



Newsletter 2, March 2025

ICN 8264 (under special administration)

Dear members and other interested people,

Our names are Jack James and Paula Smith and we are from the firm Rodgers Reidy. On 17 December 2024, the Registrar of Aboriginal and Torres Strait Islander Corporations appointed us as the special administrators of First People of the Millewa-Mallee Aboriginal Corporation (FPMMAC).

During this administration, we will keep you informed of progress through regular newsletters and information meetings.

These newsletters and all meeting notices will be available on the public Register of Indigenous Corporations at oric.gov.au – use the 'Find a corporation' tool, search using 'Millewa' and follow the link to 'documents'.

Current progress

There are 3 stages to a special administration:

STAGE 1	IN PROGRESS
Take control of the assets, including bank accounts; build a complete picture of issues and challenges; and establish a clear plan of action.	
STAGE 2	IN PROGRESS
Restore good operational order.	
STAGE 3	PENDING
Prepare the corporation for return to members control.	

We are currently in stages one and two of the special administration. This newsletter will outline some of the progress we have made in the opening stages of our work.

Information meeting

We will be holding our second information meeting on Wednesday, 9 April 2025. Details of the meeting are as follows:

Date: **Wednesday, 9 April 2025**

Time: **10.30 am**

Place: **Chandelier Room
Quality Hotel Mildura Grand
129 – 137 Seventh Street
Mildura VIC 3500**

The information meeting will be open only to corporation members, Traditional Owners and staff. It provides the opportunity to hear from the special administrators about work being done and allow people to ask questions.

A representative from ORIC, will attend and be available to answer your questions.

Also in attendance will be Damein Bell, CEO of the First Peoples Assembly of Victoria who will speak about the work the assembly is doing and answer questions.

The corporation will not be able to pay the costs for members to travel to the meeting. Virtual access to the meeting will be made available to members upon registration.

SEE THE ATTACHED MEETING NOTICE.

Appointment of Advisory Group

We received a number of nominations from corporation members and Traditional Owners to be on the advisory group. After reviewing the nominations, we have selected the following people to be on the advisory group:

- LeRoy Badenoch
- Susan Baxter
- Nathan Giles
- Vanessa Peterson
- Rodney Reid

Mainly, the advisory group will help us to (amongst other things):

- Review of the register of members and membership applications
- Review the rule book to strengthen governance at FPMMAC
- Assist in the recruitment process for a permanent CEO.

Appointment of interim CEO – Chris Marshall

As members would be aware, in January 2025, we appointed Chris Marshall as interim CEO.

Chris has a long career in Indigenous affairs, where he has worked in senior executive roles over many years.

Operational matters

Executive oversight of operational matters at the corporation was in disarray for an extended period of time prior to our appointment.

For example:

- The appointment and subsequent resignation or dismissal of a number of CEO's.
- Financial records not being properly maintained for over 18 months resulting in outstanding ATO reporting and an inability to undertake the annual audit.
- A loss of senior management staff with no contingency planning resulting in a significant loss of 'corporate memory'.
- A number of unresolved unfair dismissal claims against the Corporation by former employees.
- The absence of activity and finance reporting to funders.
- Poor organisation structure and reporting lines.

As such, there has been (and continues to be) a significant amount of work to do to restore operational and financial order. The lack of corporate memory has meant it has taken longer to find information necessary for us to make changes.

We are aware that members and stakeholders are frustrated at the length of time being taken to implement change. We are working as quickly as possible. However, change needs to be considered and properly implemented. For too long prior to our appointment, change was made based on 'knee jerk' reactions and not properly thought out resulting in the issues set out above.

Organisational review

An organisational review has commenced. It is important that such a review is undertaken in a considered manner with staff being given the opportunity to have input and voice concerns. As part of the review, Chris Marshall is having one-on-one interviews with each member of staff. This is being undertaken over a number of weeks. These interviews are very important in informing us around changes that need to be made and an appropriate staff structure going forward.

