



Njamal People's Trust

Annual General Meeting Minutes

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|---------------|---|
| Date: | 27 November 2021 |
| Time: | 2.00pm |
| Place: | Njamal Office, 7 Wedge Street Port Hedland and by virtual technology with designated hubs in Carnarvon, Broome and Perth. |

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|-------------------|--|
| Attendees: | Njamal People's Trust Beneficiaries - refer to attendance register Trustee Representatives – Andrew White and Kathryn Bates |
| Apologies: | Tania Mitchell, Shannice Mitchell, John Flemming, Brayden Mitchell, Keanu Mitchell, Maddison Mitchell, Lynette Mitchell |

| Item | Description |
|------|---|
| 1 | <p>Welcome and Chairperson</p> <p>Mrs Doris Eaton welcomes all to the meeting, asks that we all have a good meeting, asks that the meeting observe one minute silence for those Njamal People that have passed.</p> <p>Gavin Mitchell nominated as Chair of the meeting and declares the meeting open at 3.00pm. Chair reads the Code of Conduct and Housekeeping for the meeting.</p> <div style="text-align: center;"><h2>CODE OF CONDUCT</h2></div> <p>A Code of Conduct has been agreed by the Njamal People's Trust TAC.</p> <p>As a part of this Code of Conduct, beneficiaries are expected to be respectful towards each other, staff, TAC members and all other attendees at this meeting.</p> <p>As such the following behaviours will not be tolerated:</p> <ul style="list-style-type: none">• Racist, threatening or abusive behavior;• Obscene language;• Violence. <p>Offenders will be asked to leave or will be removed from the meeting and will not be permitted to rejoin the meeting.</p> <p>Funding applications from people who breach this Code will not be considered for a period of three months from the date of the offence.</p> |

HOUSE KEEPING



We have beneficiaries attending the meeting in Port Hedland, as well as in hubs in Broome; Perth; and Carnarvon.

We must be mindful of adhering to the current COVID19 restrictions regarding gatherings as well as social distancing measures which is to maintain 2sqm per person distancing.

For those beneficiaries attending by Zoom, if you have not already displayed the Participant box, you can do this by clicking on Participants at the bottom of your screen. This will allow you to see who is in the meeting, as well as allow you to identify yourself if you have a question.

For the benefit of all attendees, please keep your audio on mute as background noise can interfere with the meeting. This meeting will be recorded for minute taking purposes only.

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2 Apologies

Tania Mitchell, Shannice Mitchell, John Flemming, Brayden Mitchell, Keanu Mitchell, Maddison Mitchell, Lynette Mitchell.

3 Review of actions from previous annual general meeting

Trustee confirms that at the 2019 AGM there was an incident that required the meeting to be closed. This occurred prior to the consideration of whether family groups wanted to replace their TAC member. This is something that will be discussed later in the meeting today.

Sharon Westman states that the minutes of the meeting are not correct as the meeting was shut down by the Trustee.

Andrew White responds that this is not correct and that the meeting was closed by the facilitator after discussions with the venue management due to health and safety concerns.

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Acceptance of minutes of previous annual general meeting

Proposed resolution: That the minutes of the 2020 annual general meeting be accepted.

Moved: Aileen Mitchell

Seconded: Cheryl Geary

Passed

5 Trustee's Operational report

Presented by Kathryn Bates and Andrew White

Trust Operations Report – Offices



The Trust operates out of three offices:

- Port Hedland
- Perth
- Carnarvon

During the 2020 financial year 75% of staff and contractors engaged to assist with the running of the Trust were Nyamal. This is in line with the commitment made by the Trustee in last year's Annual Report (at which time the level of Nyamal staff & contractors was around 55%).

In line with the requests of the community, the Trustee has placed a strong focus on the reduction of Trust activities and overheads in Perth, redirecting resources saved from the reduction in staff and office space to initiatives to be delivered from the Port Hedland office.

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Kathryn Bates confirms that it was a focus of the Trustee to increase the level of Nyamal people engaged and employed in the business and this has been a success, with more opportunities for employment being explored. With NAC increasing its operations and working in the office in Hedland, there are some great opportunities for the Trust and NAC to work together on projects and initiatives which will benefit all Nyamal.

Danny Brown addresses the meeting and describes how the Corporation and the Trust work together on some matters, of course keeping separate and undertaking their own business. That it is important that the relationship between the Trust and NAC remains good.

Kathryn Bates advises that one of the initiatives for 2021 is to look at establishing an office in Carnarvon. Carnarvon has been identified as a region with a larger number of Nyamal People who reside in our around the town. The Trust currently employs Aileen (Candy) Mitchell as Community Liaison and Candy currently works from her home or is mobile in her vehicle. With the number of beneficiaries increasing in the region, the time has come to establish a permanent office in Carnarvon where the Trust and the Corporation can run and function out of.

