

**KOKATHA ABORIGINAL CORPORATION RNTBC ICN 8093**

**ANNUAL GENERAL MEETING**

**SATURDAY 6 JULY 2019**

**Venue: Stirling North Progress Association Hall**

**MINUTES**

**Invitees:**

Tim Campbell (Campbell Law)

Lauris Buckley (Campbell Law)

Fiona Kerr (Campbell Law)

Cate Ballantyne (General Manager, Kokatha Aboriginal Corporation)

Allison Mundy (Office Manager, Kokatha Aboriginal Corporation)

Giac Consalvo (Business Development Manager)

Chris Doon (Operations Manager)

Cheryl Ross (Minute Taker)

**78 members attended the AGM.**

**Item 1: Welcome:**

The AGM was formally opened at 10.50.

Chairperson welcomed everyone to the meeting and asked for nominations to Chair the meeting. Max Reid nominated Chris Larkin and was seconded by Charmaine Scott. No other nominations received. Chris Larkin to act as Chairperson for the AGM.

**Minute's silence held**

Chair then introduced the Kokatha office staff; the lawyer and his staff; and the Minute Taker. He advised that there is an expert on the CATSI Act present at the meeting. Chair then introduced the two security officers. Chair then welcomed new members to the meeting.

Chair set down the housekeeping information for members and also advised of the Code of Conduct which included being sensible; no swearing; no threatening; no shouting; and to act in a manner that is not seen as harassment or bullying. The AGM needed to be a place where people felt safe and for the next generation to attend to see what the community is about. Any bad behaviour would receive a warning; next time they would be asked to leave the meeting.

The AGM had been called for a reason – ORIC had sent a 'show cause' letter to Kokatha as to why they should not put in a Special Administrator. This letter required a response by Kokatha by the following Thursday. Members needed to know about this letter and the history.

**Item 2: Minutes of Previous AGM – 24 November 2018:**

Chair gave members three minutes to review the Minutes of 24 November 2018.

Discussion on page 12 of the minutes regarding the two families in dispute, i.e. Turner and Smith. Chair advised meeting that only two families were in dispute at the meeting – the third family issue came up after the AGM had closed; therefore the Minutes are accurate.

**MOTION: To accept the Minutes of the Annual General Meeting held on 24 November 2018**

<b>Proposed:</b>	<b>Raymond Wingfield</b>	<b>Seconded:</b>	<b>Janice Wingfield</b>
<b>Voting:</b>	<b>For: Majority present</b>	<b>Against:</b>	<b>None</b>
<b>Abstention:</b>	<b>None</b>		

**MOTION CARRIED**

Chair advised the meeting about the use of proxy votes and how they worked. The AGM is for Kokatha members only - not Common Law Holders.

The Agenda notice contained the following 3 Notes:-

*Note 1 – The Directors have called this AGM early so that members can ask questions about the operations of KAC in the last 12 months.*

*Note 2 – It is planned to adjourn the AGM until later in the year so that the audited Financial Statements can be considered when they are available.*

*Note 3 – Family Groups should note Rule 14.4 in relation to Proxy Votes.*

**Item 3: Directors' and General Report:**

Directors report attached to Minutes with members to receive a full report at the next meeting. Chair read out the report which had been provided to members on the day. C

Chair spoke on the background regarding the ORIC 'show cause' letter. Advised that the Special Examiner had found KAC is in a very strong financial position and not in debt.

At this point discussion regarding the taping of the meeting.

<b>MOTION:</b>	<b>That the Annual General Meeting (AGM) is not to be recorded.</b>		
<b>Proposed:</b>	<b>Glen Wingfield</b>	<b>Seconded:</b>	<b>Sonya Gaston</b>
<b>Voting:</b>	<b>For: Majority.</b>	<b>Against:</b>	<b>None</b>
<b>Abstention;</b>	<b>none</b>		

**MOTION CARRIED**

Chair continued with the Directors' report.

- He spoke to the current financial position of KAC and emphasised the numbers of KAC members who have been trained and fully employed. (Applause from members).
- Chair mentioned that Jonathon Fatt-Clifton (KAC Training & Employment Officer) had been instrumental in getting people trained and employed – members are visiting the site in the following week to see what the work would involve.
- Chair then spoke of the various contracts KAC had including the road maintenance contract.
- In 2019/20 KAC Directors will focus on the Social Ventures Australia report and the work they had carried out;
- He spoke of the large deposit that had been found outside Olympic Dam and the need for major negotiations to be carried out in the coming 12 months.

The Chairperson then thanked Directors and staff for their hard work in very trying times. (Applause from members).