The timing of this work has allowed Chris Marshall the opportunity to get an understanding of FPMMAC, its operations, staffing and funding before undertaking the important review process. As a result, Chris is in a much better position to work through the review than he would have been if the review was commenced shortly after his appointment.

Finances

The finances of FPMMAC at the time of our appointment were in disarray. Proper financial records had not been maintained and there was no appropriately qualified staff to undertake the work. As a result, the preparation of the FY24 financial statements had not commenced. No acquittals had been provided to funders for FY24 and lodgements with the Australian Taxation Office for GST and PAYG had not been made since May 2024.

The amount of work required to bring all the financial records up to date cannot be underestimated.

Southern Cross Business Advisers (SCBA) were retained to bring the records up to date. This has taken a significant amount of work. Vince Cavallo, a partner at SCBA, will be at the forthcoming Information Meeting to explain the state of the financial records when they were appointed and the extent of work required to bring those records up to date.

Funders

Since our appointment, we have been working with funders to discuss their funding agreements, the activities being funded and the lack of compliance reporting. Significant work has been undertaken to date to bring the outstanding reporting requirements up to date. However, further work is still required. We are most appreciative of the ongoing support of funders to FPMMAC.

Native Title Determination matters

The details set out below is provided for information only so that Traditional Owners and members are aware of the Court contacting us regarding the special administration.

As members and Traditional Owners would be aware, in October 2015, the First People of the Millewa-Mallee Claim Group filed a native title determination application in the Federal Court of Australia. At the time of our appointment, the proceedings in the Federal Court for native title determination were ongoing.

FPMMAC is not a party to the proceedings and as such we have no involvement in the proceedings.

However, on 6 February 2025, we were contacted by the Judicial Registrar of the Federal Court, Ann Daniel. Registrar Daniel advised us that she was contacting us at the direction of the presiding judge, Justice Murphy, to seek information about the special administration of FPMMAC as this issue had come up in court.

In discussions with Registrar Daniel, we agreed to submit an affidavit to the Court about the special administration to assist the Court. The Court requested our affidavit address three issues being:

1. What are the problems with FPMMAC?
2. How long will it take to fix them provided there is cooperation?
3. What do you need to assist fixing these issues?

Our affidavit was filed with the Court on 10 February 2025. Subsequently, at the request of the Court, we attended a case management hearing before Murphy J on 11 February 2025.

Since that date, we have had a number of discussions with Registrar Daniel regarding the special administration.

To be clear, we have not sought to participate in the native title proceedings. We have simply sought to be of assistance to the Court in regards to the status of the special administration in view that the claim group may or may not wish to nominate FPMMAC as

the Prescribed Body Corporate. Again, and to be clear, the decision as to the nomination of a PBC is a matter for the claim group.

Case Management Conference – 6 April 2025

In discussions with Registrar Daniel, she advised that the Court has ordered that she hold a case management conference on behalf of the Court in Mildura to explain where the claim is up to, the decisions the claim group needs to make now, and the issues that may arise depending on the outcome of the claim group authorisation meeting to decide whether to authorise the claim.

The case management conference is being held on 6 April 2025 and is a Court listing convened by Registrar Daniel. Lawyers on the Court record for the native title claim will be in attendance.

Notice of the meeting (as provided by the native title claim lawyers) is attached and has been loaded onto the FPMMAC website.

Due to the importance of the forthcoming case management conference, and in consultation with Registrar Daniel, it was decided to have our next information meeting after the case management conference so as not to distract the claim group from the important issues that need to be discussed at the case management conference regarding the native title claim and decisions the Court requires to be made to progress the claim before the Court.

Many thanks,
Jack and Paula

SPECIAL ADMINISTRATORS



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MORE ON SPECIAL ADMINISTRATION

The Registrar has a fact sheet, *Special administrations: what members and directors need to know* – see oric.gov.au/special-admins or call 1800 622 431.



