

## 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 27 November 2024  
**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 2023 Nyiyaparli Common Law Holders Meeting - Ordinary Resolution	Decision
3	Proposed Oakover Project Mining Agreement with Firebird Metals Limited ( <b>Firebird</b> ) and State Deed with Firebird and the State of Western Australia for M52/1086 ( <b>Right to Negotiate</b> ) - Ordinary Resolution see <b>Attachment A</b>	Decision
4	Proposed Second Deed of Amendment - Roy Hill Project Agreement with Roy Hill Iron Ore Pty Ltd – Ordinary Resolution see <b>Attachment B</b>	Decision
5	Future Acts Report Financial Year 2023/2024 & Active Right to Consult and Right to Negotiate Matters Update	Information & Consultation
6	Agreement Review Update	Information & Consultation
7	Presentation of draft Fortescue Marsh Nature Reserve (Nyiyaparli Country) Joint Management Plan	Information
8	Other Business	Information
	Close	

***Morning Tea, Lunch and Afternoon Tea will be provided.***

**Please be advised that kids entertainment (for over 4 year olds) will be provided on site on the day from 9am.**



## **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. Wirlpangunha (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](http://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 2023 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](mailto:ceo@karlka.com.au). Postal address: PO Box 2161, South Hedland WA 6722.

Kind regards,

Keith Hall  
KNAC Chairperson  
29 October 2024



**ATTACHMENT A: Agenda Item #3**  
**Proposed Oakover Project Mining Agreement with Firebird Metals Limited (Firebird)**  
**and State Deed with Firebird and the State of Western Australia for M52/1086**  
**(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 Oakover Project Mining Agreement with Firebird Metals Limited (**Firebird**); and a State Deed (an agreement for the purposes of section 31 of the Native Title Act) with Firebird and the State of Western Australia for the grant of mining lease M52/1086; 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 Oakover Project Mining Agreement.*

**Explanatory Statement**

Mining lease application M52/1086 (**M52/1086**) was notified under the Native Title Act on **18 August 2023**. M52/1086 covers 3,429 hectares of land. The Mining Lease is located approximately 15 kilometres west of Jigalong Community and **outside** the Jigalong Aboriginal Reserve (Reserve 41265).

Firebird is proposing to mine & process manganese ore with an expected 18-year mine life.

The 'negotiation parties' are KNAC (Native Title Party), Firebird (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 M52/1086) with or without conditions.

