

BUNUBA DAWANGARRI ABORIGINAL CORPORATION (BDAC) RNTBC

ICN: 7813 ABN: 80 365 218 271

Authorisation Meeting Notice Gibb River Diamonds Limited

Place: Old School Under Cover Area, Forrest Road, Fitzroy Crossing

Date: Thursday 30 November 2023

Member Registration: 9.00am

Time: 9.30am

Purpose: Discuss the proposed mining benefits agreement with Gibb River Diamonds, which will allow the state government to grant mining leases, under the *Mining Act 1978* (WA) (Mining Act), M04/475, M04/476 and M04/477 (Leases) and Miscellaneous Licences L04/98, L04/100, L04/105, L04/106, L04/107, L04/115, L04/116 and L04/126, (Miscellaneous Licences) and allow native title benefits to be paid to BDAC.

If agreed, authorise BDAC entering into this agreement and signing the State Deed for M04/475, M04/476 and M04/477 in accordance with the *Native Title Act 1993* (Cth).

Who Can Attend and Vote at this Authorisation Meeting?

Bunuba native title holders as defined below can attend and vote at this meeting. Bunuba native title holders are defined in *Wurunmurra v the State of Western Australia* [2012] FCA 1399, *Wurunmurra v the State of Western Australia* [2015] FCA 1480, *George Brooking on behalf of the Bunuba People (Bunuba #2) v State of Western Australia* [2015] FCA 1481 and *Mary Aiken on behalf of the Bunuba People (Bunuba #3) v State of Western Australia* [2015] FCA 1482 as:

(a) descendants of the following ancestors:

- Mubu (Banjo Wurunmurra's MM and David Fairfield's MM);
- Jarangu (Johnny Marr's F);
- Jurguna (Rita Laylay's MF);
- Frank Edgar (Pilot) (Felix Edgar's F);
- Limirruwa;
- Nindiligali (Nancy Williams' MF and George Brooking's FF);
- Dawanjina (Billy Oscar's FM, Lionel Jambara's FFMM);
- Ganggula (George Leopold's MM);
- Mangalanyi (Adam Andrews' F);
- Yambanana (Fred Green's F);
- Minyjinyji (Moses Beharrel's M);
- Balyburru (Joe Ross' MFF and Wibiy Roger's FF);
- Gijalamili (Betty Smith's MMF);
- Jingirriban (Rose Benning's MF);
- Guburrmiya (Barbara Cole's FM);
- Bundu (Harry and Lena Skinner's F and Nita Skinner's FF); and
- Limadji;

(b) the individuals, and their descendants, who have been adopted or are being adopted or Marurra (people who are raised, grown up, embraced and acknowledged as a Bunuba person) by members of the Bunuba People, or by their predecessors, in accordance with the traditional laws and customs of the Bunuba People; and

- (c) Aboriginal persons who:
- (i) self-identify as Bunuba; and
 - (ii) are recognised by other members of the Bunuba People as Bunuba under traditional law and custom.

Agenda

1. Welcome, Code of Conduct
2. Apologies
3. Proxies received
4. Confirm Quorum
5. Briefing on the Gibb River Diamonds Mining Agreement and key terms
6. Questions
7. Authorisation of the Mining Agreement:
 - (a) Confirm decision-making process.
 - (b) Discuss and, if thought appropriate, authorise signing of mining agreement and State Deed.
8. Meeting closes

Proxies

Please note that:

- a member who is entitled to attend and cast a vote may appoint a proxy;
- the proxy must be from the member's muway; and
- the proxy need not be a member of BDAC but must be a native title holder.

A notice of appointment of a proxy form is enclosed with this notice of Authorisation Meeting.

For an appointment of a proxy to be effective, the following documents must be received by BDAC at least 48 hours before the AGM (no later than 9am Tuesday 28 November 2023)

- the appointment of a proxy form, and
- if the appointment is signed by the appointor's attorney, the authority, or a certified copy of the authority.

A proxy can only act for 3 members at a time.

Proxy forms may be submitted to BDAC:

by email to ceo@bunuba.com, operations@bunuba.com, office@bunuba.com (preferred method);

by mail to PO Box 264, Fitzroy Crossing WA 6765;

or by hand to the BDAC Office, Old MWW Café, Emmanuel Way, Fitzroy Crossing.

