

DJUNGAN NEWSLETTER

Kuku Djungan Aboriginal Corporation (KDAC) (in liquidation) and Kondaparinga Station
- the ongoing process for making sure the property remains with the Djungan People.

SEPTEMBER 2020



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This newsletter has been prepared so that the Djungan common law native title holders, the Nguddaboolgan Native Title Aboriginal Corporation RNTBC (NNTAC) members, are informed of the current circumstances regarding Kondaparinga Station and the ongoing process and legal steps that need to be taken to make sure that it remains with the Djungan People.

Some of you may recall the April 2020 newsletter that was sent out providing the background as to the work NNTAC has been doing, together with North Queensland Land Council (NQLC), Indigenous Land and Sea Corporation (ILSC) and National Indigenous Australians Agency (NIAA) to ensure that Kondaparinga Station (the Station) remains with the Djungan People.

The newsletter also set out the legal process each of the parties had to follow so that the ILSC could acquire the title

of the Station on behalf of the Djungan People. If the process is successful, the Station would be initially acquired/transferred to the ILSC whereby a divestment plan is later put into place so that the leasehold interest is then transferred to NNTAC, or a subsidiary of NNTAC set up to manage the property.

To refresh Djungan People about the process, it involves NNTAC working closely with NQLC, ILSC, NIAA and the Liquidator, Mr Todd Kelly of BDO (NTH QLD) (BDO) and involves:

- an application by NNTAC to the ILSC for funding to secure Kondaparinga Station where the leasehold interest of the Station would be initially transferred to the ILSC and then a divestment plan is later put into place so that the leasehold interest is then transferred to NNTAC or a subsidiary of NNTAC set up to manage the property;

- an application by NQLC to NIAA for funding for NNTAC's capacity building to support NNTAC in the work it must do to secure the Station, as well as work required on various economic proposals once Kondaparinga Station is secured; and

- liaising directly with BDO and advocating on behalf of the Djungan People as the Station remains under BDO control until such time the ILSC funding becomes available.

Since the April newsletter, work has progressed and it is now time to update the Djungan People common law native title holders and NNTAC members as to the status of the work completed, and work yet to be done, so that the Station remains with the Djungan People.

A. COMMUNITY MEETING - 24 JULY 2020

As many of you are aware there was a Djungan People community meeting held via Zoom on the 24 July 2020. The community meeting was held via virtual means as at the time the meeting was called, COVID-19 restrictions were in place which seriously impacted on planning for and having face-to-face meetings.

The Zoom Djungan People community meeting was the first of its kind to be facilitated by the NQLC and apart from some initial technical issues the meeting was a great success. The attendance on the day recorded over 70 Dungan People which was a fantastic turn out given the importance of the meeting to all Djungan People.

Waive First Right of Refusal – Resolution passed by the Djungan Common Law Native Title Holders

At the Djungan People community meeting Djungan People were asked to contemplate a single agenda item and that was to consider waiving the first right of refusal under the Kondaparinga Indigenous land Use Agreement (ILUA).

As previously mentioned in our last newsletter, at the time of the Djungan People's native title determinations an ILUA was entered into between KDAC and NNTAC which included clauses to make sure that Kuku Djungan Aboriginal Corporation (In Liquidation) (KDAC) could not sell the property without first offering it to NNTAC.

The benefit of the first right of refusal is for Djungan People. This means that under the ILUA, Djungan People must consent to it being waived to then allow the Station to transfer to the

ILSC. The community meeting was very important as it provided a method for the Djungan People to pave the way so that the ILSC can continue with processing NNTAC's application for funds to acquire the Station.

At that meeting the Djungan People unanimously passed the following resolution:

The Djungan common law Native Title holders:

- *under Clause 16.1 of the Kondaparinga ILUA, waive their Right of First Refusal for the single purpose only that the Indigenous Land and Sea Corporation (ILSC) is nominated to acquire the title of Kondaparinga Station on behalf of the Djungan People; and*
- *for NNTAC to enter into a deed with ILSC and KDAC (in liquidation) to allow for the transfer of Kondaparinga Station to the ILSC.*

The success of the passing of the resolution means that ILSC can continue to process NNTAC's application to provide funds to acquire the Station and NNTAC can continue to work on the plan to ensure that the Station remains in the hands of Djungan People.