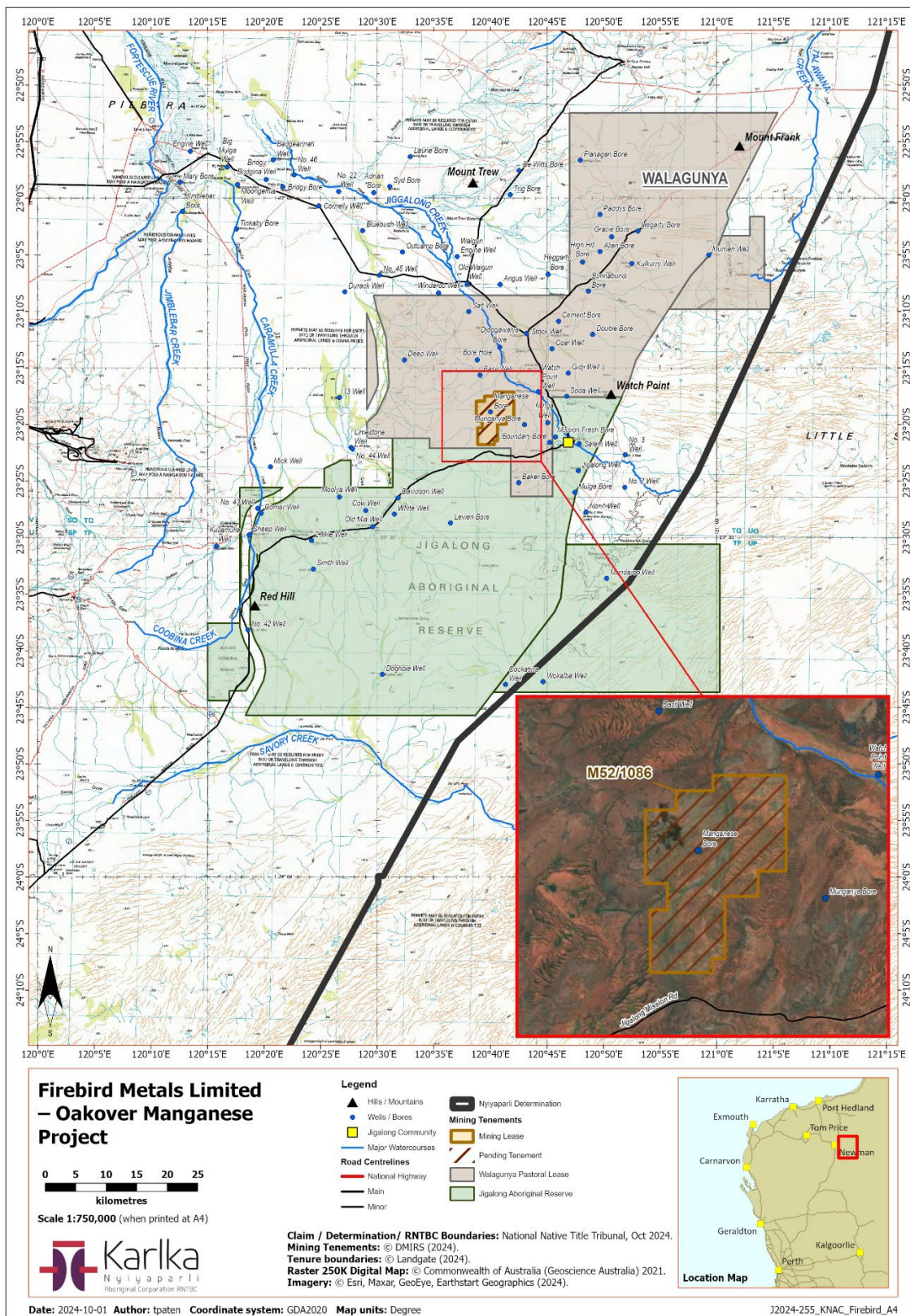
The KNAC Board and Firebird have reached an in-principle agreement on the terms of a project agreement.

KNAC is seeking consent from the Nyiyaparli Common Law Holders to enter into the Oakover 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 M52/1086.

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: section 41A NTA.



A summary of the proposed Oakover Project Mining Agreement terms is included in the Niyaparli Common Law Holders Confidential Information Sheets. The KNAC Board recommends that the Niyaparli Common Law Holders pass the proposed resolution.





**ATTACHMENT B: Agenda Item #4**  
**Proposed Second Deed of Amendment Roy Hill Project Agreement**  
**Roy Hill Iron Ore Pty Ltd (Agreement Review)**

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

**Proposed Resolution**

*In accordance with 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 to enter into the Second Deed of Amendment to the Roy Hill Project Agreement with Roy Hill Iron Ore Pty Ltd (**RHIO**); and*
- (b) confirming the Nyiyaparli Direct Benefits Trust (ABN 18 246 195 674) as the Trust to receive the Native Title Financial Benefits under the Roy Hill Project Agreement.*

**Explanatory Statement**

KNAC and RHIO are parties to the Roy Hill Project Agreement. The Roy Hill Project Agreement contains a periodic review clause.

In addition to its normal mining operations, RHIO proposes to use existing infrastructure and potentially develop additional infrastructure ('Roy Hill Hub') within the existing mine area to facilitate the stockpiling, processing, and transport of ore mined from within and without the Nyiyaparli Determination Area by Hancock Prospecting Pty Ltd (and its subsidiaries) and potential third parties.

The KNAC Agreement Review Committee (**ARC**), KNAC Board and RHIO have reached in-principle agreement to the terms of a revised Roy Hill Project Agreement which includes updated and agreed:

- Agreement Payment mechanisms (including Mining Royalty arrangements; Processing, Handling and Haulage Levies in certain circumstances);
- Cultural Heritage & Environmental Management and Approvals Consultation procedures (including revised Heritage Protocol);
- Improved protection for the Fortescue Marsh Nature Reserve Area;
- Exclusion Zones;
- Cultural Awareness arrangements;
- Employment & Training and Business & Contracting Engagement Plan processes;
- price preferences for Nyiyaparli Contracting Entities;
- land access procedures;
- Social investment and community development initiative funding;
- implementation & consultation processes and funding;
- Dispute Resolution procedures.

A summary of the proposed terms of the Second Deed of Amendment to the Roy Hill Project Agreement 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.