



# Ngadju Native Title Aboriginal Corporation RNTBC

Under special administration

ICN 8297 | ABN 40 829 460 147

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## NEWSLETTER

Issue 3, April 2020

### Dear members and other interested people,

Our names are Jack James and Paula Smith and we are from Rodgers Reidy in Perth.

On 11 November 2019, the Registrar of Indigenous Corporations appointed us special administrators of Ngadju Native Title Aboriginal Corporation RNTBC (Ngadju).

This is our third newsletter. All newsletters and meeting notices will be available on the public Register of Indigenous Corporations at [oric.gov.au](http://oric.gov.au)—use the 'Find a corporation' tool and search using 'Ngadju Native Title' or '8297' (the ICN). Then follow the link to 'documents'.

### PROGRESS OF SPECIAL ADMINISTRATION

We are continuing our work in stage 2 of the special administration, which is aiming to restore good operational order.

ACTION	STATUS
1 Take control of the assets, including bank accounts; build a complete picture of issues and challenges; and establish a clear plan of action.	Complete
2 Restore good operational order.	In progress
3 Prepare the corporation for return to members' control.	Pending

### EXTENSION OF SPECIAL ADMINISTRATION

While good progress has been made, the Registrar has decided to extend the special administration to 17 July 2020 so we can finalise a number of important matters before returning the corporation to the control of the members and a new board.

### OPERATIONAL MATTERS

#### OFFICE CLOSURE, WORK FROM HOME

As a result of the COVID-19 outbreak and in order to protect the health and wellbeing of Ngadju staff and visitors, we made the decision to close the office and direct all staff to work from home.

The Ngadju office phone has been diverted to appropriate staff during this time.

#### RECRUITMENT OF CEO

The process to recruit a new CEO has begun. First-round interviews of five candidates were held on 24 March 2020. Three members of the advisory group were on the panel.

The panel selected two candidates for second-round interviews, which were conducted with members of the advisory group. A preferred candidate was chosen and we are negotiating a contract of employment with a view to having the new CEO start as soon as possible.

We will advise members once the new CEO has been formally appointed.

#### STAFFING

We have commenced a review of the corporation's staffing structure to make sure it's a good fit for the corporation's needs.

#### HERITAGE SERVICES

As members may know, heritage services were arranged by Paperbark. We decided that it was in the best interest of Ngadju that it arrange heritage services directly. To this end, Anna Taite is now employed as heritage manager on a short-term contract to arrange for the transition from Paperbark to Ngadju.

The transition went well and the first survey was conducted in mid-March 2020.

However, due to the COVID-19 outbreak, all heritage services are now suspended to keep Ngadju people and staff safe.

### ABBOTT TRUSTEE SERVICES

Since our appointment, we have had regular contact with Abbott Trustee Services (Abbotts) who are the trustee of the Ngadju Peoples Charitable Trust No 2 (the Charitable Trust). The Trust operates independently of Ngadju and has its own advisory committee.

The Trust provides funding to Ngadju to assist with meeting its operational costs. The funding that is provided is based on a budget prepared by Ngadju and approved by Abbotts and the advisory committee.

We are currently working on an operating budget for Ngadju for the period 1 July 2020 to 30 June 2021. We expect to have this finalised in mid-April 2020 for submission to Abbotts and the Trust Advisory Committee for approval.

### MONEY STORY

A summary of Ngadju's recent financial information is in the next column. We make the following comments about the money story.

### GLSC FUNDS

As previously advised, these are funds transferred from Goldfields Land & Sea Council Aboriginal Corporation (GLSC). At a meeting held on 3 February 2016 the Ngadju People agreed certain funds held by GLSC would be transferred to the corporation. As a result, in March 2019 approximately \$1,299,092 was transferred into a corporation bank account.

These funds have not been used. As at 29 February 2020 the amount was \$1,301,130.60, which includes interest earned since the funds were received.

