



ICN 4511
ACN 144 786 747

NGARLUMA VISION: "Keeping our culture strong as we work together to empower
Ngarluma people towards a sustainable future"

30 November 2016

The Chief Executive Officer, Mayor and Councillors
City of Karratha
Karratha

By Email

Dear Chief Executive Officer, Mayor and Councillors,

**Objection to Rates and future Rates waiver request-Ngarluma Aboriginal Corporation
RNTBC (NAC) and Mt Welcome Pastoral Co Pty Ltd (MWPC)**

We refer to the current and past rates notices to the NAC and MWPC where the City of Karratha (the City) seeks payment of rates. The NAC and MWPC seek a rates exemption/waiver for all rates and also a reimbursement of rates paid to the City in previous years.

The basis for seeking this is set out below in this letter. The letter is made up of background facts (the background to and role of the NAC and MWPC, the needs of the Ngarluma people and the City's policies and legal obligations and engagement with the Ngarluma), an objection to rates on the MWPC pastoral lease and information applicable to a forthcoming rates waiver request for rates on the freehold lots held by the NAC and MWPC, including the lease of the NAC office in Karratha.

1. Background to and role of the NAC and MWPC

- a. The NAC is the native title prescribed body corporate for the two Determinations of native title of the Ngarluma native title holders (noting that the second determination in December 2015 confirmed native title to various remnant Crown lands within the townsites of Roebourne, Karratha, Dampier, Wickham and Point Samson).
- b. The NAC is a charitable organisation that holds land as leasehold (its office) and freehold in Karratha and Roebourne.
- c. The freehold land is either vacant or has housing on it used for Aboriginal people (including NAC staff housing).
- d. There are plans to build an Aboriginal community centre that will have a new NAC office within it on NAC freehold land in Roebourne that is currently vacant land.
- e. Note that land used as an elders village in Roebourne, and held by another Ngarluma entity, has been agreed as exempt from rates by the City. The City has also agreed recently to exempt NAC freehold land used for housing Aboriginal people but has not agreed to exempt any other NAC freehold land, including the housing used for NAC staff and the land

- proposed for the community centre and new NAC office - see **Annexure A**, being NAC's application for rates' exemption and the City's reply.
- f. MWPC has a pastoral lease and freehold lands. MWPC became the holder of the pastoral lease in 1976.
 - g. Apart from having the old Mt Welcome Homestead on some of the MWPC freehold lots, the rest of the freehold lots are vacant and undeveloped.
 - h. Much of the pastoral lease land is undeveloped as yet and about 10% of the pastoral lease land is fully fenced and used for running cattle at nil profit. Ninety percent of the pastoral lease land is available for and used by Ngarluma people and other Aboriginal language groups for traditional purposes including hunting and gathering, camping and conduct of annual law business by several hundred Aboriginal people for several months each year at Woodbrook Law Ground on the pastoral lease.
 - i. The NAC, which is the owner of 50% of the shares in MWPC, fully funds MWPC operational costs and has paid past rates. The NAC has to use money to fund payment of its rates and MWPC rates that has been provided to it to compensate the Ngarluma people for the loss of and impact upon their native title rights and interests of various acts that have or will occur on Ngarluma traditional lands. This money is primarily obtained to assist the Ngarluma to develop self-determination and economic independence and alleviate poverty. The NAC and its trusts have to manage into perpetuity a very limited income to assist the 649 NAC members and their families. It is well known that the NAC's role goes far beyond its duty to manage the Ngarluma native title rights and interests: as the State Government acknowledged as long as seven years ago, "The NAC office...also operates as a resource centre for the Ngarluma people and undertakes cultural activities and programs pertaining to the aspiration of the Ngarluma people" (*Roebourne Report: Issues, Current Responses and Strategies for Consideration* (Shanks, H. Government of WA, Department of Indigenous Affairs, July 2009, page 22 to 23). See **Annexure B**, being a map of Ngarluma lands and the list of the Ngarluma native title rights and interests (and noting that the Ngarluma hold native title rights and interests on the MWPC pastoral lease land).
 - j. **Annexure C** is a MWPC Company Extract (all of the board of directors are Ngarluma people) and **Annexure D** is the MWPC's application for rates' exemption and the City's reply.
 - k. A copy of the NAC's objects and Ieramugadu's objects is attached as **Annexure E**. Note that ultimately the NAC seeks to hold the MWPC pastoral lease land under a pastoral lease in its own name, due to the land's traditional significance to Ngarluma people.
 - l. A copy of the renewed pastoral lease is attached as **Annexure F**.

2. The needs of the Ngarluma people

- a. The Ngarluma people have a variety of critical needs and the NAC and MWPC seek to assist with those needs and to alleviate poverty. For example, the provision of Ngarluma elders' housing in Roebourne through a Ngarluma entity and provision of accommodation in Perth to Ngarluma people attending or visiting relatives in Perth hospitals. The NAC and the Ngarluma charitable trust are set up to assist in such areas and yet a very significant

proportion of the NAC monies are required to be diverted away from such critical uses and used instead to pay annual rates to the City for NAC and for MWPC. These payments have totalled several hundreds of thousands of dollars over the last few years since the City began rating the land.

- b. Independent research commissioned by the NAC to assess the cultural and social impacts on the Ngarluma people from the proposed Anketell port and industrial development is useful to set out the critical needs and issues for the Ngarluma people that both NAC and MWPC seek to address. A rating exemption/waiver by the City would allow the NAC's limited financial resources to be used to assist such needs and issues. In *Ngarluma Social Impact Assessment Anketell Port Development Project Preliminary Desktop Study* (Kahn, K., December 2010), the author's report did "a detailed review of a range of 34 reports and documents about various studies, programs and services that were conducted by government agencies, non-government agencies, companies and research organisations in the area since 1996". The author cites the Pilbara region Aboriginal health statistics that in all areas and for all age groups, are far more negative than for non-Aboriginal people. The author notes that "Indigenous people have the highest death rate in WA compared to non-Indigenous people" and "Roebourne has a high rate of diabetes with complications to that of epidemic proportions, followed by cardiovascular diseases... Roebourne has an aging, as well as a young population with their respective health issues yet access to specific health services is limited". The report notes that "poor living conditions due to unsatisfactory housing conditions, lack of maintenance, and overcrowding, are exacerbated by limited affordable housing, unemployment and poverty" and "the Pilbara has one of the highest rates of infant death rates and infant hospitalisations for the Indigenous population in WA". The report notes the high rates of mental and behavioural disorders and the high rate of Aboriginal male suicide and Aboriginal youth patterns of self-harm, early pregnancy, low life skills and violence in relationships at a young age.
- c. The State Government's *Roebourne Report* cited at part 1i above notes that "Roebourne is in the heart of Ngarluma Country" and confirms that "Roebourne is a community that has had considerable historical issues relating to the dispossession and oppression of Aboriginal people, welfare dependency and high unemployment". The report lists "the significant social issues in the community of Roebourne" as including alcohol misuse, children and youth issues, family violence and other violence, gambling, over-crowding and housing, and health.
- d. The State Government's WA Country Health Service 2016 *Pilbara-population and health snapshot* cites national evidence of "a greater burden and prevalence of chronic disease among Aboriginal people" (page 4).
- e. The NAC's objects in its constitution oblige it to tackle these kinds of issues set out at parts 2a to d with and for the Ngarluma people and for other Aboriginal people. Its objects relevantly include the object of providing direct relief from poverty, sickness, misfortune, destitution or helplessness among Aboriginal people, with some detail set out on how that could be done by the NAC, such as assisting with securing well-being, providing a variety of economic and non-economic benefits, education and training for Aboriginal people (including the Ngarluma), and provision of housing for Ngarluma people. See **Annexure E**.

It is critical therefore that the NAC is able to maximize its limited financial resources for these purposes rather than spending money on payment of rates.

3. *The City's policies and legal obligations and engagement with the Ngarluma*

- a. We note the City's Rating Exemption Policy and Rating Equity Policy. Importantly, the Rating Exemption Policy confirms that "the Council will accept applications from not for profit community groups...and consider granting a concession or waiver of rates annually in accordance with its discretionary powers provided by Section 6.47 of the *Local Government Act 1995*". We note that both the NAC and MWPC fit the City's definition in the Policy of a not for profit community group being "an organization of people who are formed...to promote a community...which has a positive effect on the community of the City of Karratha". (We also note however that Section 6.47 of the *Local Government Act* (LGA) does not restrict the City from granting waivers and concessions to groups who do not fit the City's definition of not for profit groups.)
- b. We also note and seek application by the City of the "equity" principle in the Rating Equity Policy that requires any determination of rating by the City to involve "taking into account the different levels of capacity to pay within the local community"; (here, the Ngarluma community that comprise the membership of the NAC and who comprise the pool for the directors of MWPC).
- c. Regarding the City's engagement with Ngarluma, we note that until 2010/2011, the City (then the Shire of Roebourne) did not issue rates notices to MWPC, presumably as it was regarded as exempt.
- d. We note also that the NAC and the City are seeking a "relationship agreement" with the City around cultural heritage management and surveys, planning input and regular consultation.
- e. In addition, in 2016, the City now has an *Aboriginal and Torres Strait Islander Engagement Strategy* that includes a "focus" by the City with its Aboriginal community to "increase community participation, promote a collaborative approach to responding to local needs and build skills and opportunities to support the community to achieve self-reliance and sustainability" (page 4). This focus is very similar to the NAC's objects cited at part 2e above.
- f. Importantly, the LGA at section 3 creates the "general function of a local government... to provide for the good government of persons in its district", with a "liberal approach" to be taken in how that it done and with this role not limited simply by reason that the State Government does or may do such functions too.
- g. This positive engagement, required both by the City's approaches and policies cited above and section 3 of the LGA, can be enhanced by the City's enabling the NAC to use monies otherwise allocated to rates payments to now be used for beneficial purposes associated with advancing the well-being and health of the Ngarluma people, the Region's traditional owners.

