

BUNUBA DAWANGARRI ABORIGINAL CORPORATION (BDAC) RNTBC

ICN: 7813 ABN: 80 365 218 271

Authorisation Meeting Notice India Bore Diamond Holdings

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 draft mining agreement with India Bore Diamonds Holdings, which will allow the state government to grant mining lease M04/478 and allow native title benefits to be paid to BDAC for the already granted mining lease M04/473.

If agreed, authorise BDAC entering into this agreement and signing the State Deed for M04/478 in accordance with the Native Title Act.

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 *Wurrunmurra v the State of Western Australia* [2012] FCA 1399, *Wurrunmurra 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 Wurrunmurra's MM and David Fairfield's MM);
- Jarangu (Johnny Marr's F);
- Jurrunga (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);
- Guburmiya (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 IBDH 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 close

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 India Bore Diamond Native Title, Heritage Protection and Mining Agreement

Background

IBDH is the holder of certain Mining Tenements, together referred to as the IBDH Project Tenement Area, within Determination Areas in the Ellendale Diamond Field in the Kimberley Region of Western Australia on and pursuant to which it has been exploring and mining and intends continuing 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.

Bunuba and IBDH are parties to the Heritage Protection and Mineral Exploration Agreement in relation to the Determination Areas, pursuant to which they have been working co-operatively in the interests of the Project and Traditional Owners since 2016.

The intention of Bunuba and the Company in entering into this agreement is to set out the relationship and foundations for Mining Operations on the Mining Leases held by the Company and to provide a basis for transparency in that relationship.

The Company has been carrying out exploration over Exploration Tenements for the purposes of understanding the alluvial nature of the Ellendale Diamond Field, including disturbance works on E04/2398, E04/2404 and E04/2426 consistent with the requirements of the Mining Act and the Heritage Protection and Mineral Exploration Agreement in order to assess whether alluvial diamonds of a grade, quality and value are able to be commercially recovered pursuant to the Mining Act. On completion of exploration over an area of E04/2398 the Company filed a Mineralisation Report and application for mining lease M04/473 pursuant to the Act. Subsequently the Company has also made application for mining lease M04/478.

On 12 February 2021 the National Native Title Tribunal in the matter *India Bore Diamond Holdings Pty Ltd* [2021] NNTTA 5 pursuant to application WF2020/0007, determined that subject to conditions, the State of Western Australia may grant mining lease M04/473 to the Company. On 16 March 2021 the Government of Western Australia Department of Mines, Industry Regulation and Safety issued mining lease M04/473 to the Company.

The Company anticipates more mining leases may be applied for in the future. Further mining leases are not covered by the Agreement, but may be discussed between the Parties in the future as to whether this Agreement should be varied to include such future mining leases.

Bunuba and IBDH intend that this Agreement is the basis of an acknowledgement by way of a Deed or Deeds of Grant of Mining Leases with the State of Western Australia for the purposes of sections 28(1) and 31(1)(b) of the Native Title Act as required by Law.

Bunuba have been negotiating with IBDH through a traditional owner negotiating committee (TONC) since 2018 and have reached agreement with the IBDH on its key terms. Due to confidentiality these terms will only be discussed in person at the meeting.

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 lease 04/478 as well as acknowledging the grant of M04/473 and granted miscellaneous licences, including BDAC signing a State Deed authorising the granting of mining lease 04/478 between State Government and Western Australia and India Bore Diamond Holdings Pty Ltd and the subsequent mining work on the mining leases.

Some of the Bunuba People's native title rights will be suppressed by the grant of the mining lease but they will not be extinguished.

These benefits 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.

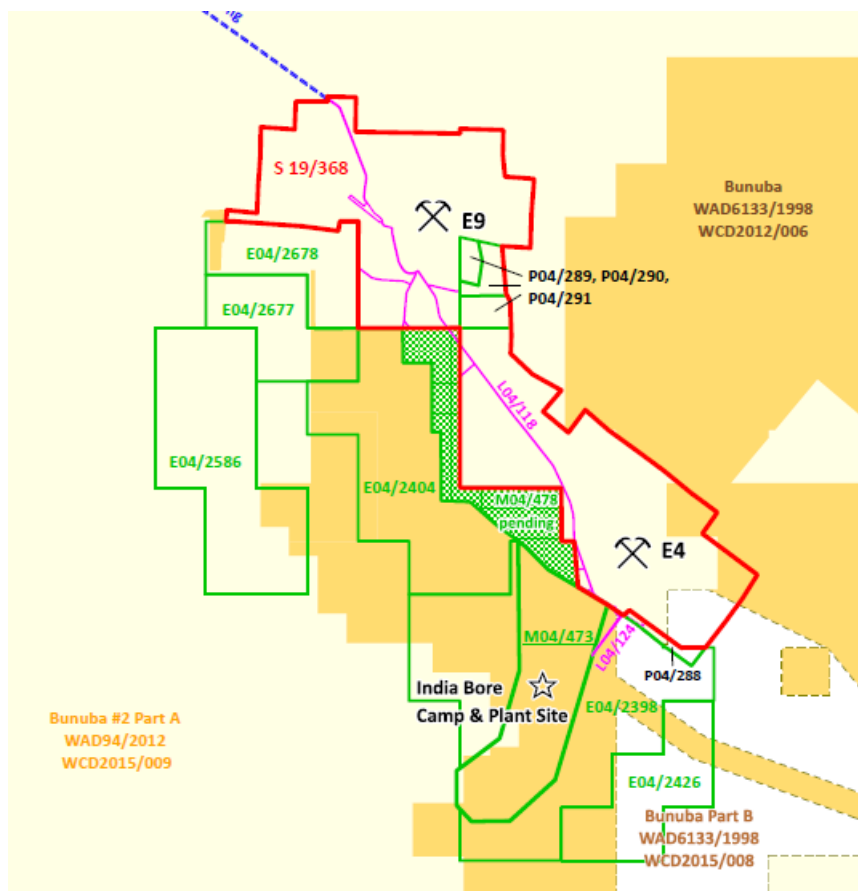
Where is the Agreement area?

The Agreement will cover the area shown on the map below. The key area is within M04/478. M04/473, L04/118 and L04/124 are already granted, but the agreement terms will also apply to provide benefits and protections in relation to these areas.

Who are the Parties to the Agreement?

The parties to the Agreement will be BDAC (RNTBC) (on behalf of Bunuba native title holders) and India Bore Diamond Holdings Pty Ltd (IBDH)

Map of Mining Agreement Ar



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.