



FNLRS

FIRST NATIONS
LEGAL & RESEARCH
SERVICES

Date: 8 July 2026

To Gunaikurnai native title holders

Consultation and Consent: Exploration Licence Application 008843 on Gunaikurnai country

This letter concerns an application to the State, by Maligo Pty Ltd (Maligo), for exploration licence application 008843 to explore on Gunaikurnai country. Maligo is negotiating with the Gunaikurnai Land and Waters Aboriginal Corporation (**GLaWAC**) to seek its consent, on behalf of native title holders, to the grant of these exploration licences by the State.

As a Prescribed Body Corporate (**PBC**), GLaWAC is empowered to negotiate agreements for exploration licences on behalf of native title holders. In accordance with the *Native Title (Prescribed Body Corporate) Regulations 1999* (**PBC Regulations**), GLaWAC must undertake a process of consultation and consent with native title holders as a part of that agreement making process.

This letter commences the process for consultation and consent for the agreements relating to the above exploration licence.

The letter also sets out:

- The terms set for agreement with Maligo for GLaWAC's consent to the State's grant of exploration licences;
- The legal requirements for negotiating these agreements; and
- The process for consulting with native title holders and deciding whether consent has been achieved.

It is important to note that, if granted, this licence **will not extinguish native title**. It is also not an agreement for Maligo to **mine**. At the exploration stage, the company is spending money and not making any money. The exploration stage is **separate** to the mining stage.

Maps showing the location of the exploration licence are **attached**.

The Licence

An exploration licence allows the company to look for mineral resources, in this case; gold, manganese, titanium, zinc, nickel, antimony, copper, silver and platinum. The licence permits some ground disturbance such as drilling but it does not allow the company to mine the mineral for commercial purposes. By entering into these agreements, if GLaWAC holds any concern about cultural heritage over an area the Proponent wishes to drill, it has the power to influence the activity.



GLaWAC standard terms for exploration licence agreements

The terms for these exploration licence agreements are set out below. These terms are consistent with other agreements entered into by GLaWAC in the past.

- An annual access fee of \$2,500.
- For drilling < 300 mm diameter hole at the surface the following:
 - \$2 per drill hole for depths < 5m;
 - \$5 per drill hole for depths > 5m & < 20m;
 - \$10 per drill hole for depths > 20m & < 100m;
 - \$50 per drill hole for depths > 100m & < 200m;
 - \$100 per drill hole for depths > 200m.
- For large core bulk sample drilling, \$10 per cubic metre.
- For excavating, including costeaning, trenching, channelling, access tracks, and clearing of vegetation: \$1 per square metre.

(All figures are exclusive of GST and subject to indexation.)

Cultural heritage for this licence is managed in part under the *Aboriginal Heritage Act 2006*. However, the GLaWAC agreements contain additional and more stringent requirements for cultural heritage awareness, monitoring and protection, as well as environmental management and rehabilitation obligations.

GLaWAC has conducted negotiations to ensure the following additional terms and conditions are in place to protect cultural heritage:

- GLaWAC must be notified prior to the Proponent carrying out any proposed low or high impact activities.
- If considered necessary to ensure that cultural heritage is protected, cultural surveys will be performed prior to the low or high impact activities being conducted;
- If, as a result of those surveys, GLaWAC holds concerns about the impact of cultural heritage, it can **veto** those high impact activities; and
- Maligo has also agreed to pay for the reasonable costs of the cultural survey work.

Legal Requirements

Under the *Native Title Act 1993 (Act)*, when a company makes an application to the State for an exploration licence over an area that includes Gunaikurnai Country, they must negotiate with GLaWAC on behalf of the Gunaikurnai to obtain the consent of the Gunaikurnai to the grant of the licence.

Under the Act, if no agreement is reached at the end of the 6 months, the company can apply to the National Native Title Tribunal for the licence to be granted without consent of the Gunaikurnai native title holders. Such applications are usually successful, and as a result, native title holders and GLaWAC would have no procedural rights in relation to the grant.



FNLRS

FIRST NATIONS
LEGAL & RESEARCH
SERVICES

Consultation and Consent process

As outlined above, GLaWAC is empowered to negotiate agreements for this exploration licence on behalf of native title holders in accordance with the PBC Regulations and must undertake a process of consultation and consent with native title holders. Obtaining consent does not mean the consent of every individual native title holder but the consent of the broader group.

The Gunaikurnai process for consultation and consent was agreed at a native title meeting on 30 November 2012. That process is as follows:

That once the terms of the agreement have been settled by the Board, the terms of the agreement and supporting information is mailed out to the GLaWAC members inviting comment within 4 weeks of the mail out date. The cover letter to the members will state that:

- i. where no comments are received by the closing date then the requirements of consultation and consent will be deemed to have been met;*
- ii. where there are comments but none in opposition, then the requirements of consultation and consent will be deemed to have been met;*
- iii. where there are comments which oppose the agreement, that those comments are brought back to the Board who will make a decision as to whether the requirements of consultation and consent have been met based upon the number and substance of the comments received.*

Your say

As stated above, this letter seeks to commence the consultation process as to whether native title holders' consent to the agreements for Exploration Licence Application 008843 on the terms set out in this letter.

GLaWAC's General Counsel, Michael Woods, will be running drop-in information sessions at the GLaWAC Office in Morwell on **Monday 20 July at 5.30pm** and at the GLaWAC Office in Kalimna West on **Wednesday 29 July at 10:00am**. These sessions are designed to provide more detailed information to interested parties, and to provide an in-person forum to have your say.

If you are unable to make the information sessions on the above dates, you are welcome to contact **Kieren Murray** at **First Nations Legal & Research Services** for more information at kieren.murray@fnlrs.com.au. All comments or questions you may have in relation to this letter, including the licence application and the standard terms, should also be directed to kieren.murray@fnlrs.com.au by **Wednesday, 5 August 2026**.

Yours sincerely

Kieren Murray

Lawyer

kieren.murray@fnlrs.com.au

PROPOSED WORKINGS EL8843

- Old Diggings (to be reworked)
- Proposed Exploration Area
- Old Access Track
- Proposed Track
- Existing Track (Vicmap Transport)

Vicmap Hydro

- Named Watercourse
- Unnamed Waterway
- Area of Cultural Heritage Sensitivity

Coordinate System: GDA 1994 MGA Zone 55
Date: 23/03/2026 Version: 1b