The success of the plan requires NNTAC to enter into a number of agreements to satisfy ILSC's and NIAA's application process.



B. NEXT STEPS AND AGREEMENTS NNTAC WILL BE ENTERING INTO

1. TRI-PARTITE DEED

All the relevant parties have been informed of the passing of the above resolution, which now paves the way for NNTAC to enter into the necessary agreement as required by the legal process.

The Tri-partite Deed (the Deed) provides for the framework to govern the relationship between KDAC, NNTAC and the ILSC for the process for ILSC to acquire the Station. KDAC, NNTAC and ILSC are all required to be parties to the Deed.

a. Action required by KDAC / BDO under the Deed

Under the Deed KDAC is also required to sign and BDO, as the court appointed Liquidator for KDAC, acts on behalf of KDAC to facilitate the requirements for KDAC to enter into necessary agreements.

In order for BDO to finalise the liquidation process for KDAC it must now:

- convene a meeting of KDAC members to seek a

resolution that KDAC enter into the Deed;

- make application to the Supreme Court for directions, including a direction that BDO is entitled to act pursuant to, and rely upon, the KDAC members resolution for KDAC's entry into and completion of the Deed; and
- give notice under the Deed, to NNTAC and ILSC that the resolution has passed for KDAC to enter into the Deed.

b. Action required by ILSC under the Deed

Under the Deed the ILSC is yet to:

- sign the Deed; and
- pay all monies owing by KDAC and BDO's costs in exchange for the transfer of title of the Station to the ILSC.

ILSC must first make a final decision to acquire the Station.

2. NIAA AGREEMENTS

As was mentioned in our April newsletter, an application was made by NQLC to NIAA for funding for NNTAC's capacity building to support NNTAC in the work it must do to secure the Station, as well as work required on various economic proposals once the Station is secured.

We are pleased to inform the Djungan People that NNTAC's capacity building funding application was approved by NIAA on 22 May 2020 and is subject to NQLC and NNTAC entering into a number of agreements as required by NIAA prior to NIAA allocating the funding.

Upon review and NNTAC receiving independent legal advice in relation to the terms of the agreements, NNTAC and NQLC have requested a few amendments to those agreements prior to their execution and this is now being finalised with NIAA.

The grant funding will be paid as set out in the Project Agreement to NQLC as a party to the agreement and the release of funds is dependent upon the ongoing compliance with the Project Agreement.

Some parts of the NIAA agreement are summarised below:

- ◆ NNTAC Capacity Development Project will be delivered in partnership with NQLC, where the NQLC will support the growth of NNTAC's long term organisational capacity. The funding will allow NNTAC to enter into agreements, specifically the ILUAs, to allow for possible tenure changes required for realisation of commercial opportunities.
- ◆ NQLC to support NNTAC to build its capacity to realise the potential of its native title assets and economic development opportunities in order to achieve the outcomes decided by Djungan People.
- ◆ NQLC will assist NNTAC to engage key stakeholders in a process to develop a new ILUA for the NNTAC determination. In support of the ILUA, NQLC with NNTAC will develop a Nguddaboolgan Land Management Plan that details traditional land management techniques and priorities based on the Traditional Knowledge of the Djungan People. Key Elders and Clan Group Members

will be consulted and invited to become involved in the development and negotiations of the ILUA and the proposed Land Management Plan.

- ◆ NQLC will apply and manage the funding on behalf of NNTAC to deliver the project outcomes. NQLC must initiate engagement with all external advisors and must use the funds to engage suitable external consultants to undertake research and develop the relevant documents as outlined in the Project Budget. NNTAC will liaise with consultants to ensure the needs and voice of the Djungan People is represented in the development of comprehensive strategic and business planning; external support for the development of a property management plan; legal advice for appropriate structuring to identify the most appropriate corporate entity to manage property and also work with NNTAC in relation to a transition from an executive to non-executive board as internal capacity grows and commercial opportunities are realised.
- ◆ The project will employ a full-time project coordinator with highly qualified experience in administration, governance, facilitation and training.

