

# NEWSLETTER

ISSUE 6. OCTOBER 2020

Kokatha Aboriginal Corporation RNTBC

ABN 17 649 502 722 ICN 8093 (under special administration)

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kokatha.com.au



## Dear members, traditional owners and other interested people,

This is my sixth and final newsletter as the special administrator for Kokatha Aboriginal Corporation RNTBC (KAC). In this newsletter I want to tell you about what we have achieved during the special administration.

### END OF SPECIAL ADMINISTRATION.

The special administration will end as previously advised on Friday, 9 October 2020.

In each newsletter I have updated you on my progress in relation to the three stages of a special administration. I am pleased to tell you that all stages are now complete.

### NEW KAC BOARD

A new board will be in place for the return of KAC to member control on 9 October 2020. KAC's new board is skills-based and governance-focused. The new directors represent all KAC members in accordance with KAC's remit as an RNTBC to manage and represent the interests and rights of Kokatha common law holders.

#### KAC member directors

I am pleased to announce that the following Kokatha people have consented to become KAC directors. Their appointment will take effect from 9 October 2020.

- Tenna Frankiw
- Kahlia Gibson
- Tanya Gill

- Elaine Moosha
- Daniel Ramm
- Jessica Reid
- Sabrina Starkey
- Tanya Swales

### KAC independent directors

The member directors of KAC will be supported by two experienced independent directors recruited for their board governance and sector expertise. The following two people have also consented to become independent directors and their appointment will also take effect from 9 October.

**Paul Lucas** was chair of the Queensland Cross River Rail Delivery Authority and non-executive director (and Audit & Risk Committee member) of the Institute for Urban Indigenous Health. He also provides strategy, infrastructure and governance consulting services to the private sector, industry bodies and non-government organisations and is an adjunct professor in law and business for Bond University and Australian Catholic University. Mr Lucas was deputy premier of the government of Queensland from 2007 to 2011, minister of several portfolios from 2001 to 2012 and the member of parliament for Lytton for 16 years.

### SPECIAL ADMINISTRATION STATUS

1

Take control of the assets, including land. Find out if the corporation can recover financially.

2

Restore good operational order.

3

Prepare the corporation for return to members' control as soon as possible.

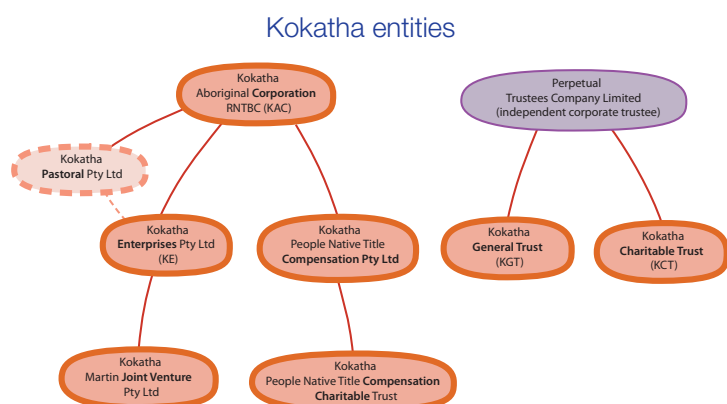
Paul has a Master of Business Administration (MBA), a Master of Urban & Regional Planning, Bachelor of Laws and a Bachelor of Economics. He is admitted as a solicitor to the Supreme Court of Queensland and High Court of Australia. He is also a fellow of the Australian Institute of Company Directors.

**Raelene Webb** is an independent director of Western Deserts Aboriginal Lands Corporation. In 2018, she completed her five-year term as president of the National Native Title Tribunal, the independent statutory agency established under the *Native Title Act 1993*. She has also served as chair of Bunuwal Investments (the investment arm of Rirratjingu Aboriginal Corporation) and independent director of North Australia Aboriginal Corporation.

Ms Webb is a faculty member of the Australian Institute of Company Directors, facilitating legal training for the AICD company directors course. She was appointed as Queen's counsel in 2004 and admitted as barrister to the Supreme Court of the Northern Territory and the High Court of Australia in 1992. She 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 graduate of the Australian Institute of Company Directors.

### KAC board chair

At their first board meeting, the new KAC directors will elect someone to be chair, a position that will rotate every 12 months.