4. *Objection to rates on the MWPC Pastoral Lease-section 6.26(2)(a)(i) of the Local Government Act 1995*

- a. We note that the City granted an extension until 30 November to make an objection.
- b. We submit that the above section of the LGA applies to exempt MWPC from paying rates for the MWPC pastoral lease land and we object to rates being levied.
- c. The exemption applies to land which is the property of the Crown and is being used or held for a public purpose.
- d. We are not aware of any Australian court case that has considered the application of this section to a pastoral lease. For example the exemption was not considered in the Western Australian Court of Appeal decision in *Shire of Derby-West Kimberley v Yungngora Association Inc* [2007] WASCA 233, which only looked at the exemption of whether land, subject to a pastoral lease, was being exclusively used for a charitable purpose.
- e. The pastoral lease land is the “property of the Crown”. There is no definition of this expression in the LGA. There is an indication however, in the LGA, that pastoral lease land is regarded as the property of the Crown, for the purposes of the LGA. Section 3.27 of the LGA sets out things that local governments can do on land that is not local government property. Section 3.27(1) of the LGA provides that a local government may, in performing its general functions, do things described in Schedule 3.2 even though the land on which it is done is not local government property and the local government does not have consent to do it. Section 3.27(2A) of the LGA then provides that: “in sub section (1) land includes Crown land the subject of pastoral lease within the meaning of the *Land Administration Act 1997* section 3”. This subsection thereby implies that land the subject of a pastoral lease is “Crown land” and therefore property of the Crown for the purposes of section 6.26 of the LGA. This is confirmed by the *Land Administration Act 1997* (LAA), section 3 of which defines “pastoral lease” to mean “a pastoral lease of Crown land granted under s101 or continued under s143” (emphasis added). The 2015 MWPC pastoral lease states that it is made pursuant to s143 of the LAA. Therefore, it is a lease of Crown land. Consistently with this, the 2015 pastoral lease states that the lessor is the State of Western Australia acting through the Minister for Lands.
- f. The pastoral lease land is used for a public purpose. For the exemption to apply it is not necessary that the use of the land is exclusively for public purposes. Where land is used for more than one purpose (as is the case with the MWPC pastoral lease, a small portion of which is used for pastoral purposes and the majority of use being in the main for the public purpose of use and benefit of Aboriginal people), the issue to be decided is whether the land is used predominantly or primarily for a public purpose: *Swan Yacht Club Inc v Town of East Fremantle* [2005] WASCA 99 at [30]; *Port Kennedy Resorts Pty Ltd v City of Rockingham* [2000] WASCA 423 at [28] and [39]. One needs to look at all of the uses of the MWPC pastoral lease land to see whether its predominant or primary use is for a public purpose.

- g. For a use of land to be for a 'public purpose' it must relate or pertain to the people of the State or of some particular region or locality as a whole. It must involve the provision of some service, utility or benefit to the public which would not be otherwise provided, and which is not provided on a profitmaking basis. *Swan Yacht Club* at [25], *Port Kennedy Resorts* at [34].
- h. Many of the uses of the pastoral lease are for a public purpose and we submit these are the primary use. We list them below.
- i. Since 2009, the intent of the MWPC Board is to use the land for training and employment of Aboriginal youth in pastoral and related work. There has been training and employment of Aboriginal people on the lease, including currently. Aboriginal employees are working with the station manager with additional Aboriginal casual staff at mustering time. Mustering is done once or twice per year and involves taking out and training Aboriginal youth and also collecting bush tucker at the same time. The station manager and the NAC have arranged for local Clontarf Academy children to visit the pastoral lease area and to undergo pastoral activities training including working the cattle in the stockyards. Similar arrangements have been made with Horsepower Training in 2014 to 2015.
- j. In 2009, the MWPC Board resolved that traditional owners and other Aboriginal people can access the pastoral lease area if they notify the station manager that they intend to use the land and to state what their plans are, with traditional owners to be asked to help manage the country by informing the manager of unauthorised usage. The MWPC Board resolved that station employment should be open to all indigenous people of the area and not limited to Ngarluma people.
- k. The pastoral lease area is accessed by Ngarluma people for native title purposes, exercising the Ngarluma native title rights and interests and the lease area is subject to the native title determination. It is also used by members of other language groups. Note that discussion of the traditional uses by the Ngarluma of the pastoral lease land is set out in the reasons for decision of Justice Nicholson in *Daniel v State of Western Australia* [2003] FCA 666 at [1263], [1305], [1389], [1390] and [1401]. (This was the first determination of native title in favour of the Ngarluma people).
- l. The vast majority of the pastoral lease is unenclosed and unimproved enabling Aboriginal people at all times to have their traditional access as permitted by s104 of the LAA for pastoral leases.
- m. MWPC has permitted Aboriginal people, both Ngarluma and other language groups, to access the lease for camping, hunting, seed collection and collecting firewood.
- n. In 1996, MWPC made a deed of trust with Ieramugadu Group Inc (one of the shareholders of MWPC) that gives a critical backdrop to the intent of the use of the lease lands stating that the lease is held on trust by MWPC for the benefit of Aboriginal people. A copy of the deed is at **Annexure G**.
- o. The area at and in the vicinity of Woodbrook Law Ground (that is within the pastoral lease area and is not an excision from the lease) is used every year for 3 to 4 months (generally November to February) by several hundred people from Aboriginal language groups, including the Banjima, Yindjibarndi and Ngarluma, for Aboriginal law time

- purposes. The people attending for law, camp and stay on the pastoral lease during that time with permission of MWPC.
- p. For several years now the MWPC has permitted the local Army Reserve to use portions of the lease area for training and military exercise purposes. This use has also been permitted for scouts, army cadets and Federal Customs for training purposes. The Army Reserve has had access for training purposes for several weeks each year since 2007.
 - q. Occasionally members of the public seek to access the lease area for camping and this has generally been permitted (subject to conditions such as fire safety etc).
 - r. In practice, 90% of the pastoral lease land is available for Aboriginal community and the other public purposes listed above.
 - s. There is also Aboriginal rock art on the pastoral lease area and many registered and unregistered Aboriginal sites. At a place call Red Rock there is a billabong and traditional smoking ceremonies to fix Aboriginal illnesses are conducted there. There are various other significant places to Aboriginal people located within the lease area and heritage surveys are regularly conducted with developers to enable avoidance and protection of Aboriginal sites located in the lease area.
 - t. There are some Aboriginal living areas within the lease area.

5. Forthcoming Rates waiver request-section 6.47 of the LGA

We refer to parts 1 to 3 above in support of the forthcoming rates waiver request. We are in the process of completing the City's *Application for Rate Waiver/Concession for Not-for-Profit Community Groups* form. We will submit that Application in the near future but regard the information in this letter and its attachments as applicable to Council's favourable consideration of the Application when it is lodged.

In closing, the NAC and MWPC look forward to the City's earnest consideration of this request for the exemption for rates for the MWPC pastoral lease land on the basis of the objection in part 4 of this letter and, the forthcoming waiver request referred to in part 5 of this letter.

Yours sincerely,

Belinda Churnside

Belinda Churnside
Executive Officer
Ngarluma Aboriginal Corporation RNTBC

ANNEXURE "A"

NGARLUMA

ABORIGINAL CORPORATION

ICN 4511
ACN 144 786 747

NGARLUMA VISION: "Keeping our culture strong as we work together to empower
Ngarluma people towards a sustainable future

12th August 2016

City of Karratha
Welcome Road
Karratha WA 6714

The Ngarluma Aboriginal Corporation (NAC) is the Registered Native Title Body Corporate (RNTBC) which holds and manages the native title rights and interests on behalf of the Ngarluma People. The native title rights of the Ngarluma People were determined on the 9th May in 2005 and on the 21st December 2015 for a Second Determination of the Ngarluma Townsites by the Federal Court of Australia.

The NAC as a Public Benevolent Institution has Income Tax exemption, FBT exemption and GST concession from 1st July 2005. (document attached)

Among its many responsibilities in managing Native Title, the NAC has the responsibility of using Native Title land to make social and economic opportunities for the Ngarluma people. It aims to achieve this by creating employment and training opportunities, restoring and looking after language and culture and restoring a sense of pride and purpose for the Ngarluma people.

The NAC through the Ngarluma Charitable Trust holds, divests and invests funds for the charitable purposes of the Ngarluma people.

Ngarluma PBC has partnerships with a range of corporate and government groups, including Rio Tinto, the Department of State Development, the Indigenous Land Corporation and the Department of Indigenous Affairs.

Ngarluma Aboriginal Corporation and the City of Karratha are in the early stages of developing a closer working relationship.

We would hope that the City of Karratha appreciates the NAC's charitable status and purpose and looks upon our application favourably.

Belinda Churnside
Belinda Churnside
Executive Officer

Head Office Unit 61, 5 Sharpe Street, Karratha WA 6714
PO Box 263 Roebourne 6718
Phone: (08) 91821351 Fax: (08) 91821220



**Application for Rate
Exemption Form**
*for organisations seeking rates exemption under section 6.26 of
the Local Government Act 1995*

All sections of the form must be completed and all additional documentation attached. Failure to do so may result in the automatic rejection of your application prior to consideration. Prior to Council's formal response to your application, rates must be paid in full and all balanced outstanding will accrue penalty interest at the current year's rate.

Your application, if successful, will apply exemption from the date application was received. Please initial each page in addition to completing the statutory declaration.

