



Notice of Annual General Meeting Followed immediately by a Special General Meeting

WHEN: Friday, 4th November 2022
WHERE: Leonora Rec Centre, Tower St, Leonora
TIME: 12:30pm - Lunch provided
Kultju
ABORIGINAL CORPORATION RNTBC ICN: 9147

IMPORTANT INFORMATION FOR MEMBERS

Travel Assistance (see attached information)

1. There is a new 'Travel Assistance Policy' for members attending meetings.
2. Travel Assistance **will not be paid before** the AGM and members will need to fund their travel to the meeting.
3. Members will be required to register their attendance before the AGM and ensure that their bank account details are up to date and have been provided to Desert Accounting and Business Support (**DABS**) who are Kultju AC accountants.
4. Travel assistance will be paid **AFTER** the meeting and will be deposited into each members' bank account
5. Travel assistance will be calculated from your address on the Kultju AC membership register and depending on where you travel from may include:
 - a. Meal Allowance
 - b. Payments for travelling in a vehicle to and from the meeting (Note: the directors will verify the use of the vehicle).

Please provide DABS your bank details on the attached form, and if you have any questions, call DABS on (08) 9425 2099

Rowena Purdy (PBC Support Officer), Shelby O'Connor (Lawyer) Malcolm O'Dell (Principal Lawyer) from Central Desert Native Title Services Ltd will be attending.

Rick West (DABS Consultant) Grant Sutherland (DABS).

For more information call Rowena Purdy 0476 000 455, or DABS (re Travel Assistance) (08) 9425 2099

MEETING NOTICE

**KULTJU (ABORIGINAL CORPORATION) RNTBC
ICN: 9147**

ANNUAL GENERAL MEETING

When: Friday, 4 November 2022
Where: Leonora Recreation Centre, Tower Street, Leonora
Start Time: 12:30 pm – Lunch will be provided
Who: Members of Kultju (Aboriginal Corporation) RNTBC

AGENDA:

1. FORMALITIES

- 1.1. Chairperson (*Rule 8.49*)
- 1.2. Welcome & acknowledgement of Country
- 1.3. Apologies provided to the Corporation
- 1.4. Proxies (*Rule 8.54*) (see Proxy Form attached to this notice **ANNEXURE A**)
- 1.5. Quorum (must have at least 25% of the Corporation's Members present, or a minimum of 8 Members, whichever is lesser (*Rule 8.40*))
- 1.6. Confirm previous minutes (*Rule 8.3 a*)
- 1.7. Introduction of board members/support staff and guests, the board have the discretion to at any time ask additional staff and/or guests to leave the meeting.
- 1.8. Identify any name changes due to cultural reasons.

2. FINANCE, AUDITOR & REPORTS

- 2.1. Present General Report, Financial Report, Auditor's Report 2021/2022 (*Rule 8.3(b)*)
- 2.2. DABS or Directors to present annual budget to Members of the Corporation for FY 2022-23 (*Rule 8.6 (a)*)
- 2.3. Questions for the Corporation's Auditor (*Rule 8.3 (f)(ii)*)

3. ELECTING DIRECTORS

The Corporation must have a minimum of 3 Directors and a maximum of 5 Directors. The following Directors' terms have expired:

1. *Paul Cowled*
 2. *Danny Ulrich and;*
 3. *Bronson Wongawol.*
- 3.1. Members to elect Directors to replace vacancies (*Rule 8.3 (c)*)
 - 3.2. Members may elect Chairperson for the year (*Rule 8.48*)

4. REGISTER OF MEMBERS

- 4.1. Check and update the Register of Members (*Rule 8.3 (e)*)

Rowena Purdy (PBC Support Officer), Malcolm O'Dell (Principal Lawyer) Shelby O'Connor (Lawyer) from Central Desert Native Title Services Ltd will be attending.
Ric West (DABS) Grant Sutherland (DABS).

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5. MANAGEMENT OF THE CORPORATION

5.1. Members may ask questions about or make comments on the management of the Corporation (*Rule 8.3 (f)(i)*)

6. OTHER BUSINESS

6.1. Members to decide location of next year's AGM

7. CLOSE

KULTJU SPECIAL GENERAL MEETING

AGENDA:

1. FORMALITIES

- 1.1 Apologies
- 1.2 Quorum

2. SPECIAL RESOLUTION OF KULTJU AC MEMBERS TO AMEND THE KULTJU AC RULE BOOK

- 2.1 Proposed amendments to the Rule Book – discussion and, if appropriate, resolution (see Annexure A to this notice for details).
- 2.2 The following special resolution will be proposed at the meeting:

The Kultju Members resolve that:

The Rule Book of Kultju Aboriginal Corporation RNTBC is amended in the manner set out in Annexure A to the Notice of Special General Meeting for the meeting held on 4th November 2022.

