

KOKATHA ABORIGINAL CORPORATION RNTBC ICN 8093
Kokatha Common Law Holders Meeting
Sunday, 15 December 2024
West Augusta Football Club, 13 Gardiner Avenue, Port Augusta West SA 5700

Chairperson: Carly Chamberlain

Facilitator: Geoff Deans

Attendees: Refer attendance sign-in record.
Maxwell Reid (by phone)

Apologies: Timmothy Whittle, Damien Whittle, Christopher Turner, Thomas Turner, Maria “Sookie” Turner, Sara Turner, Shane Coaby, Stephen Welgraven, A J Dingaman, John D Taylor, Jason Coaby, Ian Gibson, Mickelina Barlow, Luke Eyre, Dylan Koerner, Megan Thredgold, Waylon Watson, Grant Warren, Trevor Warrior, Keith Warrior Snr, Keith Warrior Jnr, Brian Warrior, Rodney Dodd, Doreen Treloar, Denise M Martin, Pamela Chamberlain, Anthony Russel, Paulette Krystal Marie Williams, Maureen Williams, Edith Larkins-Burk, Alicia Sumner, James Leighton Thomas, Paul Strangways, Tania Sultan

Invitees: Anna Wiley (BHP), Paul Cuthbert (BHP), Jim McCluskey (BHP), Elton Peebles (BHP), Rachael Siddall (BHP), Nic Field (BHP), Kyle Andrews (BHP), Alicia Wright (NWSP), Hugh Jones (NWSP), Maz Hearne (Perpetual), Joanne Kahn (TAC), Stephen Kenny (Camatta Lempens), Leonora Herweijer (Camatta Lempens), Sarah Cassells (Office81 – Minutes Secretary), KAC Staff

1. Chairperson’s Welcome, Attendees, and Apologies

1.1. Introduction

The facilitator opened the meeting at **9:44 am** and handed over to the Chair of the Kokatha Aboriginal Corporation RNTBC (“KAC”) Board, Carly Chamberlain.

The Chair welcomed the Kokatha Common Law Holders (CLH) in attendance, acknowledged Country, and paid respects to the Elders, ancestors, and leaders of the community. A minute’s silence was then observed to honour those Kokatha people who have passed.

The facilitator announced the results of the KAC Board director elections, as determined at the Annual General Meeting (AGM) on 14 December 2024, confirming the appointment of Leeanne Strangways, Carly Chamberlain, Nyani Thomas, and Paul Strangways to the Board. Gratitude was extended to SANTS and the independent scrutineers for their assistance in the vote count. Nominations for the Cultural Heritage Committee (CHC) representatives were also confirmed.

Apologies were noted with corrections – namely, John Reid and Waylon Watson were in attendance and incorrectly marked as apologies.

The facilitator provided an overview of the Code of Conduct for the benefit of the CLH, emphasising the standing resolution that individuals would receive one warning before being asked to leave for behavioural breaches.

Housekeeping details were outlined, including the closing of registrations at 10:30 am, the availability of a parking lot for additional business items, and the agenda structure. It was clarified which items would require voting and which would not.

1.2. Quorum

The facilitator confirmed that a quorum was present.

2. Confirmation of Minutes of the Previous Meeting

The minutes of the CLHM held on 6 July 2024 were presented for confirmation. No amendments to the minutes were requested.

Votes were cast by a show of hands with counting undertaken by SANTS.

Motion:

The minutes of the Common Law Holder's Meeting held 6 July 2024 be accepted.

Moved: Ken Smith

Seconded: Joyleen Thomas

Motion carried – majority unanimous - all in favour

There were no votes in opposition to acceptance of the minutes, and no one abstained from the vote.

Following the confirmation of the minutes, Glen Wingfield and Kahlia Gibson spoke to CLHs about an application which has been made on behalf of Kokatha People in 2021 to the Federal Environment Minister to protect Lake Torrens from drilling as an important site to Kokatha People.

Glen and Kahlia confirmed that a Reporter who had been appointed has made recommendations to the Minister that Lake Torrens should be protected but that the Minister will need to make a decision.

