

DEPARTMENT OF THE PRIME MINISTER AND CABINET

PM&C
Secretary
Mr Exell
Prof.
Anderson
Ms Roberts
Mr Bulman
Mr
Beswick
Mr
Abrahams
Mr
MacDowel
I

To: Minister for Indigenous Affairs

SECTIONS 42(8) AND 27(3) LAND RIGHTS ACT - REQUEST FOR CONSENT TO THE GRANT OF AN EXPLORATION LICENCE TO WINCHELSEA MINING PTY LTD AND APPROVAL TO ENTER RELATED AGREEMENT WINCHELSEA MINING PTY LTD AND APPROVAL TO ENTER RELATED AGREEMENT

Recommendations - that you:

1. Agree that you are satisfied the Anindilyakwa Land Council (ALC) has complied with its statutory obligations under the *Aboriginal Land Rights (Northern Territory) Act 1976* (Land Rights Act) in seeking the following consent and approval.

Agreed / Not Agreed

2. Agree to consent, under section 42(8) of the Land Rights Act, to the grant of an Exploration Licence (EL) to Winchelsea Mining Pty Ltd (Winchelsea Mining) for part of the land subject to Exploration Licence Application (ELA) 27521, as delineated in the map enclosed with the ALC notification at Attachment D.

Agreed / Not Agreed

3. Agree to approve, under section 27(3) of the Land Rights Act, the ALC entering into the Winchelsea Island Exploration Agreement at Attachment G with Winchelsea Mining that may involve the receipt of more than \$1 million in payments.

Agreed / Not Agreed

4. Sign the letters to the ALC, the Northern Territory Minister for Primary Industry and Resources and Winchelsea Mining at Attachments A-C advising of your decision.

Signed / Not Signed



Nigel Scullion

Date: 12 / 10 / 18

Comments:

Key Points:

1. The ALC wrote to you on 13 September 2018, providing notification under section 42(1) of the Land Rights Act of its decision on 10 September 2018 to consent to the grant of an EL to Winchelsea Mining in respect of part of the land subject to ELA 27521 (Attachment D).
2. The ALC subsequently wrote to you on 14 September 2018, requesting your consent under section 42(8) of the Land Rights Act to the grant of the Exploration Licence to Winchelsea Mining and your approval under section 27(3) of the Act to enter into the related Winchelsea Island Exploration Agreement which may involve the receipt of more than \$1 million in payments over its term (Attachments E-G).

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3. Your consent is required to the grant of the EL by the Northern Territory (NT) Government under the *Mineral Titles Act 2010* (NT).
4. The ALC is satisfied it has complied with its statutory obligations in respect of its requests for your consent under section 42(8) of the Land Rights Act and your approval under section 27(3) of the Act. The ALC's correspondence of 14 September 2018 included background information about consultations with relevant traditional Aboriginal owners and the joint venture arrangements under which they have equity in Winchelsea Mining (Attachments E and F).
5. The ALC had previously written to you and provided updates on these matters, including paid governance and operational roles in Winchelsea Mining to be held by the Chairperson and Chief Executive Officer of the ALC. The relevant brief (MC18-108724) is with your office.
6. Under the terms of the Winchelsea Island Exploration Agreement (Attachment G):

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7. Under section 42(9) of the Land Rights Act, if you fail to make a written decision in respect of the request for consent to the grant of the EL and advise the parties accordingly within 30 days of receiving the relevant correspondence (by 15 October 2018), you will be deemed to have granted the consent sought. When the 30 day period ends on a public holiday or weekend, the final day to advise the parties will default to the next business day, as it has in this instance.
8. There is no prescribed timeframe relevant to making a decision about the ALC's request for your approval under section 27(3) of the Land Rights Act to enter into the Winchelsea Island Exploration Agreement, but it would be practical to make a decision about this matter at the same time a decision is made about the request for consent to the grant of the EL.
9. The material provided by the ALC supports the assertion it has complied with its statutory obligations in these matters and the Department recommends you give the consent and approval requested.
10. Additional information is provided at Attachment H.

Wayne Beswick
Assistant Secretary
Land Branch
25 September 2018

Policy Officer: s22
Phone no: s22
Consultation: IAG Legal Services, IAG
Network (Arnhem Land and Groote
Eylandt), NT Department of Primary
Industry and Resources

ATTACHMENTS

- ATTACHMENT A RESPONSE LETTER TO THE ANINDILIYAKWA LAND COUNCIL**
- ATTACHMENT B LETTER TO THE NT MINISTER FOR PRIMARY INDUSTRY AND
RESOURCES**
- ATTACHMENT C LETTER TO WINCHELSEA MINING PTY LTD**
- ATTACHMENT D INCOMING CORRESPONDENCE – DATED 13 SEPTEMBER 2018**
- ATTACHMENT E INCOMING CORRESPONDENCE – DATED 14 SEPTEMBER 2018**
- ATTACHMENT F ATTACHMENT TO INCOMING CORRESPONDENCE OF 14
SEPTEMBER 2018**
- ATTACHMENT G WINCHELSEA ISLAND EXPLORATION LICENCE AGREEMENT**
- ATTACHMENT H ADDITIONAL INFORMATION**



MINISTER FOR INDIGENOUS AFFAIRS

Reference: MC18-122243

s47F

Anindilyakwa Land Council
PO Box 172
ALYANGULA NT 0885

Dear **s47F**

Thank you for your letter of 14 September 2018 seeking my consent to the grant of an Exploration Licence to Winchelsea Mining Pty Ltd (Winchelsea Mining) and my approval for the Anindilyakwa Land Council (ALC) to enter into a related Exploration Agreement.

I am satisfied the ALC has complied with its statutory duties under the *Aboriginal Land Rights (Northern Territory) Act 1976* (the Act) in respect of these matters.

Pursuant to section 42(8) of the Act, I consent to the grant of an Exploration Licence to Winchelsea Mining over that part of ELA 27521 marked as the 'Proposed Sub Blocks' on the map attached to the notification sent by the ALC via email on 13 September 2018.

I also give my approval under section 27(3) of the Act for the ALC to enter into the Winchelsea Island Exploration Agreement with Winchelsea Mining.

I am pleased to acknowledge your commitment that the ALC will distribute payments associate with this agreement only during school holiday periods and thank you for your commitment to reducing the impact of royalty payments on school attendance.

I have written to the Northern Territory Minister for Primary Industry and Resources and Winchelsea Mining advising them of my decisions.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Nigel Scullion'.

NIGEL SCULLION

12 October 2018



MINISTER FOR INDIGENOUS AFFAIRS

Reference: MC18-122243

The Hon Ken Vowles MLA
Minister for Primary Industry and Resources
GPO Box 3146
DARWIN NT 0801

Dear Minister

The Anindilyakwa Land Council (ALC) wrote to me on 13 September 2018 notifying me of their consent, under section 42(1) of the *Aboriginal Land Rights (Northern Territory) Act 1976* (the Act), to the grant of an Exploration Licence to Winchelsea Mining Pty Ltd (Winchelsea Mining). I understand you also received that notification.

