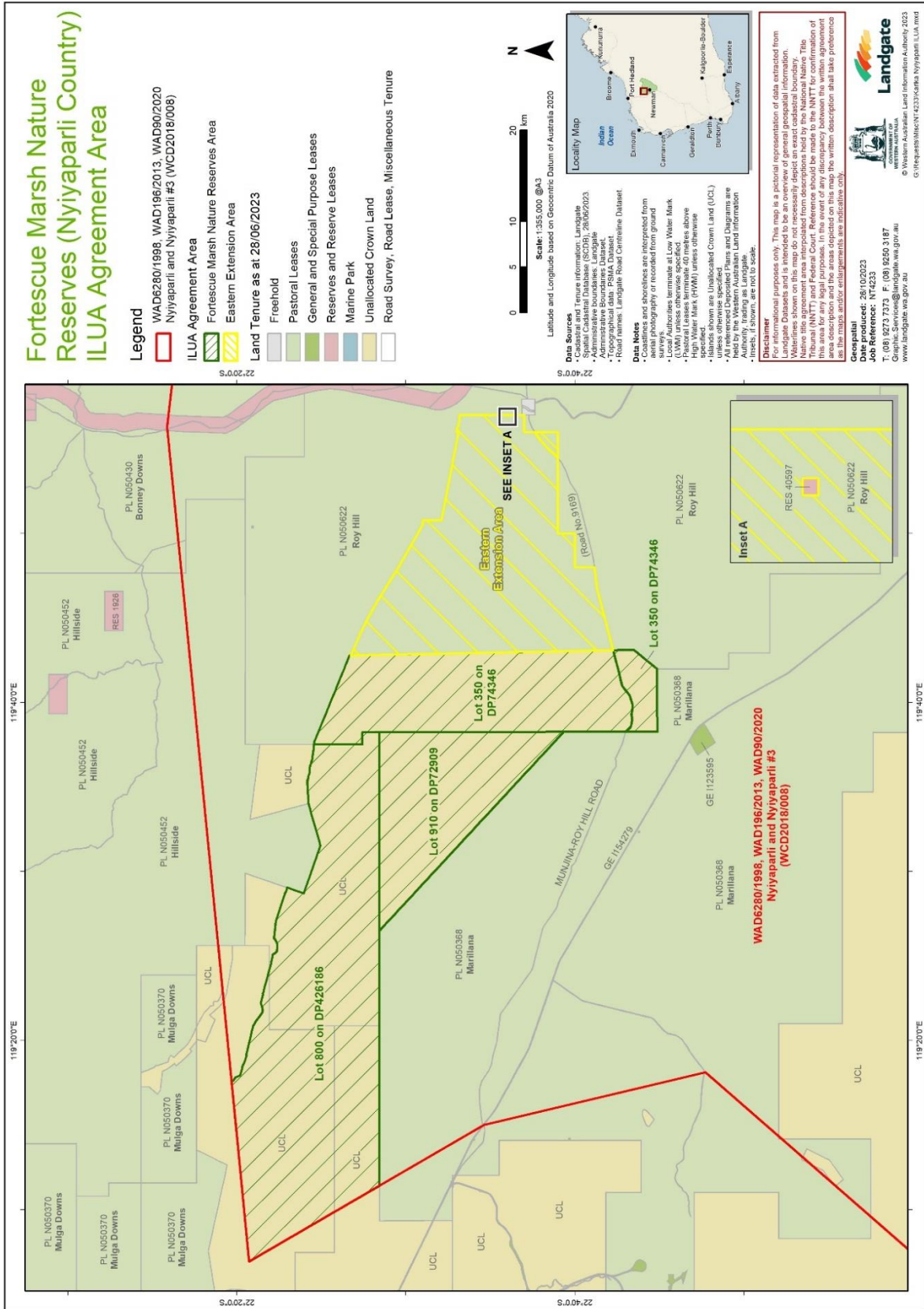
The KNAC Board recommends that the Nyiyaparli Common Law Holders pass the proposed resolution.