The Trust is also looking at opportunities in Broome and will work with the families in the regions to see where the Trust and the Corporation can function and provide assistance and programs to members outside of the Pilbara.



Trust Operations Report- Improvement to Systems and Processes

The past year has seen significant changes to the way the Trust operates, in particular in the way that beneficiary information and applications are received, reviewed, processed and stored.

These efficiency measures have resulted in a better service to all beneficiaries, with the **number of applications increasing from 2,094 in the previous financial year to 3,340**. This has been achieved with the collaboration of the Port Hedland, Carnarvon and Perth office staff and a great initiative for all involved.

An additional feature of the new system is the website interface. This allows beneficiaries who have access to the internet to apply for assistance from the Trust online. Whilst we appreciate that not all Nyamal People have ease of access to the internet or a smart phone, for those that do, this has proven to be invaluable.

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Kathryn Bates reports that the ongoing improvements to the systems used to manage the applications for assistance has increased the confidentiality of the data managed and handled as well as reduced the time to receive, review and process each application. This means beneficiaries are able to receive an outcome from their application quicker as the turnaround time has more than halved.

The Trustee is getting positive feedback about the internet platform which is gaining in popularity and allows beneficiaries to complete applications remotely or on their phones.



Trust Operations Report Activities

Some of the activities and programs that have provided support to the community through the year include:

- A foodbank, which is delivered through the Port Hedland office and provides basic stores for community members in need
- Purchase of a commuter bus to transport people from remote communities to medical appointments and shops
- Purchase of a wheelchair access bus to assist community members who have mobility issues to be transported to appointments
- Distribution of emergency food and supply packs during the COVID -19 pandemic to isolated community members
- Leading the establishment and ongoing work of the RECOV19ER group, a forum which was started through the COVID -19 pandemic, assisting people across the Pilbara who were and continue to be impacted by restrictions imposed under the current State of Emergency

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Andrew White explains that Trust continues to support the local and regional communities through projects and programs which are delivered from the Port Hedland and Carnarvon offices. These programs are developed around the needs of the community and there is

always the opportunity for ideas and initiatives to be brought to the table.

Whilst it has been an interrupted year with the COVID-19 pandemic, there has also been positives with the formation of the RECOV19ER group.

Gavin Mitchell explains how the RECOV19ER group started, from the Njamal office by Njamal people and quickly grew to a large forum involving lots of other groups, communities, organisations and government. Njamal was integral in starting this forum and it quickly grew to be one of the leading groups for all sorts of agencies and organisations to come to for information and assistance. There was and still is a lot of hard work to be done to help keep our communities safe, this crisis is not over yet and there is still lots of education and information that needs to be implemented in order to ensure the communities get through this time. This was an important time for Njamal and NAC to stand up and do something positive for the community.

Andrew White commends Gavin Mitchell, Rodney Monaghan and Danny Brown along with the staff in the Port Hedland office for taking on the tasks of sourcing and distributing supplies to communities who were in lockdown. A huge job at hand that helped so many people in hard times and made sure that the community was looked after.

Trust Operations Report Distributions



The number of eligible Njamal People able to be registered as beneficiaries has risen from 627 in the previous financial year to 746. The number of beneficiary applications received by the Trust in the 2020 financial year increased from 2,094 in the previous year to 3,340 this year. This has been achieved through good training and good systems, as well as education around Charitable Trust Policy requirements. This is an increase of 63%.

| Charitable Trust Policies | Maximum per year per beneficiary |
|---------------------------------|---|
| Emergency Assistance / Hardship | \$2,500 |
| Funeral Expenses | \$10,000 |
| Medical/Carer | \$1,000 |
| Elders Policy | \$5,000 |
| Education | \$500 for primary/\$1,000 for secondary or tertiary |
| Sport and recreation | \$500 |
| Lore and Culture | A project delivered by the Corporation and funded as required |
| Economic Development Assistance | Reviewed and approved according to merit of application |

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Kathryn Bates informs that the number of beneficiaries who are registered with the Trust continues to increase. This means that there must be careful consideration to the policies and the distributions that fall within these policies to ensure long term sustainability of the Trust. One of the changes to the distribution policy was the increase in Hardship annual policy limit from \$1500 to \$2500 which has greatly benefited so many Njamal People. This was achieved through good planning, tighter cost controls and generally an improved financial strategy.

Thomas Hunter asks if there are any policies and procedures in place for the younger people? Also if there is an issue with double dipping.

Kathryn Bates explains that the Charitable Trust is different from a Direct Benefits Trust and therefore so are the rules around who is entitled to receive funds.