I have provided my consent under section 42(8) of the Act to the grant of an Exploration Licence to Winchelsea Mining over that part of the land subject to Exploration Licence Application 27521 marked as the 'Proposed Sub Blocks' on the map attached to the notification sent by the ALC via email on 13 September 2018.

I have written to the ALC and Winchelsea Mining advising them of my decision.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Nigel Scullion'.

NIGEL SCULLION

12 October 2018



MINISTER FOR INDIGENOUS AFFAIRS

Reference: MC18-122243

s47F

Winchelsea Mining Pty Ltd
Suite 203, 213 Miller St
NORTH SYDNEY NSW 2060

Dear s47F

The Anindilyakwa Land Council (ALC) wrote to me on 13 September 2018 notifying me of their consent, under section 42(1) of the *Aboriginal Land Rights (Northern Territory) Act 1976* (the Act), to the grant of an Exploration Licence to Winchelsea Mining Pty Ltd (Winchelsea Mining). I understand you also received that notification.

I have provided my consent under section 42(8) of the Act to the grant of an Exploration Licence to Winchelsea Mining over that part of the land subject to Exploration Licence Application 27521 marked as the 'Proposed Sub Blocks' on the map attached to the notification sent by the ALC via email on 13 September 2018.

I have written to the ALC and the Northern Territory Minister for Primary Industry and Resources advising them of my decision.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Nigel Scullion'.

NIGEL SCULLION

12 October 2018

Released under the FOI Act by the
National Indigenous Australians Agency (NIAA)



**Anindilyakwa
Land
Council**

Ph 08 8987 4006
Fax 08 8987 4098
admin@alcnt.com.au

30 Bougainvillea Drive
PO Box 172
Alyangula NT 0885

13 September 2018

**By E-mail
Confidential & privileged communication**

The Honourable Nigel Scullion
Minister for Indigenous Affairs
PO Box 6100
Senate, Parliament House
Canberra ACT 2600
Nigel.Scullion@ia.pm.gov.au

The Honourable Ken Vowles
Minister for Primary Industry and Resources
Parliament House
GPO Box 3146, Darwin NT 0801
minister.Vowles@nt.gov.au

s47F

Winchelsea Mining Pty Ltd

Dear Minister Scullion, Minister Vowles and **s47F**
s47F

Consent to Grant of Exploration Licence

On 10 September 2018 the Full Council of the Anindilyakwa Land Council (**ALC**) gave consent in accordance with its statutory functions under the *Aboriginal Land Rights (Northern Territory) Act 1976* (Cth) (**Land Rights Act**), to the grant of an exploration licence over that part of ELA 27521 marked as the **Proposed Sub Blocks** (within yellow border) shown in the **attached** map, in accordance with, and subject to, the terms and conditions of the exploration licence agreement that have been agreed by the ALC and Winchelsea Mining Company Pty Ltd.

Please accept this notification of such consent as required by section 42(1) of the Land Rights Act.

Further correspondence will be forwarded to the Minister for Indigenous Affairs seeking consent to the grant of the exploration licence under section 42(8) of the Land Rights Act, providing related background information and enclosing a copy of the proposed exploration agreement to be entered into with the applicant.

Please contact us if you have any questions in relation to this notification of consent.



Yours Sincerely s47F

s47F



anindilyakwa.com.au

Attachment 1





**Anindilyakwa
Land
Council**

Ph 08 8987 4006
Fax 08 8987 4098
admin@alcnt.com.au

30 Bougainvillea Drive
PO Box 172
Alyangula NT 0885

14 September 2018

**By E-mail
Confidential & privileged communication**

The Honourable Nigel Scullion
Minister for Indigenous Affairs
PO BOX 6100
Senate, Parliament House
Canberra ACT 2600

Nigel.Scullion@ia.pm.gov.au

Dear Minister Scullion

Request for consent under the Land Rights Act

- 1 Pursuant to its statutory functions under the *Aboriginal Land Rights (Northern Territory) Act 1976* (Cth) (**Land Rights Act**), the ALC requests your approval and consent under sections 27(3) and 42(8) of the Land Rights Act, in relation to the Winchelsea Island Exploration Agreement (**Agreement**).
- 2 The substance of the negotiations, consultations and Agreement reached is detailed in the **attached** submission. The proposed Agreement is also **attached**.

A. Request for approval under section 27(3) of the Land Rights Act

- 3 Payments under the Agreement are likely to exceed \$1,000,000. Accordingly the ALC requests your approval to enter into the Agreement.
- 4 As detailed in the **attached** submission, the ALC is satisfied that it has carried out its functions in respect of the land of relevance to the Agreement.
- 5 In particular, the ALC has carried out all necessary consultations required by section 23(3) of the Land Rights Act. This consultation process is outlined in paragraphs 7.1 to 7.16 of the attached submission.

B. Request for approval under section 42(8) of the Land Rights Act

- 6 Winchelsea Mining Company Pty Ltd and the ALC have reached agreement as to the terms and conditions of the grant of a mining interest over the area of land within ELA 27521.



- 7 On 10 September 2018 the Full Council of the ALC consented to the grant of the exploration licence over ELA 27521 subject to any required Ministerial consent.
- 8 As shown in the **attached** notification, the ALC has notified you, the Northern Territory Mining Minister and Winchelsea Mining of this decision.
- 9 The ALC is satisfied that it has complied with its statutory obligations under sections 42(2), 42(4) and 42(6) of the Land Rights Act as outlined in paragraphs 4.1–4.3, 5.1–5.9 and 7.1–7.16 of the attached submission.
- 10 For the purposes of section 42(8) of the Land Rights Act the ALC requests your consent to the grant of the Exploration Licence in accordance with the terms and conditions of the Agreement.

C. Income Distribution Arrangements

- 11 The Agreement involves income distribution for the traditional Aboriginal owners.
- 12 During consultations it was made clear that any distributions would only occur during school holidays. This has been written into the Agreement (see clause 6.1 of the Agreement).
- 13 All income under the Agreement is to be applied in accordance with the terms of the Agreement as provided in section 35(3)(a) of the Land Rights Act.

Thank you for your consideration of our approval request. Please contact me if you have any questions in relation to the approvals requested or require any further information.

S47F



ATTACHMENT H

Additional InformationLegislative provisions relevant to the proposed grant of an Exploration Licence

The Winchelsea Mining Pty Ltd (Winchelsea Mining) has negotiated and agreed with the Anindilyakwa Land Council (ALC) on the terms of the Winchelsea Island Exploration Agreement at Attachment H.