Part One: Property Details

Property Address: SEE ATTACHED

Assessment Number: _____

Property Owner's
Name: _____

Property Owner's
Postal Address: _____

Phone Number: _____ Email Address: _____

Part Two: Rates Exemption Applicant Details:

Name of Organisation: NGARLUMA ABORIGINAL CORPORATION RNTBC

ABN: 20 138 650 045

Contact Person: BELINDA CHURNSIDE

Position: EXECUTIVE OFFICER

Postal Address: PO Box 830
KARRATHA WA 6714

Phone Number: 08 91821351 Email Address: ec@ngarluma.com.au

Applicant Initials: B

	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Does the organisation own the property?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Does the organisation lease the property? <i>If 'Yes', please provide a copy of the lease agreement showing the lessee responsibility for payment of rates.</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Does the organisation occupy the whole building?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Is the exemption claimed over the whole building? <i>If 'No', please provide a copy of floor plans showing areas leased and/or areas claiming exemption.</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Is the organisation claiming rate exemption under s6.26 of the Local Government Act 1995? <i>If 'Yes', under what sub-section is the claim made? (Please refer to appendix A)</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Is the organisation rate exempt under an Act other than the Local Government Act 1995? <i>If 'Yes', please state the relevant sections under which Act the organisation is rate exempt.</i>	<input type="checkbox"/>	<input type="checkbox"/>

Part Three: Organisation Information

	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Is the organisation an incorporated body as per the Association Incorporated Act 1987? <i>If 'Yes', please attach Certificate of Incorporation.</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Is the organisation considered "not-for-profit"? <i>If 'Yes', please attach a statement detailing organisation's purpose and supporting documents.</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Does the organisation receive a tax exemption from the Australian Tax Office? <i>If 'Yes', please attach tax exemption certificate.</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Does the organisation receive income from the operations located at the property's address? <i>If 'Yes', please attach a detailed statement listing the type of operations and break-down of income received from these operations.</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Are commercial activities being conducted at the property address? <i>If 'Yes', please attach a detailed statement of commercial activities at the property address.</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Does the organisation make a profit which is not used for charitable purposes from its operations? <i>If 'Yes', please attach a detailed statement of how profit is utilised or distributed by the organisation.</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Please attach a copy of two years audited financial statements* and a copy of the organisation's Constitution.	Attached: <input checked="" type="checkbox"/>	

Applicant Initials: *JB*

Part Four: Checklist for document attachments

Copy of the lease if property is leased	Attached: <input type="checkbox"/>
Building floorplans detailing leased areas	Attached: <input type="checkbox"/>
Certification of Incorporation	Attached: <input type="checkbox"/>
Certificate of tax exemption certification (ATO)	Attached: <input type="checkbox"/>
Organisation's Constitution.	Attached: <input checked="" type="checkbox"/>
Two years audited financial statements*	Attached: <input checked="" type="checkbox"/>
Statement of the organisation operations**	Attached: <input type="checkbox"/>

**This must include profit and loss statements, balance sheets, sources of income, grants and/or royalties, and any rents received if you are a housing organisation.*

***This statement is to include the type of operations, business plans, budget plan/projections, any income received from these operations, details of any commercial activities and how profit is utilised and distributed by the company.*

You may also include any other addition documentation or declarations that may assist with the consideration of your application.

Office Use Only

Rates Exemption Application received date*: _____

Rates Exemption Decision

Exemption <input type="checkbox"/>	Concession <input type="checkbox"/>
Denied <input type="checkbox"/>	

Minutes of Council Meeting Attached: ☐

**effective date exemption or concession applied from.*

Administrative Records

Recorded and applied to Rate Book ☐

Senior Rate Officer Signature _____

Applicant Initials: *AB*

LOCAL GOVERNMENT – CITY OF KARRATHA

STATUTORY DECLARATION

Statutory Declarations Act 1959

We, BELINDA CHORNSIDE [insert name of office bearer #1], and
AMANDA MOWARIN [insert name of office bearer #1] of
NGARLUMA ABORIGINAL CORPORATION [insert name of organisation] in
the State of Western Australia hereby solemnly and sincerely declare as follows:

1. The financial information as provided presents fairly in accordance with relevant legislation, applicable accounting standards and other professional mandatory reporting requirements, the financial position, the results of operations and cash flows;
2. The nature and extent of non-charitable activities has been fully disclosed;
3. The description and purpose of each land or lease holding has been fully disclosed.

AND WE MAKE this solemn declaration by virtue of the *Statutory Declarations Act 1959* and, subject to the penalties provided by the Act for the making of false statements in statutory declarations, conscientiously believing the statement contained in this declaration to be true in every particular.

Declared at KARRATHA
(insert location)
this 12 day
of AUGUST month, 2016
(insert year)

Belinda Chornside
Signature of office bearer #1

BELINDA CHORNSIDE EXECUTIVE OFFICER
Print name and position of office bearer #1

Amanda Mowarin
Signature of office bearer #2

AMANDA MOWARIN, COMPANY SECRETARY
Print name and position of office bearer #2

Applicant Initials: [Signature]

NGARLUMA ABORIGINAL CORPORATION

No	LOT NO:	Assessment Number	Address
1	656	A3943	43 A&B Lockyer Way
2	1	A4224	50 Roe St
3	2	A4232	61 Sholl St
4	232 of Roeb De Witt 232	A67929	L232 Woodbrook Rd
5	4	A74668	59 Sholl St
6	298	A77806	26 Calliance Way
7	647	A88526	15 Wagari Dr



19 October 2007

Notice of endorsement for charity tax concessions

This endorsement notice has been issued to:

Name	NGARLUMA ABORIGINAL CORPORATION PRESCRIBED BODY CORPORATE
Australian business number	20 138 650 045

NGARLUMA ABORIGINAL CORPORATION PRESCRIBED BODY CORPORATE, a public benevolent institution, is endorsed to access the following tax concessions from the dates shown:

- ▣ Income tax exemption from 1 July 2005 under Subdivision 50-B of the *Income Tax Assessment Act 1997*.
- ▣ GST concessions from 1 July 2005 under Division 176 of *A New Tax System (Goods and Services Tax) Act 1999*.
- ▣ FBT exemption from 1 July 2005 under section 123C of the *Fringe Benefits Tax Assessment Act 1986*.

Your organisation's endorsement to access charity tax concessions, together with the date or period of effect, is entered in the public register maintained by the Australian Business Registrar at www.abn.business.gov.au

Your organisation must notify the Tax Office in writing if it ceases to be entitled to endorsement.

Michael D'Ascenzo

Michael D'Ascenzo
Commissioner of Taxation and
Registrar of the Australian Business Register



The Hon Tony Simpson MLA
Minister for Local Government; Community Services;
Seniors and Volunteering; Youth

Our Ref: 49-10787

Ms Belinda Churnside
Executive Officer
Ngarluma Aboriginal Corporation
PO Box 263
ROEBOURNE WA 6718

Dear Ms Churnside

CITY OF KARRATHA - RATES CHARGED ON NGARLUMA DETERMINED LANDS

Thank you for your correspondence dated 19 February 2016 to Hon Peter Collier MLC, regarding heritage buildings and also rates charged by the City of Karratha on Ngarluma Determined Lands. As you are aware, Minister Collier referred your correspondence to me for my consideration.

Rating decisions are the responsibility of the respective local government and are made in accordance with the *Local Government Act 1995* and the applicable regulations. Certain land may be exempt from local government rates if it is considered not rateable land under section 6.26(2) of the Act. Land that is not includes land that is used exclusively for charitable purposes. You state in your correspondence that the Ngarluma Aboriginal Corporation is a charitable organisation and, as such, may be entitled to a rate exemption under the Act. I encourage you to liaise with the City of Karratha on this matter.

In addition, section 6.26(2)(k) of the Act provides the capacity for me to declare certain land to be exempt. Please note that these applications are only approved in exceptional circumstances. The Department of Local Government and Communities has provided a policy and form for these applications, which can be accessed online under the heading 'Rateable Land' at:
<https://www.dlgs.wa.gov.au/Publications/Pages/Rating-Policy-Rateable-Land.aspx>.

Heritage listed buildings are a matter for the State Heritage Office. They can be contacted via info@stateheritage.wa.gov.au, by telephone on 6552 4000 or via <http://stateheritage.wa.gov.au/>.

Thank you for bringing your concerns to my attention.

Yours sincerely

HON TONY SIMPSON MLA
MINISTER FOR LOCAL GOVERNMENT; COMMUNITY SERVICES;
SENIORS AND VOLUNTEERING; YOUTH

11 APR 2016

Ngarluma Aboriginal Corporation
Executive Officer
Belinda Churnside
PO Box 263
ROEBOURNE WA 6718

Dear Belinda

RATES EXEMPTION APPLICATIONS

With reference to the applications for Rating Exemption on seven (7) Ngarluma Aboriginal Corporation properties, this has now been reviewed and we wish to advise the following.

The City of Karratha receives a number of applications for rating exemptions each year and considers these in accordance with the *Local Government Act 1995* and Council Policy CF11 – Rating Exemption.

The policy guides the consideration of granting of a concession or waiver of rates for not-for-profit community organisations. The policy further provides that where such organisations provide accommodation for members or guests, the accommodation area will be rated. In accordance with the policy an exemption is not granted on staff housing located at 26 Calliance Way and 15 Wagari Drive.

The vacant land properties located at 50 Roe Street, 59 and 61 Sholl Street and Lot 232 Woodbrook Road, Roebourne are not being used exclusively for charitable purposes. On this basis an exemption is not granted for these properties.

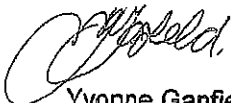
The property at 43A/B Lockyer Way Roebourne is considered to be used exclusively for a charitable purpose as it is used for the provision of low cost housing to a socially disadvantaged group. In accordance with section 6.26(g) of the Act this property is considered to be exempt from rating.