3. CLOSE

Rowena Purdy (PBC Support Officer), Malcolm O'Dell (Principal Lawyer) Shelby O'Connor (Lawyer) from Central Desert Native Title Services Ltd will be attending.
Ric West (DABS) Grant Sutherland (DABS).

For more information call Rowena Purdy on 0476 000 455, or DABS (re Travel Assistance) (08) 9425 2099

PROXIES

A Member has a right to appoint a Proxy, and the Proxy appointed must be a Member of the Corporation.

Kultju (Aboriginal Corporation) RNTBC must receive the proxy form (attached to this Meeting Notice as **Annexure A**) at least 72 hours before the notified meeting start time. Completed proxy forms may be provided by the following methods:

- Email : rowenapurdy@centraldesert.org.au ;
- Fax : (08) 9425 2001
Attn: Rowena Purdy
Contact Person
Kultju (Aboriginal Corporation) RNTBC ; or
- Post : Rowena Purdy
Contact Person
Kultju (Aboriginal Corporation) RNTBC
c/- 76 Wittenoom Street
EAST PERTH WA 6004

Please refer to the Rule Book of Kultju (Aboriginal Corporation) RNTBC for further information on the appointment of a valid Proxy.

ANNEXURE A – PROXY FORM

The Rule Book of Kultju (Aboriginal Corporation) RNTBC

SCHEDULE 5 - TEMPLATE APPOINTMENT OF PROXY FORM KULTJU (ABORIGINAL CORPORATION) RNTBC

Appointment of proxy

I, _____ (full name of Member)

of _____

_____ (address of Member)

Being a Member of the Kultju (Aboriginal Corporation) RNTBC, hereby appoint:

_____ (full name of proxy)

of _____

_____ (address of proxy)

being a Member of Kultju (Aboriginal Corporation) RNTBC, as my proxy to vote for me on my behalf at the general meeting of the corporation (annual general meeting or other general meeting, as the case may be) to be held on the:

_____ (and at any adjournment of that meeting)

(Day) (Month) (Year)

Signature of Member

appointing proxy: _____

DATE: _____

(Day) (Month) (Year)

The rule book of Kultju (Aboriginal Corporation) RNTBC (ICN 9147)
Registered by a delegate of the Registrar on **12 November 2019**.

page 52

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Ric West (DABS) Grant Sutherland (DABS).

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Notice Issued: 14 October 2022

MEMBER DETAILS FORM (TRAVEL ASSISTANCE/MEAL ALLOWANCE)

Once this form has been signed and returned it becomes a Corporate Record of the PBC for the purposes of travel assistance, wages, and Director's Fees, and will be shared with the PBC's Financial Service provider.

PBC/DETERMINATION: Kultju AC RNTBC

NAME:

RESIDENTIAL ADDRESS:

CAR REGO:

PHONE NUMBER:

**BANK
ACCOUNT
DETAILS**

BANK:

BSB:

ACCOUNT NUMBER:

MEMBER SIGNATURE:

DATE:

OR

***IF COMPLETED OVER THE
PHONE.***

RECEIVED BY:

DATE & TIME:

Please return completed form to Desert Accounting & Business Support Pty Ltd (DABS) by:
Email pbcaccounts@dabs.net.au
SMS photo 0439 360 332
In-person

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Notice Issued: 14 October 2022

ANNEXURE A

Summary of Proposed Amendments to the Rule Book of Kultju Aboriginal Corporation RNTBC

The purpose of the proposed amendments is to:

1. Update the Rule Book to comply with the recent changes to the *Native Title Act 1993* (Cth) and the *Native Title (Prescribed Bodies Corporate) Regulations 1999* (Cth).

These changes relate to:

- Membership – updating the procedures for cancelling memberships
- Dispute Resolution – ensuring the Corporation has a process for resolving disputes with people who claim to be a Common Law Holder
- Certificates for Native Title Decisions – updating the Rule Book with new processes for keeping records of native title decisions

The following special resolution will be proposed at the meeting:

The members of Kultju Aboriginal Corporation RNTBC resolve that:

The Rule Book of Kultju Aboriginal Corporation RNTBC (Rule Book) is amended in accordance with Rule 20.1 of the Rule Book in the form as tabled at this meeting and as set out in the table below.