Winchelsea Mining is a joint venture arrangement between Anindilyakwa Advancement Aboriginal Corporation, representing the traditional Aboriginal owners, and Aus China International Mining Pty Ltd.

The Exploration Licence to be granted subject to the terms and conditions set out in the Winchelsea Island Exploration Agreement will allow Winchelsea Mining to explore for and evaluate deposits of manganese within the boundaries of the proposed Exploration Licence area delineated in the map enclosed in the ALC's notification at Attachment D.

The ALC seeks your consent under section 42(8) of the *Aboriginal Land Rights (Northern Territory) Act 1976* (Land Rights Act) to the grant of the Exploration Licence.

Subject to your consent, the Exploration Licence would be granted by the Northern Territory (NT) Government under the *Mineral Titles Act 2010* (NT).

Section 42(2) of the Land Rights Act provides that:

The Land Council shall not consent to the grant of the licence unless it has, before the end of the negotiating period, to the extent practicable:

- (a) *consulted the traditional Aboriginal owners (if any) of the land to which the application relates concerning:*
 - (i) *the exploration proposals; and*
 - (ii) *the terms and conditions to which the grant of the licence may be subject; and*
- (b) *consulted any Aboriginal community or group that may be affected by the grant of the licence to ensure that the community or group has had an adequate opportunity to express to the Land Council its views concerning the terms and conditions.*

Section 42(4) of the Land Rights Act sets out the specific requirements with which a Land Council must comply when consulting with traditional Aboriginal owners in relation to an exploration licence proposal.

Section 42(6) of the Land Rights Act provides that:

Subject to subsection (7), the Land Council shall not consent to the grant of the licence unless:

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- (a) *it is satisfied that the traditional Aboriginal owners (if any) of the land understand the nature and the purpose of the terms and conditions and, as a group, consent to them;*
- (b) *it is satisfied that the terms and conditions are reasonable; and*
- (c) *it has agreed with the applicant upon the terms and conditions.*

The letter from the ALC at Attachment E explicitly states it is satisfied it has complied with its statutory obligations in respect of these legislative provisions.

Relevant background information, including related consultations, is provided in the ALC's submission at Attachment F.

The ALC's correspondence advises that its consent to the grant of the Exploration Licence, over a defined portion of the area subject to Exploration Licence Application 27251, was given at a meeting of members held on 10 September 2018. Pursuant to section 42(1) of the Land Rights Act, the ALC has provided notification to the relevant parties of that decision and included an attached map (Attachment D refers).

At that same meeting, the ALC agreed to enter into the Winchelsea Island Exploration Agreement at Attachment G. The ALC's entry into this agreement is subject to your approval under section 27(3) of the Land Rights Act and advice about this matter is provided further down in this document.

Section 42(8) of the Land Rights Act provides that:

Where the Land Council consents to the grant of the licence, the Minister shall determine, in writing, whether he or she also consents to the grant, and shall notify the applicant and the Land Council, in writing, accordingly, within 30 days, or such other period as is prescribed, after:

- (a) *the receipt by the Minister of the notice under subsection (1);*
or
- (b) *the day on which the Land Council was, under subsection (7), deemed to consent to the grant of the licence.*

Section 42(9) of the Land Rights Act provides that:

If the Minister fails to comply with subsection (8), the Minister shall be deemed to consent to the grant of the licence.

Section 42(10) of the Land Rights Act provides that:

Where the Minister consents to the grant of the licence, he or she shall notify the applicant, the Northern Territory Mining Minister and the Land Council, in writing, accordingly.

Under section 42(8) of the Land Rights Act you have 30 days from the receipt of the notice from the ALC (Attachment D) to determine, in writing, if you consent to the grant of the Exploration Licence and notify the relevant parties of your decision.

The ALC's notification of its consent to the grant of the Exploration Licence was received via email by your office on 13 September 2018. The 30 day deadline for a written determination under section 42(8) of the Land Rights Act and notification to the relevant parties would normally be Saturday 13 October 2018. In this instance the deadline defaults to the next ordinary business day, being Monday 15 October 2018.

If you fail to make a written determination and notify the relevant parties in writing of your decision by Monday 15 October 2018, you will be deemed under section 42(9) of the Land Rights Act to have granted the consent sought.

Subject to the grant of the Exploration Licence, if Winchelsea Mining wishes to proceed to mining production at a later date it will be required to seek the grant of a mining interest and your consent under section 45(b) of the Land Rights Act.

The proposed Winchelsea Island Exploration Agreement at Attachment G includes provisions which describe the principles of any future mining agreement.

Delegation of powers to the NT Mining Minister

Some of your powers and functions provided in Part IV of the Land Rights Act have been delegated to the NT Mining Minister, currently the Minister for Primary Industry and Resources. Those delegations do not include your power under section 42(8) of the Land Rights Act to consent to the grant of an exploration interest.

Approval to enter into agreements that would involve the receipt of more than \$1,000,000

The ALC seeks your approval under section 27(3) of the Land Rights Act to enter into the Winchelsea Island Exploration Agreement at Attachment G as it may involve the receipt of more than \$1 million.

Section 27(3) of the Land Rights Act provides that:

A Land Council shall not, without the approval of the Minister, enter into, or permit a Land Trust holding land in its area to enter into, a contract involving the payment or receipt of an amount exceeding \$1,000,000, or, if a higher amount is prescribed, that higher amount.

Under section 27(4) of the Land Rights Act, you shall not give an approval under section 27(3) of the Act unless you are satisfied the Land Council concerned has complied with any duty imposed on it by section 23(3) of the Act.

Section 23(3) of the Land Rights Act provides:

In carrying out its functions with respect to any Aboriginal land in its area, a Land Council shall have regard to the interests of, and shall consult with, the traditional Aboriginal owners (if any) of the land and any other Aboriginals interested in the land and, in particular, shall not take any action, including, but not limited to, the giving of consent or the withholding of consent, in any matter in connexion with land held by a Land Trust, unless the Land Council is satisfied that:

- (a) the traditional Aboriginal owners (if any) of that land understand the nature and purpose of the proposed action and, as a group, consent to it; and*
- (b) any Aboriginal community or group that may be affected by the proposed action has been consulted and has had adequate opportunity to express its view to the Land Council.*

The letter from the ALC at Attachment E explicitly states it is satisfied it has complied with its statutory obligations under section 23(3) of the Land Rights Act.

Relevant background information, including related consultations, is provided in the ALC's submission at Attachment F.

Proposed arrangements for the receipt and distribution of compensation payments

Pursuant to section 35(3) of the Land Rights Act, if an exploration or mining agreement makes no explicit provision for the application of income received under the agreement as compensation for damage or disturbance to the land, the relevant Land Council is required to distribute that income to a corporate entity whose members are affected by the exploration or mining activity.

The Winchelsea Island Exploration Agreement at Attachment G does not prescribe how the ALC will apply the payments received, except that no distributions to traditional Aboriginal owners will be made during scheduled NT Government school terms.

