

Summary of the Transmission Line Agreement for Kokatha Common Law Holders

The information contained in this notice is produced for the Common Law Holders of the Kokatha People. It is not to be used by anybody outside that group.

The Kokatha Aboriginal Corporation RNTBC ICN 8093 ('the KAC') (in its capacity as a prescribed body corporate acting on behalf of the Kokatha Common Law Holders) is proposing to enter into the 'Transmission Line Agreement' ('the Agreement'), with OZ Minerals Prominent Hill Operations Pty Ltd ('OZ Minerals') and BHP Billiton Olympic Dam Corporation Pty Ltd ('BHP Billiton').

The content of the Agreement has been negotiated between the Board of Directors of the KAC (acting on behalf of the Kokatha Common Law Holders) and OZ Minerals and BHP Billiton. The Agreement is directed towards obtaining consents from the Common Law Holder in relation to the grant of an easement 50 metres in width in which an electricity transmission line will be constructed, the grant of a spur easement to connect data transmission cables from the transmission line's data lines to Pimba, the grant of a lease to ElectraNet Pty Ltd ('ElectraNet') to extend the size of the existing Mount Gunston sub-station, and to do related or associated activities.

The decision to enter into the Agreement will affect the Kokatha People's native title rights and interests in terms of the consents being provided for the easements and the related or associated activities and extinguish native title rights and interests by the extension of the size of the sub-station. As such each of these decisions constitutes a native title decision. In accordance with Regulation 14 of *Native Title (South Australia) Regulations 2016* and Regulation 8 of the *Native Title (Prescribed Bodies Corporate) Regulations 1999* KAC must consult with, and obtain the consent of, the Kokatha Common Law Holders to enter into the Agreement as it includes native title decisions.

Please note that BHP Billiton are included as a party to the Agreement as a result of them holding the head lease for the Andamooka, Roxby Downs and Purple Downs pastoral leases. KAC is the under lessee for each of those pastoral leases. BHP Billiton are not involved in the construction or operation of the electricity transmission line or data transmission cables and no native title decision is required to be made by the common law holders in relation to them.

Summary of the Agreement

The Agreement will enable OZ Minerals to obtain easements from the State Government for which it proposes to construct an electricity transmission line and data transmission cables through the Kokatha Native Title Determination Area. The electricity transmission line will run for 208 kilometres through the middle of the Kokatha Native Title Determination Area and comprise a wire and pole construction. The data transmission cables will be attached to the newly constructed infrastructure and be co-located with the electricity transmission wires. It will also provide consent for the existing substation at Mount Gunston to be expanded in size from 4,450 square metres to 26,980 square metres.

The Agreement will also allow OZ Minerals to undertake ancillary activities associated with the construction of the electricity transmission line and data transmission cables including creating facilities areas for the location of equipment and materials to be used during the construction of the infrastructure. There will be up to two (2) facilities areas each will comprise an area not exceeding 10

hectares. For the sake of clarity, the data transmission cables relate specifically to safety and operations of the electricity transmission line. The Agreement will result in the construction of electricity and data transmission infrastructure which will have a life expectancy of no less than 70 years. With repair, maintenance or capital upgrade of the electricity and data transmission infrastructure it may be located on the Kokatha Lands for a longer period of time, depending upon its on-going use and need. It is a significant agreement with serious ramifications for the Kokatha common law holders to consider.

The Agreement contains protections for Kokatha People's native title rights and interests and rules about what OZ Minerals, or their delegates or agents, can and cannot do on Kokatha Lands. The protections in the Agreement include provisions relating to cultural heritage. The Agreement provides for the KAC cultural heritage team to survey areas where OZ Minerals wish to locate the corridor for the electricity transmission line, data transmission cables, the expanded sub-station and the associated ancillary structures, in order to prevent the construction from disturbing areas containing Kokatha sites, objects or remains. All access tracks or roads to be expanded or constructed associated with the project must also be the subject to cultural heritage surveys. To clarify, the majority of cultural heritage surveys have been completed for the transmission line corridor and all ancillary infrastructure areas.

OZ Minerals have agreed to provide compensation for the affect upon native title rights and interests relating to the creation of the easements for the electricity transmission line and the data transmission cables. It also provides compensation for the extinguishment of native title rights and interests for the area of the expanded sub-station. The amount of the compensation to be paid by OZ Minerals provides funds for the Kokatha Scholarship Fund, the Kokatha General Trust and administration operations for KAC.

OZ Minerals have also provided a broad indemnity to KAC in relation to compliance by them and their agents with the terms of the Agreement, any negligent act or omission related to the use of the lands, construction works or the operation and maintenance of the infrastructure. The indemnity relates to activities not only it conducts but also the activities of its agent, ElectraNet, who has been retained to construct and operate the electricity transmission line. OZ Minerals acknowledge that Kokatha People shall continue to exercise their native title rights and interests associated with the Kokatha Lands upon which the infrastructure will be constructed. A separate agreement has been negotiated with ElectraNet to likewise ensure that Kokatha native title rights and interests and protections under the Commonwealth and State Aboriginal heritage legislation are maintained through the operation and closure phases of the project. The Agreement contains provisions concerning cultural respect and training for employees of OZ Minerals and ElectraNet.

OZ Minerals are required to immediately advise KAC if it becomes aware of the existence of unauthorised discharge, contamination or environmental harm affecting or originating from the construction of the infrastructure. OZ Minerals must, and must ensure that ElectraNet, stop and rectify or remediate any actual or identified potential contamination, unauthorised discharge or environmental harm affecting or originating from the construction of the infrastructure in accordance with KAC's reasonable direction. If OZ Minerals or its ElectraNet fail to comply with the directions of KAC within a reasonable time, KAC may carry out the remediation or rectification works, and OZ Minerals will be liable to reimburse KAC for the costs reasonably incurred by KAC in doing so.

KAC have undertaken to use their reasonable endeavours to the extent that such materials are requested and available to provide electricity, water from mains supply, or bore water, on a cost recovery basis. In exchange OZ Minerals have agreed to leave in situ if requested by KAC the relevant equipment for use

by Kokatha in the future. In terms of the access to bore water OZ Minerals have agreed not to seek from KAC more than 100,000 kilolitres of water for 5 separate tanks.

There is a dispute resolution process within the Agreement which sets out a process for the resolution of all disputes between any of the parties in connection with the interpretation, effect or any other matter (except in relation to the traditional laws acknowledged and traditional customs observed by the Kokatha Common Law Holders) relating to the Agreement. The Agreement also contains other provisions which are usual for an agreement of this kind. There are clauses that relate to confidentiality, provision of notices, goods and services tax, stamp duty, governing law and the like.

Other Information

If you would like further information in relation to the content of the Agreement, please speak to your family group representative. A copy of the Agreement in executable form will be available for common law holders to view at the office of KAC upon request from 25 March 2019. Attached is a map of the location of the proposed transmission line proposed to be constructed. Please call the General Manager on (08) 8642 2068 to arrange a viewing of the Agreement. The office is located at 35 Flinders Terrace, Port Augusta.