




PRESCRIBED BODY CORPORATE



PORT CURTIS CORAL COAST TRUST LTD



DEVELOPMENT CORPORATION

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Dear Common Law Holders, Members and Community

The following communique is provided to our common law holders and members to build on our previous newsletters, emails and communiques to share key information about your native title and Trust. At the recent Summit in late 2022 there was agreement to undertake regular roadshows to share information across Bundaberg, Gladstone and Woorebinda and we would also like to take this opportunity to provide an update.

Gooreng Gooreng Election Outcome

Thank you again to the Gooreng Gooreng community for your patience while waiting for the Boards to meet and approve your nominated Directors. From your voting provided through the returning officers we can share the following Gooreng Gooreng Directors have been appointed;

For the First Nations Bailai, Gurang, Gooreng Gooreng, Taribelang Bunda People Aboriginal Corporation RNTBC – ICN 8650 Board (**The Prescribed Body Corporate (PBC) Board**)

1. Luke Watson
2. Neville Johnson

For the Trustee For Port Curtis Coral Coast Aboriginal People Charitable Trust - ABN 48782696750 Board (**The PCCC Trustee Board**)

1. Luke Watson
2. Neville Johnson

We congratulate and welcome the Gooreng Gooreng Directors and look forward to their valued contribution for their respective terms ahead. We would also like to take the opportunity to thank the outgoing directors, Norelle Watson and Chris Thiesfield, for their important contributions to advancing the native title rights and benefits of the Gooreng Gooreng people and all common law holders.

Legal Matters

Authorisation Meetings

We thank everyone again for their efforts coming together for the Sunstate Sands and Yandarin Rural Fire Brigade authorisation meeting Thursday 9 March 2023. With the agenda items being supported by community we understand that they will progress and be lodged accordingly in due course.

Of particular interest on the day was the journey shared by Future Acts Lawyer Jeff Dillon, about the complexities navigating the Future Act Determination Application (FADA) process and the lengthy mediation and negotiating through the Tribunal. The key principals of

Cultural Heritage and good faith negotiations were critical to the Prescribed Body Corporate Directors and thankfully they were able to bring the best possible outcome for your consideration at the Authorisation Meeting.

Court Case

As many of you would be aware, the PBC has been involved in a Federal Court action brought by a number of common law holders relating to obtaining membership of the PBC. You will be pleased to know that the eligible applicants involved in the case have been admitted to the PBC membership.

As part of the case, an interim injunction was placed on the PBC holding a general meeting to consider the specific Rule Book changes on the membership structure of the PBC that were detailed in the Notice of Special General Meeting (SGM) to be held during the Summit on 18 December 2022.

The injunction does not apply to holding authorisation meetings on the changes to the membership structure or other general meetings of the PBC. The injunction was granted on the grounds that the eligible applicants should be admitted to membership of the PBC before the Rule Book changes went to the SGM so they could vote on the changes. As all eligible applicants have been admitted to membership and can now vote on the Rule Book changes, the PBC will look to have the injunction removed.

The lawyers for the applicants have indicated that the applicants wish to proceed with further litigation regarding the governance of the PBC. We do not consider it an effective use of resources to engage in litigation with our common law holders. However, it would appear that this ongoing litigation has only been pressed by a small number of individuals. Accordingly the PBC will need to take reasonable action to protect the interests of the common law holders as a whole. We will keep you updated with the progress of the case.

Gooreng Gooreng \$150,000 payment

It has come to our attention that there is a rumour circulating in the community that Norelle Watson and Chris Thiesfield were paid \$150,000 that was intended to go to Gooreng Gooreng people. I can assure you that Norelle and Chris definitely did not receive any such money.

There was however \$150,000 that was paid to Geghre Aboriginal Corporation to be used for the Gooreng Gooreng people to hold community meetings and discuss what the Gooreng Gooreng people wanted from their native title benefits and for the establishment of a representative Gooreng Gooreng corporation that equitably represented all Gooreng Gooreng people.