Clause 6 of the Winchelsea Island Exploration Agreement outlines the payments to be received by the ALC.

Commitment to minimise the impact of distributions on school attendance

As noted above, the Winchelsea Island Exploration Agreement provides the ALC will not make distributions to traditional Aboriginal owners during scheduled NT Government school terms.



Department of
PRIMARY INDUSTRY
AND RESOURCES

Chief Executive
Level 4, Centrepont Building
48-50 Smith Street Mall
DARWIN NT 0801

Postal Address
GPO Box 3000
DARWIN NT 0801

s47F

File Ref: 2020/0028

Hon Ken Wyatt AM, MP
Minister for Indigenous Australians
Po Box 6022
Parliament House
CANBERRA ACT 2600

Dear Minister

Re: Winchelsea Mining Pty Ltd.

I write in support of an important Aboriginal Manganese mining project in the Groote Eyelandt archipelago. Winchelsea Mining Pty Ltd. (Winchelsea) is a joint venture between the Anindilyakwa Advancement Aboriginal Corporation (AAAC) and AUS China International Mining Pty Ltd.

The project is located on Winchelsea (Akwamburrkba) Island on the western side of the Gulf of Carpentaria, in the Northern Territory, and is in the advanced stages of exploration with a JORC resource expected to be announced in August 2020.

My understanding is that AUS China International Mining Pty Ltd. are looking to divest their shares in the joint venture, which provides an opportunity for AAAC to significantly increase their investment, should they be able to access appropriate financing arrangements.

The Anindilyakwa Land Council through the AAAC have had a strong focus on economic development opportunities for their people, and this project provides a significant opportunity for increased jobs and income for local Aboriginal people.

As you are no doubt aware, all mining projects require appropriate due diligence by potential investors, however I can commend the approach taken by the Winchelsea proponents as being thorough and professional to date.

Yours sincerely

s47F

14 July 2020

cc: **s47F** Anindilyakwa Land Council

WINCHELSEA MINING

BUILDING FUTURE GROOTE

16 April 2021

The Hon Ken Wyatt, AM MP
Minister for Indigenous Australians
Member for Hasluck

The Hon Nicole Manison
Minister for Mining and Industry
Deputy Chief Minister
Member for Wanguri

By email: Minister.Wyatt@ia.pm.gov.au
minister.manison@nt.gov.au

Dear Ministers,

RE: Winchelsea Mining Joint Venture Submission of ALRA Section 46A Statement

I write to both of you on behalf of Winchelsea Mining Pty Ltd (ABN: 92 626 747 037) ("Winchelsea") which holds a manganese exploration licence covering part of Winchelsea Island, an area located north of Groote Eylandt and part of the Groote Archipelago.

Background

Winchelsea Mining Pty Ltd is a joint venture between the Anindilyakwa Advancement Aboriginal Corporation ("AAAC") and AUS China International Mining Pty Ltd, with AAAC being the majority partner. AAAC is made up of the two traditional Aboriginal owner clans of Winchelsea Island. The exploration licence enables the joint venturer to explore part of Winchelsea Island. Should an economic resource be located, an application will then be made for a mineral lease. Any benefits from this project will be shared with all 14 Anindilyakwa clans.

I am pleased to inform you that by the end of 2020, we basically completed all exploration of Akwamburrkba (the traditional name for Winchelsea Island) and received an industry standard "Measured Resource" Joint Ore Reserves Committee Standard Compliant "JORC" Report showing a small to medium sized profitable mine.

Since then, we have modelled a minimal environmental impact mining method, at low cost and maximum profit which is outlined in the attached ALRA Section 46 Statement for your consideration to approve.

For purposes of clarification we are advised as follows:

Pursuant to s 46(2) ALRA, an intending miner should provide to the Minister a copy of the statement setting out the comprehensive mining works proposal that has been submitted to the Land Council under s 46(1) ALRA.

In the case of Winchelsea Mining Pty Ltd, this would be the comprehensive mining works proposal provided to the Anindilyakwa Land Council subsequent to exploration activities on EL 27521.

On receipt of the statement, the Minister is required to determine certain matters under s 47(3) ALRA within 90 days of receipt.

The determination powers under s 47(3)(a) ALRA are currently delegated to the NT Mining Minister.

The determination power under s 47(3)(b) ALRA is reserved to the Commonwealth Minister.

The effect is that both Ministers should be provided a copy of the statement for the purpose of ensuring the relevant determinations are appropriately actioned – and for NIAA and the NTG to co-ordinate their response.

It is also relevant to mention we have just lodged a Mining Lease Application with NTG's Dept Industry, Tourism and Trade and have also finalized a comprehensive Mining Agreement between the Traditional Owners and the Anindilyakwa Land Council.

Finally, we understand that determinations under s 47(3) ALRA are prerequisite steps before the Commonwealth Minister considers any request from a Land Council relating to consent to the grant of a mining interest by the NTG under s 45(b) ALRA and approval under s 27(3) ALRA for the Land Council and the Land Trust to enter into the related Mining Agreement.

S47F

Winchelsea Mining Pty



The Hon Ken Wyatt AM MP
Minister for Indigenous Australians
Member for Hasluck

Reference: MS21-000209

s47F

Winchelsea Mining Pty Ltd
s47F @wmining.com.au

Dear **s47F**

Thank you for your correspondence of 16 April 2021 regarding Winchelsea Mining's statement by an intending miner provided to me as required by subsection 46(2) of the *Aboriginal Land Rights (Northern Territory) Act 1976* (Land Rights Act).

That correspondence was also forwarded to the Hon Nicole Manison MLA, Northern Territory Minister for Mining and Industry.

The relevant determinations required under paragraphs 47(3)(a) and 47(3)(b) of the Land Rights Act have been made. Those determinations do not prevent the grant of a mining interest in respect of the proposed Winchelsea Mining operations on the area subject to Exploration Licence 27521.

The National Indigenous Australians Agency will advise the Anindilyakwa Land Council and the Northern Territory Department of Industry, Tourism and Trade of the determinations.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Ken Wyatt', written over a blue circular official stamp.

The Hon KEN WYATT AM MP
Minister for Indigenous Australians

30 / 6 / 2021



30 June 2021

By E-mail
Confidential & privileged communication

The Honourable Ken Wyatt AM MP

Minister for Indigenous Australians
Parliament House
Canberra ACT 2600

Minister.Wyatt@ia.pm.gov.au

Dear Minister Wyatt

A. Request for consent under the Land Rights Act

- 1 Pursuant to its statutory functions under the *Aboriginal Land Rights (Northern Territory) Act 1976* (Cth) (**Land Rights Act**), the ALC requests your approval and consent under sections 27(3) and 45(b) of the Land Rights Act, in relation to the Winchelsea Island Mining Agreement (**Mining Agreement**).
- 2 The substance of the negotiations, consultations and Mining Agreement reached is detailed in the **attached** submission. The proposed Mining Agreement is also **attached**.

