



IMPORTANT INFORMATION ABOUT MEETING ON 20 FEBRUARY 2021

The meeting scheduled for 20 February 2021 in Hawker is not a general meeting of ATLA's members or a native title meeting. The meeting was not called by ATLA or the Special Administrator and the rules for giving members notice for the meeting have not been followed.

Members can choose to attend this meeting but should **take note that people at the meeting cannot make resolutions or decisions about native title or ATLA's business**. Anyone who does not attend the meeting cannot have their rights as a member withdrawn or rights to access royalty payments denied.

This document explains the rules for holding meetings under the *Native Title Act 1993* (**Native Title Act**) and the *Corporations Aboriginal and Torres Strait Islander Act 2006* (**CATSI Act**). The Adnyamathanha Traditional Lands Association (**ATLA**) must follow rules in the CATSI Act and its Rule Book when it is making decision about corporation business. Rules that apply when decisions are to be made about things that impact native title are discussed below.

Rules for calling a meeting of ATLA members

A 'general meeting' is where the members of ATLA make about the business of ATLA. Rules for calling a general meeting are set out in the CATSI Act and the ATLA Rule Book. If these rules are not followed when a meeting is called, resolutions made at that meeting have no legal effect. The rules for calling a general meeting are that:

- directors must call the meeting (or 10% of members must request that directors call the meeting – the rules for calling a meeting this way are discussed below);¹
- at least 21 days before the meeting, written notice must be given to each ATLA member or the meeting notice must be advertised on the radio, newspaper and community notice boards;²
- notice must be given to each director and the contact person – currently this is the Special Administrator;³
- the notice must state the place, date and business for the meeting.⁴

The requirements above have not been followed for the meeting on 20 February 2021 in Hawker. It is not a general meeting and no resolutions for ATLA can be made.

Members' request for meeting

Members can request a general meeting. A request to call a general meeting must: (1) be made in writing (2) state any resolution to be proposed at the meeting (3) be signed by at least 10% of members that are listed on the register of members (4) list a contact person for the request and (5) be given to the corporation.⁵

A members' request for a general meeting has not been made to the Special Administrator.

Meetings to make native title decisions

A *native title decision* is a decision about something that "affects" native title rights and interests.⁶ ATLA is required to consult with and obtain consent from the common law holders of native title (native title holders) when making a native title decision.⁷

The meeting on 20 February 2021 has not been called by ATLA and will not consider any business that is a 'native title decision' or any other kind of decision that requires consent from the common law holders of native title.⁸

¹ *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (Cth) ss 201-1 and 201-5(1),(5) ('CATSI Act').

See also: Adnyamathanha Traditional Lands Association (Aboriginal Corporation) RNTBC (ICN 3742) Rule Book (version approved 29 March 2017) rule 6.3 ('ATLA Rule Book').

² *CATSI Act* s 201-20(1). See also: ATLA Rule Book rules 6.5.1 and 6.5.5.

Notice of a meeting can also be *given to members* by (1) broadcasting via an Aboriginal controlled radio station in Port Augusta *and* (2) advertising the notice in the Transcontinental newspaper *and* (3) posting the notice on community notice boards authorised by the directors *and* (4) giving notice to each of the directors – or during the period of special administration, the Special Administrator, Jaramer Legal.

³ *CATSI Act* s 201-25(1). See also: ATLA Rule Book rule 6.5.2.

⁴ The notice must be sent to each person that is entitled to vote at the meeting. Each person listed on the register of members is entitled to vote. See: *CATSI Act* (n 1) ss 201-25, 201-35, 201-60, 201-115. See also: ATLA Rule Book (n 1) rule 6.5.2. The time and place for the meeting must be reasonable. Those calling the meeting must consider what is reasonable and convenient for those attending: *Colbern Nominees Pty Ltd v Prime Minerals Ltd* [2009] WASC 289.

⁵ *CATSI Act* s 201-5 and ATLA Rule Book rule 6.5.5.

⁶ An act "affects" native title if it extinguishes native title rights and interests or if it is otherwise wholly or partly inconsistent with their continued existence, enjoyment or exercise: *Native Title Act 1993* s 227.

⁷ *Native Title (Prescribed Bodies Corporate) Regulations 1999* r 8(1)(a) ('PBC Regulations'). If there is a process of decision-making under traditional law and customs of the native title holders that must be followed to give consent, consent must be given according to that process, or if there is no such process, according to the process for agreed to and adopted by the native title holders for that kind of decision: rr 8(3) – (4).

⁸ See *PBC Regulations* r 8(1)(b) – (d). This includes making certain types of Indigenous Land Use Agreements and admitting persons as members of ATLA who are not common law holders of native title.