Please find attached 2016/17 rates notices for all above the properties, noting that refuse charges and ESL are not exempt.

We also note the provisions of section 6.81 of the Act which require that rates and service charges be paid as levied irrespective of whether any objection has been lodged. Please find attached Instalment Reminder Notices for your attention.

If you have any further queries please do not hesitate to contact me.

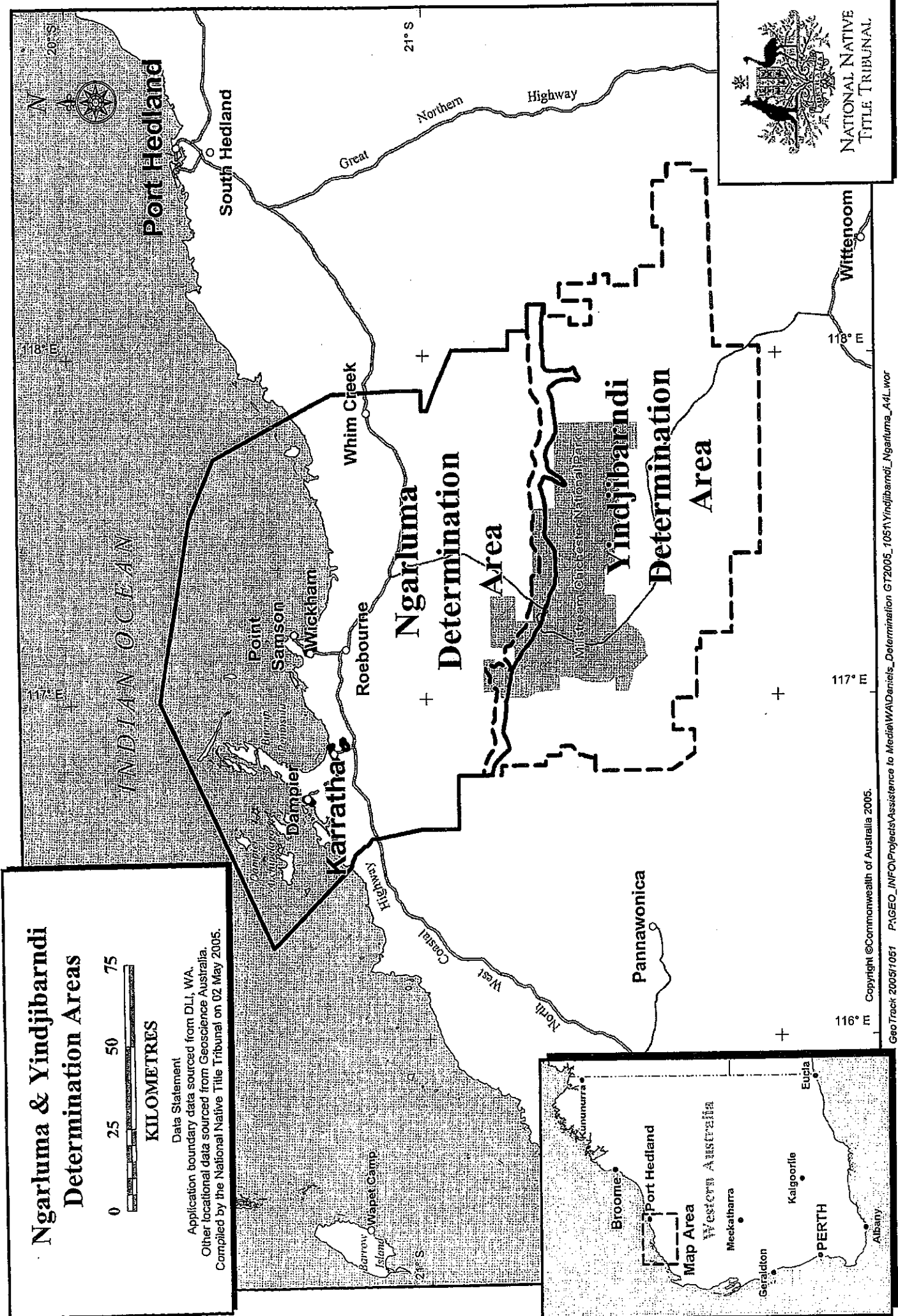
Yours faithfully



Yvonne Ganfield
SENIOR RATES OFFICER

17 October 2016

ANNEXURE "B"



Ngarluma Native Title Rights and Interests

(as confirmed by the Full Federal Court in *Moses v WA* (2007) FCAFC 78, Paragraphs 237 to 240.
Note that in the Towns Determination, Rights a to k were recognized: *Samson v WA* (2015) FCA 1438)

The Ngarluma have the following non-exclusive native title rights and interests in relation to the Ngarluma Native Title Area:

- a. A right to access (including to enter, to travel over and remain);
- b. A right to engage in ritual and ceremony (including to carry out and participate in initiation practices);
- c. A right to camp and to build shelters (including boughsheds, mias and humpies), and to live temporarily thereon as part of camping or for the purpose of building a shelter;
- d. A right to fish;
- e. A right to collect and forage for bush medicine;
- f. A right to hunt and forage for and take fauna (including fish, shell fish, crab, oysters, sea turtle, dugong, goanna, kangaroo, emu, bush turkey, echidna, porcupine, witchetty grub, swan);
- g. A right to forage for and take flora (including timber, logs, branches, bark and leaves, gum, wax, Aboriginal tobacco, fruit, peas, pods, melons, bush cucumber, seeds, nuts, grasses, potatoes, wild onion and honey);
- h. A right to take black, yellow, white and red ochre;
- i. A right to take water for drinking and domestic use;
- j. A right to cook on the land including light a fire for this purpose;
- k. A right to protect and care for sites and objects of significance in the Ngarluma Native Title Area (including a right to impart traditional knowledge concerning the area, while on the area, and otherwise, to succeeding generations and others so as to perpetuate the benefits of the area and warn against behaviour which may result in harm, but not including a right to control access or use of the land by others);

Rights in the Inter-Tidal Zone are as follows:

- a. Right to access (as is described at item a above);
- b. Right to fish (as is described at item d above);
- c. Right to hunt and forage for and take fauna (as is described at item f above)

Rights on the Offshore Islands (but not the Burrup peninsula and

Depuch Island):

Right to protect and care for sites (as is described at item k above)

ANNEXURE "C"



ASIC

Australian Securities & Investments Commission

Current Company Extract

Name: MT. WELCOME PASTORAL CO. PTY LTD
ACN: 008 772 441

Date/Time: 14 November 2016 AEST 12:52:01 PM

This extract contains information derived from the Australian Securities and Investments Commission's (ASIC) database under section 1274A of the Corporations Act 2001.

Please advise ASIC of any error or omission which you may identify.

Organisation Details**Document Number****Current Organisation Details**

Name:	MT. WELCOME PASTORAL CO. PTY LTD	018534189
ACN:	008 772 441	
ABN:	86008772441	
Registered in:	Western Australia	
Registration date:	24/09/1973	
Next review date:	24/09/2017	
Name start date:	UNKNOWN	
Previous state number:	C0731378L	
Status:	Registered	
Company type:	Australian Proprietary Company	
Class:	Limited By Shares	
Subclass:	Proprietary Company	

Address Details**Document Number****Current**

Registered address:	1 Padbury Street, ROEBOURNE WA 6718	027466114
Start date:	02/03/2011	
Principal Place Of Business address:	1 Padbury Street, ROEBOURNE WA 6718	027466114
Start date:	15/02/2011	

Officeholders and Other Roles**Document Number****Director**

Name:	JILL CHURNSIDE	009127559
Address:	1B Hampton Street, ROEBOURNE WA 6718	
Born:	15/10/1948, ROEBOURNE, WA	
Appointment date:	20/01/1995	
Name:	JEANNIE CHURNSIDE	013993286
Address:	CHIRRITTA STATION, ROEBOURNE WA 6718	
Born:	03/07/1953, CROYDON, NSW	
Appointment date:	22/06/1998	
Name:	RICKY SMITH	0E3151203
Address:	Ngurrawaana Community, ROEBOURNE WA 6718	
Born:	14/03/1966, ROEBOURNE, WA	
Appointment date:	22/06/1998	
Name:	KERRY CHURNSIDE	1E3343317
Address:	23 Ramirez Court, WICKHAM WA 6720	
Born:	27/12/1969, ROEBOURNE, WA	
Appointment date:	18/11/2006	
Name:	JANELLE MOWARIN	1E3343316
Address:	514 Kurrajong Street, TOM PRICE WA 6751	
Born:	28/06/1975, WICKHAM, WA	

Appointment date: 18/11/2006
 Name: LESLIE RONALD HICKS 028098709
 Address: 139 Cedar Street, TOM PRICE WA 6751
 Born: 24/05/1959, ROEBOURNE, WA
 Appointment date: 09/08/2012
 Name: MARSHALL MOWARIN 028098709
 Address: 20A Fraser Street, ROEBOURNE WA 6718
 Born: 07/12/1962, ROEBOURNE, WA
 Appointment date: 09/08/2012
 Name: DAVID WALKER 028098709
 Address: 443 Fraser Street, ROEBOURNE WA 6718
 Born: 01/05/1945, ROEBOURNE, WA
 Appointment date: 09/08/2012

Appointed Auditor

Name: JOHN FOLEY 0E1038438
 Address: Suite 5 137-141 Main Street OSBORNE PARK WA 6017
 Start date: 06/11/1997

Share Information**Share Structure**

Class	Description	Number issued	Total amount paid	Total amount unpaid	Document number
ORD	ORDINARY SHARE	14	14.00	0.00	5E1965075

Members

Note: For each class of shares issued by a proprietary company, ASIC records the details of the top twenty members of the class (based on shareholdings). The details of any other members holding the same number of shares as the twentieth ranked member will also be recorded by ASIC on the database. Where available, historical records show that a member has ceased to be ranked amongst the top twenty members. This may, but does not necessarily mean, that they have ceased to be a member of the company.

