

**KOKATHA ABORIGINAL CORPORATION RNTBC ICN 8093**

**Annual General Meeting**

**Saturday, 9 April 2022 at 10.00am**

**Held at West Augusta Football Club, 13 Gardiner Avenue, Port Augusta West,  
Lot Fourteen, Eleanor Harrald Building, Frome Road, Adelaide  
and via video conference**

**MINUTES**

**1 Chairperson's Welcome, Attendees and Apologies**

Elaine Moosha as Acting Chair of the Kokatha Aboriginal Corporation Board declared the meeting open at 10.37am and welcomed everyone and acknowledged the lands on which we were meeting across the different locations and paid respects to the elders past, present, and emerging.

**2 Minutes silence**

One minutes silence was observed in recognition of community members who have passed.

**3 Appointment of Chair for the AGM**

Elaine advised that efforts were made to have an Independent Chair however this was unsuccessful and in accordance with the Rule Book nominations were called for from the floor for a Chair of the meeting.

**Resolution: The members moved that Roger Thomas Chair the meeting. (Lot Fourteen: 23 in favour, Port Augusta: Majority in Favour, online: Majority in Favour)**

Those attendees who were not members of the Kokatha Aboriginal Corporation or Kokatha people were asked to leave the meeting for an in-camera discussion between the members only.

The meeting reconvened at 12.39pm at which time Roger as Chair of the meeting explained the protocols for the voting.

**4 Minutes of the previous meeting**

**Motion: Defer the approval of the minutes and this annual general meeting as we do not have the minutes of the last meeting. Moved: Sandra Taylor Seconded: Melissa Amos (Against: 105, For: 37 Abstained: 2 – Motion not carried)**

**Motion: The agenda item from the AGM on 9 April 2022 for approval of the AGM minutes of the meetings held on 6 July 2019 and 26 February 2020 copies of which were not available at the agm on 9 April 2022 meeting would be distributed overnight for approval and deferred as a single item for approval at the meeting held on 10 April 2022. (Against: 1, For: 98, Abstained: 1 – Motion carried)**

The meeting broke for lunch and reconvened at 2.40pm.

## 5 Kokatha People Native Title Compensation Charitable Trust Report

John Hender from the Native Title Compensation Charitable Trust Board provided an update to the meeting on its performance and how money has been distributed to the Kokatha people.

The members were provided an opportunity to ask questions and provide comments in response to receiving the update from John Hender:

- The CEO salary is not paid out of the charitable trust.
- The directors of the trust have been meeting about once a month.
- The directors of the trust are paid the same meeting fee as the directors of KAC.
- The two independent directors of the KAC Board are paid \$15,000 a year for their work.
- Reports from the trust are provided to the KAC Board.
- The investment policy has been provided to the KAC Board.
- Any changes to the rules and how monies are distributed is not a decision made by the trust.
- Clarification on the \$1,000 allocation per family was sought from members.

John Hender suggested that a meeting be meeting convened between the KAC Board and the trusts to discuss the monies which are available for distribution and how do the community want to distribute this.

***Motion: Proposed under 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 2021 in pursuit of the Trust's Charitable Objects of the Trust. Moved: Roger Thomas, Seconded: Elaine Kite (Against: 6, For: 127, Abstained: 0)***

John Hender said that they will now be able to calculate what is available for the community. The compensation trust board will meet with the advisory committee and perpetual to discuss what can be done in terms of supporting the community taking into consideration the feedback provided at this AGM.

## 6 RARB Presentation and Resolution

The KAC Board have moved a motion to have the items under 9.1, 9.2 and 9.3 on the Agenda for this meeting deferred until the November 2022 AGM hence there will not be a vote passed at the AGM.

The purpose of the RARB was explained by Roger Thomas and it was noted that:

- The members need to be made aware of what the implications of the RARB are.
- KAC will not lose the status of the RARB by deferring the proposed resolutions to the AGM until November 2022.
- The Heritage Committee and Aboriginal Affairs do not have authority to cancel the RARB status.
- The Board have asked for there to be more time provided for the members to be consulted on the RARB status.
- The Culture and Heritage Committee will have this on their Agenda and it will be for them to decide what to do.

## 7 Audited Financial Statements

Matthew Gorge of RSM presented the audited financial statements to the members and confirmed that RSM provide various accounting services to KAC noting that RSM are not the auditors, this work is undertaken by Basso Newman.

The statements presented are a consolidated report and includes three of the KAC organisations.

Matthew Gorge noted that the 2022 financial year to date results are consistent with budgets.

