

Adnyamathanha Traditional Lands Association (Aboriginal Corporation) RNTBC

ICN 3743 ABN 14 146 238 567 (under special administration)

NEWSLETTER 4 :: October 2021

DEAR MEMBERS, TRADITIONAL OWNERS AND OTHER INTERESTED PEOPLE,

My name is Peter McQuoid and on 17 April 2021 the Registrar of Indigenous Corporations, Selwyn Button, appointed me special administrator for Adnyamathanha Traditional Lands Association (Aboriginal Corporation) RNTBC (ATLA) until Wednesday 30 June 2021. The special administration has since been extended to 31 December 2021.

This is my 4th newsletter as the special administrator for ATLA. While I am in this role, I'll send regular newsletters to let you know what I'm doing to help get your corporation ready to hand back to members' control.

CULTURAL GOVERNANCE

Culture, heritage and native title committee (CHANT)

ATLA's core functions include protecting, managing and controlling **culture, heritage** and **native title rights and interests**. During the special administration, the body with responsibility for cultural governance is the culture, heritage and native title committee (CHANT).

Having consulted with elders and other significant Adnyamathanha people, we are now asking ATLA members to elect CHANT members.

Your chance to vote for CHANT members

It's time to have your say in who you want to represent your family group on CHANT. We are mailing out a form inviting you to vote for your family group representatives on CHANT.

The role of CHANT

Initially, CHANT will exist for as long as ATLA is under special administration. Its purpose is to connect the activity of ATLA with Adnyamathanha culture. CHANT will deal with matters such as:

- ATLA membership
- language retention
- cultural heritage
- site clearance surveys
- men's and women's groups
- development of youth and cultural respect
- alignment of ATLA's commercial and business activities with Adnyamathanha culture.

CHANT works under a 'terms of reference' (ToR) document, which guides its operations and decision-making. The ToR document is published on ATLA's Facebook page. If you would like a printed copy, please pass your postal address to George Treloar at Moore Australia by email atla@moore-australia.com.au or by phone 08 8224 3300.

Core family groups

The composition of CHANT under special administration will align with the 8 core Adnyamathanha family groups as per the genealogy. There will be 2 representatives each—one man and one woman—for descendants of:

- Frome Charlie and Lucy Darmody
- Albert and Susie Wilton – Wilton family
- Mount Searle Bob – McKenzie family
- Willy Austin Senior – Austin family
- Nicholas Demell – Demell family
- Sydney Ryan – Ryan family
- Angepena Billy – Coulthard family
- Johnson/Jackson – Johnson, Jackson, Clark family

Will CHANT members change after special administration?

The first CHANT members will be appointed for 2 years. A 2-year term will provide stability, during and immediately after the special administration. At the end of the initial term, ATLA members can decide who will belong to CHANT from that point on.

Who is eligible to vote?

Voting forms are personalised for registered members of ATLA as at 22 October 2021. Only the person named on the form can use it to vote. You may of course discuss with your family members when casting your vote.

Is voting compulsory?

No; voting is important but it is a personal choice.

Who can you vote for?

Your CHANT voting form will ask you to nominate 2 people (one man and one woman) from your family group.

How do I vote?

The voting form includes instructions on how to complete it. You will be asked to provide contact details for each person, and to indicate their moiety

(Mathari or Arraru)—because we also want fair representation of moieties on CHANT.

To return your form, use the pre-paid envelope included with your voting form. It is addressed to PO Box 169, Jerrabomberra NSW 2619.

A short video on how to cast your vote is on the ATLA members Facebook page.

When can you vote?

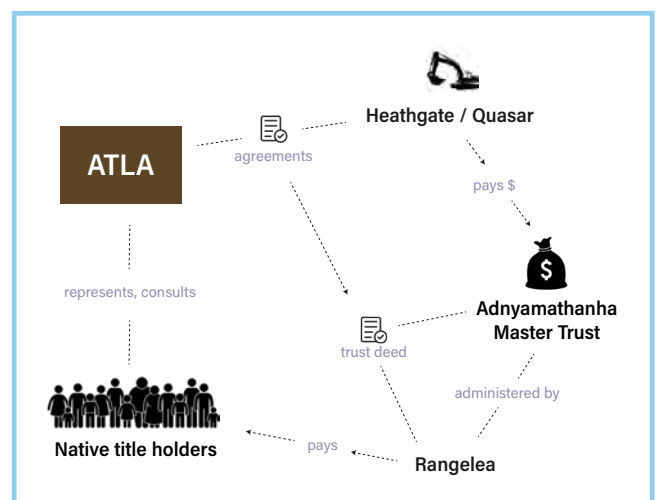
You can vote as soon as you receive your form. For your vote to count, you must post your form by 17 December 2021.

We look forward to receiving your votes.

Update on ATLA & Rangelea Holdings

In my last newsletter, I explained why royalty payments were suspended.

Heathgate Resources Pty Ltd (Heathgate) and its affiliate Quasar Resources Pty Ltd (Quasar) both have native title mining agreements with ATLA. Under those agreements, Heathgate and Quasar make payments to Rangelea Holdings Pty Ltd (Rangelea). Rangelea is the trustee of the Adnyamathanha Master Trust. That means Rangelea is to distribute or use the funds from Heathgate and Quasar for the benefit of the Adnyamathanha native title holders, according to the rules set out in the Adnyamathanha Master Trust deed.



How mining payments should pass to Adnyamathanha native title holders

The main reason ATLA is under special administration is that Rangelea has not been transparent about payments that have been made to Rangelea for Adnyamathanha native title holders under the agreements with Heathgate and Quasar.