<b>MOTION:</b> To accept the Directors' and General Report			
<b>Proposed:</b>	Ken Smith	<b>Seconded:</b>	Lynette Strangways
<b>Voting:</b>	For: Majority	<b>Against:</b>	none
<b>Abstention:</b>	None		
<b>MOTION CARRIED</b>			

**Item 4: Financial Report:**

The Audited Financial Reports not available as yet. Current financial information was contained on the back of the Directors' and General Report for members to review.

The full audited Financial Reports will be provided at the next meeting.

**Item 5: Election of Directors:**

All Directors now stood down. Chairperson asked each family group to separately discuss and appoint their Directors and Alternates to ensure the numbers of members present and their proxy votes to be recorded. This method is to satisfy ORIC requirements.

Question was asked as to whether new elections will need to be held at the adjourned meeting later in the year with the answer that Directors elected at this meeting will continue until the next AGM in 2020.

**Family: Wingfield:**

Nomination	Present	Proxies	Director	Alternate	Consensus/Vote
WINGFIELD, Glen	7	7	✓		Consensus
WINGFIELD, Janice	7	7		✓	Consensus

**Family: Dare:**

Discussion around whether Dare family only could vote or descendants from Wild Mary could also be included. Lawyer called for Dare family only members. Discussions from various members on this.

Nomination	Present	Proxies	Director	Alternate	Consensus/Vote
WINGFIELD, Raymond	3	3	✓		Consensus
WARREN, Vernon	3	3		✓	Consensus

**Family: Davis:**

Nomination	Present	Proxies	Director	Alternate	Consensus/Vote
WARREN, Grant	3	3	✓		Consensus
WARREN, Kerry	3	3		✓	Consensus

**Family: Dingaman:**

Nomination	Present	Proxies	Director	Alternate	Consensus/Vote
AMOS, Barbara	5	5	✓		Consensus
AMOS, Amelia	3	3		✓	Consensus

**Family: Starkey:**

No members – current Directors to continue until next meeting – Andrew Starkey as Director and Sabrina Starkey as Alternate.

**Family: Kite:**

Discussion from members around Rule 14.5. One member present. Current Directors to continue until next meeting – Elaine Kite as Director and Wilhemine Lieberwirth as Alternate.

**Family: Larkins:**

Nomination	Present	Proxies	Director	Alternate	Consensus/Vote
LARKIN, Christopher	9	16	✓		Consensus
THOMAS, Joyleen	9	16		✓	Consensus

**Family: Reid:**

Nomination	Present	Proxies	Director	Alternate	Consensus/Vote
REID, Max and REID, Derryn	5	2	✓		4 Votes for Max Reid as Director. 3 Votes for Derryn Reid as Director. Max Reid elected.
REID, Derryn	5	2		✓	Consensus

**Family: Strangways:**

Nomination	Present	Proxies	Director	Alternate	Consensus/Vote
STRANGWAYS, Lynette	5	9	✓		Consensus
STRANGWAYS, Eileen	5	9		✓	Consensus

**Family: Thomas:**

Nomination	Present	Proxies	Director	Alternate	Consensus/Vote
THOMAS, Andrew and SWALES, Tanya	9	9	✓		15 Votes for Andrew Thomas as Director. 3 votes for Tanya Swales as Director. Andrew Thomas elected
THOMAS, Khatija and SWALES, Tanya	9	9		✓	15 votes for Khatija Thomas and 3 votes for Tanya Swales. Khatija Thomas

					elected
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**Family: Fatt:**

Nomination	Present	Proxies	Director	Alternate	Consensus/Vote
WILLIAMS, Jennifer	3	4	✓		Consensus
					No Alternate

**Family: Baker:**

Nomination	Present	Proxies	Director	Alternate	Consensus/Vote
COX, Valerie	11	10	✓		Consensus
WILLIS, Kathleen	11	10		✓	Majority Vote

**Family: Allen:**

Nomination	Present	Proxies	Director	Alternate	Consensus/Vote
ALLEN, Dianna	3	0	✓		Consensus
BRADY, Elton	3	0		✓	Consensus

**Family: Turner:**

Michael Turner advised there is sorry business for the family in Ceduna; however the family is at the AGM to vote for their family and to represent Kokatha to carry out business for Kokatha and for their family.

Nomination	Present	Proxies	Director	Alternate	Consensus/Vote
TURNER, Michael	5	3	✓		Consensus
HARRISON, Stephen	5	3		✓	Consensus

**Family: Smith:**

Nomination	Present	Proxies	Director	Alternate	Consensus/Vote
❖					
SMITH, Ken	6	11	✓		Consensus
SMITH, Kevin	6	11		✓	Consensus

❖ 11 signed proxy forms are in minority to the 17 votes by consensus. Proxy forms outvoted by the 17 Smith votes.

Chairperson to advise the results of the elections after Consent to Act forms are completed – other than those family group elections who are continuing.

**Chairperson:**

Advised he had had 3 good years at Kokatha as Chairperson and noted the achievements had been huge. He advised the AGM he would not be seeking re-election as Chairperson and will be nominating Glen Wingfield as Chair.

