



**ANTAKIRINJA MATU-YANKUNYTJATJARA  
ABORIGINAL CORPORATION RNTBC  
(ICN 2932)**

**Contact Person:**  
Michael Pagsanjan  
C/O MPS Law  
2/459 Morphett Street  
Adelaide SA 5000

18 October 2021

**AMYAC ANNUAL GENERAL MEETING  
17-19 NOVEMBER 2021**

Dear AMYAC member

This letter is to provide notice for the 2021 AMYAC Annual General Meeting (**AGM**).

The AGM details are as follows:

<b>Date:</b>	Wednesday to Friday, 17-19 November 2021
<b>Time:</b>	9:30 am to 4:30pm
<b>Location:</b>	Desert Cave Hotel, Coober Pedy

**Attached** to this letter you will find:

- AGM agenda (**pages 3 and 4**);
- summary and schedule of proposed changes to the AMYAC rule book (**pages 5 and 6**);
- AMY native title holder meeting notice and information (**pages 7 to 10**);
- AMYAC directors' nomination form (**pages 11 and 12**);
- AGM member assistance policy (**page 13**); and
- AGM member assistance request form (**page 14**).

**Members' assistance**

Applications for assistance to attend the AGM will need to be received by the AM-Y Indigenous Community Trust Office by **Monday, 8 November 2021**.

To apply for assistance, please complete the application form at **page 14** and send to [trust@amyac.com.au](mailto:trust@amyac.com.au).

**Directors' nominations**

Applications for director nominations will need to be received by Reade Allison, the AMYAC Returning Officer, by **Monday, 8 November 2021**.

To nominate to be a director, please complete the nomination form at **pages 11 and 12**. Applications can be sent by email to [reade@mpslaw.com.au](mailto:reade@mpslaw.com.au) or by post at 2/459 Morphett Street, Adelaide SA 5000.

## Changes to the AMYAC rule book

In early 2021, several amendments were made to the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (Cth) and the *Native Title (Prescribed Bodies Corporate) Regulations 1999* (Cth). Some of these amendments require changes to the AMYAC rule book to make sure AMYAC complies with the new legislation. AMYAC has prepared the required changes to the rule book and will seek member approval of the changes at the AGM through a special resolution.

Please see **pages 5 and 6** for more information regarding the proposed changes to the rule book.

## Native title holder meeting

Please be advised that there are several matters on the agenda which may require decisions by the AMY native title holders.

For the AMY native title holders to make these decisions, the third day of the AGM (19 November 2021) will include a native title holders' meeting.

The purpose of the native title holders' meeting is to:

- provide information on the nature and purpose of the proposed decisions; and
- seek AMY native title holders' informed consent of the decisions.

Please see **pages 7 and 10** for more information regarding the proposed decisions.

## Further information

Directors remind members that where members bring their children to the meeting, they will be responsible to ensure their children behave and do not disrupt the meeting. Where a member's child disrupts the meeting, the member and their child may be asked by the AMYAC Chairperson to leave the meeting.

Information relating to the AGM agenda items and native title holder decisions, including draft resolutions, financial reports, and draft documents, can be requested by contacting the AMYAC Contact Person at [info@mpslaw.com.au](mailto:info@mpslaw.com.au).

MPS Law staff will also be holding members' check-in sessions in Coober Pedy on 15 November 2021. Members are welcome to speak with MPS Law staff about AMYAC and its operations during the check-in sessions.

Please contact MPS Law office on **(08) 7221 1690** if you have any queries.

