

**KOKATHA ABORIGINAL CORPORATION RNTBC ICN 8093**  
**ANNUAL GENERAL MEETING**  
**SATURDAY 24 NOVEMBER 2018**  
**Venue: Central Augusta Football Club, Port Augusta**  
***MINUTES***

**Item No.1: Registration of Members**

**Item No.2. Chairperson's Welcome.**

**Item No.3: Minute's Silence:**

Chairperson opened the Annual General Meeting at 10.00 with a Minute's silence.

Chairperson advised members there would be two Annual General Meetings held today – these are Kokatha Aboriginal Corporation and Kokatha Mula. He gave the background on Kokatha Mula meeting still be required due to an agreement with Barngarla and the Department of Defence as part of the settlement for the Cultana Agreement.

Chairperson then introduced personnel –

Bill Ryan (General Manager)

Chris Fisher (Business Development Manager)

Alison Mundy (Office Manager)

Shaun Berg (Berg Lawyers)

Cheryl Ross (Minute Taker)

Andrew East (ORIC)

Dana Lister (ORIC)

John and Ross – security

Sue Press and Chad McKnight from Rowe Partners for the annual audit

**Item No.4: Apologies:**

None were recorded.

General Manager advised members of the housekeeping issues.

Chairperson spoke about 2018 being an interesting year, but not so harmonious. There had been rifts between Board Directors and amongst the community. He then read out the Code of Conduct to members and spoke about bullying and harassment as well as constant interjections. Visitors had attended meetings during the year and Directors had been abusive towards them.

He advised members that if bad behaviour occurred at the AGM, members would firstly be warned and then asked to leave if it continued. If members refused to leave, then the security men would be asked to escort people out of the meeting.

Chairperson advised that the Kokatha meetings had always been a safe place to bring elder and children to and he hoped this would continue.

#### **Voting Process:**

The General Manager spoke to members about the voting process. Voting will be by ballot card after requests by members. Members registered and received a card from 1-4. 1 is for that person individually - up to 4 which is the individual plus 3 proxies. If members request a secret ballot, yes and no cards will be provided to be put in boxes.

#### **The Chairperson then opened the Kokatha Mula Annual General Meeting – see separate Minutes**

#### **Kokatha meeting recommenced at 10.51.**

Chairperson spoke about KAC and emphasised how the Corporation has grown nearly double the size since the same time last year. Members can review the Annual Report on the numbers of people employed and the number of people who have benefitted out of the Trust.

The report does not show that there are 60 Aboriginal people at Carrapateena – Roxby Downs now has 97. This means approximately \$6m in wages are going back to families and the community. The numbers do not reflect how many are Kokatha – only identify as Aboriginal.

#### **The Agenda was then altered to show the Financial Reports prior to the Chairperson's Report:**

Sue Press and Chad McKnight from Rowe Partners displayed the Audit Report on the board. Sue outlined the income and expenditure items of Kokatha and Controlled Entities, i.e. Kokatha Aboriginal Corporation; Kokatha Pastoral; Kokatha Charitable Trust; and Kokatha Mining.

Chad congratulated the Board on an unmodified Audit report. He explained this meant the Auditor had no matters of concern regarding the financial account of KAC. Unmodified reports are the best you can get from an Auditor.

There was a question as to why the Declaration was signed by Chairperson three days previous to the Auditor signing off. Rowe Partners advised the Auditor will not sign the report until the Board had endorsed and signed off on the annual reports.

In reply to a question about whether KAC can expect an increase in finances over the next year, it was advised that this expectation is difficult to predict – the hope is that the corporation will grow and expand.

Rowe Partners explained about the line 'Sundries' which are the odd expenses that are not normal every year – these are expanded on at every Board meeting.

Another was raised about the breakdown of legal and audit fees which was answered by Sue.

There was a question as to whether or not KAC funds had been used to fund an action against a Corporation member. Chairperson advised there had been and would discuss this later on in the day.