Joyleen Thomas advised meeting about how the Executive is usually elected at AGM's, i.e. family Directors meeting. However, the KAC lawyer had advised meeting to elect their Executive. She spoke to the meeting about Chris Larkin stepping down as Chairperson and she wanted members to acknowledge his work under very difficult circumstances. (Applause from members).

Chris then told the meeting about a note he had received and how it made him feel teary.

**Election of Kokatha Executive positions:**

Members decided to vote for the Executive by show of hands

**Chairperson:**

Nomination	Nominated By	Seconded By	Votes	Elected
WINGFIELD, Glen	LARKIN, Chris	REID, Max		Elected

**Glen as the new Chairperson took the Chair and presided over the remainder of the AGM. He thanked members for trusting him for the position**

**Deputy Chairperson:**

Nomination	Nominated By	Seconded By	Votes	Elected
LARKIN, Chris	LARKIN, Chris	STRANGWAYS, Lynette		Elected

**Secretary:**

Nomination	Nominated By	Seconded By	Votes	Elected
Voting by Show of Hands				
STRANGWAYS, Lynette	THOMAS, Joyleen	THOMAS, Andrew	75	Elected
TURNER, Michael	TURNER,	SWALES, Tanya	Withdrew	

	Michael		his nomination	
AMOS, Barbara	AMOS, Barbara	REID, Max	10	

**Treasurer:**

Nomination	Nominated By	Seconded By	Votes	Elected
THOMAS, Andrew	LARKIN, Chris	SMITH, Ken		Elected

**MOTION:** The members here today resolve and note that from the elected Directors the following office bearers take their positions immediately

- Glen Wingfield – Chairperson
- Chris Larkin – Deputy Chairperson
- Lynette Strangways – Secretary
- Andrew Thomas – Treasurer

Proposed:	Joyleen Thomas	Seconded:	Max Reid
Voting:	For: Majority	Against:	None
Abstention;	None		

**MOTION CARRIED**

Members who have questions about the election to discuss with the lawyer after the meeting.

The elected office bearers take office until the next Annual General Meeting in 2020.

Tim Campbell then spoke of being the Kokatha lawyer only recently. He advised the ORIC 'show cause' letter had been received before the Special Examiner's report had been received. The Special Examiner's report had been heavily redacted and he had written twice to ORIC saying there was insufficient reasons to block out parts of the report. He had requested additional time to consider the 'show cause' letter which was now due on the following Thursday.

There has now been received a second Special Examiner report which has not been redacted as much as the first. Kokatha now know all the basis for the 'show cause' letter and the Executive and staff are working on a response. It was considered there were many errors in the Examiner's report and the 'show cause' letter.

In answer to a query, Tim advised a Special Administrator effectively takes over the responsibilities and powers of Kokatha – Directors and Executive. He advised, however, that it would be difficult for an Administrator to understand Kokatha; its culture; and its heritage. Kokatha had receive a clean bill of health from the Special Examiner; the accountants; and the Auditor.



There was question of whether Kokatha and the Directors are standing in the way of people wanting to be members and whether or not ORIC will look at this issue. Chair advised the meeting that the Directors on the day before this AGM had taken a Motion to come back in November with a review of apicals and who fits where. The review will be conducted by qualified people who will carry out the research, i.e. an anthropologist and a lawyer.

He advised that everyone would be contacted by their representative on the Board. A list for each family is to be available.

**MOTION:** The AGM is adjourned to 16 November 2019 and the following Agenda items be dealt with at the adjourned AGM –

- Financial Reports;
- Auditor;
- Other Business.

Proposed:	Chris Larkin	Seconded;	Max Reid
Voting:	For: Majority	Against:	None
Abstention;	None		

MOTION CARRIED

**Item 8: Petitions:**

Redundant

**Item 9: Check Membership List:**

Carried out on way in at meeting.

**Meeting formally adjourned at 1.25**

Elaine Moosha then requested to speak to the meeting (letter supplied). She spoke of the following

- Condolences to the Wingfield family;
- Larkin family here to represent KAC;
- Family representatives – to have skills and to be of good repute to represent the whole Kokatha Nation and to conduct themselves for the good of the Nation;
- Applauded the work of Directors;
- Kokatha Nation being in a good financial position to take families and children into the future;
- Applaud Chris Larkin as a true leader and champion;
- Spoke of Arabunna and their close ties to Kokatha;
- Spoke of their deceased mother and her pride in family;
- Personal comments made to her re: allegations.

Michael Turner then advised members that the day has been a good one – members had voted on people to do the right job for our people. Kokatha now needs to stand proud and united and need to move forward now. (Applause from members).

**Chairperson advised the next Directors' meeting will be held on 27 July in Port Augusta**