

Adnyamathanha Traditional Lands Association (Aboriginal Corporation) RNTBC

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

NEWSLETTER 11 :: April 2024

DEAR MEMBERS, TRADITIONAL OWNERS AND OTHER INTERESTED PEOPLE,

My name is Peter McQuoid and on 17 April 2021 the then Registrar of Indigenous Corporations, Selwyn Button, appointed me special administrator for Adnyamathanha Traditional Lands Association (Aboriginal Corporation) RNTBC (ATLA).

This is my eleventh 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.

Key outcomes from AGM

The ATLA AGM was held on Saturday 13 April 2024 in 3 locations. There was a good turnout and a quorum was achieved easily.

I am pleased to advise the members voted a resounding yes and passed the following resolution:

The members agree to the sale of Wilpena Pound Resort to the G'day Group, the proposed Partnering Agreement and for the special administrator to take all additional steps as may be required to give effect to the sale.

The resolution was passed with 98 votes in favour compared to 4 votes against.

This was a fantastic result for all Adnyamathanha people and for the future of the Wilpena Pound Resort.

Some of the benefits from this decision will be:

Sub-Lease to G'day Group

ATLA will have a 42-year Crown Lease over the Resort land. G'day Group will enter into a **42-year Sub-Lease** with ATLA giving G'day Group the right to occupy the land and run the Resort. G'day Group will pay rent of \$250,000 p.a. direct to the state.

Annual payments

G'day Group will pay ATLA **\$100,000 once the deal commences** and then pay ATLA **\$100,000 per year** (including the first year and adjusted for CPI (inflation) annually).

Capital improvement

G'day Group will spend from its own money **\$20m on improving the Resort and facilities.**

Profit share

If the Resort makes a profit, G'day Group will pay ATLA **11.091% of the Resort's profits**. If the Resort is not profitable then ATLA will not receive any Profit Share payments but will continue to receive a fixed payment of \$100,000 every year (adjusted to match inflation).

Indigenous Engagement

G'day Group commits to various Indigenous engagement and capacity building activities, and will focus on jobs for Adnyamathanha people. G'day Group will pay **\$60,000** towards supporting the development of **local indigenous tourism businesses.**

In addition to the resolution about the sale, there was a motion from the floor which also passed:

Adnyamathanha demand the government undertake an inquiry into IBA's Wilpena Pound Resort deal with Adnyamathanha people and specifically:

- Its deal negotiated with Adnyamathanha people and commitments made to them
- Its management of the resort
- A forensic investigation into all IBA finances relating to the resort

All members who voted in all 3 sites voted yes to the above resolution.

Again, the members asked why IBA representatives have never attended any of their meetings to advise the members what happened / went wrong with the arrangement with IBA / Cooee to run the Wilpena Pound Resort.

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I will now work with G'Day Group and IBA to finalise the partnership agreement with G'Day Group and ATLA and all those other things required to complete the arrangement. Agreeing a new lease with the SA Government will need to be completed as part of this process. It is unclear how long this may take however it may be several months. I will keep you informed of progress.

ATLA now owns houses in Leigh Creek



The SA Government, Department for Infrastructure and Transport (DIT) has generously transferred ownership of six houses, a shop / office building and one vacant block of land in Leigh Creek to ATLA at no cost.

It is pleasing to advise that all six houses have now been rented to Adnyamathanha people.

ATLA is in the final stages of negotiating with DIT the transfer of a further seven houses to ATLA at no cost. These houses will be transferred with current tenants and will not be available for rent to other people while the existing tenants continue to occupy the houses.

As houses become vacant, they will be advertised to ATLA members and will be available to any Adnyamathanha person who qualifies in the first instance.

Running the AGM

For the first time the ATLA AGM was run in 3 locations (Adelaide, Quorn and Hawker) at the same time. Feedback has been positive with ATLA members being able to ask questions from each of the locations and be part of the AGM as a whole. I was based in Quorn and the attendance was very good. Members appeared very pleased with the outcome of the meeting and there was an air of celebration.

Unfortunately, there was an incident between a small number of people in the Adelaide location after the meeting had ended. I assure all ATLA members that I take any incident of inappropriate behaviour very seriously and I undertake to review this incident and implement whatever is necessary to ensure ATLA AGM's are a pleasant and safe environment for all members to attend.

Rangelea directors appeal is still being considered by the Court



On 26 April 2023, the Chief Justice of the Supreme Court of South Australia made orders following the judgment which was delivered on 5 April 2023.

The Court ordered that:

- Mr Hugh McPharlin is appointed as inspector to investigate how the Adnyamathanha Master Trust has been managed by Rangelea, including by the Sub-Groups.
- Within the next 30 days, Mr McPharlin will provide the Court with an interim report which sets out the anticipated scope of his investigation, when he will be able to provide a final report, and how much it will cost for him to do so.