Regards

The AMYAC Board



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**AMYAC AGM & NATIVE TITLE MEETING – 17-19 NOVEMBER 2021**

**AGENDA**

**DAY 1: 17 NOVEMBER 2021**

**AGM**

- 1. Welcome**
- 2. Meeting rules**
- 3. Apologies**
- 4. Confirmation of minutes of last AGM**
- 5. Reports**
- 6. Appointment of auditor**
- 7. Changes to AMYAC rule book**

**DAY 2: 18 NOVEMBER 2021**

**AGM**

- 8. Election of directors**
- 9. Reports**
  - a. AMY Nominees Report (General Manager)
  - b. AM-Y Indigenous Community Trust Report (Perpetual)
- 10. Compensation settlement negotiations**

**DAY 3: 19 NOVEMBER 2021**  
**NATIVE TITLE HOLDER MEETING**

- 11. Compensation application**
- 12. Low level native title decisions**
- 13. Part 9B agreements**
- 14. Indiana Resources NTMA**

**AGM**

- 15. Announcement of director elections**
- 16. AGM close**



## CHANGES TO THE AMYAC RULE BOOK

In early 2021, several amendments were made to the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (Cth) (**CATSI Act**) and the *Native Title (Prescribed Bodies Corporate) Regulations 1999* (Cth) (**PBC Regulations**). AMYAC needs to make changes to its rule book to make sure it complies with the CATSI Act and PBC Regulations.

The changes affect how someone becomes a member, how someone's membership can be cancelled, how native title decisions are made and how disputes with AMYAC are dealt with.

AMYAC is also proposing to make changes to the rules about the minimum number of directors required. These changes will not affect what the AMYAC board looks like but will instead make sure AMYAC's rules about board composition are up to date with the current law.

### How will the changes be made?

Changes to the AMYAC rule book can only be made if the members pass a special resolution. A special resolution is passed when 75% of members eligible to vote at the meeting vote in its favour.

The resolution considered at the meeting will be:

*The members of Antakirinja Matu-Yankuntjatjara Aboriginal Corporation RNTBC (AMYAC) resolve to amend the AMYAC rule book in accordance with the proposed changes discussed at this meeting.*

Please see a summary of the proposed changes to the rule book at **page 6**.

If you would like further information about the proposed changes, or an annotated copy of the proposed updated rule book, please contact MPS Law at [info@mpslaw.com.au](mailto:info@mpslaw.com.au) or at **08 7221 1690**.

What are the changes?	How will the rules be changed?	Why?
How someone becomes a member	People must use the current membership application form when applying for membership ( <b>see</b> rule 6.2(a), Schedule 2).	The rule book refers to the old membership applicant form. These changes reflect the current AMYAC membership application process.
	Directors may not refuse an application if the applicant is eligible for membership ( <b>see</b> rules 6.5(c)-(d)).	The amendments to the legislation require that directors must accept an application where the applicant is eligible.
How someone's membership is cancelled	There will no longer be an assessor who makes the final decision if someone's membership should be cancelled ( <b>see</b> rules 6.14.1(b)(ii)-(iii), (d), (f)-(m)).	The amendments to the legislation require that AMYAC follow the process in the CATSI Act for cancelling membership. The CATSI Act requires that the decision to cancel membership comes from directors or members, and not an assessor.
	There will no longer be a reviewer who decides to cancel someone's membership on the grounds that they are ineligible ( <b>see</b> rules 6.18-6.24).	As above. <b>Note</b> AMYAC can still as a matter of practice have someone who reviews members' eligibility every five years. However, this person can only give the board advice, for directors to make a decision.
How native title decisions are made	AMYAC will not follow the decision-making process in rules 11.3-11.7 and Schedule 4 ( <b>see</b> rules 3.2(c), 4.1(a), 11.3-11.17, Schedules 1, 4-6).	This process is based on the old regulations. There is now a new process in the regulations which AMYAC must follow.
	AMYAC will make a compensation application in accordance with the PBC Regulations ( <b>see</b> rule 4.1(a), Schedule 1).	This makes clear that AMYAC will comply with the law when making a compensation application.
How disputes with AMYAC are dealt with	AMYAC will have dispute resolution process for people who are or claim to be native title holders, but only where the dispute relates to membership or AMYAC's native title functions. The process will mean that the board will try and informally resolve the dispute with the person. Where the dispute is not resolved with the board, the dispute will be discussed by the members at the next general meeting ( <b>see</b> rule 6.3.1(c), 19.6(c), new 19.6(d)-(g)).	The amendments to the legislation require a dispute resolution process for native title holders, regardless of whether they are members.
Minimum requirement for directors	The corporation can have up to 12 directors, and no more than six male and six female directors. The board will have two male and two female senior cultural advisors, and two male and two female directors under 35, <b>where possible</b> ( <b>see</b> rules 9.1, 9.2.2(f), 9.2.2(g)-(h)).	The board already has 12 directors. This doesn't change this. The change only means that the board can still follow the rule book if for some reason there isn't 12 directors (e.g. not enough members nominates to be a director, or a director resigns).