Name: FRANK SMITH
 Address: CARE PO, ROEBOURNE WA 6718

Class	Number held	Beneficially held	Paid	Document number
ORD	1	no	FULLY	00877244C

Name: IERAMUGADU GROUP INCORP
 Org No.: 121 824 253
 Address: PO BOX 205, ROEBOURNE WA 6718

Class	Number held	Beneficially held	Paid	Document number
ORD	6	yes	FULLY	0E3151202

Name: NGARLUMA ABORIGINAL CORPORATION
Org No.: 125 703 997
Address: 1 Padbury Street, ROEBOURNE WA 6718

Class	Number held	Beneficially held	Paid	Document number
ORD	7	yes	FULLY	5E1965075

Documents

Note: Where no Date Processed is shown, the document in question has not been processed. In these instances care should be taken in using information that may be updated by the document when it is processed. Where the Date Processed is shown but there is a zero under No Pages, the document has been processed but a copy is not yet available.

Date received	Form type	Date processed	Number of pages	Effective date	Document number
12/03/2014	484E Change To Company Details Appointment Or Cessation Of A Company Officeholder	12/03/2014	2	12/03/2014	028912450

Note: Where the expression 'Unknown' is shown, the precise date may be available from records taken over on 1 January 1991 and held by ASIC in paper or microfiche.

End of Extract of 3 Pages

ANNEXURE "D"



ICN 4511
ACN 144 786 747

NGARLUMA VISION: "Keeping our culture strong as we work together to empower
Ngarluma people towards a sustainable future"

12th August 2016

City of Karratha
Welcome Road
Karratha WA 6714

Mt Welcome Station is operated by the Mt Welcome Pastoral Company Pty Ltd which in turn is owned by three shareholders

- Ngarluma Aboriginal Corporation RNTBC (7shares)
- Ieramugadu Group Incorporated (6 Shares)
- Frank Smith (1 share)

The Shareholders and the communities that they represent are keen to maintain ownership of Mt Welcome Station for the benefit of the local Ngarluma community, including

- To maintain cultural and heritage attachments to the land
- To participate in "Caring for Country", an initiative to allow Indigenous people to manage the heritage values of their land;
- To provide employment and training opportunities for Indigenous youth

As Ieramugadu Group has not been operational for many years, Ngarluma Aboriginal Corporation (NAC) has accepted the onerous responsibility for the oversight and management of the Mt Welcome station. NAC has been providing funding for the operation of the station for the last 5 years. NAC is spending approx. \$500,000 every year on Mt Welcome to keep its pastoral status and training programs.

Mt Welcome Pastoral Company has been granted a Pastoral Lease Renewal from the Department of Lands on 1st July 2015 for the term of 38 years (attached). City of Karratha's total rate charges for this year for Mt Welcome Pastoral Co. is approx. \$187K. Being a charitable organisation, this sum for the NAC is a heavy financial burden. Mt Welcome Pastoral Company operates at a loss, and has done since establishment and is likely to continue in that vein for the foreseeable future. However the NAC is fully committed to continue to provide financial support due to significant and meaningful cultural and heritage connection with the Mt Welcome land.

The NAC requests City of Karratha to view favourably our application for Rate Concession in view of Mt Welcome Station's close association with the NAC and charitable community and culture purpose.

Belinda Churnside
Belinda Churnside
Executive Officer

Head Office Unit 61, 5 Sharpe Street, Karratha WA 6714
PO Box 263 Roebourne 6718
Phone: (08) 91821351 Fax: (08) 91821 220



Application for Rate Exemption Form

for organisations seeking rates exemption under section 6.26 of
the Local Government Act 1995

All sections of the form must be completed and all additional documentation attached. Failure to do so may result in the automatic rejection of your application prior to consideration. Prior to Council's formal response to your application, rates must be paid in full and all balanced outstanding will accrue penalty interest at the current year's rate.

Your application, if successful, will apply exemption from the date application was received. Please initial each page in addition to completing the statutory declaration.

Part One: Property Details

Property Address: SEE ATTACHED

Assessment Number: _____

Property Owner's
Name: _____

Property Owner's
Postal Address: _____

Phone Number: _____ Email Address: _____

Part Two: Rates Exemption Applicant Details:

Name of Organisation: MT WELCOME PASTORAL CO PTY LTD

ABN: 86 008 772 441

Contact Person: BELINDA CHORNSIDE

Position: EXECUTIVE OFFICER

Postal Address: PO BOX 263
ROEBOURNE WA 6718

Phone Number: 08 91821351 Email Address: ec@ngarluma.com.au

Applicant Initials: [Signature]

	Yes	No
Does the organisation own the property?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Does the organisation lease the property? <i>If 'Yes', please provide a copy of the lease agreement showing the lessee responsibility for payment of rates.</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Does the organisation occupy the whole building?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Is the exemption claimed over the whole building? <i>If 'No', please provide a copy of floor plans showing areas leased and/or areas claiming exemption.</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Is the organisation claiming rate exemption under s6.26 of the Local Government Act 1995? <i>If 'Yes', under what sub-section is the claim made? (Please refer to appendix A)</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Is the organisation rate exempt under an Act other than the Local Government Act 1995? <i>If 'Yes', please state the relevant sections under which Act the organisation is rate exempt.</i>	<input type="checkbox"/>	<input type="checkbox"/>

Part Three: Organisation Information

SEE ATTACHED COVERING LETTER

	Yes	No
Is the organisation an incorporated body as per the Association Incorporated Act 1987? <i>If 'Yes', please attach Certificate of Incorporation.</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Is the organisation considered "not-for-profit"? <i>If 'Yes', please attach a statement detailing organisation's purpose and supporting documents.</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Does the organisation receive a tax exemption from the Australian Tax Office? <i>If 'Yes', please attach tax exemption certificate.</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Does the organisation receive income from the operations located at the property's address? <i>If 'Yes', please attach a detailed statement listing the type of operations and break-down of income received from these operations.</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/> ONLY FROM ONE PROPERTY
Are commercial activities being conducted at the property address? <i>If 'Yes', please attach a detailed statement of commercial activities at the property address.</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Does the organisation make a profit which is not used for charitable purposes from its operations? <i>If 'Yes', please attach a detailed statement of how profit is utilised or distributed by the organisation.</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Please attach a copy of two years audited financial statements* and a copy of the organisation's Constitution.	Attached: <input type="checkbox"/>	

Applicant Initials:

Part Four: Checklist for document attachments

Copy of the lease if property is leased	Attached: <input type="checkbox"/>
Building floorplans detailing leased areas	Attached: <input type="checkbox"/>
Certification of Incorporation	Attached: <input type="checkbox"/>
Certificate of tax exemption certification (ATO)	Attached: <input type="checkbox"/>
Organisation's Constitution.	Attached: <input type="checkbox"/>
Two years audited financial statements*	Attached: <input type="checkbox"/>
Statement of the organisation operations**	Attached: <input type="checkbox"/>

**This must include profit and loss statements, balance sheets, sources of income, grants and/or royalties, and any rents received if you are a housing organisation.*

***This statement is to include the type of operations, business plans, budget plan/projections, any income received from these operations, details of any commercial activities and how profit is utilised and distributed by the company.*

You may also include any other addition documentation or declarations that may assist with the consideration of your application.

Office Use Only

Rates Exemption Application received date*: _____

Rates Exemption Decision

Exemption ☐

Concession ☐

Denied ☐

Minutes of Council Meeting Attached: ☐

**effective date exemption or concession applied from.*

Administrative Records

Recorded and applied to Rate Book ☐

Senior Rate Officer Signature _____

Applicant Initials: *B*

LOCAL GOVERNMENT – CITY OF KARRATHA

STATUTORY DECLARATION

Statutory Declarations Act 1959

We, BELINDA CHURNSIDE [Insert name of office bearer #1], and
AMANDA MOWARIN [insert name of office bearer #1] of
MT WELSHOME PASTORAL COPT LTD [insert name of organisation] in
the State of Western Australia hereby solemnly and sincerely declare as follows:

1. The financial information as provided presents fairly in accordance with relevant legislation, applicable accounting standards and other professional mandatory reporting requirements, the financial position, the results of operations and cash flows;
2. The nature and extent of non-charitable activities has been fully disclosed;
3. The description and purpose of each land or lease holding has been fully disclosed.

AND WE MAKE this solemn declaration by virtue of the *Statutory Declarations Act 1959* and, subject to the penalties provided by the Act for the making of false statements in statutory declarations, conscientiously believing the statement contained in this declaration to be true in every particular.

Declared at KARRATHA
(Insert location)
this 12 day
of AUG month, 2016
(insert year)

Belinda Churnside
Signature of office bearer #1

BELINDA CHURNSIDE, EXECUTIVE OFFICER
Print name and position of office bearer #1

Amanda
Signature of office bearer #2

AMANDA MOWARIN COMPANY SECRETARY
Print name and position of office bearer #2

Applicant Initials: BC

MT WELCOME PASTORAL COMPANY PTY LTD				
No	LOT NO:	Assessment Number	Address	Description
1	99	A1375	23 Stephen St	Vacant Land. No Activities
2	100	A1376	21 Stephen St	Vacant Land. No Activities
3	101	A1377	19 Stephen St	Vacant Land. No Activities
4	102	A1378	17 Stephen St	Vacant Land. No Activities
5	103	A1379	15 Stephen St	Vacant Land. No Activities
6	106	A1399	64 Hampton St	Old Heritage Building. No Activities
7	107	A1404	66-68 Hampton St	Old Heritage Building. No Activities
8	23	A5717	NW Coastal Highway	Vacant Land. No Activities
9	265	A5107	North West Coastal Highway	Pastoral Station.