Summary of Consultation and Negotiation Process

October 2021	KNAC Negotiation Team Meeting #1
December 2021	Common Law Holders Meeting - Information Session
April 2022	KNAC Government & Mining Stakeholder Meeting
September 2022	KNAC Negotiation Team Meeting #2
November 2022	KNAC Negotiation Team - Information Session
December 2022	Common Law Holders Meeting - Information Session and Presentation of Nyiyaparli People and Country Plan
May 2023	KNAC Negotiation Team - Negotiation Meeting #3
June 2023	KNAC Government & Mining Stakeholder Roundtable
August 2023	KNAC Negotiation Team Meeting #4
October 2023	Karlka Advisory Group - Briefing Session
November 2023	KNAC Board endorsement & Nyiyaparli Common Law Holder Consent process



Map 1: Fortescue Marsh Nature Reserves ILUA Agreement Area





ATTACHMENT B: Agenda Item #4

Proposed Hancock Iron Ore Project Mining Agreement with Iron Ore Company of Australia (IOCA) and Mallina Exploration Pty Ltd; and State Deed with Iron Ore Company of Australia, Windfield Metals Pty Ltd and the State of Western Australia for grant of mining lease M47/1633 (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 Niyaparli Aboriginal Corporation RNTBC (KNAC) Rule Book and regulation 8 of the Native Title (Prescribed Bodies Corporate) Regulations 1999 (Cth), the Niyaparli Common Law Holders consent to KNAC:

- (a) making a native title decision (high level decision) to enter into the Hancock Iron Ore Project Mining Agreement with Iron Ore Company of Australia (IOCA) and Mallina Exploration Pty Ltd; and State Deed (an agreement for the purposes of section 31 of the Native Title Act) with Iron Ore Company of Australia, Windfield Metals Pty Ltd and the State of Western Australia for the grant of mining lease M47/1633; and*
- (b) nominating the Niyaparli Direct Benefits Trust (ABN 18 246 195 674) as the Trust to receive the Native Title Financial Benefits under the Hancock Iron Ore Project Mining Agreement.*

Explanatory Statement

Mining lease application **M47/1633** was made by Windfield Metals Pty Ltd (**Windfield**) over parts of exploration licence E47/3954, approximately 14kms north of Newman.

Iron Ore Company of Australia (**IOCA**) proposes to develop the “**Hancock Iron Ore Project**” as a DSO (Direct Shipping Ore) iron ore project within the **Project Area** (E47/3954 and E47/5001).

M47/1633 was notified under section 29 of the Native Title Act on **30 September 2022** and is in the ‘right to negotiate’.

The ‘negotiation parties’ are KNAC (Native Title Party), Windfield and IOCA (Grantee Parties) 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 M47/1633) with or without conditions.

In May 2023 IOCA acquired all the shares in Mallina Exploration Pty Ltd (**Mallina**) which has made the application for E47/5001 and IOCA is the manager of the joint venture with Windfield.