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2/459 Morphett Street  
Adelaide SA 5000

18 October 2021

**NOTICE – AMY NATIVE TITLE HOLDERS' MEETING  
19 NOVEMBER 2021**

A meeting of Antakirinja Matu-Yankunytjatjara (**AMY**) native title holders will be held in conjunction with the 2021 AMYAC AGM. The purpose of the meeting is for AMY native title holders to discuss, and possibly make, decisions about several matters.

The details for the AMY native title holders meeting are as follows:

<p><b>Date:</b> Friday, 19 November 2021 <b>Time:</b> 9:30 am to 4:30pm <b>Location:</b> Desert Cave Hotel, Coober Pedy</p>
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**Why is there a meeting?**

There are several matters on the 2021 AGM agenda which may involve decisions of the AMY native title holders.

For the AMY native title holders to make decisions, the third day of the AGM (19 November 2021) will include a native title holders' meeting.

The purpose of the native title holders' meeting is to:

- provide information on the nature and purpose of the decisions; and
- seek AMY native title holders' informed consent of the decisions.

**Who are the native title holders?**

According to the AMY Consent Determination (SAD6007/1998), the AMY native title holders are those Aboriginal people who have a spiritual connection to the AMY Lands and the Tjukurpa associated with it because:

1.	They are recognised as an AMY native title holder by the Western Desert Cultural Group (e.g. Antakirinja, Matuntjara, Yankunytjatjara), <b>AND</b>
2.	The AMY Land is their country of birth, <b>OR</b>
	They have had a long-term association with the AMY Land and traditional geographical and religious knowledge of the country; <b>OR</b>
	They have a connection to the AMY Land through a parent or grandparent with a connection to the country.

## What are the decisions?

The potential decisions are decisions which relate to:

- instructions on authorising a compensation application;
- proposed standing instructions for low level native title decisions;
- proposed adopted decision-making process for entering into Part 9B agreements for exploration; and
- confirming native title holders' consent to the Indiana Resources NTMA for exploration, entered into in accordance with previous native title holder standing instructions.

More information about the proposed resolutions for the above decisions can be found at **pages 9 and 10**.

## Further information

Information relating to the AGM agenda items and native title holder decisions, including draft resolutions, financial reports and draft documents can be requested by contacting the AMYAC Contact Person at [info@mpslaw.com.au](mailto:info@mpslaw.com.au).

Please contact the MPS Law office on **(08) 7221 1690** if you have any queries.