A. Request for approval under section 27(3) of the Land Rights Act

- 3 Payments under the Mining Agreement are likely to exceed \$1,000,000. Accordingly, the ALC requests your approval to enter into the Mining Agreement.
- 4 As detailed in the **attached** submission, the ALC is satisfied that it has carried out its functions in respect of the land of relevance to the Mining Agreement.
- 5 In particular, the ALC has carried out all necessary consultations required by section 23(3) of the *Land Rights Act*. This consultation process is outlined in paragraphs 8.1 to 8.6 of the attached submission.

B. Request for approval under section 45(b) of the Land Rights Act

- 6 Winchelsea Mining Pty Ltd (**Winchelsea Mining**) is the holder of EL 27521.





- 7 Winchelsea Mining and the ALC have reached agreement as to the terms and conditions of the grant of a mining interest over the area of land within EL 27521, which terms and conditions are set out in the Mining Agreement.
- 8 On 31 March 2021 the Full Council of the ALC consented to the grant of the mining interest over ELA 27521 to Winchelsea Mining and to entry into the Mining Agreement, subject to any required Ministerial consent.
- 9 As shown in the **attached** notification, the ALC has notified you, the Northern Territory Mining Minister and Winchelsea Mining of this decision.
- 10 The ALC is satisfied that it has complied with its statutory obligations under sections 46(4) of the *Land Rights Act* as outlined in paragraphs 4.1–4.3, 5.1-5.7 and 7.1-7. 6 of the **attached** submission.
- 11 For the purposes of section 45(b) of the *Land Rights Act* the ALC requests your consent to the grant of the Mineral Lease in accordance with the terms and conditions of the Mining Agreement.

C. Income Distribution Arrangements

- 12 The Mining Agreement involves income distribution for the traditional Aboriginal owners.
- 13 During consultations it was made clear that any distributions would only occur during school holidays. This has been written into the Mining Agreement (**s47**).
- 14 All income under the Mining Agreement is to be applied in accordance with the terms of the Agreement as provided in section 35(3)(a) of the *Land Rights Act*.
- 15 In summary:

s47

Thank you for your consideration of our approval request. Please contact me if you have any questions in relation to the approvals requested or require any further information.





Yours faithfully

s47F

Anindilyakwa Land Council





The Hon Ken Wyatt AM MP
Minister for Indigenous Australians
Member for Hasluck

Reference: MS21-000347

s47F

Anindilyakwa Land Council

s47F

Dear

s47F

Thank you for your correspondence of 30 June 2021 seeking my consent to the grant of a mining interest and approval for the Anindilyakwa Land Council (ALC) to enter into a related mining agreement with Winchelsea Mining Pty Ltd. I am pleased that these negotiations have been finalised to the satisfaction of all parties.

I am satisfied that the ALC has complied with its statutory obligations under the *Aboriginal Land Rights (Northern Territory) Act 1976* (Land Rights Act) in giving its consent to the grant of the Mineral Lease.

I have given my consent, under subsection 45(b) of the Land Rights Act, to the grant of Mineral Lease to Winchelsea Mining Pty Ltd pursuant to Mineral Lease Application 32704.

I have also approved, under subsection 27(3) of the Land Rights Act, the ALC entering into the associated Mining Agreement with Winchelsea Mining Pty Ltd.

I have written to Winchelsea Mining Pty Ltd and the Northern Territory Minister for Mining and Industry, the Hon Nicole Manison MLA advising them of my decision.

Thank you for raising this matter.

Yours sincerely

The Hon KEN WYATT AM MP
Minister for Indigenous Australians

2 / 2 / 2021



The Hon Ken Wyatt AM MP
Minister for Indigenous Australians
Member for Hasluck

Reference: MS21-000347

The Hon Nicole Manison MLA
Minister for Mining and Industry
GPO Box 3146
DARWIN NT 0801

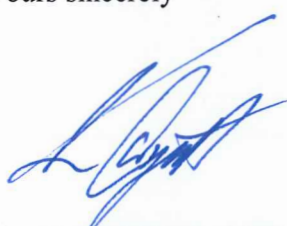

Dear Minister

The Anindilyakwa Land Council (ALC) wrote to me on 30 June 2021 seeking my consent to the grant of a Mineral Lease to Winchelsea Mining Pty Ltd.

I have given my consent, under subsection 45(b) of the *Aboriginal Land Rights (Northern Territory) Act 1976* (Land Rights Act), to the grant of a Mineral Lease to Winchelsea Mining Pty Ltd pursuant to Mineral Lease Application 32704.

I have written to the ALC and Winchelsea Mining Pty Ltd advising them of my decision.

Yours sincerely


The Hon KEN WYATT AM MP
Minister for Indigenous Australians

2 / 8 / 2021

Released under the FOI Act by the
National Indigenous Australians Agency (NIAA)



The Hon Ken Wyatt AM MP
Minister for Indigenous Australians
Member for Hasluck

Reference: MS21-000347

s47F

Winchelsea Mining Pty Ltd
s47F @wmining.com.au

s47F

Dear

The Anindilyakwa Land Council (ALC) wrote to me on 30 June 2021 and sought my consent to the grant of a Mineral Lease to Winchelsea Mining Pty Ltd.

I have given my consent, under subsection 45(b) of the *Aboriginal Land Rights (Northern Territory) Act 1976*, to the grant of a Mineral Lease to Winchelsea Mining Pty Ltd pursuant to Mineral Lease Application 32704.

I have written to the ALC and the Northern Territory Minister for Mining and Industry advising them of my decision.

I congratulate the Anindilyakwa people on establishing this mining operation and wish you every success with this venture.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Ken Wyatt'.

The Hon KEN WYATT AM MP
Minister for Indigenous Australians

2 / 8 / 2021

Released under the FOI Act by the
National Indigenous Australians Agency (NIAA)

From: wmining <wmining@cdmsmith.com>
Sent: Wednesday, 2 November 2022 11:41 AM
To: Burney, Linda (MP) <Linda.Burney.MP@aph.gov.au>
Subject: Winchelsea Island (Akwamburkba) Manganese Mine Environmental Impact Statement – Stakeholder Engagement

Dear Hon. Linda Burney,

Winchelsea Mining Pty Ltd (Winchelsea Mining) proposes to develop the Winchelsea Island (Akwamburkba) Manganese Mine Project (the Project). Winchelsea Mining is a joint venture between the Anindilyakwa Advancement Aboriginal Corporation (AAAC) and AUS China International Mining Pty Ltd. It was established in 2018 and the Project is part of a comprehensive economic strategy to enhance the existing Traditional Owner Future Fund to maintain important economic, cultural and community programs for people of the Groote Archipelago. Winchelsea will be an Aboriginal owned and operated mining venture.