**MOTION:** To accept the financial and audit report for Kokatha Aboriginal Corporation RNTBC ICN 8093 and Controlled Entities for the period ended 30 June 2018

**Proposed:** Ken Smith

**Seconded:** Glen Wingfield

**Voting:** For: 87

**Against:** 59

**Abstention:** 3

**MOTION CARRIED**

**Morning Tea held at 11.30 – meeting resumed at 11.50**

**Item No.5: Acceptance of the 2017 Annual General Meeting Minutes:**

**MOTION:** Members accept the Minutes from the 2017 Annual General Meeting

**Proposed:** Charmaine Scott

**Seconded:** Ken Reid

**Voting:** For: 95

**Against:** 4

**Abstention:** None

**MOTION CARRIED**

**Item No.6: Business Arising from the 2017 Minutes:**

Item 11 regarding the Trust report advised this report would be placed on the website with all the Actions. The Treasurer advised these are on the website under 'Handy Link's. She did speak to members that the website has improved but still required more work. The Trust reports are available on the community noticeboard in the office. This is compliant with requirements.

**Item No.6: Review of Actions from the 2017 Annual General Meeting:**

No items were raised on this Item.

**Item No.10: Kokatha Pastoral Pty. Ltd., Report:**

To answer a question, Chairperson advised the Kokatha Pastoral Directors are Glen Wingfield; Michael Turner; Barbara Amos; and Max Reid. Bill then spoke of the Pastoral company's activities during the year. He spoke of the Project Officer overseeing the activities of the properties for the past six months. The properties had up to six staff at varying times. Staffing is winding down now due to the decreased funding from ILC and the current drought conditions. Cattle is still being agisted from the neighbours, but has now gone from approximately 1100 to about 700. This means a drop in income for the Pastoral Company. Currently looking at funding from ILC or BHP.

There is a dog management person currently working who is paid from PIRSA for two years. The cook has had done a great job over the past several months has now moved on as well.

Member asked the question of the properties being owned by Kokatha for past 4-5 year and how much had been generated. Bill advised the properties are not returning a large amount at the moment – the business is being built up gradually. The original condition of the properties were not good – there needed to be upgrades and repairs to the homestead; fencing; bores etc. Due to the condition stock could not be placed on the land.

It was emphasised, however, that due to funding received, the Pastoral Company is not in deficit.

Discussion on Minutes from the Pastoral Company meetings which had been supplied.

The properties have been with Kokatha (CD in 2014) and then signed over in mid 2015 when the sub lease was signed. The only usable property at that time was Roxby Downs. Since that time infrastructure has been repaired or is in the process of being repaired. BHP has been funding the capital costs.

Question raised as to whether people are able to use the properties to visit and whether they should be used as commercial enterprises. Chairperson advised that members are welcome to visit the properties, but the office just needs to know when and where – there are shooters on the properties managing the dog program and there are poisoning areas as well. 65 dogs have been removed to date this year while the neighbouring property has removed over 100.

There was a question about the rate Pastoral Board members are paid. There was a request to raise the payments, but the Board did not approve this. Board members do not have the power to raise pay rates – only the members have the right to set fees. For the past three years it has been \$300 per day.

There was discussion around the room about payments made to various members of the Board and for what reason. Continual discussion about rates of pay; how are these advised to members; etc. The Treasurer advised all payments are made available to Directors at every meeting. Rowe Partners follow through with payments that are authorised and which are part of the budgets.

More discussion around payments and the need to consider Directors who require LWOP to attend meetings.

**Item No.10: Kokatha Mining Services:**

In terms of a commercial report, Directors were advised on the Thursday before the AGM there will be a contract offered for the southern access road at Carrapateena – this will provide work for people; a grader and a loader for two years. Members advised to look at the Annual Report for this item.

Chairperson advised that the next two years income will be utilised for payment of equipment. After that time profits will start to commence.