### New board for Kokatha Enterprises Pty Ltd and Kokatha Pastoral Pty Ltd

A new board will be in place for Kokatha Enterprises Pty Ltd (KE) and Kokatha Pastoral Pty Ltd (KP) for the return of KAC to member control on 9 October 2020. Kokatha Enterprises and Kokatha Pastoral are 100% owned subsidiaries of KAC. Kokatha Mining Services is now a trading name under Kokatha Enterprises Pty Ltd. The KE & KP board will provide oversight and governance for the subsidiary commercial activities and will report to the main KAC board.

### KE & KP Kokatha directors

I am pleased to announce that the following Kokatha people have consented to become KE & KP directors.

- Amanda Dempsey
- Kim Edwards
- Nina Starkey
- Aaron Thomas

Their appointment will take effect on 9 October 2020.

### KE & KP independent directors

The Kokatha directors of KE & KP will be supported by two experienced independent directors recruited for their governance and sector expertise. The following two people have consented to become independent directors, effective from 9 October 2020.

**Nic Kentish** is senior advisor with Resource Consulting Services (RSC) and has worked closely with the Indigenous Land and Sea Corporation (ILSC) on initiatives to build Aboriginal expertise and opportunity in managing rural land and pastoral operations. With 35+ years pastoral and agribusiness experience, he is a fourth-generation pastoralist and secretary of the family business Greenbanks Farms in Mount Gambier. Nic has served on many rural and agriculture boards and committees. He has an advanced diploma in agriculture and is a graduate of the Australian Rural Leadership Program.

**Deborah Di Natale** is currently CEO of Northern Territory Council of Social Service and has experience as an independent director of Marra Worra Worra Aboriginal Corporation in Fitzroy Crossing and as principal lawyer for the North Australian Aboriginal Family Legal Service in Darwin. She has a Bachelor of Arts, Bachelor of Laws and Master of Public Administration and is a graduate of the Australian Institute of Company Directors.

## MEMBERSHIPS

After extensive consultation and legal advice on the matter of memberships during the special administration I am pleased to advise the processing of membership applications has recommenced. KAC directors have ultimate responsibility for admitting new members to the corporation, and there is now a clear pathway for assessing applications that have previously been considered problematic.

KAC membership applications will involve a three stage process, which has been written into the rule book:

1. In the first instance, membership applications are reviewed by the KAC board. Applicants passing that review are accepted as members.
2. Applicants not recognised by the board go to the Culture and Heritage Committee for recommendations. Applicants passing this second review are accepted as members by the board.
3. Applicants unrecognised in the first two stages are given the opportunity to present their application at the next meeting of common law holders (CLHs). The CLHs meeting decision to accept or reject an application is final. There will be two CLHs meetings each year (Covid 19 permitting).

In addition, KAC is starting to create a register of common law holders. Kokatha people who prefer not to take up membership of KAC remain entitled to benefits as common law holders, including the right to attend and vote at meetings of common law holders. Having a register of common law holders will make it much easier for corporation staff to keep all Kokatha people advised of what is happening. Kokatha people wanting to be on the register should contact the KAC office:

**Melinda Forrest**  
Administration  
Kokatha Aboriginal Corporation  
Office address: 35 Flinders Terrace, Port Augusta SA 5700  
Postal address: PO Box 3030, Port Augusta West SA 5700  
Tel: 08 8642 2068 / Fax: 08 8642 2948  
Email: adminsupport@kokatharntbc.com.au

There are significant advantages to being a member of KAC and/or to being on the register of common law holders. All Kokatha people are encouraged to apply for registration, even if your application was previously declined.

## THANK YOU AND BEST WISHES

I would like to extend my sincere thanks to the KAC team for the wonderful work they have been doing to create employment and support the Kokatha community through these difficult times.

Finally, a reminder to all that KAC is your corporation, owned by the members / Kokatha community. I wish the new board and staff all the best with the future of Kokatha Aboriginal Corporation RNTBC.

Many thanks, Peter

## NEW OPPORTUNITIES—OZ MINERALS

KAC staff have recently completed negotiations with OZ Minerals (OZM) to ensure Kokatha employment, training and commercial outcomes as part of the successful western access road tender.

