

Adnyamathanha Traditional Lands Association (Aboriginal Corporation) RNTBC

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

NEWSLETTER 12 :: October 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 twelfth 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.

Lease of Wilpena Pound Resort

The finalisation of the lease of Wilpena Pound Resort to the G'day Group is in its final stages. The partnering agreement between the G'day Group and ATLA has been finalised and signed. The head lease between ATLA and the State of South Australia, and the sub lease between ATLA and the G'day Group are with the South Australian Minister for Climate, Environment and Water for review and signing.

We expect the transaction to be completed during October 2024. When that happens, the G'day group will take on the responsibility for management of the Wilpena Pound Resort.

Members' resolution for inquiry

At the last AGM in April 2024 the following members' resolution was 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.*

We have written to Senator the Hon Malarndirri McCarthy, Minister for Indigenous Australians providing a briefing paper on the background of the IBA / ATLA investment in the Wilpena Pound Resort and requesting the National Indigenous Australians Agency (NIAA) conduct the above inquiry. We will advise members of the Minister's decision when known.

Please note that neither ATLA nor the special administrator have the power or authority to commence a review of IBA.

Rangelea directors appeal Chief Justice's judgement

The Rangelea Holdings Pty Ltd (Rangelea) appeal was heard by the South Australian Court of Appeal in October 2023 however judgement on the appeal was reserved on 10 October 2023. We continue to wait to hear the outcome of this appeal.

ATLA's lawyers are preparing to write to the Court asking for an update on the progress of the delivery of the judgement. We will advise members as soon as a judgement is issued by the Court.

Summary of what this legal case is all about

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 has delayed 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.

Rangelea 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 argued 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.

ATLA's legal fees have been paid in full by the NIAA. My sincere thanks to ORIC and the NIAA for the support they have provided to ATLA during these difficult times.

Extension of special administration

The Registrar has decided to extend the special administration of ATLA to 30 June 2025. The extra time will allow for:

- electing CHANT committee members at the next general meeting of ATLA members
- finalising of the sale of Wilpena Pound Resort to the G'day Group, including finalising negotiations with the State of South Australia
- finalising negotiations with SA Government regarding the transfer of additional properties at Leigh Creek
- finalising the Rangelea appeal, and if the directors of Rangelea are unsuccessful:
 - » when the Inspector completes his review of the Adnyamathanha Master Trust, seeking orders from the Court for the Inspector's report to be released in full to the Adnyamathanha common law holders
 - » after receiving the register of common law holders from Rangelea, calling a meeting of common law holders to:
 - » discuss the Inspector's report
 - » decide if any changes should be made to how royalty payments are managed on behalf of the common law holders
 - » decide the future role of ATLA; and how to fund it
 - » implementing decisions, if any, made by common law holders at the meeting.
- preparing a business plan for ATLA, including working with the CAG and ATLA members to do this
- holding consultation meetings on the ATLA rule book and implementing any changes required
- working with the National Native Title Tribunal mediation team to reach a decision with the community on how and where meetings should be held for native title business and non-native title business.

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 (CAG). In performing their role, members of CHANT must represent the whole Adnyamathanha community through their knowledge, understanding and awareness of Adnyamathanha culture and heritage.

Nominate your committee members

We are implementing a change to how CHANT committee members are decided.

At the last ATLA AGM held in April 2024, members requested they be given the opportunity to elect / nominate family group representatives to the CHANT.

At the upcoming AGM in November we will ask each family group to provide the names of one male and one female representative for their family group on the CHANT committee.

Please prepare for the AGM by talking with your family to agree a male and female person to represent your family group. Also, please speak with the people you are nominating – the people who are nominated must agree to be the representatives.

It is best if each family group agrees on their representatives before the AGM, but if your group nominates more than one male or female representative we will hold a vote at the AGM for your family group. We will bring voting bands to the meeting to allow this to happen.

Update on heritage surveys

It's been a busy 3 months from July to September with 6 surveys completed.

Some key stats on the survey program for 2024:

- 7 surveys completed so far and another 6 surveys scheduled to be completed before the end of 2024.
- 2 surveys have been for mining companies and 5 surveys have been for government departments or electricity companies.
- There has been 23 days of surveys so far.
- 13 Adnyamathanha men and 15 Adnyamathanha women have participated in the surveys.

- 10 of the survey participants have been Elders or senior members of the Adnyamathanha community.
- The survey program for the 9 months to the end of September has generated over \$100,000 in wages and superannuation contributions for 28 community members.
- Community members can participate in up to 3 surveys every 12 months.

The ATLA survey program will have a break at the end of November and will resume in March 2025 after the hot weather of summer has passed and we move into the cooler months of the Autumn. It is expected that the demand for surveys will continue well into 2025 particularly if commodity prices for minerals such as uranium continue to be high.

Other CHANT matters

The CHANT committee is continuing to focus on several matters:

Barnjarla Overlap Claim agreement – the committee is working with the National Native Title Tribunal and mediators to better understand the agreement, ready for discussions with representatives of the Barnjarla people.

Application for world heritage listing of the Flinders Ranges – the committee is working with the South Australian Department for Environment and Water regarding the application. The department is planning to report on the application at the upcoming ATLA AGM.

Mining activities – The committee is monitoring mining activity on country. To date outside of the Heathgate mining operations, the mining industry activity has been limited to low level testing above the ground which does not involve ground disturbance.

Developing heritage and culture agreements – the committee is also working with 2 South Australian Government Departments – the Department for Education and the Department for Environment and Water – to develop agreements that protect Adnyamathanha heritage and culture from being used and exploited by people without the consent of community.

Sign up to work on heritage surveys

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

To register, go to atla.com.au/about/culture-heritage-and-native-title-committee/ and click the button to download a '**Heritage Survey Participation Agreement**'. Fill in the form and email it to the CHANT committee at atla@moore-australia.com.au

If you would prefer a hard copy form, please contact George Treloar at Moore Australia by email atla@moore-australia.com.au or by phone 08 8224 3300 to arrange for a form to be sent to you. George is also available to assist with the filling out of the form if that is required.

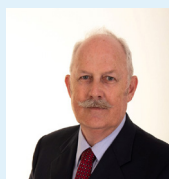
Your agreement will be added to a 'Register of Survey Participants'. The CHANT committee uses this register to select the most appropriate people to participate in surveys.

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.

Many thanks,
Peter



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