



Principal
Marcus Holmes

Suite 27, 375 Hay Street
Subiaco WA 6008

PO Box 2179
Subiaco WA 6904

T: (08) 9382 3841

F: (08) 9382 3749

LAND EQUITY LEGAL

Native Title, Mining & Environmental Lawyers

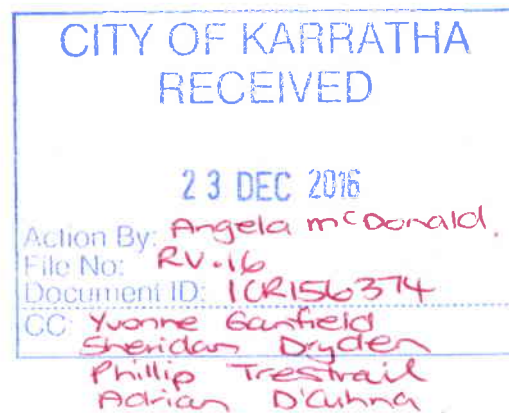
E: mholmes@landequitylegal.com.au
www.landequitylegal.com.au

ABN: 84 426 967 672

Your ref: NAC and MWPC Rates
Our ref: NGAR1504

21 December 2016

The Chief Executive Officer, Mayor and Councillors
City of Karratha
PO Box 219
Karratha WA 6714



Dear Chief Executive Officer, Mayor and Councillors,

Rates waiver request-Ngarluma Aboriginal Corporation RNTBC (NAC) and Mt Welcome Pastoral Co Pty Ltd (MWPC)-section 6.47 Local Government Act 1995 (WA)

We act for the Ngarluma Aboriginal Corporation RNTBC (the NAC) and Mt Welcome Pastoral Co Pty Limited (MWPC) regarding their application for rates exemption and rates waiver.

We refer to the NAC'S letter to the City of Karratha (the City) dated 30 November 2016 with various Annexures that was emailed by us on that date to the City (the November letter).

The November letter set out grounds for an objection to payment of rates for the MWPC pastoral lease area and indicated that a rates waiver request was being prepared for consideration by the Council. Among other things, the November letter set out detailed information about the background and role of the NAC and MWPC, the needs of the Ngarluma people, and the City's policies, legal obligations and engagement with the Ngarluma.

This letter and its Annexures (the December letter) is the rates waiver request to the Council for the NAC and MWPC. The November letter and its Annexures are to be read in conjunction with the December letter and they form part of the NAC and MWPC grounds to the Council for seeking the rates waiver.

We set out below the requisite information required by the City with its *Application for Rate Waiver/Concession for Not-for-Profit Community Groups* form (the Form), along with the two completed Forms and their Annexures.

NAC Rates Waiver

1. The completed Form is attached. Note that we have added a witness signature into the Forms' Statutory Declarations.
2. With respect to the Form's *Part Three: Organisation Information*:
 - a. regarding the background to the NAC, please see parts 1 and 2 of the November letter and the 12 August 2016 NAC letter to the City at its Annexure A, and the other Annexures to the November letter.
 - b. we attach the NAC's certificate of registration as an Aboriginal Corporation and the ATO's *Notice of endorsement for charity tax concessions*.
 - c. the NAC is a not for profit organisation working for the benefit of Aboriginal people (and in particular the Ngarluma people who are the region's Federal Court recognised "native title holders", with native title rights and interests in much of the Crown lands areas within the City's boundaries).
 - d. we attach copies of two NAC leases, one a lease for a property on Woodbrook Road and the other being the NAC's office lease.
 - e. the NAC is seeking a 100% rates concession and return by the City of rates previously paid by the NAC.
3. With respect to the Form's *Part Four: Checklist for document attachments*:
 - a. the NAC's Constitution sets out the NAC's role in relief of Aboriginal poverty and other objects to improve the cultural, economic and social position of Aboriginal people, including the Ngarluma people-see Rule 3 of the Constitution.
 - b. the 2015 and 2016 audited financial statements are attached and see also the Nexia letter dated 15 December 2016 regarding the NAC that comments on the NAC's financial situation and its role and operations.

MWPC Rates Waiver

1. The completed Form is attached. Again, we have added a witness signature into the Statutory Declaration.
2. With respect to usage of the freehold lots within Roebourne and within the pastoral station area itself:
 - a. the freehold lots within Roebourne are proposed for use as Aboriginal housing.
 - b. the freehold lots within the pastoral station area are indistinguishable from the pastoral lease, are unfenced and are accessed by Aboriginal people for their use and benefit, primarily for traditional usage.
3. With respect to the Form's *Part Three: Organisation Information*:
 - a. regarding the background to the MWPC, please see the November letter and the 12 August 2016 NAC letter to the City at its Annexure D, and the other Annexures to the November letter.
 - b. we attach the MWPC's Company Extract and its Memorandum of Association.
 - c. MWPC is not a not for profit organisation and nor does it receive a tax exemption. However, see the background information referenced at part 3a above. See also the Nexia letter dated 15 December regarding MWPC.

- d. a copy of the current MWPC pastoral lease was provided to the City as Annexure F to the November letter.
 - e. MWPC is seeking a 100% rates concession and return by the City of rates previously paid by the NAC for MWPC.
4. With respect to the Form's *Part Four: Checklist for document attachments*, we refer the Council to the Nexia letter (cited above at part 3c) and the MWPC Balance Sheets and Profit and Loss Statements for 2015 and 2016.

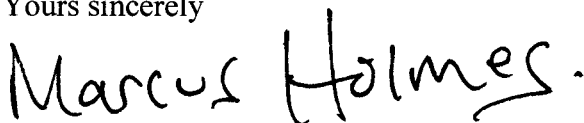
In closing, while the NAC and MWPC note that the Form is drafted as applying only to "Not-for-Profit Community Groups", section 6.47 of the *Local Government Act 1995* (WA), that deals with rates waivers and concessions, has no such limitation. Accordingly the MWPC is applying for a rates waiver even though it is not "officially" a not for profit organisation. In practice, it makes no profits and operates primarily for the use and benefit of Aboriginal people and has all the hallmarks of a not for profit organisation.

The NAC and MWPC seek that the City waive requiring the payment of the rates before the Council's formal response to the waiver applications. The payment of the rates causes great financial hardship.

The NAC and MWPC would appreciate it if the Council could consider the rates waivers as a matter of urgency, either at the next Council meeting in January or in February if the January meeting is unavailable. We are instructed to seek that we be permitted to make a presentation before the Council of the grounds for the rates waivers.

Please contact the writer if the City staff or any Councillors have any interim queries or seek further information.

Yours sincerely



MARCUS HOLMES

Principal

Land Equity Legal

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Copy to NAC and MWPC