Attendees were asked to sign the banner at the meeting to show the strong support of the Kokatha People for the protection of Lake Torrens and attendees departed briefly for a group photo in support of protecting Lake Torrens.

3. General Trust Update (Perpetual)

The facilitator resumed the meeting following the group photo and introduced representatives from Perpetual, Maz Hearne and Joanne Kahn, alongside the Trust Advisory Committee (TAC), to present the General Trust update.

Ms Hearne and Ms Kahn introduced themselves and outlined the presentation, which included highlights from the Kokatha General Trust (KGT) Annual Report for 2024. Co-chair of the TAC provided an overview of the Trust's financial performance, noting that contributions exceeded the year-to-date budget by \$95,196 and that the total market value stood at \$3,556,226 as of 30 June 2024.

Elaine Kite and Anna Strzelecki of the TAC then presented the KGT Strategic Plan 2023-2026, which focussed on community programs, education, and communication and stakeholder engagement. They detailed how these priorities align with the Trust's vision and objectives for empowering the Kokatha community.

During the question and comment session, a question was asked about the transparency of scholarship allocations, suggesting that benchmarks for return on investment (ROI) should be shared with the community. In response, the TAC confirmed that this information would be included in future meetings.

A CLH highlighted the need for housing initiatives to support Kokatha, to which the TAC responded and emphasised the importance of supporting Indigenous homeownership to enable families to build sustainable, inter-generational wealth.

Ms Hearne expressed her gratitude to the Kokatha people as she concluded her term with the TAC, and Perpetual. Lynette Strangways and Joyleen Thomas thanked Ms Hearne for her contributions and leadership during her tenure.

4. BHP Copper South Australia Update

The facilitator welcomed BHP representatives, including Asset President Anna Wiley, to provide an update on CopperSA operations and related projects.

Ms Wiley began by acknowledging the Barngarla people as the Traditional Owners for Port Augusta, followed by the Kokatha people and their connection to the lands on which BHP operates. She emphasised the importance of building trust and creating sustainable agreements that benefit all parties.

Ms Wiley outlined BHP's progress in increasing Indigenous employment opportunities, including the establishment of assessment centres in Port Augusta to make recruitment more accessible. She also reported that \$10 million had been spent on Indigenous contracts to date, with efforts underway to increase this amount further.

Elton Peebles, the General Manager at Carrapateena, provided updates on the Carrapateena mine, including health checks, cultural training initiatives, and the importance of heritage engagements. Jim McClusky, General Manager for Planning, Technical and Environment with BHP, spoke about the Oak Dam Retention Lease and its exploration stages, noting the ongoing collaboration with Kokatha representatives to ensure cultural and environmental protections.

During the Q&A session, the importance of water sovereignty, emphasising its central role in Kokatha culture and the need for water security in all agreements was raised. Ms Wiley acknowledged the significance of this concern and outlined how the Northern Water Supply Project (NWSP) aims to reduce reliance on the Great Artesian Basin. Concerns were raised about racism within BHP's operations and highlighted the importance of cross-cultural education and training. It was suggested that the Kokatha CD anniversary video be included in BHP's inductions and BHP were encouraged to invest into this process and addressing racism and educating its workers. Ms Wiley said that BHP has a zero tolerance for racism and is committed to addressing these issues through respectful behaviour training and the implementation of Indigenous liaison officers.

BHP were thanked for their attendance at the CLHM, before the meeting broke for lunch at 12.05pm.

5. BHP Oak Dam Retention Lease Indigenous Land Use Agreement (ILUA) Update

Proceedings resumed following the lunch break at 12.38pm.

The facilitator handed over to Nyani Thomas and the Oak Dam negotiation working group to provide an update on the Oak Dam ILUA for the CLH's benefit.

The Working Group explained that this was the fourth community information session regarding the proposed ILUA for the Oak Dam Retention Lease, with a community authorisation meeting currently scheduled for 1 March 2025 and the intention was to provide information in advance of any decision being made so that CLHs.

