

Adnyamathanha Traditional Lands Association (Aboriginal Corporation) RNTBC

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

NEWSLETTER 3 :: August 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.

While in this role, I'm sending regular newsletters to let you know what I'm doing to help get your corporation ready to hand back to member control.

Adnyamathanha culture & heritage

Culture, heritage and native title committee

Protecting, managing and controlling culture, heritage and native title rights and interests are core functions of ATLA. We are working on enhancing the culture, heritage and native title committee (CHANT) to ensure independent and culturally appropriate representation to handle heritage and culture matters and control ATLA's native title interests. Over the past few weeks we have consulted with elders and other significant Adnyamathanha people to make sure we get this right. We will announce the changes to the structure and membership of CHANT in future newsletters.

ATLA culture & heritage manager

We have just started to recruit an Adnyamathanha person to join ATLA to assist in ensuring that Adnyamathanha culture and heritage interests are

recognised and protected. The key objectives for the role are to:

- provide advice and support on native title and heritage matters
- liaise with CHANT as appropriate
- support cultural surveys, monitoring and ATLA response to site clearances by resource companies
- manage logistics and operations of heritage survey teams
- represent ATLA and liaise with native title mining agreement partners and other commercial entities in relation to heritage surveys/site clearances
- manage and facilitate cultural training.

This will be a work-from-home role initially with a lot of flexibility in terms of location.

If you are interested in this role, further information is available from Kelli Dragos at Abundance HR— phone 0419 419 554 or email kelli.dragos@abundancehr.com.au

Culture & heritage advisor

In July, John Ramsay joined ATLA as a principal advisor, taking over the role previously performed by MPS Law in administering culture and heritage business. John will provide administration services to CHANT and assist in coordinating culture, heritage and native title matters. There is a great deal of work to be done: the MPS Law handover notes were 20 pages long. John is also helping CHANT and corporation advisory group members to develop the terms of reference for CHANT.

John's position has been funded for 6 months by the Office of the Registrar of Indigenous Corporation (ORIC).

On behalf of ATLA, I extend my thanks to MPS Law for the work they have done and the contribution they have made in assisting CHANT.

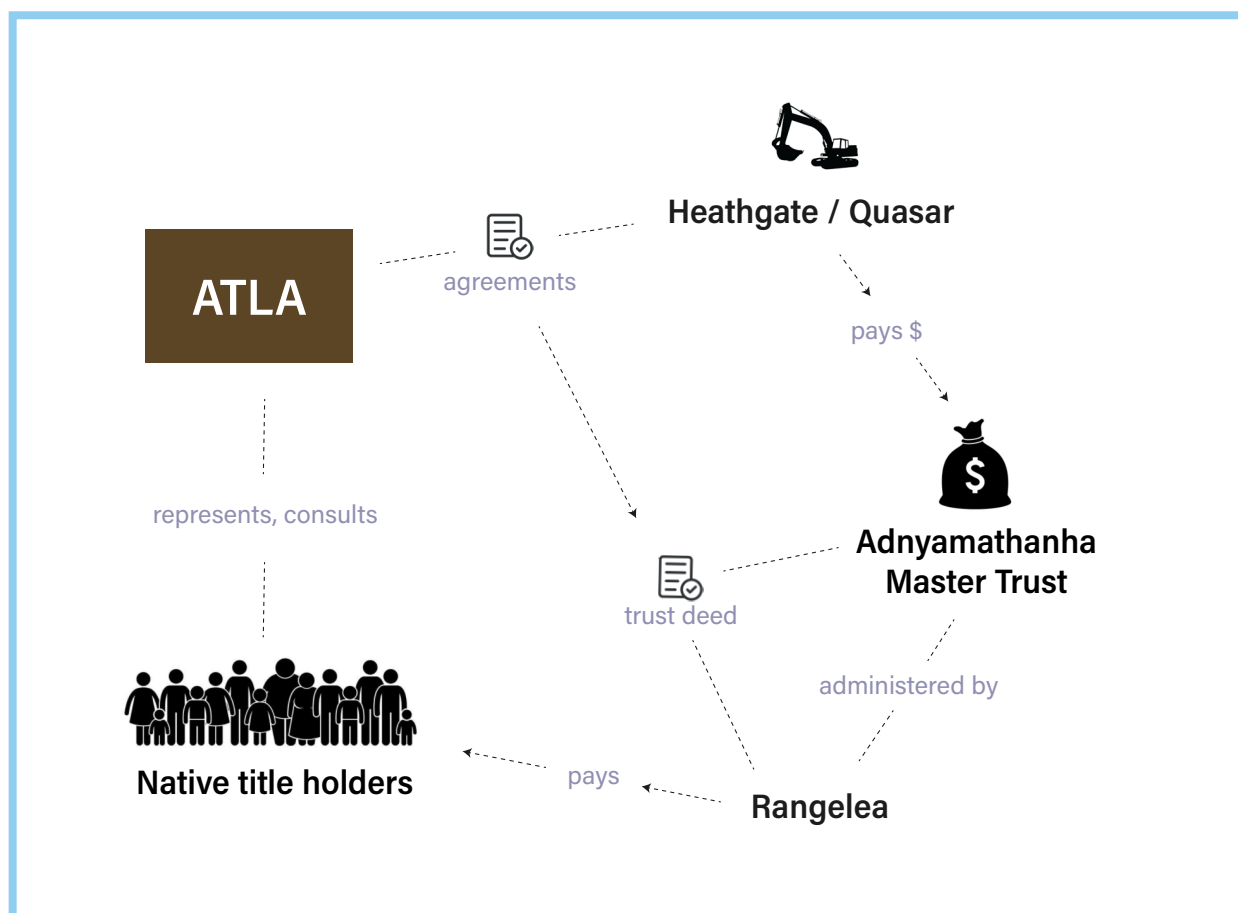
Update on ATLA & Rangelea Holdings

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

Heathgate Resources Pty Ltd (Heathgate) and its affiliate Quasar Resources Pty Ltd (Quasar) each have a native title mining agreement 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.

