

Adnyamathanha Traditional Lands Association (Aboriginal Corporation) RNTBC

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

NEWSLETTER 5 :: December 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 5th 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.

Culture, heritage and native title committee (CHANT) committee voting

Voting for your CHANT representative is well under way. Thank you to those who have already voted.

The role of CHANT

CHANT's 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.

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—one man and one woman—for each of the 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

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

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. We are mailing personalised forms out to all members that we have address details for.

To be eligible to vote and to receive your personalised voting form, you need to be registered as a current member with your current contact details. Make sure you update your contact details if you have not received your form yet.

When will you get your voting form?

We started the mail-out at the beginning of November, so many of you will have received your forms by now. If you have not, make sure that we have your up-to-date contact information by calling 08 8224 3300.

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.

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

We look forward to receiving your votes.

Missing or incorrect contact details

ATLA has over 900 members and the response from members to update their contact details has been great, thank you. Over 200 of you have done so.

But ATLA still does not have correct contact details for the 380 members in the list attached to this newsletter.

If you are on the list, please provide your current contact details. Or if you know someone who is on the list, please urge them to do so.

It is very important for ATLA to have your up-to-date contact information so you can play your part in decision making for your corporation.

You can supply your name, address, phone number and email address to:

Email:	atla@moore-australia.com.au
Phone:	08 8224 3300
Fax:	08 8224 3311
Postal address:	GPO Box 1171 Adelaide SA 5001

Corporation advisory group (CAG)

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).

Current CAG members

We thank the current Adnyamathanha CAG members for their continued participation and contribution to decision-making for ATLA:

- Haydyn Bromley
- Clayton Cruse
- Desiree Fielding
- Sally Marsh
- Amanda Richards
- Cheryl Wayne
- Clinton Wilson.

Best wishes to Jacinta Koolmatrerie, who has decided to step down due to personal commitments.

Call for new CAG nominations

We continue to encourage new nominations for CAG membership. Please use the attached form if you are interested.

Specialist independent CAG members

The process to appoint specialist independent members to the CAG is now complete. Four finalists attended the last two CAG meetings. From those meetings the Adnyamathanha CAG members selected the following two specialist independent members.

Wayne Matthew

An ex-SA Government cabinet minister, Wayne Matthew, runs a consulting service and has advised public and private sector clients including SA Native Title Services (SANTS). In government he also implemented the framework for resources-related native title agreements in South Australia. His parliamentary career spanned 20+ years including appointments as Minister for Minerals and Energy and Minister for State Government Services. Wayne has a Bachelor of Arts in politics and geography and is a Fellow of the Australian Institute of Company Directors.

Raelene Webb

Raelene Webb is an independent director of Kokatha Aboriginal Corporation RNTBC and Western Desert Lands Aboriginal Corporation RNTBC. In 2018, she completed a 5-year term as President of the National Native Title Tribunal. Raelene is a Queen's Counsel and barrister, has a Bachelor of Laws and a Bachelor of Science, is a fellow of the Australian Academy of Law, member of the Australasian Institute of Judicial Administration and a Graduate of the Australian Institute of Company Directors.

Specialist independent members are an additional governance resource for Adnyamathanha members, who will always have a majority on the CAG (and future board).

Rangelea case update

ATLA message to members

The court case that ATLA commenced against Rangelea was started in the interests of common law holders because the directors of Rangelea have refused to provide information about how the compensation money received from mining companies has been used and distributed.

The aim of the court proceedings is to seek access to the records of the Adnyamathanha Master Trust to provide transparency to the traditional owners and common law holders. The special administrator has also 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.

Once it has the information, ATLA will pass on to traditional owners and common law holders what it learns about how the directors of Rangelea have been managing the trust and distributing the compensation money.

For those who are unsure as to the role of ATLA and the special administrator:

ATLA

ATLA is an Aboriginal corporation incorporated under the CATSI Act as the registered native title body corporate (RNTBC) for the Adnyamathanha native title holders (common law holders). It acts as their agent to manage the native title rights and interests of Adnyamathanha people.

Because of its position as a registered native title body corporate, ATLA can perform a number of functions for the Adnyamathanha common law holders as set out in the Native Title (Prescribed Body Corporate) Regulations 1999 (Cth). These include, but are not limited to:

- acting as agent of the common law holders in respect of matters relating to the native title
- managing the rights and interests of the common law holders as authorised by the common law holders and
- holding in trust money connected with the native title rights and interests (including compensation payments or payments otherwise related to those rights and interests).

ATLA can only be replaced as the registered native title body corporate for the Adnyamathanha common law holders by an order of the Federal Court of Australia upon an application of the common law holders .