The Project is currently completing final feasibility assessments and progressing through various approval processes including satisfying Terms of Reference for a Draft Environmental Impact Statement (EIS) under the NT *Environment Protection Act 2019*. Collaborative and continuous stakeholder engagement is an important part of the environmental and social impact assessment process. The regulatory process includes opportunities for stakeholder input; however, during this Draft EIS preparation stage we are seeking inputs to inform the assessment and Project documentation.

Our engagement objective is to inform and update stakeholders about the Project and identify potential concerns or opportunities that can be addressed during the current planning and approval process.

In addition to the attached information flyer, Project referral documentation and the Terms of Reference are also available for public review on the [NT EPA portal](#) and updates on the Project are provided on the [Winchelsea Mining website](#). Stakeholders can get in touch with us at any time to provide input, raise issues or ask questions. Please contact the CDM Smith Project team via one of the methods below:

EMAIL ADDRESS: wmining@cdmsmith.com
 POSTAL ADDRESS: Level 1, 48-50 Smith Street, Darwin NT 0800
 WEBSITE: <https://wmining.com.au/about-us/>
 PHONE: (08) 8943 0642

Sincerely,

s47F

E: wmining@cdmsmith.com
 A: Level 1, 48-50 Smith Street, Darwin NT 0800
 W: <https://wmining.com.au/about-us/>
 P: (08) 8943 0642



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WINCHELSEA MINING

BUILDING FUTURE GROOTE



WINCHELSEA MINING PROJECT

Released under the FOI Act by the
National Indigenous Australians Agency (NIAA)

» About Winchelsea Mine

Winchelsea Mining Pty Ltd is a joint venture between the Anindilyakwa Advancement Aboriginal Corporation (70%) and AUS China International Mining Pty Ltd (30%).

The Project will be **operated and managed by Winchelsea Mining Pty Ltd**. The Project term is for twelve years, including rehabilitation.

In December 2018, the **Northern Territory government** granted Winchelsea Mining a six-year exploration licence over about 20sq km of manganese-rich Winchelsea Island.

Winchelsea Mining is proposing to establish a manganese mine extracting from two mineralisation zones. Ore will be mined using excavator and dump truck, it will be crushed and screened onsite, hauled to stockpiles and conveyed to a barge loading facility for transhipment to ocean going vessels.

A small mine infrastructure area will be established on Winchelsea Island with personnel accommodation to be provided on Groote Eylandt.

Mine rehabilitation for the Project site will occur progressively with mining activities to limit the total disturbed mining area at any time. Emphasis will be placed on early rehabilitation of surface features to minimise the visual impact of the project on its surrounds. The mining operation is relatively compact when compared with other surface mines of similar capacity, resulting in a much-reduced environmental footprint.



» Economic benefits

Nation First

Locally controlled mining activity majority-owned by the land's Traditional Owners.

Groote Eylandt's economic Future

The Winchelsea Mine will shore up Groote Eylandt's economy when the GEMCO mine's operational life ceases.

Multiple Economic Streams

Economic benefits from the Project will be provided through salaries and wages, employee spending, contractor engagement, operational expenditure, investments and donations to the local community and royalties.

Sustainable Economy

Social and economic capital from their resources to create a stable future for their community support.

Cultural Economy

Funding the Anindilyakwa's cultural economy



» Employment opportunities

Indigenous Workforce

Winchelsea will strive to build a workforce comprising up to 50 per cent local Indigenous people

Operational Workforce

The mine will require around 55 workers/staff/employees initially. During construction, the workforce will increase to 200 people. About 100-150 personnel will be needed as steady-state contractor labour support.

Royalties

Winchelsea Mining will pay Statutory royalty payments to the Northern Territory Government under the *Mineral Royalty Act 1982*. Indirect royalty payments will be made into a Aboriginal benefit account.

Local Hire

The mine is committed to recruiting its workforce from the domestic and local labour markets where possible.

» Previous Engagement

Previous engagement about the prospect of Anindilyakwa mining manganese on Winchelsea Island became focused in the lead up to its application for an exploration licence in 2018.

The Anindilyakwa Advancement Aboriginal Corporation informed and sought feedback primarily through monthly meetings with the ALC 24-member Board.

The Board, in turn, consulted more broadly on important issues, like the impact of drilling on Winchelsea, with a broader group of up to 240 Traditional Owners representing Anindilyakwa's two clan groups.

During engagement, concerns principally focused on:

- Whether blasting would impact songlines
- The risk of manganese going into the sea
- Threatened species, including the Quoll and the Masked Owl which roosts in sandstone country to the north.

The ALC believes it has addressed each of these concerns to date through either providing more information or modifying plans.

» Current Engagement

Collaborative and continuous stakeholder engagement is an important part of the environmental and social impact assessment process. The regulatory process includes opportunities for stakeholder input; however, during this Draft EIS preparation stage we are seeking inputs to inform the assessment and project documentation.

Draft EIS Development	Draft EIS Assessment	Approved Project
Distribute Project flyer to stakeholders	Public exhibition of EIS (hard copy and on the NT EPA website)	Regular updates provided on Primary Gold website
Conduct Project briefings/meetings with government authorities and business	NT EPA will review public submissions and draft a response	Community notices or meetings as required (if possible)
Community members encouraged to contact the Project team with questions or inputs		Distribute updated Project flyer to community members
Respond to community input and addresses topics raised in the Draft EIS		