- ◆ The outcomes of the project contributes to:
 - direct support to increase the capacity of NNTAC to take advantage of economic opportunities;
 - support for training to building long-term organisational capacity within PBCs and to obtain professional expertise (for example, business or agribusiness consultancies, accountancy or legal services); and
 - direct support for native title agreement-making.
- ◆ NIAA is supplying funding on the basis it wishes to ensure that the funding results in improved outcomes for Indigenous People and may consider redirecting grant funding if outcomes are not improving. The Commonwealth intends to work in collaboration with NNTAC throughout the duration of the project to evaluate:
 - the project;
 - NNTAC's capacity to deliver the project; and
 - NIAA's performance under the Project Agreement.

3. NQLC SERVICES AGREEMENT

As NQLC will be administering NIAA's funding grant on NNTAC's behalf, NNTAC is required to enter into a services agreement with NQLC.

It is envisaged that all above mentioned NIAA and NQLC agreements will be signed off on as soon as NIAA complete the requested amendments to the NIAA agreement.





C. BREAKDOWN OF NIAA FUNDING

NIAA's very important capacity building funding is being provided to fund and facilitate the following:

- ◆ the services of a project co-ordinator;
- ◆ consultant fees for:
 - strategic and business planning;
 - property management,
 - Indigenous Protected Area requirements;
 - NNTAC and establishment of related entity policy and procedures;
 - other commercial opportunities; and
 - legal advice and entity structuring.
- ◆ NNTAC expense for:
 - governance training for directors;
 - directors meetings;
 - community meetings ;
 - authorisation meeting for ILUA;
 - corporation support of overheads;
 - additional office supplies; and
 - travel and accommodation support outside of meetings for directors pursuing related commercial opportunities.

The NIAA funding is being provided over approximately a three (3) year period.

D. REQUEST FOR CONTRACT COMPANIES

The ILSC process of acquiring and management of the Station leading up to the divestment back to a Djungan controlled entity will require, at different times, various works to be completed at the Station.

In order that Djungan People be afforded an opportunity to tender and contract for the necessary works we request that Djungan-run businesses and contract companies register their details with NNTAC so we can then provide these details to ILSC in the first instance.

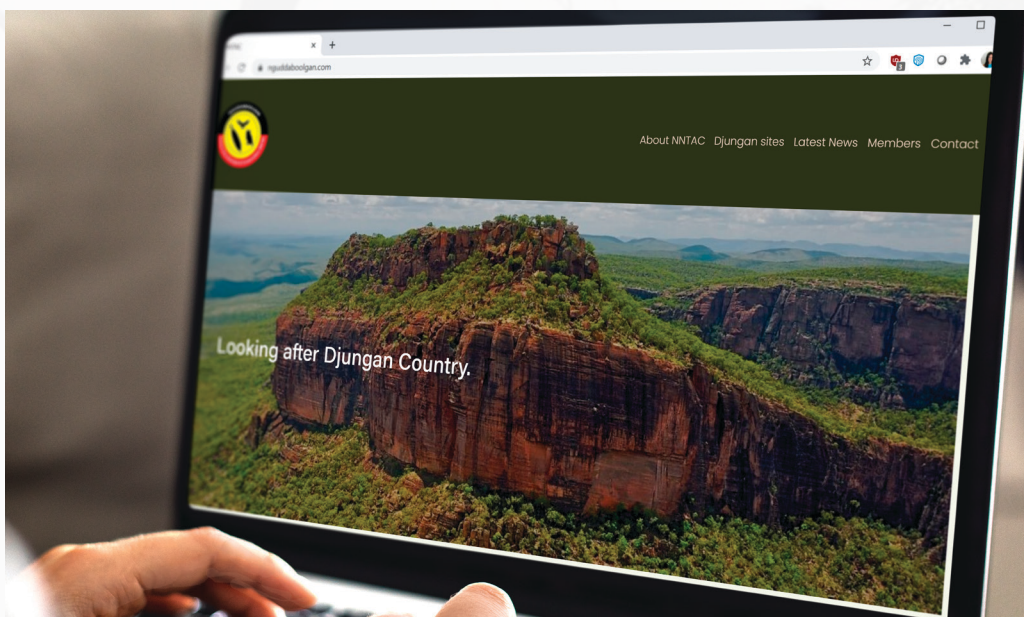
Please provide your company / business details by completing the attached register form and forward to NNTAC.