A question was asked as to whether a Business Plan had been developed for entering into any contracts and whether or not more equipment will be required.

Chair advised Directors were provided an update of contracts and projections of what income could be generated – all contracts will depend on what machinery is required – these will come back to Directors for discussion.

Discussion then held on the issue of cultural clearances and the footprint of the airstrip and village at Carrapateena. Native Title rights were extinguished over these two particular areas; therefore no clearances carried out.

Discussion then held about in whose name the sites had been registered – this meant that no other person could gain access to them.

**There followed loud discussions and personal attacks from members in the room – no minutes taken.**

Chairperson then gave a warning to members about the Code of Conduct.

Various discussions on ownership of photos; documents; artefacts – general consensus these belong to Kokatha people as a whole and should not be in the personal ownership of individuals.

**Item No.12: Report by Kokatha People Native Title Compensation Pty. Ltd., for the Kokatha People Native Title Compensation Charitable Trust – activities Report:**

Chairperson spoke to this item and advised that KAC has been taking out a quarter of the income to pay for Native Title matters or into the Charitable Trust to pay for members' requirements, i.e. medical; glasses; school fees etc. At AGMs Directors ask the members for special consent to distribute more of the funds but it requires 100% of members to agree. The Trust itself has increased while with Perpetual from \$9m to \$11.4m.

**Item No.13: Special Consent (not less than 66.6%) for the Trust:**

Chairperson advised that if this Motion is successful, the additional funds will be put into the Charitable Trust to assist members.

In answer to a question about how many members had been assisted in the current year and for what, the Chairperson advised the family representatives are provided with information on a regular basis. Information is contained on page 12 of the Annual Report.

Members asked what would be the amount that could be available if this Motion was passed. There was discussion as to whether any machinery or equipment would be purchased. Chairperson advised the funds would go into the Charitable Trust and Directors will decide on the assistance to be provided – there are two Trustees. If there is any conflict, then two other Directors can make the decision.

Joyleen then spoke to the meeting about what the Motion is seeking to provide to Members and clarified the Motion.

The lawyer then explained to members that this Motion is for the current year – if members wanted the Motion to continue every year it will require a 100% consent.. On a year-by-year basis the vote required will be 66.6% approval.

After discussion, members requested a vote by ballot and not by a show of hands and/or cards

Lunch was then held at 1.06 with the meeting resuming at 1.59.

The following Motion was then put to Members –

**MOTION:** Pursuant to 4.5 of the Trust Deed, the members hereby consent to the Trustee applying or appropriating all income accumulated in the Accounting Period ending 30 June 2018 in pursuit of the Charitable Objects of the Trust.

**Proposed:** Joyleen Thomas  
**Voting:** Must be 66.6% consent  
**For:** 185 (83%)

**Seconded:** Glen Wingfield  
**Against:** 37 (17%)

**MOTION CARRIED**

**Item No.15: Andamooka Precious Stone Field ILUA:**

The Andamooka ILUA was advertised for a show of hands by Common Law Holders. When the ILUA was settled in 2014 it was put in place about activities that could or could not be carried out. It was always the intent to have a full document exercised.

The document had been on the website for several weeks. It divides the land into Area B – in which no mining for opal is to be carried out in any form; and Area A which allows mining, but restricts miners outside of a 25 metre zone for any creek or sand dunes that have not been disturbed previously. The State Government will advise everyone of these restrictions. Members will now need to decide whether to enter into this arrangement or not.

**Resolution No.1 Common Law Holders of Kokatha People:**

The Common Law Holders at this meeting acknowledge that we are the Common Law Holders of the Kokatha People recognised in the claim SAD 90 of 2009 of the land identified on the attached claim map and are related by traditional means of descent to the apical ancestors listed in the native title determination including those persons adopted into the claim group.