Unfortunately, it has not been clear how Geghre utilised the \$150,000 to achieve a corporation fit for all Gooreng Gooreng people or if all Gooreng Gooreng families were consulted about establishing a new corporation. Upon learning that a new Gooreng Gooreng Apical Families Aboriginal Corporation (GGAFAC) was set up, we made significant effort and offered additional funding to help make sure the organisation was inclusive of all Gooreng

Gooreng apical families and compliant to be able to receive native title benefits on their behalf. Unfortunately, GGAFAC did not take up this offer.

We have continued to periodically check the financial records of Geghre as provided to the Office of the Registrar of Indigenous Corporations (ORIC) which still does not show any receipt of the \$150,000 from the Trust or how it was expended. At this point we still remain unsure of our how the Gooreng Gooreng money was spent and how to recover it if possible for the proper use by Gooreng Gooreng people.

In the meantime, and in order to ensure that the Gooreng Gooreng people have not been disadvantaged, the Board of the PBC unanimously voted in favour of making additional funds available for the Gooreng Gooreng people to hold community consultations and establish a representative corporation if they wished. These funds remain in the PCCC Trust and have been earmarked to help pay the expenses of holding Gooreng Gooreng consultations and establishing the corporation, which we hope will be completed in the very near future.

Rule Book Changes

Certain amendments were made to The *Corporations Aboriginal and Torres Strait Islander Act 2006* (CATSI Act) that were applicable to all registered native title corporations. These amendments required the PBC to make changes to the Rule Book to bring it into line with the amendments by 25 March 2023.

To make the proposed changes to the membership structure into the PBC Rule Book to give each nation the option of having its representative corporation become that nation's voting member of the PBC, it requires common law holder authorisation which is what you will recall being proposed to take place during the Summit in December 2022. The PBC also proposed to make additional amendments to bring the Rule Book into line with the CATSI Act requirements for PBC's introduced recently.

Unfortunately, as a result of the injunction under the court case discussed above, we have not been able to meet the CATSI required deadline and we have written to ORIC to advise them of this and they have indicated that they will not penalise the PBC in these circumstances.

We look forward to being able to hold the necessary authorisation and general meetings and seek your consent regarding Rule Book changes as soon as possible and will notify you in due course.

Upcoming Native Title matters

Since determination the PBC Board have continued to perform the functions of the former 'Applicant' and pursue your common law rights and interests. From the recent Sunstate and Yandarin Fire Brigade Authorisation meetings through to the ongoing negotiations with proponents for future Indigenous Land Use Agreements, the native title priorities have continued to grow significantly.

Some major items shared at the Summit and we'd would like to bring to your attention include;

- Extension of Native Title Claim
- Compensation Claim

These matters alone will require community to come together to help pursue some of the unclaimed boundaries of your native title estate and through discussion and consultation, the necessity to formulate a compensation claim similar to those that are starting to progress through the courts around the country. These will require significant investment, time and community collaboration to help bring them to fruition.

Negotiations with Industry

The PBC has been negotiating with a number of the major industry corporations to secure their commitment to engage with the PBC around the use of our traditional lands over and above what they are obligated to do by native title and cultural heritage laws. It is our view that the law on cultural heritage and native title impose what should be considered a minimum obligation and that industry has an ethical obligation to ensure that they recognise our cultural rights as described by the Queensland Human Rights Act and the United Nations Declaration on the Rights of Indigenous People.

In order to secure their commitment to this, the PBC has been negotiating Memorandums of Understanding and similar commitments to work with us with a number of major industry corporations whose operations are on our traditional lands.

Representations to Government

On 13 February 2023 the PBC Chairperson wrote to the Prime Minister and the Premier of Queensland calling for their action to ensure that First Nations were not excluded from the economy's transition to renewables and decarbonisation in the way that they had been excluded from other major economic revolutions. A copy of this letter can be seen and was shared on social media. As a result of a follow up meeting with the local Member for Gladstone Glenn Butcher MP, it was agreed that regular meetings would be schedule between Mr Butcher and the PBC.