E. EMPLOYMENT REGISTER AND APPLICATION

In order that Djungan People be afforded an opportunity to work on various projects as required from time to time we request that Djungan People interested in employment opportunities register their skills and availability to complete required works as required.

Please provide your employment details by completing the attached register form and forward to NNTAC .





F. NNTAC WEBSITE

NNTAC website (www.nguddaboolgan.com) is now live and we will be posting updates about the process to acquire the Station and other matters as new information comes to hand, or when new milestones are achieved.

Additionally, should you wish to register your company / business or your employment details with NNTAC registration forms will be available on the website.

NEXT STEPS

Once it is again possible to hold community meetings, NNTAC and NQLC will hold a meeting/s of Djungan People and NNTAC members in relation to immediate opportunities for Kondaparinga Station once the transfer has been approved by the ILSC and acquisition has occurred.

Until such time NNTAC and NQLC will continue to liaise with BDO, ILSC and NIAA to the extent that matters can be progressed until that time.

If you have any queries in relation to the process generally and this newsletter, please contact John Cecchi at NQLC on free call 1800 814 779.



Nguddaboolgan Native Title Aboriginal Corporation RNTBC
ICN: 7727 | ABN: 67 538 614 556

Address: Block B, 91 Lyons Street, PORTSMITH QLD 4870

Phone: 07 4041 9966

Email: rntbcnguddaboolgan@gmail.com

Employment Register – application form

Background: Nguddaboolgan Native Title Aboriginal Corporation RNTBC (**NNTAC**) wants to assist Djungan People into employment. NNTAC is compiling a register Djungan People seeking employment which it puts forward to its partners or other businesses working on Djungan People Country from time to time.

Where possible, NNTAC will also forward relevant employment opportunities on to those who are on the employment register.

Eligibility: You must be a Djungan person descended from one of the named apical ancestors to be eligible to apply:

- Tommy and Topsy Wason;
- John Wason;
- Dinah (Richards);
- Jessie Wason;
- Jack O'Neil and his spouse, Flora Richards;
- Peter Ray Burns;
- Jimmy Kingsburra and Lizzie Kingsburra (including the descendants of Joe Sands);
- Charles James Archer (senior);
- Lucy (Burns);
- Pluto (Brumby);
- Mollie and her spouse, Bert Gordon; and
- Mick Richards.

Instructions: To be included on the NNTAC Employment Register, please fill in the form below and return via email to rntbcnguddaboolgan@gmail.com alternatively, please call the office on 07 4041 9966 during the hours between Monday to Thursday between 9:30am and 2:30pm.

Yours faithfully,

As per

Judulu (Colin) Neal

Chairman

Nguddaboolgan Native Title Aboriginal Corporation RNTBC



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Personal information			
Name:			
Are you a NNTAC member?	Yes / No If no, who is your apical ancestor?		
Residential suburb and post code:			
Phone Number:			
Email address:			
Preferred contact method: (phone, email, other):			
Other contact method:			
Education and qualifications			
What is your highest level of education?	Year 9 or below,	Cert II	Diploma
	Year 10 or 11	Cert III	Bachelor
	Year 12	Cert IV	Post Graduate
What qualifications do you have?	<i>eg. Trade, TAFE competency units, White Card, Blue Card, Truck/Grader/dozer tickets</i>		
Do you have a current Drivers' Licence?	Yes / No		
Work experience			
Please detail all your work experiences in the last 10 years.	<i>eg. Receptionist at ABC Company, Aug 2016 – Dec 2017</i>		
About you:			
What type of work are you looking for?	<input type="checkbox"/> Temporary	<input type="checkbox"/> Part Time	<input type="checkbox"/> Full time
What sort of work are you looking for?	<i>eg. labourer, bookkeeping, reception/customer service</i>		

Please provide a resume or CV if you have one prepared.