Regards

The AMYAC Board



## What are the proposed resolutions?

Agenda Item	Proposed Resolution	Notes
11. Compensation applications	<p>1. <i>As there is no traditional decision-making process under the traditional laws and customs of the AMY native title holders for making decisions of the kind related to the making of an application for compensation under s.61(1) Native Title Act 1993 (Clth), the AMY native title holders agree to adopt the following process:</i></p> <p><i>a. that all AMY native title holders attending this meeting have one vote; and</i></p> <p><i>b. having deferred to the views of the Elders present a decision will then be made by a majority show of hands of those AMY native title holders present.</i></p> <p>2. <i>Having been consulted at this meeting about the making of an application for a determination of compensation in the Federal Court of Australia, and having deferred to the views of the Elders present we authorise Antakirinja Matu-Yankunytjatjara (Aboriginal Corporation) RNTBC to make such an application on our behalf in relation to the whole of the determination area described in the consent determination of native title made in Lennon on behalf of the Antakirinja Matu-Yankunytjatjara Native Title Claim Group v The State of South Australia [2011] FCA 474.</i></p>	<p>Sub-section 61 (1) of the Native Title Act 1993 (Clth) states that a registered native title body corporate (RNTBC) , on behalf of all the persons who claim to be entitled to compensation (and who are native title holders also called common law holders) can bring a native title compensation application.</p> <p>Regulation 8B of the PBC regulations requires a RNTBC to consult with, and obtain the consent of the relevant common law holders in relation to the making of a compensation application. These persons have been identified in the consent determination of native title made on 11 May 2011.</p> <p>The process in regulation 8B is similar to the process in regulation 8 which applies to the making of native title decisions.</p> <p>These resolutions are required to comply with both the NTA &amp; the PBC regulations.</p>
12. Low level native title decisions	<p>1: <i>That there is no particular process of decision-making that, under the traditional laws and customs of the AMY native title holders, must be followed in relation to giving the standing approval, and as a result, a decision to give an approval in relation to low level decisions is made in accordance with an agreed process of:</i></p> <p><i>a. Deferring to the view Elders;</i></p> <p><i>b. Making the decision by formal resolution, with a majority vote by a show of hands of all AMY native title holders present.</i></p> <p>2. <i>The AMY native title holders approve, consent to and instruct the AMYAC board on a standing basis to make decisions on low level decisions on behalf of AMY native title holders, without needing to consult and obtain further consent, in accordance with</i></p>	<p>Pursuant to regulation 3 of the <i>Native Title (Prescribed Bodies Corporate) Regulations 1999</i> (Cth), a 'low level native title decision' means any decision to do or agree to anything that would affect the native title rights or interests of native title law holders <b>which does not:</b></p> <ul style="list-style-type: none"> <li>- surrender native title rights and interests</li> <li>- enter into an Indigenous Land Use Agreement</li> <li>- allow a non-native title holder to become an AMYAC member; <b>or</b></li> <li>- include a consultation process in the AMYAC rule book</li> </ul> <p>The AMYAC board now seeks standing instructions from native title holders to deal with these low level native title decisions</p>

	<i>regulation 8(8) of the Native Title (Prescribed Bodies Corporate) Regulations 1999 (Cth),</i>	without the need to hold a native title holder meeting for each decision.
13. Part 9B agreements	<p>1. <i>That there is no particular process of decision-making that, under the traditional laws and customs of the AMY native title holders, must be followed in relation to consenting to the AMYAC entering into an agreement pursuant Part 9B of the Mining Act 1971 (SA).</i></p> <p>2. <i>If decisions to enter an agreement pursuant to Part 9B of the Mining Act 1971 (SA) are native title decisions and/or native title decisions that standing consent cannot be provided the AMY native title holders agree, for the purposes of Regulation 8(4) of the Native Title (Prescribed Bodies Corporate) Regulations 1999 (Cth), to adopt the following decision-making process in relation to giving consent to enter into an agreement pursuant to Part 9B of the Mining Act 1971 (SA):</i></p> <ul style="list-style-type: none"> <li><i>a. At least five AMY heritage team leaders are consulted and decide whether to agree to the agreement by a majority vote; or,</i></li> <li><i>b. The AMYAC directors who are elected as Senior Cultural Advisors are consulted and decide whether to agree to the agreement by a majority vote; or</i></li> <li><i>c. At least five senior AMY native title holders, chosen by the AMYAC board taking into account the area that is the subject of the agreement, are consulted and decide whether to agree to the agreement by a majority,</i></li> </ul> <p><i>provided that AMYAC keeps a proper record of the consultation and decision.</i></p>	<p>AMY native title holders have previously provided standing instructions for the AMYAC board to enter into AMYAC's standard Part 9B agreement with proponents for exploration. The Part 9B agreement is an agreement pursuant to Part 9B of the <i>Mining Act 1971 (SA)</i> which lets proponents conduct exploration activities on AMY land, provided that the proponent follows the heritage protection measures and protocols in the agreement.</p> <p>This year, there have been changes to the <i>Native Title (Prescribed Bodies Corporate) Regulations 1999 (Cth)</i> (<b>the Regulations</b>) which affect the consultation and consent requirements with native title holders for decisions which impact native title rights and interests.</p> <p>The Department for Energy and Mining (<b>DEM</b>)'s current position is that under the new Regulations, the decision to enter into a part 9B agreement is a native title decision for which standing consent by native title holders cannot be provided.</p> <p>For this reason, the AMYAC board is seeking feedback from native title holders on an agreed decision-making process for the decision to enter into AMYAC's standard Part 9B agreement, if this decision is a native title decision that standing consent cannot be provided.</p>
14. Indiana Resources NTMA	<i>The AMY native title holders agree and consent to the native title mining agreement for exploration between Indiana Resources and AMYAC, and authorise and instruct AMYAC and its lawyers to do all things necessary including execution of the agreement in the terms (or substantially similar terms) as set out in the agreement considered at the meeting.</i>	The AMYAC board agreed to enter into AMYAC's standard Part 9B agreement for exploration with Indiana Resources on 31 March 2021, in accordance with previous standing instructions from native title holders. On 25 March 2021, changes to the <i>Native Title (Prescribed Bodies Corporate) Regulations 1999 (Cth)</i> came into effect. These changes have affected AMYAC's requirements to consult with and seek the consent of native title holders before making a native title decision, including entering into the agreement with Indiana Resources.