Land Valuations

The Office has been receiving some funny phone calls regarding rumours that your PCCC Trust land has been sold without Common Law Holders consent. This is absolutely not the case. The PCCC Trust has not sold any of its land and to this end, I thought it was worth providing another update with supporting information from the Department of Resources - Valuer General that we received last week.

As we share the audited financial statements at Annual General Meetings each year and also via accessing the lodged statements on the commissions website:

<https://www.acnc.gov.au/charity/charities/bca27b44-3aaf-e811-a961-000d3ad24182/profile> , you will be pleased to see your land holdings have continued to

increase in value since the valuations completed in 2020. This is very encouraging, and we hope to see this continue to grow in coming years as business and industry grow across the region.

The Valuer General's report shows that your land holdings have grown in value by over \$1.3 million which is very welcome news and we look forward to an independent valuation reflecting this growth in an upcoming audit. Typically an increase in land values also means

an increase in Council rates, however thanks to Gladstone Regional Council, we have been able to negotiate rates concessions on all of your land holdings.

The unfortunate misconception that land has been sold may have arisen as a result of the 2020 valuation that showed a significant reduction in the value of the land held by the Trust. This was the result of a change in the valuation of the land and was something entirely outside of our control and while it resulted in a loss of the value of the land on paper, the land held by the trust remains exactly the same. None of the land has been sold and to date no additional land has been bought or received by the Trust. This misconception has highlighted the need for us to continue to work on a community plan that identifies future opportunities and strategies for your land.

Cultural Heritage

This month marks one year since we commenced full cultural heritage responsibilities and it's certainly been a steep learning curve. We thank over 40 community members who sent in their Expressions of Interest forms and who have been able to drive the cultural heritage surveys during this period.

We've been able to complete almost 50 cultural heritage survey works which has included everything from small Main Roads surveys through to major construction work around the Gladstone Hydrogen Hub and the New Bundaberg Hospital. We especially thank all those Woori mob who have been able to travel and complete cultural heritage works on Country and especially in some of those hard to access places like Kroombit.

A reminder that we would love for more community to complete a cultural heritage expression of interest forms and send it through because we believe there is plenty more work on the horizon.

Social Programs

As Back to School came to a close we saw the program grow again and we thank everyone for their assistance in making it another great year. The team have wasted no time getting the other priority programs started and we have seen really strong uptake of both the Sporting and Cultural Scholarships and even more encouraging has been the number of students applying for Tertiary Scholarships.

We'll take this opportunity to share a reminder that White Goods will open in May again this year and we will provide more information about the program as we get closer to the opening date.

Elders Council

The Elders Council have been able to continue to meet and we appreciate all the efforts of Elders travelling and taking time to help progress the Council. A number of key agenda items are being developed and we're looking forward to providing more updates about their activities in the near future.

First Nations Chamber of Commerce and Industry FNCCI Summit '23

The PBC is working with the recently formed First Nations Chamber of Commerce and Industry to organise a Summit that will be held in Gladstone 31st May to 1st June 2023 at the Gladstone Entertainment and Convention Centre on First Nations' participation in economic development and our role in decarbonisation. We encourage everyone to participate and help build this import support network for all First Nations businesses across our region.

Feedback

Your feedback has always been appreciated and it has helped us improve operations and develop important strategies for the future. We thank everyone for their time completing our employment survey and for all those who participated in our cultural tourism strategy survey last year.

Soon we will be developing additional surveys to ask for your feedback around other services like our social programs and even topical surveys about your perspectives strategic priorities for the future. We really value your thoughts and opinions and encourage everyone to participate when they come out.

We thank you for taking the time to read this communique and we look forward to providing more updates relevant to your common law holder native title rights and interests.

Yours sincerely,




Daniel Reeves

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