**Resolution No.2 Decision-Making Process:**

There is no Kokatha People traditional decision-making process that is binding on the decisions required under the Native Title Act 1993 to enter into an Indigenous Land Use Agreement. There are enough members of the common law holder group present to make decisions about this Indigenous Land Use Agreement. We agree to and adopt the following decision making process:-

- (a) Each common law holder attending this common law holder group meeting has a right to vote upon any resolutions that are considered at the meeting;
- (b) Voting on the resolutions will be by a show of hands;
- (c) The resolutions will be passed on a majority decision of common law holders of the Kokatha People recognised in the claim SAD 90 of 2009 present.

### **Resolution No.3                      Consultation:**

It is acknowledged by the common law holders that they understand the matters being proposed today in relation to the Indigenous Land Use Agreement for the Andamooka Precious Stone Field and that to the extent any decision is made that their consent to such decision is based upon informed consent.

### **Resolution No.4                      Indigenous Land Use Agreement:**

The common law holders agree to the Indigenous Land Use Agreement for the Andamooka Precious Stone Field being entered into by the Kokatha Aboriginal Corporation RNTBC ICN 8093.

4.2      The common law holders authorise the Kokatha Aboriginal Corporation RNTBC ICN 8093 to make whatever further decisions are required, or to undertake whatever actions are needed, to complete the Indigenous Land Use Agreement and action the terms referred to therein.

4.3      The claim group members authorised Mr. Chris Larkin, the Chairperson of the Kokatha Aboriginal Corporation RNTBC ICN 8093 and Mr. Glen Wingfield, the Deputy Chairperson of the Kokatha Aboriginal Corporation RNTBC ICN 093 to sign any documents relating to, or flowing from, the Indigenous Land Use Agreement.

*Only persons who are able to establish that they are common law holders will be entitled to vote.*

Shaun read through the Resolutions and explained them to the Members.

There was a question about whether there should not be names in the Resolution – just positions as the persons may change.

Chris Larkin had publicly advised the Members that he was withdrawing from signing any documents on the Resolutions as he holds a Miner's Licence at Andamooka and therefore it could be seen as a Conflict of Interest.

The map of the boundaries is contained on the website.

Members asked whether the Resolutions would be voted on individually or collectively. Another question was raised regarding the 12 blocks of land the State Government had granted plus another 3-4 outside the township. The answer to this was that there had already been number of land clearances undertaken and the land was then provided.

There was a debate about the land that is able to be mined and that there are Kokatha people buried in various areas.

There was comment that this is a complex issue and although it was on the website, people required time to consider the ILUA. Suggestion that a full day should be allocated to discuss the issue. A Motion was then put to the floor –

**MOTION:** That the Resolutions on the Andamooka Precious Stone Field ILUA is to be deferred until such time as a full meeting of the Common Law Holders can be held

**Proposed:** Elaine Kite

**Seconded:** Dianna Allen

**Voting:** For: 78

**Against:** 89

**MOTION WAS LOST**

Discussion then continue about the blocks of land and the fact they have no power; water or sewage provisions. Debate also about what are the benefits of the ILUA.

Chairperson advised again he had stepped down from voting but he needed to answer the questions. To get the Consent Determination, Andamooka was already a township where Native Title had been extinguished on the fields and on freehold land. The ILUA was negotiated by Kokatha five years ago and the only different item is now the ability for Kokatha to stipulate where mining can occur. There will be protection in that there will be no new roads; protection of sand dunes etc.

Discussion then held around the room on this topic.

As the Motion had been lost, the Resolutions were put to the Common Law Holders

**MOTION:** Common Law Holders approve the following Resolution No.1 –

The Common Law Holders at this meeting acknowledge that we are the Common Law Holders of the Kokatha People recognised in the claim SAD 90 of 2009 of the land identified on the attached claim map and are related by traditional means of descent to the apical ancestors listed in the native title determination including those persons adopted into the claim group.