HAVE YOUR SAY

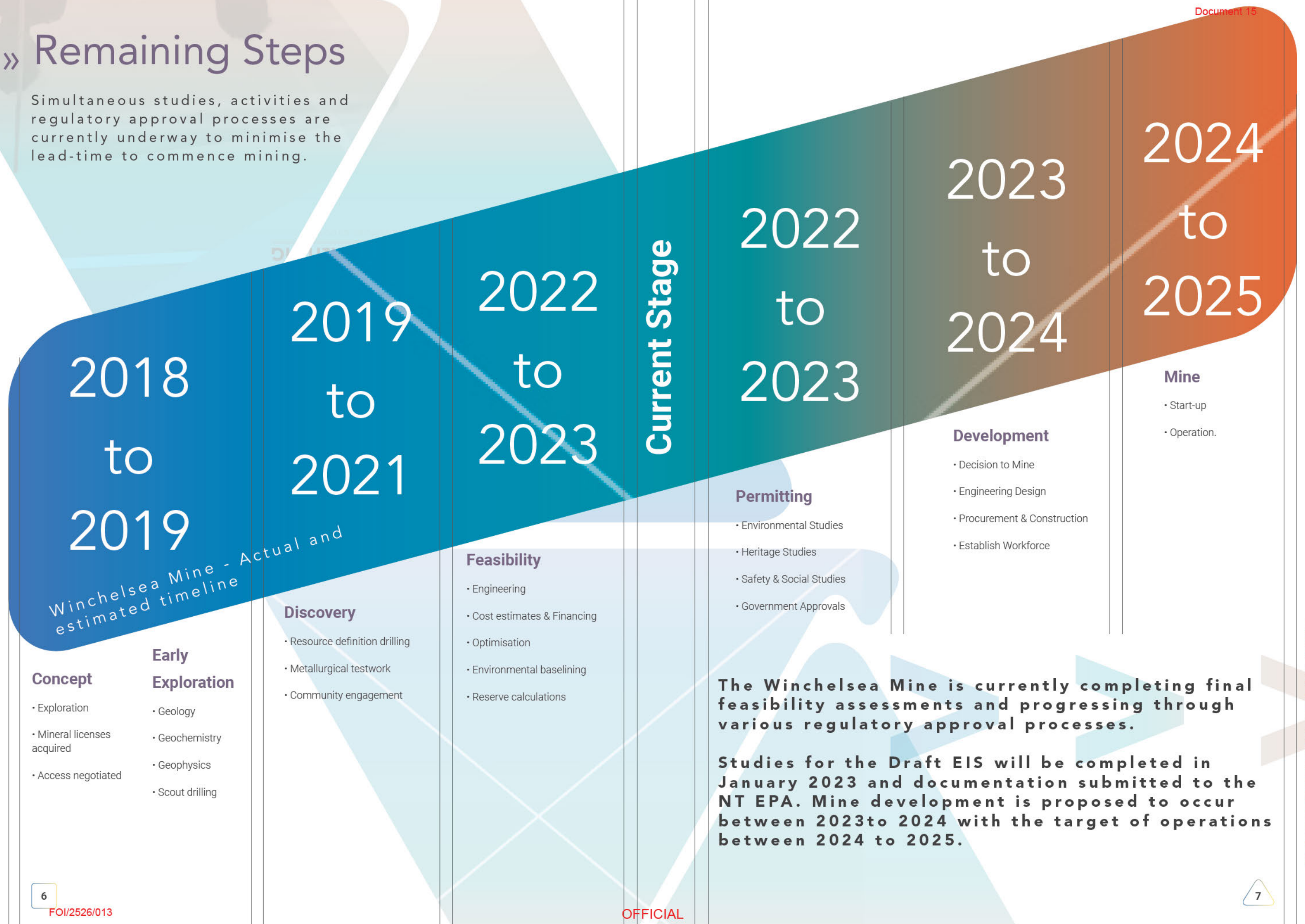
Community members can get in touch with us at any time to provide input, raise issues or ask questions. Please contact the CDM Smith project team via one of the methods below:

CDM Smith listen. think. deliver.	POSTAL ADDRESS Level 1, 48-50 Smith Street Darwin, NT 0800 Australia	PHONE +61 08 8943 0642	EMAIL wmining@cdmsmith.com
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» Remaining Steps

Simultaneous studies, activities and regulatory approval processes are currently underway to minimise the lead-time to commence mining.



Winchelsea Mine - Actual and estimated timeline

Concept

- Exploration
- Mineral licenses acquired
- Access negotiated

Early Exploration

- Geology
- Geochemistry
- Geophysics
- Scout drilling

Discovery

- Resource definition drilling
- Metallurgical testwork
- Community engagement

Feasibility

- Engineering
- Cost estimates & Financing
- Optimisation
- Environmental baselining
- Reserve calculations

Current Stage

Permitting

- Environmental Studies
- Heritage Studies
- Safety & Social Studies
- Government Approvals

Development

- Decision to Mine
- Engineering Design
- Procurement & Construction
- Establish Workforce

Mine

- Start-up
- Operation.

The Winchelsea Mine is currently completing final feasibility assessments and progressing through various regulatory approval processes.

Studies for the Draft EIS will be completed in January 2023 and documentation submitted to the NT EPA. Mine development is proposed to occur between 2023 to 2024 with the target of operations between 2024 to 2025.



STAKEHOLDER ENGAGEMENT

LOCAL DECISION MAKING

The Winchelsea Project forms part of a Groote Archipelago Local Decision Making Agreement for economic development. The agreement signed and implemented on 19 June 2019 by the Northern Territory Chief Minister, the Hon Michael Gunner, Northern Territory Minister for Aboriginal Affairs, The Hon Selena Uibo, Chairman for the Anindilyakwa Land Council Mr Tony Wurramarra AO and the Chief Executive Officer for the Anindilyakwa Land Council Mr Mark Hewitt.

Our engagement objective is to inform and update our stakeholders about the Project and identify potential concerns or project opportunities that can be addressed during the approvals and planning processes.

WINCHELSEA MINING

BUILDING FUTURE GROOTE



The Hon Linda Burney MP
Minister for Indigenous Australians

Reference: MC22-005119

s47F

Stakeholder Engagement Team
 CDM Smith
wmining@cdmsmith.com

Dear

s47F

Thank you for your email of 2 November 2022 providing an update on the Winchelsea Island (Akwamburkba) Manganese Mine Project, a joint venture between Anindilyakwa Advancement Aboriginal Corporation and AUS China International Mining Pty Ltd (Winchelsea Mining).

I understand the proposed mine forms part of an economic strategy to enhance the existing Traditional Owner Future Fund, which is used to maintain important economic, cultural and community programs for the people of the Groote Archipelago. I note royalties from the proposed mine are intended to replace the royalties received from the GEMCO mine on Groote Eylandt, expected to cease operations in the next four years, ensuring ongoing funding for the Future Fund.

I also understand the Anindilyakwa Advancement Aboriginal Corporation ownership of the mine has increased to 70 percent. I commend Winchelsea Mining for committing to building a workforce comprising up to 50 percent First Nations people. I note the next stages for the project will involve completion of environmental and heritage studies, and responding to stakeholder feedback provided on the draft Environment Impact Statement.

I strongly encourage Winchelsea Mining to ensure members of the Anindilyakwa community and other First Nations stakeholders on Groote Eylandt are made aware of this opportunity to comment and are assisted to do so. I also advise that consultations with all stakeholders should be ongoing for the life of the project, including project decommission and rehabilitation.

Thank you for raising this matter.

Yours sincerely

The Hon LINDA BURNEY MP
 Minister for Indigenous Australians

Parliament House CANBERRA ACT 2600



Sent by email only

Senator the Hon. Malarndirri McCarthy
Minister for Indigenous Australians
Commonwealth Government
Parliament House
Canberra, ACT

23rd August 2024

Private & In Confidence

Dear Minister

ALC Board Request – Section 64(4) ALRA funding consideration

I am writing to advise you that on 22nd August 2024 the Anindilyakwa Land Council (**ALC**) Board resolved to seek your consideration for additional funding support under Section 64(4) of the *Aboriginal Land Rights (Northern Territory) Act 1976* to support for the continuation of critical TO-led community programs across the next 18 months.