Ms Belinda Churnside
Executive Officer
Ngarluma Aboriginal Corporation
PO Box 263
ROEBOURNE WA 6718

Dear Ms Churnside

Mt Welcome Pastoral Station – Application for Rating Exemption

I refer to the application received 21 August 2016 from Ngarluma Aboriginal Corporation (NAC), as part owner of Mt Welcome Pastoral Company Pty Ltd, for a rating exemption on the land known as Mt Welcome Station (A5107, VEN 1960639).

The basis of the application for rating exemption *'in view of Mt Welcome Station's close association with the NAC and charitable community and culture purpose'* citing benefit for the local Ngarluma community around culture, heritage and provision of employment and training opportunities for indigenous youth.

For a rating exemption to be awarded for charitable purposes, Section 6.26 of the *Local Government Act 1995* requires two steps to be satisfied. The first being that the owner of the land must be a charitable organisation AND the second that the land must be used exclusively for a charitable purpose.

In considering the application Council Officers have referred to the Supreme Court case in the matter of:

SHIRE OF DERBY – WEST KIMBERLEY –V- YUNGNGORA ASSOCIATION INC.
[2007] WASCA 233 ON APPEAL FROM YUNGNGORA ASSOCIATION INC and SHIRE OF
DERBY/WEST KIMBERLEY [2008] WASAT 378

In its decision *Shire of Derby-West Kimberley v Yungngora Association Inc* [2007] WASCA 233, the Supreme Court of Western Australia set aside the decision of the State Administrative Tribunal who the court concluded *'was in error in concluding the Land [Noonkanbah Pastoral Station] was used exclusively for charitable purposes.'*

'It follows, in my view, that the Land is not used exclusively for charitable purposes within the meaning of s6.26 of the Act.'

Accordingly the application for exemption has been declined on the basis of not meeting the second step in regards to *'exclusively for charitable purposes'* under Section 6.26 of the *Local Government Act 1995*. Subsequently the rates as levied remain due and payable.

Mt Welcome, rating assessment A5107, comprises some 190,000 hectares and consists of the Pastoral Lease and 15 free hold lots located both on the extremity of the Roebourne Town site and

others within the surrounding rural area. The freehold lots total 3,179 hectares with the Pastoral lease currently comprising a further 187,766 hectares.

The current unimproved valuation for Mt Welcome Station is \$1,748,490 with the majority of the valuation tied to the free hold lots. The Pastoral Lease itself has an unimproved value of \$116,400 or 6.7% of the total valuation.

It is worth noting that the freehold lots, if rated separately from the Pastoral Lease would fall within the category of UV Mining/Other which would incur a higher rate of 38% more than that of the current rates of Pastoral due to a higher rate in the dollar. This would equate to a difference of \$61,480 in rates payable for the free hold lots and effectively provides a concession on rates payable.

Notification has just been received advising a reduction in the land holding pertaining to the Pastoral Lease due to Taking Orders pertaining to required land holdings for Port Anketell and State Agreement Lands. Upon receipt of an interim valuation roll from Landgate an interim notice will be issued.

Yours faithfully



Ray McDermott
MANAGER FINANCIAL SERVICES / CFO

9 September 2016

Check 2016 RUVs for Mt Welcome Pastoral lease (VEN 1960639)

current date land description	Area ha	2016 UV	
2D43218	139.5	\$ 225,000	
2D43217	315.8	\$ 187,500	
51P249501	258.9	\$ 180,000	
43P251288	242.8	\$ 165,000	
2D43215	186.1	\$ 131,250	
2D43216	157	\$ 142,500	
42P251287	161.8	\$ 142,500	
47P248917	161.8	\$ 3,750	
L589/32/1	413.3	\$ 187,500	
L589/26		\$ -	previously removed - different ownership
7P37571	928.6628	\$ 112,500	
L589/36	153.3	\$ 75,000	
L589/9	16.1	\$ 37,500	
L589/2	40.4	\$ 19,950	
70P252637	1.2	\$ 3,750	
L589/72	2.4	\$ 18,750	
Total area of freehold lots	3179	\$ 1,632,450	
Plus pastoral leasehold	187766	\$ 116,040	
		\$ 1,748,490	UV based on rent -\$ 5802 x20 = \$116040

Chris Olsen- District Valuer

: This value is prior to the taking order N382471

ANNEXURE "E"

Sub-committee	has the meaning given in rule 14.
Suspension Recommendation	has the meaning given in rule 18.5(a).
Vested Land	means any land: <ul style="list-style-type: none">(a) vested in;(b) granted or given to; or(c) purchased by; the Corporation.

2.2 Interpretation

- (a) In these rules:
 - (i) words in the singular include the plural and vice versa;
 - (ii) the words 'including', 'include' and 'includes' are to be read without limitation;
 - (iii) a reference to legislation is to be read as a reference to that legislation, any subordinate legislation under it, and that legislation and subordinate legislation as amended, re-enacted or replaced for the time being;
 - (iv) headings and notes are used for convenience only and are not intended to affect the interpretation of these rules;
 - (v) a word or expression defined in the Act and used, but not defined, in these rules has the same meaning given to it in the Act when used in these rules; and
 - (vi) any inconsistency with the Act is to be resolved in favour of the Act.
- (b) The Replacement Rules set out in the Act apply to the Corporation only to the extent that they are not inconsistent with this Constitution, the Native Title Act and PBC Regulations.

3. OBJECTS OF THE CORPORATION

- (a) Subject to sub-rule 3(c), the objects for which the Corporation is established are to:
 - (i) provide direct relief from poverty, sickness, suffering, misfortune, destitution or helplessness among Aboriginal people especially the Common Law Holders;
 - (ii) be and to perform the functions of a Prescribed Body Corporate, for the purpose of being the subject of a determination under section 56 and 57 of the Native Title Act;

- (iii) be and to perform the functions of a Registered Native Title Body Corporate for the purpose of being the subject of a determination under section 57 of the Native Title Act;
 - (iv) protect, preserve and advance the traditions, laws, languages, culture and customs of Aboriginal people, especially the Common Law Holders, and
 - (v) hold title to any Vested Land.
- (b) Without limiting the generality of sub-rule 3(a), the Corporation may:
- (i) advance and promote the well being of Aboriginal people, especially the Common Law Holders;
 - (ii) provide environmental, social, economic and cultural benefits to Aboriginal people especially the Common Law Holders;
 - (iii) maintain, protect, promote and support the culture, native title traditions and customs, economic development, interests and social progress of Aboriginal people, especially the Common Law Holders;
 - (iv) support and provide education, training and employment for Aboriginal people, especially the Common Law Holders; and
 - (v) support and provide housing for Common Law Holders.
- (c) In carrying out its objects, the Corporation shall ensure no portion of its funds or property are paid or applied directly or indirectly by way of dividends, bonus or otherwise howsoever by way of profit to any Member, except for the payment in good faith of reasonable and proper remuneration to any Member, officer, servant, agent, consultant, contractor or employees of the Corporation for, or in return for, services actually rendered to the Corporation.

4. POWERS AND FUNCTIONS OF THE CORPORATION

4.1 Powers of the Corporation

- (a) To the extent necessary or convenient to carry out, or incidental to carrying out, the Corporation's objects and subject to the provisions of the Act, the Native Title Act, the PBC Regulations and sub-rules 4.1(c) and 4.2, the Corporation has all the powers of a body corporate, including but not limited to the following:
- (i) to raise funds by way of public appeal, grants, bequests gift or otherwise, in such terms and in such manner as the Corporation considers appropriate;
 - (ii) manage and account for the funds of the Corporation and invest any funds not immediately required for the purpose of the Corporation;
 - (iii) purchase, hire, lease or otherwise acquire, hold or deal with real or personal property;

Schedule

Ieramugadu Group Inc Objects:

3. The objects for which the Association is formed are:
- (a) to promote the overall community development of the Community
 - (b) to achieve the total self support of the Community by the development of viable economic projects and industries
 - (c) to hold shares in any company or companies formed for the purposes of carrying out the objects of the Association.
 - (d) to provide adequate education, vocational training, health services, employment and housing for the Community
 - (e) to assist and encourage the Community to develop an effective system of self government upon its own lands.
 - (f) to assist and encourage the individual members of the Community to preserve and renew their traditional culture.
 - (g) to foster mutual trust and friendly relationships between the Community and the community at large.
 - (h) to receive and expend grants of money from the governments of the State and/or the Commonwealth.
 - (i) to provide dwelling houses for the Community.
 - (j) to maintain and repair any buildings provided by the Association and to employ or otherwise engage persons to assist in that work.
 - (k) to hold any estate or interest or licence in land and to deal with the same in such manner as shall be allowed by this Constitution and the law affecting the same from time to time.

- (l) to do all such other lawful things as are incidental or conducive to these objects.

and for the purposes of carrying out these objects the Association shall be deemed to have all the powers conferred or implied by the Associations Incorporation Act 1895 as amended and in addition thereto shall have the same powers as are conferred upon companies incorporated under the Companies Act 1961 as amended by the Third Schedule of that Act as if those powers were expressly included herein PROVIDED HOWEVER that nothing herein contained shall be construed so as to permit the Association to pursue the purpose of trading or securing pecuniary profit to the members of the Association from the transactions thereof.



**Government of Western Australia
Department of Lands**

ANNEXURE "F"

Ourref: 378-2012, A5420028, A5171123
Enquiries: Alice Benz, ph 65524594

Attention: Noel Whitehead
Mt Welcome Pastoral Co Pty Ltd
Mt Welcome Station
PO Box 263
ROEBOURNE WA 6718

Dear Sir/Madam

Pastoral Lease Renewal Documentation

I am pleased to inform you that pastoral lease documents to support your lease renewal were lodged at the Landgate on 1 July 2015. Copies of the lease document(s) for Mt Welcome Station lodged at Landgate is attached for your information.

