

MINUTES OF KOKATHA COMMON LAW HOLDER MEETING

Held on 26 February 2023 at West Augusta Football Club

Attendees:

Attendees as listed in the sign in book from the meeting.

Also in attendance:

Stephen Kenny and Leonora Herweijer, Camatta Lempens (Corporation legal representatives)

BHP representatives

Oz Minerals representatives

Maz Hearne, Perpetual

Facilitators: Ian Dixon and Kylie Cutten

1. Chair of the meeting

Elaine Moosha was nominated as chair of the meeting. The majority of those attending the meeting supported this nominated by show of hands and Elaine was appointed as Chair.

1. Chairperson's Welcome, Attendees and Apologies

Elaine Moosha opened the meeting at 11.37am and welcomed all to the meeting. She acknowledged the Traditional Owners of the Country on which the meeting was being held.

1.1 Apologies

Apologies were noted.

Andrew Starkey

Mia Starkey

Nina Starkey

Luke Eyre

Matthew Moore

Eliza Wilson

Steven Welgraven

Ben Swales

Tanya Gill

Andrew Thomas

Max Thomas

James Thomas

Lorraine Thomas

Eunice Andrew

Dion Saunders

1.2 Quorum

1.2 Minute's Silence

A minute's silence was held.

1.4 Code of Conduct

The Code of Conduct was discussed and that the meeting should be conducted with respect to each other.

2. Minutes of the previous meeting

The minutes of the previous meeting on 10 April 2022 were considered.

Motion: That the minutes of the previous meeting on 10 April 2022 be accepted as true and correct.

Moved: Anna Strzelecki

Seconded: Chris Larkin

Vote: Majority in favour. 0 against

3. Oz Mineral Presentation

Representatives from OZ Minerals presented to the meeting.

Geoff Deans, Oz Minerals Project Director spoke about the work that OZ Minerals and Kokatha Aboriginal Corporation RNTBC had done together under the partnering agreement since 2016.

There were some questions and discussion about the proposed BHP takeover of Oz Minerals.

OZ Minerals were thanked for working together with Kokatha and Oz Minerals confirmed the feeling was mutual committing to continuing to work together.

OZ Minerals representatives left the meeting.

4. BHP Olympic Dam Presentation

The following representatives from BHP attended:

- Rachael Siddall - Indigenous engagement team and lead new agreement making process
- Paul Cuthbert – Head of Asset Integration
- Jim McClusky – General Manager of Geoscience and Resource Engineering for Oak Dam

BHP acknowledged that there has not been a great history with BHP for Kokatha People and that the Olympic Dam Agreement (ODA) had not delivered.

BHP spoke about seeking to do better, to listen and have open conversations.

A discussion was held about developing a partnering agreement and delivering intergenerational benefits for the Kokatha community.

BHP spoke about the Oak Dam exploration work and the increased number of drill rigs operating at Oak dam. A temporary accommodation village will also be built soon.

BHP raised that they will need to convert their exploration licence into a retention lease and negotiate an agreement with Kokatha for the retention lease.

A recommendation was made from the floor that the United Nations Declaration of the Rights of Indigenous Peoples be used as guiding principles for any negotiations for native title mining agreements.

The Olympic Dam Agreement and its issues were discussed.

It was noted that BHP has proposed to all parties that separate agreements be negotiated to replace the Olympic Dam Agreement. BHP has provided a

It was raised with BHP that some compensation should be paid for the lack of payments that had been paid to Kokatha under the agreement. It was also raised that Common Law Holders would like to see BHP bosses come to speak to the community.

BHP were asked whether they have tenements over Lake Torrens and undertook to check whether they did.

Some questions were asked in relation to RARB status of the Kokatha Aboriginal Corporation RNTBC and how this related to the native title determination and BHP. Stephen Kenny, the Corporation's legal representative, explained the RARB status of the Corporation.

It was put to BHP that decisions should not be made about Kokatha Country without BHP coming to Kokatha first.

Lunch break - 1.20pm

Reconvened – 2.20pm

Common Law Holders were encouraged to send any questions for BHP to Jacinda Amos at the Corporation office.

BHP thanked the meeting for the invitation and left the meeting.

5. General Trust Update – Presentation

Maz Hearne from Perpetual and the Trust Advisory Committee presented to the meeting.

Michael Turner and Glen Wingfield were thanked for their work on the General Trust over the last year.

A vote was held using voting slips to appoint two people to the trust to replace Michael and Glen. As ballots were collected and counted, the presentation continued.

Maz Hearne presented the Financial reports for the 2022 financial year.

It was noted that the reports had been audited by external auditor KPMG and a clean audit result had been given for the financial reports and trust deed compliance audit.

It was noted that the first round of scholarship funds (\$265,000) had been distributed to community members from the OZ Minerals sub fund.

It was noted that \$100,000 had been distributed from the BHP sub fund for health.

It was also noted that BHP had made a payment of \$1.585 million which will be used for a wellbeing round.

It was noted that BHP have approved a revised distribution policy which was now being put to members for approval. The proposed changes were presented to the meeting.

6. General Trust Proposed Resolutions

6.1 BHP Sub Fund Distribution Policy

Motion: That the Kokatha Common Law Holders approve the amended BHP Sub Fund Distribution Policy as presented.

Moved: Michael Turner

Seconded: Tanya Cuzner

Vote: Majority for, 0 against, 0 abstained

6.2 Appointments to Trust Advisory Committee

Motion: That Lynette Strangways and Joylene Thomas be appointed for a term of 2 years to the Trust Advisory Committee.

Moved: Glen Wingfield

Seconded: Michael Turner

Vote: Majority for, 8 against, 0 abstained

Maz Hearne left the meeting.

6.2 Trustee Appointment

It was noted that an assessment had been done of Perpetual's services and against the assessment criteria, Perpetual had 80% competency and that 20 members had signed.

The following motion was put:

Motion: To reappoint Perpetual Ltd as trustee of the Kokatha General Trust for a term of Five (5) years at the meeting of the Kokatha People.

Moved: Tanya Tuner

Seconded: Diane Welgraven

Vote: Majority for, 0 against, 0 abstained

The Chair thanked all for their contributions to the meeting today and AGM yesterday, and thanked the facilitators.

Elaine Moosha was thanked for her work as the Chair and work for the community and her leadership.

A recommendation was made to not have to provide a doctor's letter to get funds for the wellbeing round.

Chair closed meeting at 3.30pm.

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