As you are aware, extensive damage to the GEMCO wharf and export pier, caused by Tropical Cyclone Megan that hit Groote Eylandt in March of this year, has prevented GEMCO from getting the manganese to market. As advised to the ASX in April by South32 (GEMCO's parent company), export operations are not scheduled to re-commence until Q1 2025, and GEMCO will not be making any profit until the pier is repaired and the sale of manganese recommences.

As a result of this incident, over which the ALC and Traditional Owners have no control, the ALC has not received any Section 64(3) royalties under the *Aboriginal Land Rights (Northern Territory) Act 1976* for the August 2024 round, nor does the ALC expect to receive any future Section 64(3) payments until the GEMCO mining operation is back in profit for a full half-year. Even when the mining operation does get back into profit, it is anticipated that the royalty receipt will be less than that previously experienced, mostly due to recent inflationary pressures and increased operating costs (including deeper pits) impacting profitability and royalty receipts.

s47G





Additionally, the ALC Board and Finance Committee have instigated a review of the Section 64(3) supported programs, including across all Aboriginal Corporations funded from royalties, which has led to reduced budgets and costs.

In this context, however, the ALC Board and Finance Committee have identified and closely examined certain further projects and programs whose continuation through this upcoming period is vital, but whose funding (and, therefore, ongoing feasibility) is completely beyond the current limits of the ALC in the absence of any Section 64(3) royalty receipts.

To support this, the ALC is submitting three separate requests to each of ARAC, AMT and yourself for urgent additional funding support to help, collectively, to maintain these important programs and projects across the next 18 months, as detailed below.

The ALC will be requesting Anindilyakwa Royalties Aboriginal Corporation (**ARAC**) to repurpose certain unexpended and available royalty funds it currently holds (i.e. as a result of changes to previous projects, surplus funds, and rainy day savings) to address the funding shortages that directly affect the operations of programs being currently delivered by ARAC with Section 64(3) royalties, such as RDU Operations, the TO Christmas hampers, and TO electricity subsidies. As you will see, ARAC will also be requested to consider distributing a percentage of those unexpended royalty funds to individual Traditional Owners in September 2024, in line with that provision normally and historically paid to individual Traditional Owners at each Section 64(3) royalty distribution recognising the significant impact GEMCO's operations have had upon their lives. We enclose (in confidence) a spreadsheet highlighting the relevant support being sought from ARAC.

The ALC will also request additional funding support from the AMT for certain economic activities directly relating to the Traditional Owners' aspirations to invest in and build sustainable replacement income and wealth in preparation for GEMCO's impending departure from Groote Eylandt. Indeed, the unanticipated and severe impacts of TC Megan has placed an even greater emphasis on the ALC Board's need to adequately prepare the Traditional Owners for an economically stable future once the GEMCO mine closes around 2030. We enclose (in confidence) a spreadsheet highlighting the relevant support being sought from the AMT. As you will see, the identified funding relates to critical TO-led economic enabler projects such as the Winchelsea mine, the development of a large-scale solar power farm at Little Paradise, and aquaculture trial operations during the next 18-month period.

Additionally, but complimentary, to the above, the ALC makes this request for specific funding under Section 64(4) to support those local Aboriginal Corporations who rely on regular Section 64(3) royalty income to deliver important community-facing programs during the next 18 months. This Section 64(4) submission concerns the necessary funding to support the continuation of various key community-facing programs covering a diverse range of areas including youth, sport and recreation, health, community support, preserving culture, education, housing, and information technology, all of which directly benefit the Traditional Owners and other Aboriginals living in the ALC Region. It should also be noted that these programs collectively provide for significant and meaningful employment opportunities for Traditional Owners. We enclose a spreadsheet highlighting the relevant support being sought under Section 64(4).





We hope this request for additional and specific funding support under Section 64(4) may be considered as a matter of priority and critical importance for the Traditional Owners, and we would welcome the opportunity to discuss this matter with your or NIAA further and respond to any questions or queries you may have.

Thank you for your consideration.

Yours faithfully

s47F

Cc

s47F

ALC CEO

Jody Broun
NIAA CEO

Encl, copies of: List of critical programs and projects requiring additional funding support from NIAA, ARAC and AMT



S47G

S47G

S47G

S47G

S47G

Released under
National Indigenous Australians Agency (NIAA)

From: s47F
To: Minister McCarthy
Cc: s47F; Brown, Jody; s47F; s22; Kerrigan, Rachel; s47F
Subject: Anindilyakwa Land Council request for additional s64-4 funding
Date: Wednesday, 28 August 2024 1:54:41 PM
Attachments: alc_logo_cmyk_horizontal_teal_a897c6da-08a7-435d-891b-cfd5e0d6829.png
2024.08.23 Minister McCarthy Request for Additional Funding Support S64-4.pdf
Royalty Funding Requests August 2024.xlsx

Dear Minister

Private & In Confidence

Please find attached a letter, with attachment, for consideration for providing additional funding as set out in the letter. s47F has requested that I forward this letter to you on her behalf.

If you have any questions, please do not hesitate to let me know.

Kind Regards



Anindilyakwa
Land Council

s47F

Level 2 58-62 McLeod St, Cairns QLD 4870

M: s47F | E: s47F
anindilyakwa.com.au

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Senator the Hon Malarndirri McCarthy
Minister for Indigenous Australians
Senator for Northern Territory and Christmas and Cocos (Keeling) Islands

MC24-004546

s47F

Anindilyakwa Land Council
PO Box 172
ALYANGULA NT 0885

Dear **s47F**

Thank you for your letter regarding Anindilyakwa Land Council's (ALC) request for funding under section 64(4) of the *Aboriginal Land Rights (Northern Territory) Act 1976* (Land Rights Act).

I understand damage to the GEMCO wharf and pier has impacted ALC's royalty payments and that ALC is considering a number of avenues of additional support, as well as taking steps to mitigate the impact on key programs and projects.

Aboriginal Investment NT, formerly known as the Northern Territory Aboriginal Investment Corporation, was established in November 2022 to promote the self-management and economic self-sufficiency of Aboriginal people living in the Northern Territory. Since that time, the Minister for Indigenous Australians does not make new funding decisions under section 64(4) of the Land Rights Act.

You may wish to consider applying for a grant with Aboriginal Investment NT. Community Impact and Innovation grants opened on 1 October 2024. More information is available on 1800 943 039 or www.aboriginalinvestment.org.au/grants.

I have asked the National Indigenous Australians Agency to provide support to the ALC in relation to this matter. s22 will be in contact with you. s22 is also contactable on s22

s22

Thank you raising this matter.

Yamalu



Senator the Hon Malarndirri McCarthy
Minister for Indigenous Australians

30/1/2025