Current Rule	New Rule	Amendment
Objectives		
3.1(d)	3.1(e)	Add the following: “relieve the poverty, misfortune, disadvantage and suffering of the Common law Holders;”
Membership of the Corporation		
N/A	5.1	Add the following: “The Corporation shall have a direct representation membership model. Every individual person meets the eligibility criteria can apply and become a member.”
5.8	5.9	Delete the following: “(c) previously had their Membership cancelled under Rule 5.22”
Decision Making		
N/A	12.1	Delete the following: (b) an Other Land-Based Decision “ that is not a Native Title Decision ”, it must make that decision in accordance with Rule 12.18 to 12.19

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		Add the following: “(Note: the Corporation can only make a Native Title Decision in relation to Native Title Rights and Interests that have been recognised in the Determination.)”
N/A	12.2	Add the following: “Subject to: <ul style="list-style-type: none"> (a) The Alternative Consultation Process set out in Rule 12.5, which must be followed in relation to the making of certain Low Level Native Title Decisions; and (b) Meeting any conditions imposed by the Common Law Holders on an approval for a Standing Instructions Decisions in accordance with Rule 12.7 Add the following in bold: “where a matter before the Corporation involves making a Native Title Decision, the matter must be decided by the Members at a General Meeting in accordance with Traditional Law and Custom, and where appropriate, by Consensus.”
N/A	12.3	Add the following in bold: “Before any decision is made by the Members in a General Meeting under Rule 12.2 is made, the Corporation must consult with, and obtain the consent of, the Common Law Holders in accordance with Rule 1.1
		Delete the following: “For the purposes of Rule 12.3, the Corporation must ensure that: <ul style="list-style-type: none"> (a) The Common Law Holders understand the purpose and nature of a proposed Native Title Decision by: <ul style="list-style-type: none"> (i) Consulting, and considering the views of, a representative body for the area that the native title rights and interest relate; and (ii) if the Corporation considers it to be appropriate and practicable, giving notice of those views to the Common Law Holders, and”
12.4(b)	12.4	Add the following: “The consent of the Common Law Holders is given in accordance with the particular process of decision-making that must be followed under Traditional Law and Custom.”
12.5	N/A	Add the following:

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		<p>“Where the Corporation proposes to make a Low Level Native Title Decision concerning:</p> <p>... that has been, or is likely to be, notified in accordance with Section 29 of the NTA, the Corporation must consult the Common law Holders and obtain their consent in relation to the decision by using an Alternative Consultation Process that involves the Directors:...</p> <p>(Note: this Rule 12.5 is contemplated for use in relation to certain Low Level Native Title Decision in accordance with regulation 8A of the PBC Regulations.)”</p>
N/A	12.6	<p>Add the following:</p> <p>“The Corporation may only follow the Alternative Consultation Process set out in Rule 12.5 if the Common Law Holders have consented to the Alternative Consultation Process in accordance with Rule 1.1.”</p>
N/A	12.7	<p>Add the following:</p> <p>“Before making a Standing Instructions Decision covered by a Common Law Holder approval under regulation 8(8) of the PBC Regulations, without needing to consult the Common Law Holders and obtain further consent, the Corporation must meet any conditions imposed by the Common Law Holders in relation to the decision.</p> <p>(Note: this Rule 12.7 is contemplated for use in relation to certain Low Level Native Title Decisions in accordance with regulations 8A of the PBC Regulations.)”</p>
12.5	12.8	<p>Add the following:</p> <p>“Where the Directors of the Corporation have made a decision or taken any of the actions outlined in Rules 12.5(e) – (g) above, the Directors must provide an update to the Members at the next General Meeting of the Corporation, outlining what decision was made and/or what action was taken.”</p>
12.6	12.9	<p>Add the following:</p> <p>“Where the Corporation has made a decision under Rule 12.5 or Rule 12.7, the Corporation must inform the Common Law Holders of the decision at the next meeting of the Common Law Holders organised by the Corporation.”</p>
Native Title Decisions Certification		

Rowena Purdy (PBC Support Officer), Malcolm O’Dell (Principal Lawyer) Shelby O’Connor (Lawyer) from Central Desert Native Title Services Ltd will be attending.
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N/A	12.10	Add the following: “As soon as practical after the Corporation makes: (a) a Native Title Decision; or (b) a decision to make a compensation application; the Corporation must prepare a certificate in writing in the form at SCHEDULE 6.”
N/A	12.11	Add the following: “If the certificate under Rule 12.10 is for: (a) a Native Title Decision not subject to Rule 12.5 or Rule 12.7, or (b) a decision to make a compensation application, the certificate must certify that the Corporation has consulted and obtained the consent of the Common Law Holders in relation to the decision in accordance with Rule 1.1.”
N/A	12.12	Add the following: “If the certificate under Rule 12.10 is for a decision made using an Alternative Consultation Process subject to Rule 12.5, the certificate must certify that the Corporation has applied the Alternative Consultation Process in Rule 12.5.”
N/A	12.13	Add the following: “If the certificate under Rule 12.10 is for a Standing Instructions Decision made subject to Rule 12.7, the certificate must certify that: (a) the decision is covered by an approval from the Common Law Holders to make the decision of that kind; and (b) the Corporation has met any conditions imposed by the Common Law Holders in relation to that kind of decision.”
N/A	12.14	Add the following: “In addition to any information required by Rule 12.12 and Rule 12.13, all Certificates prepared under Rule 12.10 must include: (a) the date of the certificate; (b) the details of the process of making the decision; (c) details (including names) of the persons who participated in the process of making the decision; and (d) for decisions not subject to Rule 12.7, details of the consultation and consent process.”
N/A	12.15	Add the following: “Certificates prepared under Rule 12.10 must be: (a) executed by the Corporation in accordance with subsection 99-5(1) or (2) of the Act; or (b) signed by the chief executive officer of the Corporation.”