The Working Group confirmed that since the last update in July 2024. The Working Group which is made up of directors and Culture and Heritage committee members confirmed their role to negotiate with BHP and then make recommendations to the Board who then would seek CLH approval of the ILUA.

Copies of the draft ILUA and a Plain English clause by clause summary of the ILUA, as well as an executive summary were available to CLHs at the meeting.

The CLHs were also advised that there will be opportunities in the lead up to the authorisation meeting for any CLH to have a one on one session with KAC lawyers to ask questions about the ILUA or talk through the ILUA.

It was noted that the Working Group wanted to make the ILUA to be public as precedents and benchmarks were an issue across the country but BHP had wanted to keep some parts of the ILUA confidential. Kokatha People are able to discuss with each other. CLHs would be given the full detail in the presentation today but were asked to note that some information is confidential to CLHs only.

The Working Group provided an overview of what the ILUA is about. That BHP is developing a new mine southwest of Olympic Dam called Oak Dam on Arcoona Station and require a Retention Lease for advanced exploration that they want to do.

This will impact of native title rights and interests of the CLH and BHP need an agreement with KAC as agent for the CLH.

The ILUA is for 5 years but can be extended to 10. It is not about mining. If BHP want to mine, they will need a new agreement with KAC as agent for the CLH.

The Working Group confirmed that Kokatha have the right to negotiate but not to veto or block the project.

The Working Group provided an overview of the negotiation process with BHP, the expert advice obtained and consultation with CHC on heritage matters including site visits.

The working group highlighted key negotiated terms, including cultural heritage protections, employment targets, contracting including preferences and price benefits, access to diesel and buying power, KAC laydown area at Oak Dam, cultural awareness training for BHP and contractors, acknowledgment by BHP in public statements that Oak Dam is on Kokatha Country, funding for an implementation officer, a partnering management committee and compensation to be received from BHP over the period of five years.

The Working Group also confirmed that BHP had agreed to renegotiate of the mining agreement for Carrapateena and a new Olympic Dam Agreement (ODA) will be negotiated next, noting that these efforts aim to secure better outcomes for Kokatha people.

The Working Group confirmed the next steps after the information provided to CLHs today include that KAC lawyers will be available for sessions and then an authorisation meeting will be held in 2025.

Questions and comments from the floor:

A question was asked about involvement of senior law people in the negotiations. The Working Group confirmed there has been involvement.

A comment was made about dissatisfaction with compensation and adequate compensation for damage to Kokatha land.

A comment was made about broader indigenous collaboration, connecting songlines and cultural safety.

The Working Group confirmed all feedback would be considered.

The Working Group confirmed the involvement of the CHC representatives both on the negotiation team and CHC site visits and provided feedback to the Working Group.

6. Northern Water Update (Office of Northern Water Representatives)

The facilitator introduced Alicia Wright and Huw Gerner from the Northern Water Supply Project (NWSP) team, who provided an update on recent developments noting that an update had been provided to CLH in July 2024

It was noted that KAC has set up a negotiation committee for an agreement with the State of South Australia in relation to this project.

Ms Wright explained that the NWSP aims to establish a climate-independent, sustainable water supply for South Australia, with desalination plant locations under consideration near Tumby Bay or Whyalla. She outlined the project's scope, including a

275-kilometre underground pipeline through Kokatha Country and associated infrastructure such as pump stations and water storage facilities. Ms Wright emphasised that heritage surveys would continue to guide project planning, ensuring the protection of significant cultural sites.

It was noted that September 2025 is the most likely time that an agreement will be presented to community for consent purposes, with negotiations to continue over the coming months.

No questions were raised during this session. Ms Wright and Mr Gerner were thanked for their presentation.

7. Any Other Business

Attendees were again invited to sign a banner supporting the protection of Lake Torrens noting that there was currently an application with the Commonwealth Minister by Kokatha People for a declaration to protect Lake Torrens.

The facilitator expressed gratitude to the KAC staff and directors for organising the meeting, with the Chairperson thanking everyone for their attendance, and encouraged community members to maintain open communication with the Board.

8. Meeting Close

The meeting formally closed at 1:49 pm.