**Proposed:** Ken Smith

**Seconded:** Anthony Reid

**Voting:** For: 70

**Against:** 56

**MOTION CARRIED**

**MOTION:** Common Law Holders approve the following Resolution No.2 –

There is no Kokatha People traditional decision-making process that is binding n the decisions required under the Native Title Act 1993 to enter into an Indigenous Land Use Agreement. There are enough members of the common law holder group present to make decisions about this Indigenous Land Use Agreement. We agree to and adopt the following decision making process:-

- (a) Each common law holder attending this common law holder group meeting has a right to vote upon any resolutions that are considered at the meeting;
- (b) Voting on the resolutions will be by a show of hands;
- (c) The resolution will be passed on a majority decision of common law holders of the Kokatha People recognised in the claim SAD 90 of 2009 present.

Proposed: Joyleen Thomas

Seconded: Charmaine Scott

Voting: For: 67

Against: 64

**MOTION CARRIED**

**MOTION:** Common Law Holders approve the following Resolution No.3 –

It is acknowledged by the common law holders that they understand the matters being proposed today in relation to the Indigenous Land Use Agreement for the Andamooka Precious Stone Field and that to the extent any decision is made that their consent to such decision is based upon informed consent.

Proposed: Glen Wingfield

Seconded: Charmaine Scott

Voting: For: 67

Against: 60

**MOTION CARRIED**

**MOTION:** Common Law Holders approve the following Resolution No.4 –

The common law holders agree to the Indigenous Land Use Agreement for the Andamooka Precious Stone Field being entered into by the Kokatha Aboriginal Corporation RNTBC ICN 8093.

4.2 The common law holders authorise the Kokatha Aboriginal Corporation RNTBC ICN 8093 to make whatever further decisions are required, or to undertake whatever actions are needed, to complete the Indigenous Land Use Agreement and action the terms referred to therein.

4.3 The claim group members authorised any two Directors of the Kokatha Aboriginal Corporation RNTBC ICN 093 to sign any documents relating to, or flowing from, the Indigenous Land Use Agreement.

Proposed: Ken Smith

Seconded: Ken Reid

Voting: For: 75

Against: 62

**MOTION CARRIED**

**Item No.16: Amendment of the Rule Book of Kokatha Aboriginal Corporation RNTBC ICN 8093 – General:**

Chairperson introduced the ORIC staff to talk on the proposed Rule Book changes. Both Andrew and Dana introduced themselves and outlined their roles within ORIC.

Andrew advised that Kokatha is now moving from a medium corporation to a large one – due to the growth it is now timely to review the Rule Book.

**Following are the proposed amendments – (members were provided with the proposed changes as well as the current Rule Book**

**MOTION: (75% of members required).**

Pursuant to paragraph 17.1 of the Rule Book, section 69-20 and section 69-5 of the Act (as such applies), the members hereby consent to the alterations to Rule Book of the Kokatha Aboriginal Corporation RNTBC ICN 8093 as per the amended rule book available at [www.kokatha.com.au](http://www.kokatha.com.au) and attached hereto, subject to amendments to clauses 7.1.2 and 18.2

**Proposed: Elaine Kite**  
**Voting: For: 224**  
**MOTION CARRIED UNANIMOUSLY**

**Seconded: Khatija Thomas**  
**Against: None**

The Rule Book will now be provided to ORIC and once it is registered it will be published and become effective from that date.

Congratulations were provided to Members and to Directors from ORIC on the Rule Book. The conversations around the changes was not always easy and there were different views.

**Item No.17 Code of Conduct:**

There is a need to delete E and F out of the Code of Conduct rules. Motion put to Members –

**MOTION: Members agree to remove Sections e and f from the Code of Conduct**

**Proposed: Elaine Kite**  
**Voting: For:**  
**MOTION CARRIED UNANIMOUSLY**

**Seconded: Khatija Thomas**  
**Against:**

Chairperson advised the meeting that two people had asked to speak to members regarding the decline of their membership to Kokatha. The Director had agreed to allow them to speak on their own behalf.