Requirements under the contract include:

- 10 Certificate II in Civil Infrastructure positions (six-week program)
- 10 plant operator traineeships (Certificate III in Surface Extraction—two years of on-the-job training)
- one diesel fitter apprenticeship (Certificate III in Mobile Plant Technology)
- one site administrator or safety coordinator traineeship
- one tertiary scholarship in the field of engineering, surveying, or environmental science (with guaranteed employment at completion)
- a KMS sub-contracting agreement with a minimum value of \$3 million over two years, including at least six operators
- Kokatha employment and retention strategy, with measurable outcomes of minimum employment and retention levels

KAC staff are also negotiating with OZM to ensure Kokatha employment, training and commercial outcomes as part of the successful waste management tender.

All of these employment and training opportunities will be promoted to the whole Kokatha community, starting in October 2020.



## CONSULTANCY SERVICES

KAC has completed two comprehensive tender processes to identify service-providers for future years:

- For legal, human resources (HR) and industrial relations (IR) services, the panel chose to establish two panels, so KAC can choose a supplier as appropriate:
  - for HR/IR support—Abundance HR (HR recruitment and retention), IR200 (contracts, awards and IR), Williamson Barwick (legal work in the area of IR)
  - for legal counsel (native title, commercial)—Jackson McDonald, Camatta Lempens, Castledine Gregory
- For financial services, RSM Australia (Adelaide office) has been appointed with a view to returning 60% of accounting services in-house. Their contract started on 1 September and includes a transition from Rowe Partners and support to build capacity among KAC staff.



*Tamika Reid's painting, showing symbols representing food, meeting spots and movement*



*Shirley Williams' painting, Kokatha and people in partnership*

## KOKATHA ART

The Kokatha Carrapateena Art Competition voting resulted in the following Kokatha artists being commissioned by OZM:

- Category 1: sculpture or statue—Kerry Moosha (boomerang with copper sheeting)
- Category 2: painting #1—Tamika Reid
- Category 3: painting #2—Shirley Williams
- Category 4: painting #3—Jasmine and Leah Brown

OZM have organised a celebratory event with the artists in Adelaide which will include local media. KAC are negotiating copyright agreements with the artists to be able to reproduce the images for not-for-profit purposes (such as promotional material).



*Jasmine and Leah Brown's painting, KAC and OZM working together*



## PROTECTING OUR PEOPLE

We are pleased to advise that BHP has extended the powerful 'protecting our people' community program through its Vital Resource Funding (VRF). Facilitated by KAC and coordinated by a project team led by David Kelly, Glen Wingfield, Lavene Ngatokorua and Linda Dare, the project was designed to support Kokatha, Barngarla and Kuyani community members to stay safe and healthy during COVID-19 restrictions. It helped people to isolate and provided food, medical or accommodation support or assistance to get back on Country.

In its first three months over 250 Kokatha, Barngarla and Kuyani community members were supported (including approximately 80 people over the age of 50 and 185 people with health issues or disabilities), and around \$125,000 was spent in the local economy.

The project team is working closely with the Vulnerable People and Complex Needs Program (VNF), The Salvation Army (breakfast program), Port Augusta Child and Family Safety Network, National Indigenous Australians Agency, SA Police and Housing.