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Consent

I confirm the information I have provided is true and correct.

I agree for the information I have provided to be shared with various parties including those who have agreement with NNTAC and their contractors/subcontractors for the purpose of assisting myself find employment and other ancillary purposes.

I agree that information may be retained once I request it to be removed (including the reasons for removal) from the registers for the purposes of assisting NNTAC and other parties comply with agreements and to assist NNTAC improve its service.

Signed: _____

Date: _____

NNTAC will assess your application as soon as practical and provide a response.

Verbal consent given

Name of person accepting information: _____

Signature: _____

Date: _____

Time: _____



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Company or Business Register – application form

Background: Nguddaboolgan Native Title Aboriginal Corporation RNTBC (**NNTAC**) wants to assist Djungan owned businesses / companies find contract opportunities particularly when the scheduled works are to be carried out on Djungan Country. NNTAC is compiling a register Djungan owned businesses and companies' which it will put forward to its partners and other businesses working on Djungan People Country from time to time.

Where possible, NNTAC will also forward relevant contract opportunities on to those who are on the NNTAC business / company register.

Eligibility: Your business / company must be majority owned by a Djungan person descended from one of the named apical ancestors to be eligible to apply:

- Tommy and Topsy Wason;
- John Wason;
- Dinah (Richards);
- Jessie Wason;
- Jack O'Neil and his spouse, Flora Richards;
- Peter Ray Burns;
- Jimmy Kingsburra and Lizzie Kingsburra (including the descendants of Joe Sands);
- Charles James Archer (senior);
- Lucy (Burns);
- Pluto (Brumby);
- Mollie and her spouse, Bert Gordon; and
- Mick Richards.

Instructions: To be included on the NNTAC Business / Company Register, please fill in the form below and return via email to rntbcnguddaboolgan@gmail.com alternatively, please call the office on 07 4041 9966 during the hours between Monday to Thursday between 9:30am and 2:30pm.

Yours faithfully,

As per

Judulu (Colin) Neal

Chairman

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Personal information	
Name of Business / Company:	
Name of contact person:	
Name of business / company owner/s	
Is the business / company owner a NNTAC member?	Yes / No If no, who is your apical ancestor?
Is the business majority owned by a Djungan Person	Yes / No
Residential suburb and post code of the Business / Company:	
Phone Number:	
Email address:	
Preferred contact method: (phone, email, other):	
Other contact method:	
Business / Company Profile	
What services does the business / company supply?	
What qualifications do your employees have?	<i>eg. Trade, TAFE competency units, White Card, Blue Card, Truck/Grader/dozer tickets, Professional qualification</i>
Business / Company experience	
Please detail all your Business / Company project experiences in the last 10 years.	<i>eg. Successfully tendered on project in 2019 Business provided construction services to in 2016</i>

Please provide a business / company profile if you have one prepared.



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Consent

I confirm the information I have provided is true and correct.

I agree for the information I have provided to be shared with various parties including those who have agreement with NNTAC and their contractors/subcontractors for the purpose of assisting my business find work/contracting opportunities and other ancillary purposes.

I agree that information may be retained once I request it to be removed (including the reasons for removal) from the registers for the purposes of assisting NNTAC and other parties comply with agreements and to assist NNTAC improve its service.

Signed: _____

Date: _____

NNTAC will assess your registration application as soon as practical and provide a response.

Verbal consent given

Name of person accepting information: _____

Signature: _____

Date: _____

Time: _____