When Landgate finalise the registration process, the Department of Lands will forward you copies of the updated Crown lease titles and your new Crown lease number.

If you require your new Crown lease number for trading or other purposes prior to that point please contact 2015 Pastoral Lease Project team on 6552 4526.

Yours sincerely

Colin Slattery
Director General

1 July 2015

Att

WESTERN AUSTRALIA
LAND ADMINISTRATION ACT 1997 as amended
TRANSFER OF LAND ACT 1893 as amended

PASTORAL LEASE (L)

DESCRIPTION OF LAND (NOTE 1)

Lot 265 on Deposited Plan 220920

subject to inclusions and exclusions (if any), as shown
in the Second Schedule

EXTENT	VOLUME	FOLIO
Whole	3119	863

LIMITATIONS, INTERESTS, ENCUMBRANCES and NOTIFICATIONS (NOTE 2)

See Annexure

LESSOR (NOTE 3)

STATE OF WESTERN AUSTRALIA acting through the Minister for Lands, a body corporate under the
Land Administration Act 1997, care of the Department of Lands PO Box 1143 WEST PERTH WA 6872.

LESSEE (NOTE 3)

MT. WELCOME PASTORAL CO. PTY LTD ACN 008772441 OF PO BOX 263, ROEBOURNE, W.A 6718

TERM OF PASTORAL LEASE (NOTE 4)

38 YEARS 7 MONTHS 2 DAYS commencing on the 1st day of July in the year 2015

RENT (NOTE 5)

For an annual rental of \$ 5,848.00 plus GST as defined under the *A New Tax System (Goods and Services Tax) Act 1999* as at 1 July 2015, determined and reviewed in accordance with the *Land Administration Act 1997* ("LA Act") from time to time ("Rent") and payable in advance:

1. on or before that date, by an initial sum equivalent to the Rent pro-rated for two calendar months; and
2. after that date, on each 1 September and 1 March during the term, by a sum equivalent to one-half of the Rent (excluding the final payment, which will be pro-rated).

Pursuant to section 143 of the LA Act, the MINISTER FOR LANDS, for and on behalf of the STATE OF WESTERN AUSTRALIA, HEREBY GRANTS to the Lessee above (at Note 3), a lease of the land described above (at Note 1), for the term specified above (at Note 4) and at the Rent specified above (at Note 5):

- (a) subject to the provisions of the LA Act, as amended from time to time; and
- (b) subject to the laws of the State of Western Australia as may apply from time to time BUT ONLY to the extent any such laws are not inconsistent with the LA Act; and
- (c) on the terms and conditions set out in pastoral lease number LA3114/716 ("Pastoral Lease"), also registered as Crown lease number CL335/1976 under the *Transfer of Land Act 1893*, INCLUDING the reservations referred to in the Pastoral Lease, BUT ONLY to the extent that any of those terms or conditions, or reservations are not inconsistent with the LA Act.

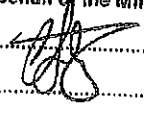
PASTORAL LEASE AND CROWN LEASE NUMBERS (NOTE 6)

ATTESTATION SHEET

Executed by the parties as a Deed on the 1st day of July in the year 2015

LESSOR SIGNS HERE (NOTE 7)

Signed for the STATE OF WESTERN AUSTRALIA
for and on behalf of the MINISTER FOR LANDS by


.....
(Print full name)

Colin David Slattery
Director General
Department of Lands

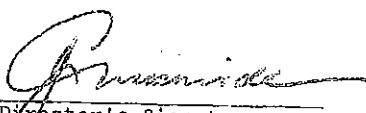
Position
Department of Lands
pursuant to a delegation of the Minister for Lands' powers
under section 9 of the Land Administration Act 1997
in the presence of:

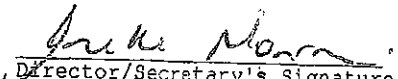

.....
(Print full name)

Position Executive Assistant
Department of Lands

LESSEE/S SIGN HERE (NOTE 7)

The Common Seal of MT. WELCOME PASTORAL CO. PTY LTD (ACN 008 772 441) was hereunto
affixed in the presence of:


.....
Director's Signature


.....
Director/Secretary's Signature

JEANNIE CHURNSIDE
.....
Director's Full Name

JANELLE MONARIN
.....
Director/Secretary's Full Name



FORM B1

WESTERN AUSTRALIA
TRANSFER OF LAND ACT 1893 AS AMENDED

ANNEXURE / ADDITIONAL PAGE TO PASTORAL LEASE (L)

DESCRIPTION OF LAND (NOTE 1)

Lot 265 on Deposited Plan 220920

EXTENT	VOLUME	FOLIO
Whole	3119	863

subject to inclusions and exclusions (if any), as shown
in the Second Schedule

LIMITATIONS, INTERESTS, ENCUMBRANCES and NOTIFICATIONS (NOTE 2)

A943104 Easement, D687107 Easement, D819173 Easement, F226101 Easement, G225397
Easement, K128118 Portion comprised on DP41701, DP44785 and DP44804 excluded, K762971
Portion comprised on DP219345 and DP219346 excluded, M042975 Authorisation Order,
M380823 Portion comprised on DP66694 excluded, M042978 Notice of Intention to Take,
M552772 Portion comprised on DP71020 excluded, M993566 Portion comprised on DP 404469
excluded, M993567 Portion comprised on DP 404469 excluded

ANNEXURE "G"

Original → SAFE Regd Doc # 123

COPY

THIS DEED OF TRUST is made the 2ND day of April 1996. WESTERN AUSTRALIA STAMP DUTY 23030704 SD *****5.00
hundred and ninety six.

BETWEEN:

Mount Welcome Pastoral Company Pty Ltd (ACN 008 772 441) of Crawford Way,
Roebourne in the State of Western Australia ("the trustee").

AND:

Ieramugadu Group Inc., of Crawford Way, Roebourne in the State of Western Australia
("the beneficiary").

WHEREAS:

- A. The trustee was incorporated on 24 September 1973.
- B. The trustee was established for the purpose of conducting a pastoral and contracting business for the benefit of those Aboriginals from time to time resident in and around the Roebourne district in Western Australia who are of the Jinjibandi, Ngaluma and Banjima tribal groups together with such other Aboriginals as have an established connection with the district or who hereafter may establish such a connection and are recognised by the Board of the beneficiary as being members of the Community.
- C. The Shareholders and Directors of the trustee are limited to people who are Australian Aborigines or to an incorporated association or other body or organisation, the membership of which is restricted to persons who are Australian Aborigines.

On 29 November 1976, the trustee became the registered holder of Pastoral Lease No. 3114/716 and known as Mount Welcome Station ("the property").

- E. The beneficiary is an Association incorporated on 6 March 1974 under the *Associations Incorporation Act 1895-1969* (Western Australia). The beneficiary holds the majority of shares in the trustee.
- F. The members of the beneficiary are those Aboriginals from time to time resident in and around the Roebourne district in Western Australia who are of the Jinjibandi, Ngaluma and Banjima tribal groups together with such other Aboriginals as have an established connection with the district or who hereafter may establish such a connection and are recognised by the Board of the beneficiary as being members of the Community.
- G. The trustee holds and has, at all times since 29 November 1976, held all the estate right title and interest in and to the property upon trust for the beneficiary.

NOW THIS DEED WITNESSES as follows:-

1. This deed shall be binding upon the assigns of the trustee and the beneficiary.
2. The trustee hereby declares that it holds and shall hold all its estate and interest as beneficial owner of the property upon trust for the beneficiary and the trustee agrees to transfer pay and deal with the property and any income payable in respect thereof and any privileges arising therefrom in such manner as the beneficiary from time to time shall direct.
3. The trustee further declares that it has, at all times since 29 November 1976, held all its estate and interest as the beneficial owner of the property upon trust for the beneficiary.

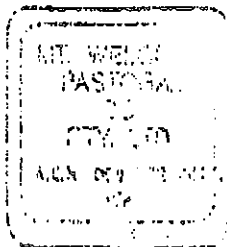
WITNESS WHEREOF the parties have hereunto set their hands and seals the day and year first hereinbefore written.

Caree Margaret Lockyer

SIGNED for and on behalf of Mount Welcome Pastoral Company Pty Ltd

(ACN 008 772 441), by CAREE MARGARET LOCKYER its duly authorised Officer.

COMMON SEAL:



In the presence of:

Signature of Witness:

Name of Witness:

Address of Witness:

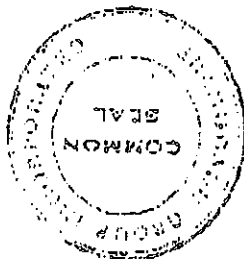
Ian Campbell-Fraser
IAN CAMPBELL - FRASER
17 CARSLAKE GROVE
GWELOP WA 6018

Robyne Churnside

SIGNED for and on behalf of Ieramugadu Group Inc.,

by ROBYNE CHURNSIDE its duly authorised Officer.

COMMON SEAL:



In the presence of:

Signature of Witness:

Name of Witness:

Address of Witness:

Ian Campbell-Fraser
IAN CAMPBELL - FRASER
17 CARSLAKE GROVE
GWELOP WA 6018

A.9/74

Form 5



Certificate of Incorporation

Associations Incorporation Act, 1895-1969
Section 3 (3)

These are to Certify that ..

THE IERAMUGADU GROUP INCORPORATED ..

has this day been incorporated as an Association under the provisions of
the Associations Incorporation Act, 1895-1969.