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N/A	12.16	Add the following: “The Corporation may collect (within the meaning of the <i>Privacy Act 1988</i> (Cth)) personal information (within the meaning of that Act) about the Common Law Holders or persons who claim to be entitled to compensation for the purposes of preparing a certificate under Rule 12.10.”
Access to certificates		
N/A	12.17	Add the following: “The Corporation must give a copy of any certificate it prepares under Rule 12.10 to any Common Law Holder or any other person who has a substantial interest in the decision to which the certificate relates, who makes a request to the Corporation for a copy of the certificate.”
Dispute Resolution		
N/A	17.4	Add the following in bold: “If the Directors cannot resolve the dispute, it must be referred to a General Meeting and the Members must seek to resolve the dispute in accordance with Traditional Law and Custom and, where appropriate, by Consensus.”
N/A	N/A	Add the following: “Dispute between the Corporation and a Common Law Holder/s”
N/A	17.5	Add the following: “If a disagreement or dispute arises between: (a) the Corporation; and (b) a person who is, or claims to be, a Common Law Holder (whether or not the person is a Member), about: (c) whether or not the person is a Common Law Holder; or (d) the Corporation’s performance of its functions under the NTA and any regulations made under the NTA, including the PBC Regulations, it must be resolved as far as is possible in accordance with Traditional Law and Custom, using the procedure set out in Rules 17.6 to 17.9.”
N/A	17.6	Add the following: “The parties to a dispute must attempt to resolve it themselves on an informal basis.”
N/A	17.7	Add the following:

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		“If the parties cannot resolve the dispute between themselves, it must be referred to a General Meeting and the Members must seek to resolve the dispute in accordance with Traditional Law and Custom and, where appropriate, by Consensus.”
N/A	17.8	Add the following: “If the Members cannot resolve a dispute arising under Rule 17.5 in General Meeting, any party to the dispute may seek assistance from the National Native Title Tribunal established under the NTA, in accordance with its function of promoting agreement about matters relating to native title or the operation of the NTA under section 60AAA of the NTA.”
17.4	17.9	Add the following: “At any stage during such a process of dispute resolution, any party to the dispute may seek advice from the relevant representative Aboriginal/Torres Strait Islander body established under the NTA.”
Dictionary and Interpretation		
N/A	N/A	Add the following: “ Alternative Consultation Process means the alternative consultation process set out in Rule 12.5 to which the Common Law Holders have consented in accordance with Rule 12.6” “ High Level Native Title Decision means a decision: (a) to surrender native title rights and interest in relation to land or waters; (b) to enter an Indigenous Land Use Agreement or an agreement under Subdivision P (right to negotiate) of Division 3 of Part 2 of the NTA; or (c) after the Determination is made, to allow a person who is not a Common Law Holder, or class of persons who are not Common Law Holders, to become Members; or (d) to include one or more consultation processes in the Rule Book.” “ Low Level Native Title Decision means a decision, other than a High Level Native Title Decision, to do, or to agree to, any act that would affect the Native Title Rights and Interests of the Common Law Holders (other than a decision to make a compensation application).”

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		<p>“Standing Instructions Decision means a Native Title Decision that is:</p> <ul style="list-style-type: none"> (a) a Low Level Native Title Decision; (b) a decision to enter an Indigenous Land Use Agreement in relation to the doing of an act by or for the benefit of the Corporation; or (c) a decision to enter an agreement under Subdivision P (right to negotiate) of Division 3 of Part 2 of the NTA in relation to which the Corporation is the only grantee party.”
N/A	N/A	<p>Add the following to Native Title Decision:</p> <ul style="list-style-type: none"> (b) enter an Indigenous Land Use Agreement or an agreement under Subdivision P (right to negotiate) of Division 3 of Part 2 of the NTA; or (c) after the Determination is made, allow a person who is not a Common Law Holder, or a class of persons who are not Common Law Holders, to become Members; or (d) include one or more consultations processes in the Rule Book; (e) do, or agree to do, any other act that would Affect the native title rights and interests of the Common Law Holders (other than a decision to make a compensation decision)”