By order of the BDAC Board of Directors

Travel and Meals

Morning tea and lunch provided. Contact the Bunuba office using details above for travel support for this ILUA meeting. Phone: Kelly O'Donnell – Operations Manager 0400 009 135

Bunuba and Gibb River Diamonds Mining Benefits Agreement

Who are the Parties to the Agreement?

The parties to the Agreement will be BDAC (RNTBC) (on behalf of Bunuba native title holders) and Gibb River Diamonds Ltd (GRD).

Background

Gibb River Diamonds Ltd (GRD) trading as Poz Minerals signed a mining benefits agreement with Bunuba in 2017 for mining tenements M04/465, M04/466, M04/467, M04/464 within the Bunuba Determination Area in the Ellendale Diamond Field in the Kimberley Region of Western Australia. It completed its project in this area and now intends to continue to explore and mine for diamonds.

Bunuba is the trustee of native title rights and interests over the Determination Areas and Bunuba is responsible for promoting and conducting activities that address the economic, social and cultural aspirations and well-being of the Traditional Owners.

In 2021, GRD applied under the Mining Act 1978 (WA) (Mining Act) for Mining Leases 04/475, 04/476 and 04/477 (Leases) and Miscellaneous Licences 04/98, 04/100, 04/105, 04/106, 04/107, 04/115, 04/116 and 04/126, (Miscellaneous Licences). These areas are part of the old Ellendale mine site.

Bunuba and GRD have been negotiating through a traditional owner negotiating committee (TONC) for these Leases and Licences located in Bunuba's Determination Areas since 2021.

Due to a delay in reaching agreement GRD made an application for a future acts determination in the National Native Title Tribunal that the mining could proceed without an agreement with or without conditions on 28 June 2023. That application remains pending and will progress to determination if the parties are unable to reach agreement.

Bunuba and GRD have since reached agreement on a proposed agreement. Due to confidentiality these terms will only be discussed in person at the meeting. The intention of Bunuba and GRD in entering into this agreement is to set out the relationship and foundations for Mining Operations on the Mining Leases held by GRD and to provide a basis for transparency in that relationship, as well as provide compensation and a strong heritage protocol.

Bunuba and GRD intend that this Agreement satisfy sections 28(1) and 31(1)(b) of the *Native Title Act 1993* (Cth) as required by Law to allow Deeds of Grant of Mining Leases with the State of Western Australia to be issued.

What will authorising the mining agreement do?

If it is authorised, the mining agreement will provide Bunuba native title holders' consent for the purposes of the *Native Title Act 1993* (Cth) to the grant of mining leases M04/475, M04/476 and M04/477 (Leases) and Miscellaneous Licences L04/98, L04/100, L04/105, L04/106, L04/107, L04/115, L04/116 and L04/126, (Licences). Authorisation will also give BDAC directors consent to sign a State Deed authorising the granting of Lease and Licences between State Government and Western Australia and GRD and the subsequent mining work on the Leases.

Some of the Bunuba People's native title rights will be suppressed by the grant of the Leases and Licences but they will not be extinguished. This means once the Leases and Licences expires they will exact as if the Leases and Licences had never existed.