### MINING AGREEMENT FUNDS RECEIVED

Having reviewed the funds received from various mining agreements, there are

## BALANCE SHEET (STATEMENT OF FINANCIAL POSITION)

Assets and liabilities	30 Jun 2018 (audited)	30 Jun 2019 (audited)	29 Feb 2020 (unaudited)
<b>Assets</b>			
Current assets	835,857	1,912,778	2,014,785
Non-current assets	544,672	395,051	350,205
<b>Total assets</b>	<b>1,380,529</b>	<b>2,307,829</b>	<b>2,346,990</b>
<i>less</i>			
<b>Liabilities</b>			
Current liabilities	466,744	532,692	621,480
Non-current liabilities	-	-	-
<b>Total liabilities</b>	<b>466,744</b>	<b>532,692</b>	<b>621,480</b>
<b>EQUITY</b>	<b>913,785</b>	<b>1,775,137</b>	<b>1,743,510</b>

## INCOME STATEMENT (STATEMENT OF FINANCIAL PERFORMANCE)

Income and expenses	30 Jun 2018 (audited)	30 Jun 2019 (audited)	29 Feb 2020 (unaudited)
<b>Income</b>			
PBC administration funding	733,807	1,550,000	1,033,000
Heritage services	499,640	632,070	454,509
GLSC funds	-	1,541,218	-
Mining agreement income	1,091,374	1,124,609	236,670
Grants and contributions	-	118,000	46,677
Reimbursement income	222,539	235,741	108,390
Other income	199,718	26,169	4,927
<b>Total income</b>	<b>2,747,078</b>	<b>5,227,807</b>	<b>1,884,506</b>
<i>less</i>			
<b>Expenses</b>			
Accounting	54,910	46,775	47,280
Auditors	7,700	13,738	12,300
IT expenses	36,424	39,367	25,213
Consultants	365,840	456,073	35,020
Depreciation	34,395	74,263	39,831
Directors fees	276,221	487,877	141,935
Employee expenses	626,196	1,091,935	527,361
Heritage costs	510,517	867,135	351,304
Genealogy	-	22,400	-
Insurance	17,296	31,669	28,152
Interest and finance	3,086	1,823	-
Law and culture	8,653	-	-
Legal	498,183	523,045	286,287
Meetings	48,823	28,703	123,492
Member services	82,623	28,418	-
Motor vehicles	4,144	24,402	22,404
Office	65,112	116,849	104,475
Programs	-	21,816	39,982
Recruitment	3,420	42,069	7,852
Travel & accommodation	164,287	193,390	117,949
Other	190,014	249,706	7,024
<b>Total expenses</b>	<b>2,997,844</b>	<b>4,366,455</b>	<b>1,917,861</b>
<b>SURPLUS / (DEFICIT)</b>	<b>(250,766)</b>	<b>861,352</b>	<b>(33,355)</b>

certain amounts we believe should be paid to the Charitable Trust rather than the PBC. As such, any of these funds that Ngadju has received since our appointment have been set aside and not used for operational expenses. So far, these funds total \$250,034. These amounts are not recorded as income but have been recorded on the balance sheet until a decision is made about the funds.

### THE SUGGESTED WAY FORWARD

Usually, in order to find out how the funds mentioned above should be used, we would hold a meeting of common law holders and seek their input. However, due to the COVID-19 outbreak, we cannot hold a meeting.

We are currently working with Ngadju's native title lawyers to try and find the best way to move forward with this.

We did discuss the above two matters with members and listened to their feedback. At this stage, we think:

- The GLSC funds should be paid into a discretionary trust so that the funds can be distributed to members.
- The mining agreement income of \$250,034 and any future royalty income under those particular agreements should be paid to the Charitable Trust.

However, as we say above, we are discussing this with Ngadju's native title lawyers and we will provide a further update to members in the coming weeks.

### LIMITED SCOPE FORENSIC AUDIT

As also discussed at the recent information meetings and AGM, the Trust has engaged Bentleys (chartered accountants) to undertake a limited scope forensic audit of certain financial matters for the financial years 2017–18 and 2018–19.

We have arranged for all requested information to be made available to Bentleys. We understand they expect to complete the audit in mid April 2020.

### FINANCIAL POSITION AND PERFORMANCE

The corporation had a deficit of \$33,355 for the eight months ending 29 February 2020. We are continuing to review the finances of Ngadju to identify cost reductions.

### ADVISORY GROUP

We will be meeting with the advisory group again shortly—through electronic means.

Our advisors will:

- meet the preferred candidates for the CEO role and
- discuss proposed changes to the rule book.

### NATIVE TITLE NEGOTIATION COMMITTEE

The Native Title Negotiation Committee met last week by teleconference to further discuss proposed mining agreements. Following that, and as we cannot have any face-to-face meetings, we will need to work out how to communicate with common law holders with regard to any draft agreements, and to seek their approval or otherwise.

Further information will be provided in the coming weeks.

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

## SPECIAL ADMINISTRATORS



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