



GUNDITJ MIRRORING

Traditional Owners Aboriginal Corporation

RNTBC

ICN 4672 (under special administration)

NEWSLETTER

ISSUE 1, JULY 2017

Dear members, traditional owners and other interested people

My name is Paul Case and on 13 June 2017 the Registrar of Indigenous Corporations, Anthony Beven, appointed me as special administrator of Gunditj Miring Traditional Owners Aboriginal Corporation RNTBC (GMTOAC). The appointment was made in response to concerns raised with the Registrar, along with an examination of the corporation's books and records. The special administration was to be in place for six months to allow time to resolve the issues.

Two former directors of the corporation, Ms Sandra Onus and Ms Christine Cooktown, challenged the decision made by the Registrar to place the corporation into special administration. The case was heard in the Federal Court over several days in June and July, and the judge handed down his judgement on Monday, 17 July 2017. The judge ruled that the decision to put the corporation into special administration would be set aside as of 25 August 2017. From that date, the corporation will no longer be in special administration.

As a result of this decision, as special administrator I gave undertakings to the court to:

1. restore the corporation's rule book back to its previous wording prior to my appointment
2. reappoint the three former directors to the corporation—Sandra Onus, Christine Cooktown and Denise Lovett
3. not make any decision before 25 August 2017 as to whether Damein Bell will recommence as chief executive officer of the corporation.

A full copy of the Federal Court's orders and judgment is available on the court's website, fedcourt.gov.au.

Not everyone was able to make it to the first information meeting. For that reason, even though the special administration is reduced, I wanted to take this opportunity to let all the members know:

- what a special administration is
- the work I have done so far
- what I plan to do over the next few weeks.

WHAT IS A SPECIAL ADMINISTRATION?

A special administration is a special measure under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (CATSI Act) to help corporations fix their internal problems. The special administrator works with members to restore the corporation to good health and having achieved that, returns control of the corporation to the members.

A special administrator is an independent, suitably qualified person who:

- works in the best interests of the corporation and its members
- helps fix problems such as money trouble or poor governance.

Only the Registrar can appoint a special administrator.

There are three stages to a special administration:

STAGE	ACTION	STATUS
1	Take control of the assets, including land, and find out if the corporation can continue as usual.	Completed
2	Restore good operational order.	Started, but will not be completed
3	Prepare the corporation for return to members' control as soon as possible.	Handover will be 25 August

I have completed stage one. I was working through stage two when the decision was made that the special administration will come to an end. I am now focused on returning the corporation to the members and directors in the best state possible on 25 August 2017.

WHY WAS GUNDITJ MIRRORING UNDER SPECIAL ADMINISTRATION?

The Registrar placed GMTOAC under special administration mainly due to complaints that were made by members to the Registrar, and worrying governance practices that had been interfering with the smooth operation of the corporation for some time.

I was appointed to help the corporation address these governance issues and resolve any other issues that members raised.

WHAT HAS HAPPENED SO FAR?

Since my appointment on 13 June 2017:

- I have made contact with all funding agencies of the corporation to ensure there is no negative impact on funding because of the special administration. They have all been very supportive.
- A contract variation has been signed with Aboriginal Victoria, which will provide funding for an Aboriginal heritage officer / compliance officer.
- I have met with the staff of the corporation to ensure they are comfortable with my appointment, and continued to provide all the support required.
- I have taken steps to ensure the corporation's bank accounts are operating as normal, so the corporation can pay its bills.
- I have worked with staff to improve the accuracy of the membership register. That work will be ongoing.
- I have spent a lot of time working with lawyers, and providing information required for the Federal Court proceedings.

FINANCIAL POSITION

The corporation is in a healthy financial position. However, the planned over-expenditure that resulted in losses in the last two years has eaten into the cash reserves. I have worked with the corporation's finance officer to develop the 2017–18 budget. There remain a number of unresolved issues regarding funding of activities where funding agreements finished at the end of the last financial year.

ADVISORY GROUP

In light of the special administration ending on 25 August, I have decided not to establish an advisory group. I do not feel there is enough time for me to work with the group to achieve any meaningful outcomes. It was evident there were many members with substantial experience who were willing to assist the corporation. I thank all those who nominated.

INFORMATION MEETINGS

The first information meeting for members and other interested parties of the corporation was held in Portland on Friday, 23 June 2017. It was advertised in local newspapers, on the corporation's website and Facebook page, and local noticeboards. Notices were also mailed to all members, and emailed to those who have provided an email address.

The Registrar attended the first information meeting, and it went very well. There was a good turnout—46 people signed the attendance sheet. I outlined the progress I had been making and explained what I was looking to achieve in the future. Given that the special administration is now due to end on 25 August, that roadmap no longer applies. I was pleased to see so many members ask questions and take an interest.

The next, and last, information meeting is scheduled for Monday, 21 August 2017. The meeting will also be a general meeting (full group meeting).

During this meeting I will explain what has happened since the first information meeting, and how I plan to shift operations back to the corporation's members and directors, plus I will give members an update on the large number issues and concerns that I have. I encourage you all to come to the meeting. A notice for it will be sent out by the end of July.

If you would like an item added to the agenda please send details in writing to my email address (below) by close of business on Wednesday, 26 July 2017.

NEXT STEPS

Given the special administration will end on 25 August 2017, over the next few weeks I plan to work closely with the directors, staff and members to ensure a smooth transition and that the corporation is handed back to members and directors in the best possible position.

Special administrator



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You can find out more about special administrations by visiting oric.gov.au or by calling the Registrar's office on freecall 1800 622 431 (not free from mobiles).