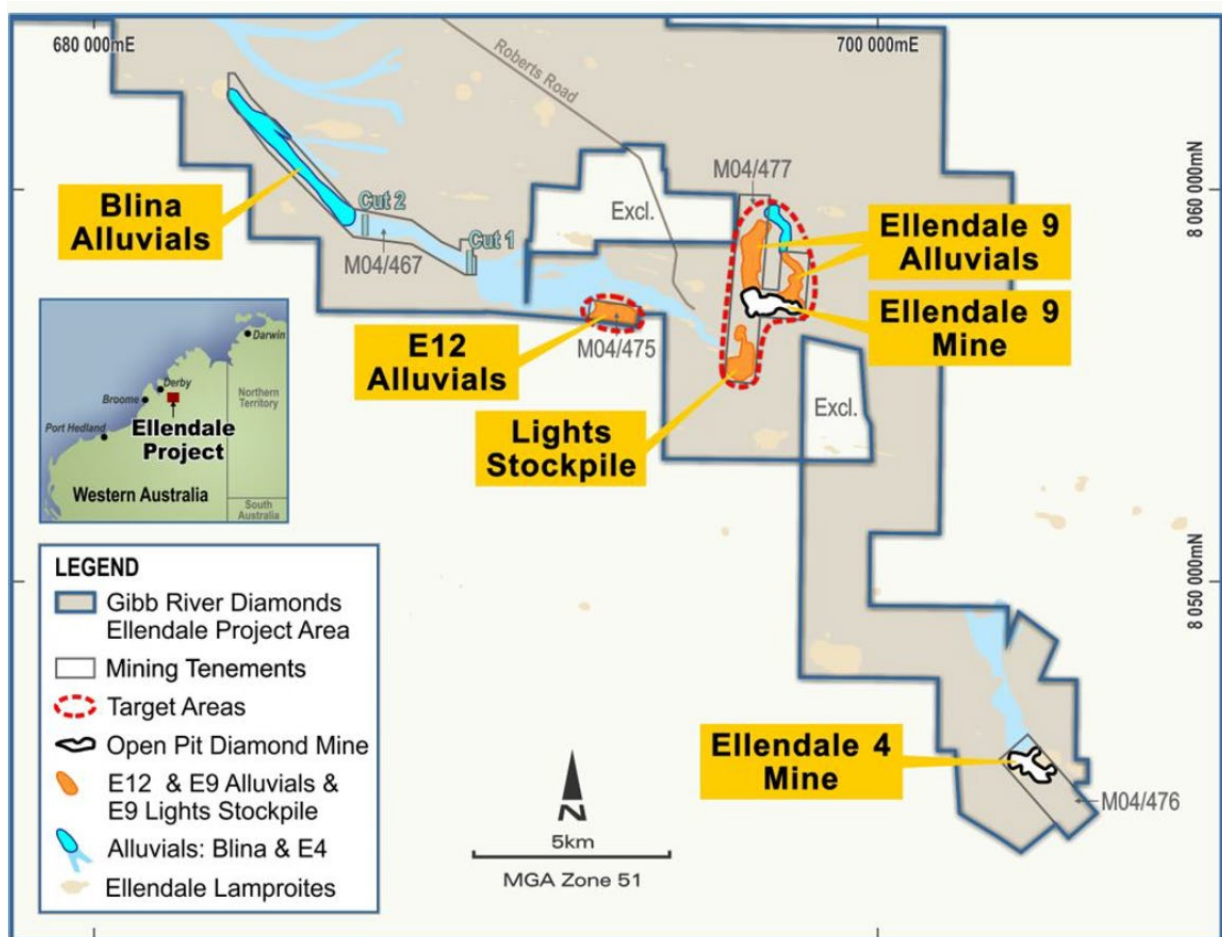
Benefits in the mining agreement will be set off against any future compensation that Bunuba native title holders are entitled to under the Native Title Act. This means that

Bunuba can still seek compensation via the Federal Court if it later thinks it should have received more compensation.

Where is the Agreement area?

The Agreement will cover the areas shown on the map below.

Map of Mining Agreement Area



Appointment of a proxy

Rule 7.14.1

Type of Notice	Appointment of a proxy to the Bunuba Dawangarri Aboriginal Corporation RNTBC under Rule 7.14.1. Under Rule 7.14.4 the Notice must be sent to the contact person at least 48 hours before the Corporation's meeting.
Name of the Bunuba Contact Person	To:* Contact person for the Bunuba Dawangarri Aboriginal Corporation RNTBC *Copy this Notice to the person appointed proxy also
Name of member appointing a proxy	From: Member appointing the proxy
Name of proxy	Name of proxy:
Address of proxy	Address:
Name of proxy's muway
Details of the meeting for which the person is a proxy	Time:..... Date: Location of the meeting:
Power to vote	The person appointed as proxy may vote* or may not vote* (*strike out relevant section)
Optional	If a member wishes to specify the way the proxy is to vote on a particular resolution, include the additional information here.
Signature of appointing member [Signature] [INSERT NAME] Address:..... Tel No:
Number of Proxies	NOTE: A member must not exercise proxies for more than 3 members.