The Chair raised a concern about the payment of salaries and there being a forensic enquiry. Several matters were raised as part of this discussion including:

- Peter McQuoid has been employed (engaged) as a consultant to provide advice on the Rule Book.
- Under the delegations of the CEO at the time, which would have been Cate Ballantyne, Peter McQuoid would have been engaged to work as a consultant.
- It was not recorded anywhere that Peter McQuoid had a conflict of interest with coming from being the administrator appointed by ORIC to being a consultant.
- A request was made for a forensic examination of this and there being a conversation with ORIC about Peter McQuoid doing what he did.
- The resignation date of Cate Ballantyne was 21 January 2022.
- The question was raised as to whether Cate Ballantyne has been engaged as a consultant by KAC and when this commenced and is this current.
- The members have a right to know who has been employed (engaged) by KAC.
- Regarding the Workcover claim the Acting CEO advised that she cannot discuss this in a public forum.
- The decision as to whether a former employee of KAC is employed (engaged) as a consultant is made by the KAC Board.
- Consultants have been employed (engaged) to provide support and governance to management to enable management to be clear on the appropriate delivery of governance.
- Peter McQuoid is still employed (engaged) as a consultant to KAC.
- Cate Ballantyne is not employed any longer by the organisation.
- With regards to the feasibility study with the hub, Cate Ballantyne has nothing to do with the hub.
- These questions have been raised because if there are ongoing questions about what governance is and what is management then KAC people need to be clear on what their position is.
- The principal here is of declared conflict as Peter McQuoid has gone from being an administrator to a consultant.
- The minutes from the meetings of the Port Augusta Committee which Roger Thomas has participated in reflects that Angela Nicholls as Acting CEO is listed as the KAC representative on the committee. The minutes referred to the hub and feasibility study that was done by an independent, David Kelly, there was a reference in there to the association of the Kokatha coming up with a proposal for the hub. It was confirmed that since 21 January 2022 Cate Ballantyne has not represented KAC at any meeting.
- It was presented to Angela as Acting CEO that Cate Ballantyne has continued to use the brand and the status of the KAC community through the research analysis and other business relating to the hub. Angela will take this on notice and make sure that this is resolved.
- The recommendation from Roger Thomas to the community members is to put a stop to Peter McQuoid providing consultancy work to the organisation as he will then know what is going on and will use this as a basis to put KAC back into administration.

***Motion: The financials – we ask for a next level detailed breakdown of the items relating to employment and recruitment relating to this organisation, and maybe break this down into all those lines on page 31. (Moved: Tanya Swales Seconded: Roger Thomas – Unanimous)***

It was agreed that the financials would be rolled over to the AGM meeting which will be continued tomorrow (Sunday, 10 April 2022) at which time the information requested will be available.

Roger thanked everyone for their participation and closed the meeting at 4.47pm.

DRAFT

Annual General Meeting

Sunday, 10 April 2022 at 10.00am

Held at West Augusta Football Club, 13 Gardiner Avenue, Port Augusta West,  
Lot Fourteen, Eleanor Harrald Building, Frome Road, Adelaide  
and via video conference

MINUTES

**1 Chairperson's Welcome, Attendees and Apologies**

Elaine Moosha as Acting Chair of the Kokatha Aboriginal Corporation Board declared the meeting open at 10.33am and welcomed everyone and acknowledged the lands on which we were meeting across the different locations and paid respects to the elders past, present, and emerging.

**2 Minutes silence**

One minutes silence was observed in recognition of community members who have passed.

**3 Items of Business**

Elaine Moosha informed everyone that there were several items which were not finalised at the AGM on Saturday, 9 April 2022 that will be finalised at this meeting.

**4 Appointment of Chair**

Elaine called for nominations from the floor for Chair of the meeting and it was unanimously agreed that Elaine Kite would Chair the meeting.

Elaine Kite acknowledged the traditional owners and paid her respects to the elders past, present, and emerging and asked that everyone follows a code of conduct today and that everyone treats one another with respect and in a way that they would want to be treated.

**5 Board Report**

Elaine Moosha presented the Board report which was included in the 2020/2021 Annual Report.

***Motion: The Board report was received. (Moved: Chris Larkin, Seconded: Anna Strezlecki)***

**6 CEO Report**

Angela Nicholls in her capacity as Acting CEO presented the CEO report, prepared by former CEO Cate Ballantye who left the role in January 2022, which was included in the 2020/2021 Annual Report.