**Zaheer McKenzie:** Zaheer spoke of his descent from Kokatha people. KAC did ask for more information about his descent, but Zaheer asked to speak to the meeting. He had spoken to his relatives regarding his relationship with members.

Stanley Urbanowski: Stanley spoke about his grandfather being William Smith. His mother and cousins have been accepted as members – unable to see why he was declined.

**The new Board of KAC is to consider the two appeals.**

**Item 22: Any Other Business:**

Chairperson spoke of the issue regarding whether any payments had been made to take KAC members to court which came out of the morning discussion. He advised that three KAC Directors continually wrote to the Board; and called meetings without substance – costs of these meetings was approximately \$60k. These Directors also put in writing they wanted the Executive and lawyer to stand down while a fraud investigation was being held. Legal advice was then sought by the Board.

Ms. Kite advised that as one of those Directors, her legal representative had sent a letter which she wanted to share with members – Elaine then read out the letter in its entirety to the AGM.

Chairperson then advised he had spoken to the police who denied there was an investigation. The involved Directors had requested financials which are provided at every Director meeting. There was a request for mediation which resulted in several dates being suggested. The meeting was to be on the day before the AGM which was not acceptable due to the work involved with the AGM.

There was then several issues brought up regarding the specific allegations and petitions etc. Members and Directors had been contacted by the police on this.

Next issue was raised regarding payment to Alternate Directors. Treasurer advised Alternate Directors receive pay if they attend meetings on behalf of the Representative..

**Item No.18: Benefits:**

**MOTION:** The members hereby consent to benefits being paid to any person appointed as a Director of the Kokatha Aboriginal Corporation from time to time for activities such persons undertake in their capacity as Directors, such benefits being the payment of the sum of \$450 per day (or any part thereof).

**Proposed:** Khatija Thomas

**Seconded:** Ken Smith

**Voting:** For: 169

**Against:** 64

**MOTION CARRIED**

**Item No.20 Election of Directors:**

This Section of the AGM commenced at 4.28

The following is a schedule of Directors and Alternates provided by the families

FAMILY NAME	DIRECTOR	ALTERNATE
TURNER	Michael TURNER	Nina TURNER
STARKEY	Andrew STARKEY	Sabrina STARKEY
DARE	Karen JOSLYN	Rick DADLEH
DAVIS	Grant WARREN	Gilbert FORBES
DINGAMAN	Barbara AMOS	Amelia AMOS
KITE	Elaine KITE	Wilhelmine LIEBERWIRTH
LARKINS	Chris LARKIN	Joyleen THOMAS
REID	Max REID	Derryn REID
SMITH		
STRANGWAYS	Lynette STRANGWAYS	Eileen STRANGWAYS
THOMAS	Andrew THOMAS	Tanya SWALES
WINGFIELD	Glen WINGFIELD	Raymond WINGFIELD
FATT	Jennifer WILLIAMS	Shirley WILLIAMS
BAKER	Valerie COX	Allen WALLACE
ALLEN	Dianna ALLEN	Elton BRADY

Chairperson reconvened the meeting at 5.37. and advised the AGM was not in a position to declare all Directors. The following families had elected their Directors and Alternates –

- Starkey
- Dare
- Davis
- Dingaman
- Kite
- Larkins
- Reid
- Strangways
- Thomas
- Wingfield
- Fatt
- Baker
- Allen

The families of Turner and Smith are in dispute – the Turner family will meet again and the Smith family will receive legal advice. Under the Rule Book, office bearers are to be elected at the AGM or at the Director first meeting after the AGM.

**The next meeting of Directors is to be held on 15 December 2018 in Port Augusta – venue to be advised.**

The Chairperson then closed the meeting by thanking all members for attending and for passing the Motions.

**Meeting closed at 5.45.**

Accepted as a true and accurate record of the meeting

Glor Winfield 

Chairperson

Signature

3-8-19.

Date