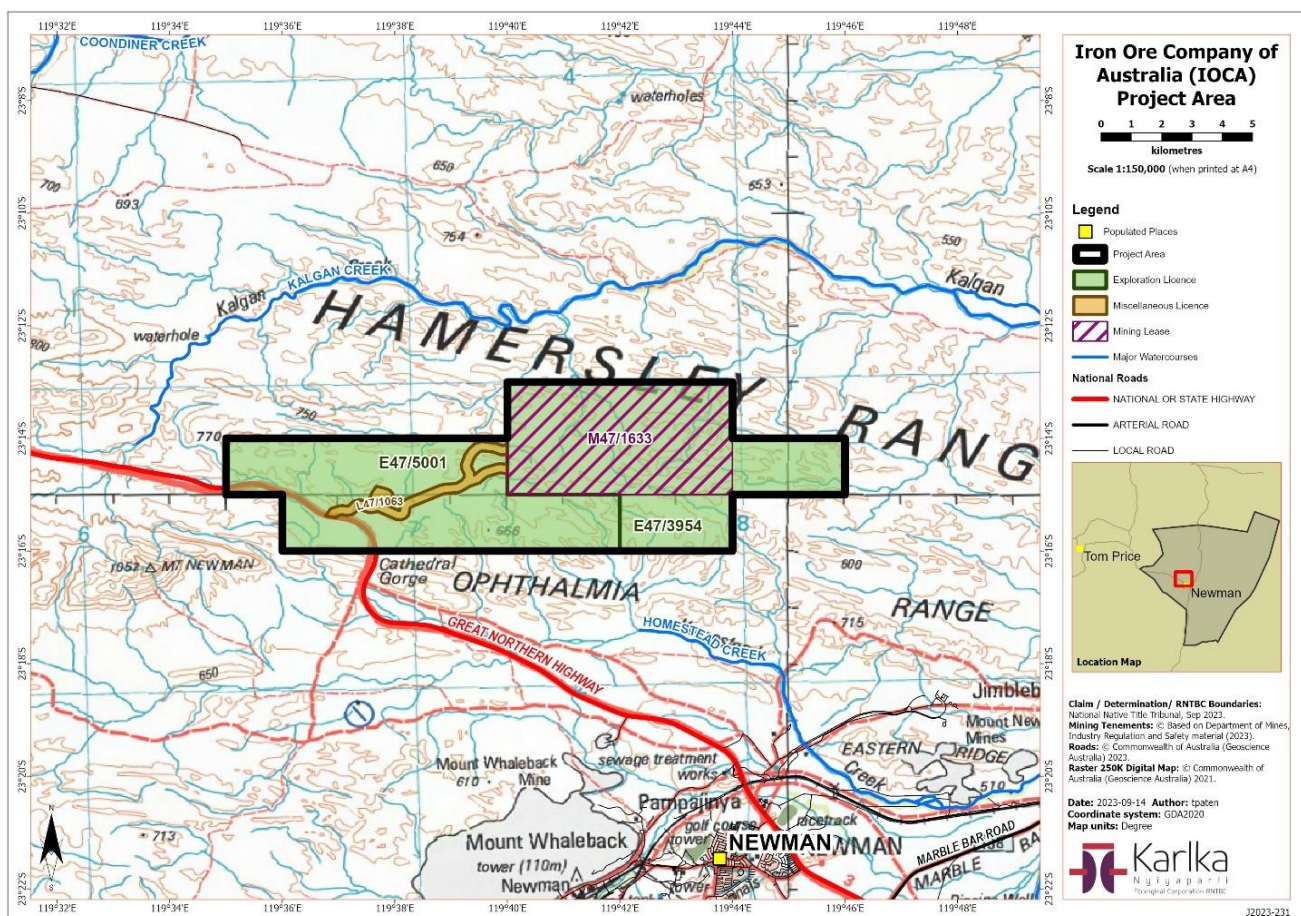
The KNAC Board and IOCA have reached an in-principle agreement on the terms of a project agreement.

KNAC is seeking consent from the Niyiyaparli Common Law Holders to enter into the Hancock Iron Ore Project 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 M47/1633.

The 'State Deed' or 'section 31 agreement' is between the Government Party, Grantee Party and Native Title Party which confirms the agreement to the grant of mining tenement (or doing of the act) and contains a condition that the Native Title Party will not claim compensation from the Government Party in respect of the grant of the mining tenement by the Government Party or the exercise by the Grantee of its rights and obligations under the mining tenement. Copies of State Deeds now need to be provided to the NNTT and added to the Register of section 31 Agreements.

A summary of the proposed Hancock Iron Ore Project Mining Agreement terms is included in the Niyiyaparli Common Law Holders Confidential Information Sheets.

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





ATTACHMENT C: Agenda Item #5

Proposed Sand Mining Project Agreement with DJ & GS Mallett and State Deed with DJ & GS Mallett and the State of Western Australia for grant of mining lease M52/1082 (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 Sand Mining Project Agreement with DJ & GS Mallett; and State Deed (an agreement for the purposes of section 31 of the Native Title Act) with DJ & GS Mallett and the State of Western Australia for the grant of mining lease M52/1082; and
- (b) nominating the Nyiyaparli Direct Benefits Trust (ABN 18 246 195 674) as the Trust to receive the Native Title Financial Benefits under the Sand Project Mining Agreement.

Explanatory Statement

Darryl John Mallett and Gina Stacey Mallett (**Grantee Party**) have applied for mining lease M52/1082 over a tributary of Warrawanda Creek approximately 24kms south of Newman for the purposes of a sand mining operation.

The mining lease application was notified under section 29 of the Native Title Act on **26 November 2021** and is in the right to negotiate.

The 'negotiation parties' are KNAC (Native Title Party), 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 the Grantee Party have reached an in-principle agreement on a modernised **Sand Mining Project Agreement** which includes the Existing Mining and Infrastructure Tenure (M52/1063, M52/1064, L52/157, L52/195 and G52/294) & pending M52/1082.

KNAC is seeking consent from the Nyiyaparli Common law holders to enter into the Sand Mining Project 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 M52/1082.

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.