Angela appreciates that there has been a frustration over the last few months accessing the administration, particularly during the last 3 months with the increase and impact of COVID. The impacts of COVID on the team were explained to

the members with an overview of how staff have worked to ensure services continue to be delivered. Angela thanked the KAC team and appreciates the frustrations and noted that the office are working on different solutions to improve the services provided and have taken on board the feedback provided at the meeting yesterday meeting.

There was an opportunity for questions and comments to be raised which included:

- There should be a training budget that supports people going out to get jobs.
- There is a training and employment officer who will continue to review this.
- Members of the community are encouraged to look online for opportunities and there is another option to receive an SMS notification of a job opportunity.
- Angela would have to check on the protocols to ensure the information is shared.
- Members are encouraged to ensure their details are up to date so that they can be contacted via email and phone.
- Education scholarship applications are presented to the scholarship committee, the membership of which was provided to the members.
- Angela explained that the Board decide the structure of the committees.
- The terms of reference for the committees can be made available to the members.
- Training of the Board to understand the finances and not having independents managing the finance.
- A nomination form was included in the meeting pack to nominate for the two casual Board vacancies. These Board members must be Kokatha members and voted in.
- The process for nominating and appointing members to the Board was explained.

***Motion: The CEO report was received. (Moved: Chris Larkin, Seconded: Michael Turner)***

## **7 Minutes of the previous meetings**

Copies of the minutes of the previous AGM's held on 6 July 2021 and 26 February 2021 were made available to the members.

***Motion: The minutes of the AGM meetings held on 6 July 2019 and 26 February 2021 were accepted. (Moved: Joylene Thomas, Seconded: Anna Strezlecki)***

## **8 Audited Financial Statements**

The information requested at the AGM on 9 April 2022 regarding the financial statements was made available to members.

***Motion: The financial statements as tabled were received. (Moved: Anna Strezlecki, Seconded: Tania Couzner)***

***Motion: Basso Newman Audit Pty Ltd be appointed auditors for the next financial year at their usual audit fee rate. (Moved: Glen Wingfield, Seconded: Tanya Swales)***

## **9 Amendment of Rule Book**

The point was raised of there being a male and a female representative for each family group nominated for election to the Culture and Heritage Committee and it was decided that this would require a separate resolution to be passed at another time.

**Motion: The members agreed to the changes to the Rule Book as presented and set out in the Special Resolution 13.1 of the Agenda and also included in the Voting Info Pack for the AGM. (Moved: Tanya Swales, Seconded: Anna Strezlecki) (For: Majority, Against: 4)**

**Motion: The changes to the Rule Book would be sent to ORIC. Moved: Chris Larkin, Seconded: ?**

## **10 Culture and Heritage Committee Election**

The following elections were provided:

Hilda Captain/Dingman – Barbara Amos and Daryl Johnson (Proxy)

Allen – Diana and Elton (Proxy)

Baker – Millie Horace and Kim Chamberlain (Proxy)

Davis – Grant and Letitia Warren (Proxy)

Egan – Paul and Veronica (Proxy)

Kite – Elaine and Glen Newchurch (Proxy)

Larkin – Chris and Joylene Thomas (Proxy)

Reid – Aaron Reid and Patty Reid (Proxy)

Smith – Ken Smith and Anna Strezlecki (Proxy)

Thomas – Tjiangee Thomas and Denise Thomas (Proxy)

Turner – Valerie Gibson and Osmond Bucker (Proxy)

Wingfield – Glen and Janice (Proxy)

Wild Mary – Ricky and Michelle (Proxy)

Fatt – Jennifer and Patricia Tonkin (Proxy)

## **11 Any other business**

**Motion: The members of the Kokatha Aboriginal Corporation RNTBC resolve to request and authorise the Board to review the rule book of KAC. The review must be completed by 16 September 2022 in collaboration with the KAC membership and all KAC committees and sub committees including the Culture and Heritage Committee and Kokatha Enterprise Board. Moved: Glen Wingfield, Seconded: Chris Larkin (For: 68, Against: 41, Online: 5)**

Trenna Frankiw as KAC director believes that the review of the KAC Rule Book is in the best interests of the Kokatha people to have the conversations regarding the changes that are to happen.

Chris Larkin foreshadowed with the members that he will propose a resolution at the next AGM on a Code of Conduct that if a member abuses other members or threatens violence that they will lose their ability to receive monies from the trust for 3 or 6 months.

It was noted that the matters on scholarship and training will be left with the members of the Board to consider.

There being no further business the meeting was closed at 1.53pm.