- If Rangelea does not provide an undertaking to the Court by Friday 28 April 2023 that its accountants will cooperate with Mr McPharlin and provide him with information about the Master Trust's records, then Rangelea must give ATLA the books and records of the Master Trust within 14 days. Otherwise, the Court will make further orders about Rangelea giving the books and records of the Master Trust to ATLA at the next hearing.
- Rangelea will pay ATLA's legal costs for the *ATLA -v- Rangelea* court proceedings.

Rangelea provided the undertaking to the Court by Friday 28 April 2023 and therefore did not have to provide ATLA with the books and records of the Master Trust at that time.

On 17 May 2023, Rangelea started an appeal against the Chief Justice's judgment in the ATLA court proceedings. Rangelea's appeal will further delay common law holders finding out how the royalty money has been managed.

Rangelea wants the Court of Appeal to dismiss the Chief Justice's orders that Rangelea open up the books of the Master Trust, and that an inspector be appointed to investigate how Rangelea and the Sub-Groups have managed the Master Trust.

Rangelea has argued that the Chief Justice was wrong when he decided:

- that the Master Trust is not a charitable trust.
- that Mr McKenzie, Mr Wilton and Ms Taylor are beneficiaries who are entitled to information about the Master Trust.
- that ATLA was authorised to seek information about the Master Trust and had the power to bring the court proceedings.
- that the former Special Administrators had validly adopted the 2021 ATLA Rule Book; and
- to appoint an inspector to investigate the Master Trust.

In particular, Rangelea argue that once it has given royalty money to the Sub-Groups, it owes no duty to the members of the Sub-Groups to record how each Sub-Group distributes the royalty money to its members.

These issues are now being reconsidered by the Court of Appeal. It is not known when the Court will make its decision.

Money Story



I am pleased to advise that with the assistance of a grant from ORIC ATLA continues to be solvent. That is ATLA is able to pay its bills as and when they fall due. ATLA continues to operate in accordance with its budget and is now operating at a small surplus.

ATLA Culture Heritage and Native Title committee (CHANT)



The CHANT committee is an advisory committee for the ATLA board. The role of a CHANT committee member is to provide advice on culture and heritage matters to the ATLA board. As there is currently no board, they are providing this advice to the ATLA corporation advisory group. In performing their role, members of CHANT must represent the whole Adnyamathanha community through their knowledge, understanding and awareness of Adnyamathanha culture and heritage.

Heritage Surveys

Over the last 6 months there has been little survey activity, with only the Orpheus Minerals – Frome Project and Department for Infrastructure and Transport – Beltana Road Floodway Reconstruction surveys being undertaken.

The following heritage surveys have been scheduled over the next few months;

- Department for Environment and Water – Blinman recreational vehicles waste site
- Department for Infrastructure and Transport – Gammon Ranges Road
- Beltana Station/Ediacara National Park 'Fence Line Project'
- Department for Infrastructure and Transport – Strzelecki Track Upgrade

Several mining exploration companies are making enquiries and presentations to CHANT about low level survey work on country.

CHANT Matters

The CHANT is working with South Australian Native Title Service (SANTS) to gain a further understanding around the ATLA Barngala Overlap Claim agreement and the terms and purpose of the agreement. This is in regard to the ongoing discussion between ATLA and the Native Title Tribunal regarding the agreement.

ATLA is currently working with the Environmental Defenders Office in looking to stop the regasification of the Leigh Creek gas fields by NeuRizer (formerly Leigh Creek Energy)

ATLA has engaged lawyers to provide advice in respect to the potential damage of cultural heritage sites on the Nilpena-Ediacara National Park boundary.

The CHANT have been actively involved in the workshops for the Flinders Ranges World Heritage listing

CHANT Membership

Members of ATLA attending the AGM gave a clear instruction they would like future CHANT elections to be held at a general meeting of ATLA. I will ensure this happens however the next general meeting is likely to be some months away.

Currently the CHANT is operating without representatives for certain families. For the period from now until the formal elections at the next general meeting we are calling for people to volunteer to join the CHANT. We are looking for a female and / or male representative for the following family groups:

- Male representative for Wilton Family
- Female representative for the McKenzie family
- Male and female representatives for the Austin family
- Male representative for the Ryan family
- Male and female representatives for the Coulthard family

Please email George Treloar at heritage@atla.com.au and let him know which family you identify with.

Sign up to work on heritage surveys

Did you know that any member of ATLA can register their interest in working on a heritage survey? These are paid positions.

To register, ask George Treloar to send you a form:

email: george.treloar@moore-australia.com.au

phone: 08 8224 3300

If you need help to fill in the form George can help you.

Your agreement will be added to a 'Register of Survey Participants'. The CHANT committee uses this register to select the most appropriate people to participate in surveys.

Many thanks, Peter

More information

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.

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