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## AMYAC DIRECTOR NOMINATION FORM

Elections for directors will take place at the AGM on 18 November 2021 at the Desert Cave Hotel, Coober Pedy.

To be considered for election, you must complete all details on **both** page 1 and page 2 of this form and sign the eligibility declaration on page 2. This form must be received by the Returning Officer before **5:00pm (ACDT) 8 November 2021**.

### Address for Returning Officer.

Please send the completed nomination form by post or email to:

READE ALLISON  
C/O MPS LAW  
2/459 MORPHETT STREET  
ADELAIDE, SA 5000  
[reade@mpslaw.com.au](mailto:reade@mpslaw.com.au)  
FAX: 08 8127 8090

I, (full name): .....

of (address): .....  
wish to stand for election as a director of AMYAC under the following category:

Please tick only one box:

- ☐ A Senior Cultural Advisor and Director  
☐ A Director  
☐ A Director under 35 years of age

and if elected, I give my consent for the purpose of Rule 9.2.3(a) of the Rule Book to act as a director.

Date of birth: ...../...../.....

Contact number: ( ) .....

*Please read the notes and complete the checklist on the back before completing this form to make sure you can be nominated.*

**Proposer** (full name):

Address of proposer:

Telephone number:

Signed:

Date: ...../...../ 2021

**Proposer** (full name):

Address of proposer:

Telephone number:

Signed:

Date: ...../...../ 2021

<b>Note 1</b>	At this AGM there are 6 positions for election:		
	Male senior cultural advisor and director	Male director	Male director under 35 years of age
	Female senior cultural advisor and director	Female director	Female director under 35 years of age
<b>Note 2</b>	The proposer, seconder and nominee must all be members of AMYAC. A person is a member if their name is listed on the AMYAC Register of Members.		
<b>Note 3</b>	<p>You cannot be nominated for election if:</p> <ul style="list-style-type: none"> <li>▪ You are not a member of AMYAC – <b>See</b> Rule 9.2.1(a).</li> <li>▪ You are a director of another Registered Native Title Body Corporate, Prescribed Body Corporate or native title claim group – <b>See</b> Rule 9.2.1(b)(i).</li> <li>▪ You have been convicted of an offence involving fraud or misappropriation of funds and have been sentenced to imprisonment for 3 months or longer – <b>See</b> Rule 9.2.1(b)(ii)(1).</li> <li>▪ You have been convicted of any other offence and have been sentenced to imprisonment for one year or longer – <b>See</b> Rule 9.2.1(b)(ii)(2).</li> <li>▪ You have a husband, wife, biological parent, grandparent, child, grandchild brother or sister (<b>Immediate Family Member</b>) on the board who has another year left as a director – <b>See</b> Rule 9.2.2(i).</li> <li>▪ You have an Immediate Family Member who is also nominated as a director at this AGM – <b>See</b> Rule 9.5.2(b).</li> <li>▪ You do not have a true bloodline or a long-term physical and spiritual association to the AMYAC Native Title Area – <b>See</b> Rule 6.8.3.</li> </ul>		