Special administration

ATLA is currently under special administration. A special administrator, once appointed, is responsible for the conduct of the affairs of ATLA and the special administrator:

- can exercise any power which belongs to ATLA
- must consent before any powers of ATLA's office can be exercised
- must report to the registrar from time to time and
- has the aim of restoring ATLA to financial and organisational health so that control can be returned to the ATLA members.

A special administration finishes when:

- the period of the special administrator's appointment ends and control of ATLA is restored to its members
- if, before the end of the special administrator's appointment, a liquidator is appointed to ATLA or ATLA starts to be wound up as a result of an application made by the registrar or the special administrator or
- if, before the end of the special administrator's appointment, the registrar makes a determination to terminate the special administration.

Recruitment to the ATLA culture and heritage manager position

Recruitment to appoint an Adnyamathanha person to be ATLA's culture and heritage manager started at the beginning of August 2021 with advertising through the *Koori Mail*, *Seek*, *LinkedIn* and ATLA's Facebook page. Five applications were received and the selection panel, which included 2 Adnyamathanha elders, met to consider the applications.

After a lot of discussion about the process, and consultation with ATLA's CHANT committee, it became clear it would be inappropriate to appoint to this role without consulting the Adnyamathanha

community more broadly. Further, we agreed to defer the recruitment until after the special administration. That way, the new board can appoint the manager instead of the special administrator. As a result, the recruitment process has paused, and the administrative functions of the culture and heritage manager will continue to be provided under contract arrangements until the end of special administration. All applicants for the position have been advised of this change. The special administrator thanks the applicants for their interest in the position and the members of the selection panel for their advice on the appointment process.

ATLA website

ATLA has a new website. Visit atla.com.au for the latest news, information about the special administration, the corporation advisory group and the CHANT committee. There are pages listing jobs for Adnyamathanha people, newsletters, and key documents such as your native title determinations, Indigenous land use agreements and important legislation. ATLA will use the new site to communicate important information to all members, so please check atla.com.au often.

Hawker geotourism visitor facility

A feasibility study into a proposal to establish a GeoTourism visitor facility in Hawker is under way. The proposed facility is likely to serve multiple functions such as a geological interpretive centre, visitor reception, tourist information and booking service, display areas for local tourism operators, artists and bush food producers to promote and sell goods and services, office space for small tourism operators and state and commonwealth agencies, and a café or restaurant.

The facility will complement and offer new opportunities for existing businesses and operators and generate new economic activity.

As a result of funding from the National Radioactive Waste Management Facility Community Benefit Program, The Flinders Ranges Council has engaged Sally Klose Strategic Solutions and Brett Julian Architect to undertake the study. Here is an invitation from them:

We acknowledge that Indigenous people first occupied the Flinders Ranges—especially the Adnyamathanha who are most closely aligned to the area. In recognising the history of the Flinders Ranges, we respect the heritage and diversity of traditional landowners and invite Adnyamathanha people to inform the feasibility study. Please complete the survey online at surveymonkey.com/r/HawkerFeasibility

All responses are confidential. We ask for no personal information and will not be able to identify anyone who responds. If you have any questions about the survey or would like to provide additional information, please contact Sally Klose on 0427 829 143.

Government agrees: No radioactive waste at Wallerberdina Station

In 2018 ATLA initiated legal proceedings to prevent the federal government from establishing a radioactive waste site at Wallerberdina Station on Adnyamathanha land. The former ATLA board nominated 5 Adnyamathanha elders to lead the court action. They were: Regina McKenzie, Heather Stuart, Vivianne McKenzie, Markeeta Stuart and Lavene Ngatokorua. ATLA engaged Maurice Blackburn lawyers to represent them in court. ATLA is very pleased to announce that this significant legal intervention has been successful and the federal government has stated they 'will not impose a facility on an unwilling community'. The Department of Industry, Science, Energy and Resources has also advised they will identify opportunities for ATLA to seek funding for a cultural heritage assessment of Adnyamathanha land. ATLA extends its thanks to the 5 women who led this import action and to Maurice Blackburn lawyers who represented them at no cost to the corporation.

Community information meeting

We are planning to hold a community information meeting in February 2022 as part of our commitment to consultation and communication with members and common law holders. Hopefully by then the court case will have reached an outcome. This will make that meeting more effective for the Adnyamathanha people.

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



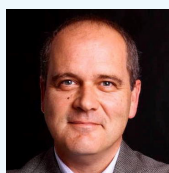
SPECIAL ADMINISTRATOR

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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