Dated this sixth day of March, 19 74

D.A. EVANS

~~COMMISSIONER OF INCORPORATE~~
~~TAMIL NADU~~

DEPUTY REGISTRAR OF COMPANIES.

47752/ 2/76-1M-6009

L.S.

CONSTITUTION AND RULES

of

THE IERAMUGADU GROUP INCORPORATED

NAME:

1. The name of the Association is THE IERAMUGADU GROUP INCORPORATED.

DEFINITIONS:

2. In this Constitution unless inconsistent with the context:
- (a) "THE ASSOCIATION" means "The Ieramugadu Group Incorporated."
 - (b) "THE BOARD" means the Board of Directors hereinafter constituted.
 - (c) "DIRECTOR" means a member for the time being of the Board.
 - (d) "ABORIGINAL" includes any person who is a "native" "aborigine" or "aboriginal" for the purpose of any law of the State of Western Australia or the Commonwealth of Australia.
 - (e) "THE COMMUNITY" means the group of aboriginals who for the time being are members of the Association.

OBJECTS:

3. The objects for which the Association is formed are:-
- (a) to promote the overall community development of the Community.
 - (b) to achieve the total self support of the Community by the development of viable economic projects and industries.
 - (c) to hold shares in any company or companies formed for the purpose of carrying out the objects of the Association.
 - (d) to provide adequate education, vocational training, health services, employment and housing for the Community.
 - (e) to assist and encourage the Community to develop an effective system of self government upon its own lands.
 - (f) to assist and encourage the individual members of the Community to preserve and renew their traditional culture.

Members of the Community. T. H. O'Brien

Secretary

2.

- (g) to foster mutual trust and friendly relationships between the Community and the community at large.
- (h) to receive and expend grants of money from the governments of the State and/or the Commonwealth.
- (i) to provide dwelling houses for the Community.
- (j) to maintain and repair any buildings provided by the Association and to employ or otherwise engage persons to assist in that work.
- (k) to hold any estate or interest or licence in land and to deal with the same in such manner as shall be allowed by this Constitution and the law affecting the same from time to time.
- (l) to do all such other lawful things as are incidental or conducive to these objects
- and for the purpose of carrying out these objects the Association shall be deemed to have all the powers conferred or implied by the Associations Incorporation Act 1895 as amended and in addition thereto shall have the same powers as are conferred upon companies incorporated under the Companies Act 1961 as amended by the Third Schedule of that Act as if those powers were expressly included herein PROVIDED HOWEVER that nothing herein contained shall be construed so as to permit the Association to pursue the purpose of trading or securing pecuniary profit to the members of the Association from the transactions thereof.

OFFICE:

4. The offices of the Association shall be established at Roebourne or at such other place as the Board shall from time to time decide.

MEMBERSHIP:

5. The members of the Association shall be those aboriginals from time to time resident in and around the Roebourne District in Western Australia who are of the Jindjibandi, Ngalya and Bandjima tribal groups together with such other aboriginals as have an established residential connection with the district or who hereafter may establish such a connection and are recognised by the Board as being members of the Community.

3.

THE BOARD:

6. The responsibility for carrying out the objects of the Association shall be vested in a Board to be known as the Board of Directors.
7. The first Directors shall be MICK LEE, ARTHUR KEMPTON, KEN JERROLD, COPPEN DALE, JACOB SCROGGINS, TIM KERR and ALAN JACOB.
8. Any member shall be eligible to be a Director.
9. The first Directors and all other Directors subsequently appointed shall hold office for life or until their appointments are terminated by the members in accordance with this Constitution.
10. The members shall have the power to appoint additional Directors and to fill any vacancy on the Board.
11. A Director shall cease to hold office if by reason of age, infirmity, absence or any other reason the members shall be of the opinion that he has ceased to be an effective Director or that it is not in the best interests of the Community that he should remain a Director.

MEETINGS AND PROCEEDINGS:

12. The Board shall meet for the despatch of business as often as the occasion may require at such time and place as it may appoint and may adjourn and otherwise regulate its meetings and proceedings as it thinks fit.
13. A meeting of the Board shall be held whenever any Director so requests.
14. There shall be no limit to the number of Directors but unless and until the members shall determine that a greater number shall be required, any four Directors shall form a quorum at any meeting of the Board, provided that whenever the number of Directors has been reduced below five or below the number required for a quorum the remaining Directors may act for the purpose of appointing new Directors but any appointment so made shall be subject to ratification at the next meeting of the Community.
15. Questions arising at any meeting of the Board shall be decided by a majority of votes and each Director present shall

have one vote. In the case of an equality of votes the matter shall be referred to a meeting of the Community called for the purpose of affording the members the opportunity to express their views, following which the Board shall meet again, but if the Board is still equally divided the Directors shall continue to consult with the Community until such time as a majority decision is reached by the Board.

16. The Board shall from time to time appoint one of its members to be the Chairman of the Board. The said MICK LEE shall be the First Chairman and shall continue in office until the Board appoints a new Chairman.

17. The Chairman shall act as chairman of all meetings at which he is present provided that if he is not present or does not wish to take the chair, the Directors present shall elect a Chairman for the meeting.

18. The Board shall make rules for the regulation of its own proceedings and for the calling and conduct of meetings of the Community.

19. Once in every year during the month of July a meeting of the Community (to be called the annual meeting) shall be held at Roebourne or such other place as the Directors may decide.

20. All members shall be invited and entitled to attend the annual meeting.

21. The business to be conducted at the annual meeting shall be:-

- (a) To hear a report from the Board of the Association's affairs and activities since the last annual meeting.
- (b) To consider a report by the treasurer on the finances of the Association.
- (c) Such other items of business as the members shall wish to deal with.

MANAGEMENT:

22. The Board shall be responsible for the management and conduct of the affairs of the Association and shall control its funds and property.

23. In the exercise of its powers the Board shall observe the

5.

established traditions and customs of the Community in consulting with the members on all matters of importance.

24. The Board may delegate any of its powers and functions to a committee or committees consisting of such Director or Directors and/or other persons as the Board thinks fit. Any committee so formed shall in the exercise of the powers so delegated conform to any regulations and directions which may from time to time be imposed upon it by the Board.

25. The meetings and proceedings of any committee shall, subject to any express directions given by the Board, be governed by the provisions herein contained for regulating the meetings and proceedings of the Board so far as the same are applicable thereto.

FINANCES:

26. All funds of the Board shall be deposited in the first instance to the credit of a bank account or accounts, maintained in the name of the Association at such bank as the Board shall direct.

27. All cheques and withdrawal forms shall be signed by such person or persons (whether Directors or not) as the Board shall from time to time appoint for the purpose.

28. Accounts shall be passed for payment at any meeting of the Board or of a committee appointed for that purpose.

29. Official receipts shall be issued for all money received by the Association.

30. All funds or property of the Association not subject to any special trust shall be available at the discretion of the Board for the purpose of carrying out the objects of the Association provided that no portion thereof shall be paid or applied directly or indirectly by way of dividend bonus or otherwise howsoever by way of profit to any member excepting any proper remuneration to any Director, officer, servant, agent or employee of the Association or in return for services actually rendered to the Association.

6.

31. True accounts shall be kept by the Secretary of all money received and expended by the Association and of the property credits and liabilities of the Association.

32. The books of account of the Association shall be kept at the office and shall be open to inspection by any Director at all reasonable times.

33. Once at least in every year the accounts of the Association shall be examined and correctness thereof certified by one or more auditors appointed by the Board for that purpose.

34. At every annual meeting the Board shall lay before the members there present a duly audited profit and loss or income and expenditure account and a balance sheet containing a summary of the property and liabilities of the Association made up to a date not more than three months prior to the date of the meeting.

OFFICERS:

35. The Board may appoint a suitable person or persons (who may be a member but need not be one) to carry out the duties of Secretary and Treasurer. Mr. CHARLES SNELL of Wickham shall be the first Secretary of the Association and until the Board makes some other appointment shall also carry out the duties of Treasurer.

MINUTES:

36. The Board and any committee thereof shall cause minutes to be entered in books kept for the purpose of:-

- (a) The names of all persons who are Directors.
- (b) The names of the Directors present at each meeting of the Board and the names of the persons present at any meeting of a committee.
- (c) All orders, regulations and directions made by the Board and committees.
- (d) All resolutions of the Board and Committees.

All minutes of any meeting if purporting to be signed by the chairman or such meeting or the chairman of the next succeeding meeting shall be received as prima facie evidence of the matters therein stated.

COMMON SEAL:

37. The Association shall have a common seal upon which shall be inscribed the name of the Association and the words "Common Seal".

38. The Common Seal shall remain the custody of the secretary and shall not be affixed to any document or instrument except pursuant to a resolution of the Board. Every document or instrument to which the Common Seal is affixed shall be countersigned by the Chairman and the Secretary or such other persons as the Board shall from time to time appoint for that purpose.

AMENDMENT:

39. The Association may from time to time upon a resolution passed by a unanimous vote of the Directors present and voting at a meeting of the Board called for the purpose change its name or alter, vary, rescind or add to the objects or any of the other provisions of this Constitution subject however to the provisions of Section 7 and 7A of the "Associations Incorporation Act 1895" as amended PROVIDED HOWEVER that no such resolution shall be valid until such time as it has been submitted to and approved by a majority of members present and voting at meeting of the Community specially called for the purpose.

WINDING UP:

40. In the event of the Association being wound up or dissolved and there remaining after satisfaction of all of its debts and liabilities any property whatsoever, the same may be given or transferred to another institution or association having objects similar to the Association (being an institution or association the constitution of which prohibits the distribution of funds or assets to its members) or may be distributed in such manner as the Board shall consider to be in the best interests of the Community PROVIDED THAT no payment shall be made to any individual member of the Association except to the extent permitted by paragraph 30 hereof.