**Please complete this checklist before sending this form to make sure you can be nominated:**

<b>1</b>	I am member of AMYAC.	<input type="checkbox"/>
<b>2</b>	I am not a director of a Registered Native Title Body Corporate, Prescribed Body Corporate or native title claim group other than AMYAC.	<input type="checkbox"/>
<b>3</b>	I have not been convicted of an offence involving fraud or misappropriation of funds and sentenced to imprisonment for 3 months or longer.	<input type="checkbox"/>
<b>4</b>	I have not been convicted of any other offence and been sentenced to imprisonment for one year or longer.	<input type="checkbox"/>
<b>5</b>	I do not have an Immediate Family Member on the board who has another year left as a director.	<input type="checkbox"/>
<b>6</b>	I do not have an Immediate Family Member who is also nominated as a director at this AGM.	<input type="checkbox"/>
<b>7</b>	I have a true bloodline and/or a long-term physical and spiritual association to the AMYAC Native Title Area.	<input type="checkbox"/>



# AM-YAC INDIGENOUS COMMUNITY TRUST

Email: [trust@amyac.com.au](mailto:trust@amyac.com.au)

Fax: (08) 8363 3939

Phone: (08) 8349 0830

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## AGM ASSISTANCE POLICY 17-19 NOVEMBER, 2021

### VENUE: GREEK CLUB, COOBER PEDY

- Morning tea and lunch will be provided at the AGM venue each day
- Soft drinks will not be provided by AM-YAC
- AM-YAC members are eligible to receive assistance to attend the AGM
- The following assistance is available:
  - **Fuel.** Members travelling to Coober Pedy for the AGM can apply for assistance with fuel. See the rates below.
  - **Food.** Members can apply for a food purchase order before the AGM
    - Purchase orders up to \$100 will be made available at either IGA Coober Pedy or Coles Pt Augusta
  - **Accommodation.** Accommodation can be provided to AM-YAC members. Elderly, sick or disabled members and their carer will receive priority
- Members who receive assistance are required to sign in at the AGM each day
- Once assistance is approved, the Executive Office will not accept last minute changes or late applications
- Members who receive assistance and don't sign in to the AGM may not receive assistance to attend the AM-YAC AGM next year
- This policy was approved by AM-YAC RNTBC Directors on 30 September 2021

**APPLY FOR ASSISTANCE ONLINE AT [www.amyac.com.au/trust/applicationforms](http://www.amyac.com.au/trust/applicationforms)**

**APPLICATIONS CLOSE AT 4PM, MONDAY 8 NOVEMBER 2021**

FUEL ASSISTANCE			
Coober Pedy – Glendambo	\$ 80	Whyalla - Port Augusta	\$ 35
Port Augusta – Glendambo	\$ 95	Marla - Coober Pedy	\$ 80
Adelaide - Port Augusta	\$ 100	Alice Springs – Marla	\$135
Ceduna - Port Augusta	\$ 135	Mimili – Marla	\$ 40
Indulkana - Marla	\$ 20	Amata – Marla	\$ 130





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Fax: (08) 8363 3939

Phone: (08) 8349 0830

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### AM-YAC MEMBERS – AGM ASSISTANCE FORM

*This form should be completed to request assistance to attend the Annual General Meeting held on 17-19 November at the Greek Club in Coober Pedy.*

**EMAIL COMPLETED FORMS TO: [trust@amyac.com.au](mailto:trust@amyac.com.au) BEFORE 4pm 8 NOVEMBER 2021**

**Name:** .....

**Address:** .....

.....

**Contact Number:** .....

**Where are you travelling from?** .....

**Assistance required (please tick):**

☐ Fuel - who will be driving (must have photo ID)? .....

☐ Bus Ticket - concession number (if applicable): .....

☐ Food - where would you like to redeem your food? ☐ Coober Pedy ☐ Pt Augusta

Accommodation request, and reason?.....

.....

.....

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**Please note:**

***Once applications are approved, no changes will entered into.***

***Elderly or disabled will receive priority for accommodation assistance.***