ICN 3630 (under special administration)

NOTICE OF INFORMATION MEETING

For corporation members, Traditional Owners and staff

Corporation members, Traditional Owners and staff are invited to an information meeting

On 17 December 2024 the Registrar of Aboriginal and Torres Strait Islander Corporations appointed us as the special administrators of First People of the Millewa-Mallee Aboriginal Corporation.

We are holding our second information meeting about the special administration and would like to invite all members of the corporation and interested parties to come.

Only corporation members, Traditional Owners and staff will be able to attend the information meeting.

A representative from ORIC will also be at the meeting and will be available to answer questions.

This is your opportunity to discuss the special administration and your corporation's future. Please come along.

Light refreshments will be provided at the meeting.

No travel assistance

The corporation will not be able to pay the costs for members to travel to the meeting.

Details of the meeting:

Date **Wednesday 9 April 2025**
Time **10.30 am**
Place **Chandelier Room**
 Quality Hotel Mildura Grand
 129 – 137 Seventh Street
 Mildura VIC 3500

Attending virtually

If you want to attend the meeting virtually, register before 12 noon on Tuesday 8 April 2025 via:

- Email: reception@fpmmac.com.au
- Ph: (03) 5832 0222

After you register, at a date closer to the meeting, we will send you instructions on how to access the meeting.

Agenda

1. Update on special administration
2. Update from interim CEO
3. Presentation by Damein Bell – CEO, First Peoples Assembly of Victoria
4. Next steps in the special administration
5. Asking questions.

SPECIAL ADMINISTRATORS



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FNLRS

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NOTICE OF CASE MANAGEMENT CONFERENCE

FIRST PEOPLES OF THE MILLEWA-MALLEE NATIVE TITLE CLAIM

SUNDAY 6 APRIL 2025, 9:30AM-3:30PM

MILDURA ROWING CLUB & ONLINE VIA ZOOM

Purpose: The Federal Court has ordered that the Judicial Registrar holds a case management conference (**CMC**) in Mildura to explain where the First Peoples of the Millewa-Mallee (**FPMM**) claim is up to, the decisions the claim group needs to make now, and the issues that may arise depending on the outcome of the claim group authorisation meeting to decide whether to authorise the FPMM claim, which is scheduled for 11 May 2025.

A case management conference is an official court event designed to facilitate the resolution of court matters as quickly and efficiently as possible. **The CMC will be run by Judicial Registrar Daniel and is an opportunity for the claim group to discuss the claim with the court directly.** The FPMM claim lawyers will also be present.

Who should attend: The FPMM native title claim group, being those people descended from the apical ancestors John and Nelly Perry and the mother of Sarah Mayne.

Attending in person: If you wish to attend in person, please contact Toby-Lee Kirby **by Monday 31 March 2025**. Travel assistance will be provided in accordance with FNLRS' travel assistance policy available on our website.

Attending remotely: If you wish to attend remotely by Zoom, please register via this link: <https://us06web.zoom.us/meeting/register/E7x40TytRGqfWlkejTd3A>. Once your registration is approved, you will receive a second link for joining the Zoom meeting. We request that you register to attend remotely **by Wednesday 2 April 2025**.

FNLRS contact details

Toby-Lee Kirby, Senior Community Liaison Officer
Phone: 0434 632 875
Email: tobylee.kirby@fnlrs.com.au

Stacey Little, Senior Lawyer
Phone: 0401 781 845
Email: stacey.little@fnlrs.com.au

Family meetings: The claim lawyers invite FPMM families to meet with them and/or the claim researcher, Mick O'Kane in the lead up to the CMC, either in person or online. Mick is available to meet with FPMM families to discuss the research that has supported the claim. The claim lawyers are available to discuss any aspect of the claim and the upcoming decisions. Please contact Stacey on the details above or Eleanor on 0430 104 313 or eleanor.kay@fnlrs.com.au to set up a family meeting.