ATLA has repeatedly invited the Rangelea directors to National Native Title Tribunal mediation to bring Rangelea, ATLA and ORIC together to discuss solutions based on the significant common ground between ATLA and Rangelea in their shared responsibility to act in the best interests of Adnyamathanha common law holders. To date, Rangelea has refused mediation.

In July, Rangelea directors commenced proceedings in the Supreme Court of South Australia against ATLA, Heathgate and Quasar, seeking to reverse the suspension of royalty payments. The case was heard in Court on 26 July.



Justice Dart heard the arguments and adjourned the matter for a directions hearing on 13 September 2021. A directions hearing is a short court appearance where orders are made about what should happen next.

In the meantime, it was agreed that Heathgate and Quasar would pay 85% of suspended and future payments into the Supreme Court to be held pending the outcome of the case, with the remaining 15% to be paid to Rangelea as trustee of the Adnyamathanha Master Trust to cover administration expenses and payments to beneficiaries such as funeral expenses.

ATLA is conferring with its lawyers about a legal approach to resolving this matter.

A lot of rumours are circulating in the Adnyamathanha community about the reason for this legal action. The only request that has been made of the directors of Rangelea is for them to report to the Adnyamathanha beneficiaries on how they have spent the compensation monies received by the Adnyamathanha Master Trust since 1 July 2017. The Adnyamathanha beneficiaries are entitled to this information. The directors of Rangelea have refused to report to the Adnyamathanha beneficiaries.

To address some of these rumours:

- ATLA has never asked for access to Adnyamathanha compensation money.
- ATLA does not want to control the Adnyamathanha compensation money.
- The funeral fund continues to be available via Rangelea.
- Financial statements for ATLA and ATLA1 will be available to all members at the AGM.
- 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.

The special administrator has asked the directors of Rangelea to tell the Adnyamathanha people how Rangelea, as trustee of the Adnyamathanha Master Trust, has distributed the compensation money and what expenses have been paid from the Adnyamathanha compensation money.

It is hoped the directors of Rangelea will vote to attend mediation and bring an end to the mounting costs associated with the Court hearings.

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 in future for a position on the ATLA board and should have the skills required to guide and strengthen the corporation's governance, leadership, business and strategic development. This is a significant and important role in a registered native title body corporate.

Call for advisory group nominations ...your pathway to an ATLA board position

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 nominate 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.

Adnyamathanha community business register

One initiative that the CAG is working on is to build a register of Adnyamathanha businesses. Many Adnyamathanha people run, or are involved in, Adnyamathanha-owned businesses and ATLA can play a part in featuring and attracting business to these community ventures.

If you would like your business to be included, please fill out the attached **Adnyamathanha business form**.

Recruiting specialist independent directors

To ensure high standards of corporate governance for ATLA, we are recruiting specialist independent director candidates to join the corporation advisory group (CAG). Specialist members are intended to add skills to the ATLA CAG, not replace Adnyamathanha members. Adnyamathanha members will always have a majority on the CAG (and future board) and will make the final decision on which specialists are appointed as directors when ATLA is returned to its members.

The job advertisement is currently running and has been posted on the ATLA members' Facebook page for your reference.

IMPORTANT—member details update

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, current address, mobile number and email (if you have one) please. Alternatively, you can call George Treloar at Moore on 08 8224 3300.

Community information meeting

We are planning to hold a community information meeting later in the year as part of our commitment to consultation and communication with members and common law holders. There are several important issues that we need to sort out beforehand – including the ongoing court case – to make that meeting most effective for the Adnyamathanha people. We will keep you up to date with developments through these newsletters and via the ATLA Members Facebook group and inform you of the place, date and time of the meeting as soon as we can.

More about special administrations

See ORIC's fact sheet **Special administrations: what members and directors need to know**, and other fact sheets on corporate governance at oric.gov.au.

You can find out more about special administrations by visiting **oric.gov.au** or by calling the Registrar's office on **1800 622 431**.

Many thanks,
Peter & Keith



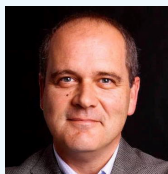
SPECIAL ADMINISTRATOR

Peter McQuoid

PDM Consultancy

Ph: (07) 3289 2596 or 0435 018 879

Email: p.mcquoid@pdmc.net.au



Keith Mackay

PDM Consultancy

Ph: (07) 3289 6071 or 0428 430 199

Email: k.mackay@pdmc.net.au

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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 Keith Mackay by email to k.mackay@pdmc.net.au

For more information, call Keith Mackay on 07 3289 6071

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Update your details on the... **REGISTER of MEMBERS**

My details

Full name: _____

Email: _____ Phone: _____

Address: _____

Signature:

Date:

Please return your completed form to **Moore Australia**, who will update the ATLA register of members. Email atla@moore-australia.com.au—or call George Treloar at Moore on **08 8224 3300**.

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Add your business to the...

REGISTER OF ADNYAMATHANHA BUSINESSES

Business **name**:

ABN:

Adnyamathanha business **owner**:

Contact person:

Email:

Phone numbers:

Street address

Postal address:

Web address:

Facebook:

Description of business **activities**:

Please return your completed form to **Moore Australia**:

- email—atla@moore-australia.com.au
- fax—**08 8224 3311**
- post—**GPO Box 1171 Adelaide, SA 5001**