ATLA and Rangelea share a responsibility to act in the best interests of Adnyamathanha native title holders. ATLA has asked Rangelea to attend mediation at the Native Title Tribunal to discuss solutions, but so far Rangelea's directors have refused.

In July 2021, Rangelea directors commenced proceedings in the Supreme Court of South Australia against ATLA, Heathgate and Quasar, seeking to resume royalty payments. The case was heard on 26 July. There have now been 4 directions hearings held with the most recent having been held on 19 October. A directions hearing is a short court appearance where orders are made about what should happen next. These hearings have been heard by Judge Dart (Master) in the Supreme Court of South Australia.

For the information of the community:

- ATLA has never asked for access to Adnyamathanha compensation money.
- ATLA is not seeking to control the Adnyamathanha compensation money.
- The funeral fund continues to be available via Rangelea.
- The special administrator does not want to control Adnyamathanha compensation money.
- Neither ATLA nor its subsidiary ATLA1 distribute compensation money; that is the job of the directors of Rangelea.
- Mediation was arranged so that the directors of Rangelea could be informed of these things but the directors of Rangelea refused the invitation.

Prior to the 19 October hearing, directors of Rangelea requested a further delay to the proceedings—of 2 months. ATLA objected to this. ATLA wants the case to go to trial and be decided by the court as soon as possible. ATLA wants compensation money to be available to the common law holders for the December 2021 distribution.

There are two matters before the court:

1. **The Rangelea matter**—Rangelea directors have applied to have the suspended compensation monies paid to Rangelea immediately.
2. **The ATLA matter**—the special administrator has applied to have an inspector appointed to Rangelea, to report to the court on how the directors of Rangelea have spent and distributed the compensation money.

On 19 October Judge Dart ordered...

...with respect to **the Rangelea matter**:

1. to refer the application to the special classification list—meaning it will be heard by a justice of the court and prepared for trial
2. to adjourn consideration of the Rangelea application to the next hearing
3. to adjourn the application for directions on 18 November at 9.15 am
4. to defer the decision on who will pay the costs of the winning party

...with respect to **the ATLA matter**:

1. to extend the deadline for Rangelea to file a defence to 29 October 2021 (as requested by Rangelea directors)
2. to defer the decision on who will pay the costs of the winning party
3. to refer the application to the special classification list—meaning it will be heard by a justice of the court and prepared for trial
4. to adjourn the application for directions on 18 November at 9.15 am
5. ATLA and Rangelea to exchange their case documents by 19 November

I anticipate that on 18 November the court will set a start date for the trial. In the meantime, hopefully, Rangelea directors will vote to attend mediation and bring an end to the mounting court costs.

ORIC has paid all ATLA's costs in this court case. The legal fees for 15 July 2021 to 30 September 2021 come to \$190,658.11. I don't know how much the directors of Rangelea have paid in legal fees, nor do I know the source of the money used to pay their legal fees.

I will provide another update after the hearing on 18 November 2021.

Corporation advisory group

We continue to work with the corporation advisory group (CAG) to make sound decisions for the welfare and governance of the corporation. CAG members will be considered for future board positions and should have the skills required to guide and strengthen the corporation's governance, leadership, business and strategic development. These are significant and important roles in a registered native title body corporate (RNTBC).

Calling for advisory group nominations

I would be pleased to hear from new people who feel they have the skills to contribute to the commercial oversight of ATLA. If you would like to be considered, please fill out and return the attached advisory group nomination form. I will accept nominations for the advisory group well into the special administration but encourage you to express your interest as soon as possible. Keith Mackay from PDMC will help me select people with the best range of skills.

Independent specialist directors

Adnyamathanha members will always have a majority on the CAG (and future board). Independent specialist members bring skills and a fresh perspective, but they will never overrule or control Adnyamathanha directors.

When ATLA is returned to its members, the directors will appoint future independent specialist directors. Until then, a process is under way to select 2 independent specialist CAG members. The 4 shortlisted people all attended the CAG meeting on 23 September. They will also attend the next meeting on 3 November. After that, 2 successful candidates will be appointed.

YOUR MEMBERSHIP DETAILS

It is essential for ATLA to have an up-to-date register of members so you can be contacted for important decision-making. If you are a member of ATLA, please use the attached form to update your membership details so that we can consult with you as the special administration progresses.

We need your **full name, address, mobile number and email** (if you have one). Moore Australia is handling this process. All members: please send your details to atla@moore-australia.com.au or call George Treloar at Moore on 08 8224 3300.

COMMUNITY INFORMATION MEETING

We are planning a community information meeting as part of our commitment to consulting and communicating with members and common law holders. To make it most effective for the Adnyamathanha people, the community information meeting will be held soon after the outcome of the ongoing court case is known.

MORE ON SPECIAL ADMINISTRATIONS

See ORIC's fact sheet **Special administrations: what members and directors need to know**.

Find out more about special administrations via oric.gov.au or by calling the Registrar's office on **1800 622 431**.

Many thanks,
Peter & Keith



SPECIAL ADMINISTRATOR

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NOMINATION TO BE IN THE ADVISORY GROUP

I, _____
(insert name)

nominate myself for the special administrator's advisory group.

My relevant background and experience

My contact details

Email: _____ Phone: _____

Address: _____

Signature: _____ Date: _____

Please return your form to PDMC by email to k.mackay@pdmc.net.au

For more information, call Keith Mackay on 07 3289 6071

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CONFIRMATION OF MEMBERSHIP DETAILS

Name

Address

Mobile number

Email address

Date joined (if known)

Please return your completed form by any of the below means:

Email: atla@moore-australia.com.au

Fax: 08 8224 3311

Post: GPO Box 1171, Adelaide SA 5001