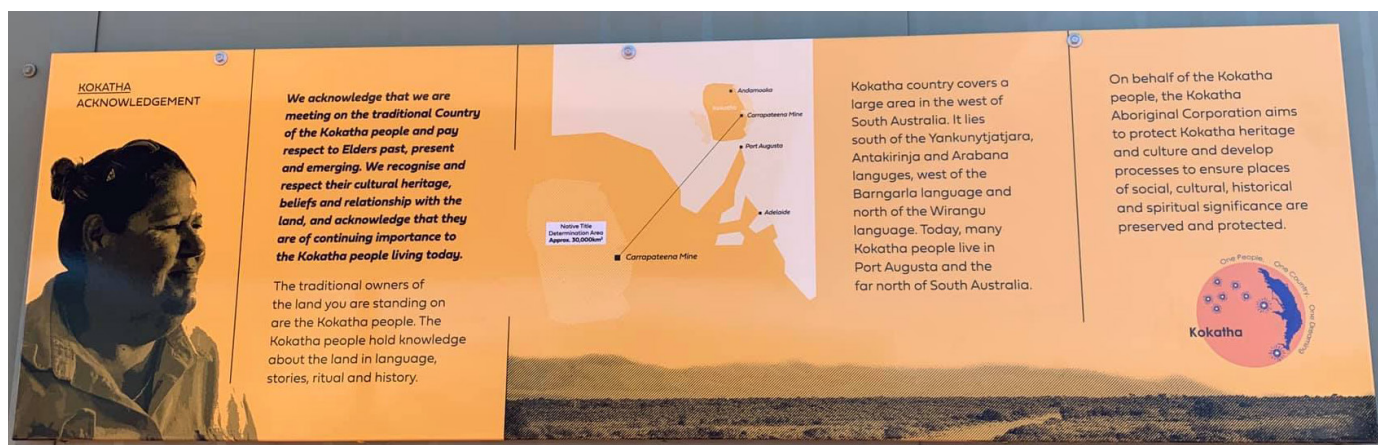


The success of the project so far resulted in national stories broadcast by SBS Television and National Indigenous TV; a 20-minute radio interview on Koori Radio; a press article in *The Transcontinental*; and upcoming articles in The Department of Prime Minister and Cabinet's Indigenous.gov.au website and weekly email, and The Salvation Army's *Others* magazine. Read more at the Kokatha website: [kokatha.com.au](http://kokatha.com.au)

During the first week after the program was extended, 20 families were directly assisted and five people were assisted to return to Country.





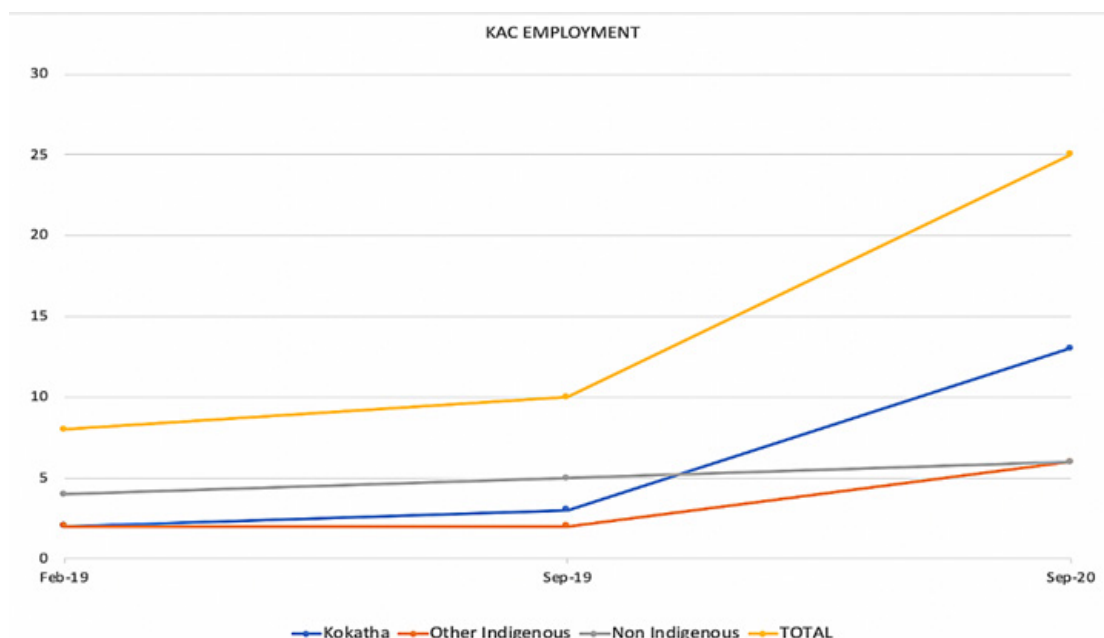


## CARRAPATEENA MINE OPENING

Kokatha's CEO, heritage services manager and nine Kokatha family representatives nominated by the Culture and Heritage Committee accepted OZM's invitation to attend the official opening of the Carrapateena mine site. Mr Andrew Starkey was also nominated by the Culture and Heritage Committee to deliver the welcome to Country. The event was also attended by the premier and the minister for energy and mining.

## KAC EMPLOYMENT OUTCOMES

In accordance with the corporation recruitment strategy (available at [kokatha.com.au/policies-procedures](http://kokatha.com.au/policies-procedures)), KAC continues to grow our workforce in line with resources, opportunities and a commitment to prioritise the employment of Kokatha people over local Indigenous and non-Indigenous candidates. The graph below shows the impact of this approach since September 2019.



### SPECIAL ADMINISTRATOR

**Peter McQuoid**

PDM Consultancy

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For more about special administrations see [oric.gov.au/special-admins](http://oric.gov.au/special-admins) or call **1800 622 431** (not free from mobiles).