Mark Walker questions if there will be any Christmas money this year.

Andrew White confirms that we will be doing something for the Elders this year.

Troy Eaton comments that everyone needs to get involved, come forward with ideas.

Doris Eaton asks that everyone look after everyone, get out to those who can't speak for themselves, help each other.

Trust Operations Report Distributions



| Charitable Trust Distributions | Beneficiaries applying for assistance in 2019 | Applications Processed in 2019 | Beneficiaries applying for assistance in 2020 | Applications Processed in 2020 |
|--------------------------------|---|--------------------------------|---|--------------------------------|
| Carer Assistance | 10 | 12 | 21 | 29 |
| COVID-19 Emergency Assistance | | | 404 | 404 |
| Economic Development | | | 9 | 12 |
| Education Assistance | 97 | 162 | 111 | 277 |
| Hardship | 360 | 1,490 | 470 | 1,963 |
| Funeral Assistance | 6 | 9 | 15 | 32 |
| Lore and Culture | 36 | 37 | 99 | 129 |
| Medical Assistance | 78 | 94 | 90 | 126 |
| Old People's Fund | 40 | 257 | 52 | 331 |
| Sports and Recreation | 25 | 33 | 31 | 37 |
| Total | | 2,094 | | 3,340 |

Kathryn Bates explains the increase in the applications and resulting distributions is a culmination of the improved systems, more efficient and effective processes and the hard work of all staff in learning and implementing change.

The figures speak for themselves and this is a great outcome for Njama.

Trust Operations Report- Charitable Trust Inquiry



The Trustee has continued to work with the Attorney General; the State Solicitors Office; and the Australian Charities and Not for Profit Commission on matters as raised in the inquiry into the operations of the Njamal People's Trust. The Trustee is pleased to advise that the majority of recommendations to improvements to governance, compliance and business operations have been successfully implemented with ongoing communications and updates being provided to the interested parties as appropriate.

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Andrew White explains that the majority of the recommendations made through the Inquiry have now been resolved and/or implemented. There are a few issues that require longer term work and the trustee continues to work on closing these out. This has been a huge piece of work and the positive outcomes have improved the way the Trust operates.

Trust Operations Report- Njamal People's Trust Deed



Changes have been suggested to the original Deed to improve governance and management of the Trust.

*Changes **are not** being made to the objects or purpose of the Trust.*

Key amendments to the Deed include:

- A greater level of financial and operational reporting;
- Greater levels of transparency across all aspects of the Trust;
- Extending the term of the TAC (from 1 year to 2 year term);
- Providing a clear process for the appointment and removal of the Trustee; and
- Ensuring the Trust complies with new laws and regulations.

The amended Deed has been well socialised with the community, provided to TAC, the Office of the Attorney General as well as the regulator, the ACNC, for review and comment. The Deed is now ready for implementation.

Kathryn Bates notes the draft Charitable Trust Deed was first circulated in February 2019. It has been reviewed by the Attorney General's office, the State Solicitor's office and the ACNC. It is now ready to be implemented.

Trust Operations Report- Forward Outlook



The Trustee will continue to monitor the revenue and expenditure of the Trust, looking for cost savings and business improvements which will always translate into benefits for the Nyamal People.

The uncertainty with the global economy continues to keep the pressure on the overall spend of the Trust however this has been offset with the cost compressions over the year, and this will continue to be a focus of the Trustee.

The ongoing expansion of the Corporation's responsibilities, the Trustee will focus on providing efficient and effective services to the community.

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Trust Operations Report- Forward Outlook



In the coming financial year the Trustee will be looking to:

- Support to the Nyamal Aboriginal Corporation to assist the Corporation to achieve its goals and objectives;
- Continue to create employment and training opportunities for Nyamal People;
- Monitor and manage the cashflow to look for opportunities to increase benefits both direct and indirect to the beneficiaries;
- Transition commercial and other operating entities from the Trust to the Corporation as appropriate;
- Work with local and regional stakeholders to develop and deliver community projects.

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6 Financial report

Presented by Andrew White



Trust Financial Report- Revenue

The total amount of revenue received from contributors through mining and land access agreements in the year was \$9,309,208. The following are the entities which made contributions to the trust during the period:

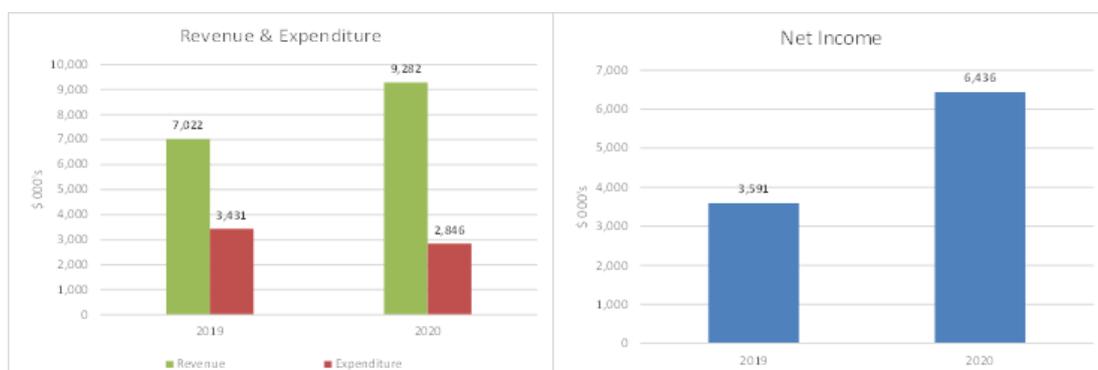
- Atlas Iron Limited
- Altura Mining
- Beatons Creek Gold Pty Ltd
- Consolidated Minerals Pty Ltd
- CTRR Minerals Pty Ltd
- Pilbara Minerals

Revenue to the Trust has risen from \$7,022,022 in 2019 to \$9,282,370 in this financial year, an increase of 32%.

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Trust Financial Report- Revenue



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Andrew White explains that the revenue to the Trust has increased compared with the previous year and the expenditure of the Trust has decreased. This has resulted in a sharp increase in the net income to the Trust, which is the income received after expenses have been taken out. Whilst this is a positive for the Trust there must be careful management of funds going forward as there is an expectation that iron ore prices will eventually fall which directly impacts the income to the Trust.



Trust Financial Report- Operating Costs

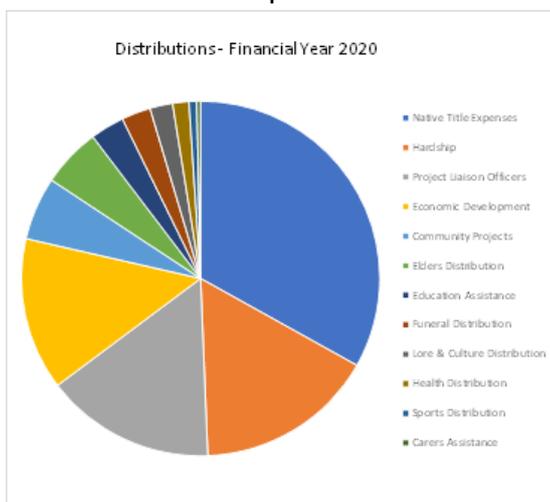
| Operating Expenses (\$'s) | FY 2020 |
|---|------------------|
| Accounting Support | 184,253 |
| Auditors Remuneration | 22,050 |
| Business Planning, Reporting & Evaluation | 142,280 |
| Depreciation | 69,861 |
| Employee Expenses | 694,918 |
| Inquiry Response Costs | 106,060 |
| Insurance | 77,722 |
| IT & Communications | 156,075 |
| Legal Costs | 135,985 |
| Member Support Services | 280,054 |
| Motor Vehicle Expenses | 81,817 |
| Occupancy Costs | 109,592 |
| Other Administration Costs | 251,290 |
| Trust Meeting & Travel Costs | 274,175 |
| Trustee Fees | 260,000 |
| Total Operating Expenses | 2,846,132 |

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Andrew White explains the operating expenses or the costs to run the Trust, and in particular the reduction in the operating costs in comparison with previous years.



Trust Financial Report- Distributions



| Distributions (\$s) | FY 2020 |
|-----------------------------|------------------|
| Native Title Expenses | 1,092,833 |
| Hardship | 534,820 |
| Project Liaison Officers | 505,896 |
| Economic Development | 458,650 |
| Community Projects | 189,201 |
| Elders Distribution | 177,233 |
| Education Assistance | 101,950 |
| Funeral Distribution | 86,586 |
| Lore & Culture Distribution | 67,664 |
| Health Distribution | 48,298 |
| Sports Distribution | 22,724 |
| Carers Assistance | 11,429 |
| Total Distributions | 3,297,284 |

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Andrew White explains the distributions from the Trust funds which are distributions to Njamal People under the policies and programs. Apart from NT expenses, these funds go directly to assisting Njamal People.

7 Questions

Sharon Westerman asks how are the businesses performing. Where is the reporting on the businesses such as Heritage and Mining. Where are the audited reports.

Andrew White explains that the information is detailed in the Auditors Report which has been made available to all beneficiaries prior to and at this meeting. The audited financials are also loaded up on the ACNC website and publicly available. That for the first

time since his involvement in the business, both Heritage and Mining had their financials fully audited which are now available for review.

Troy Eaton comments that the Trust is looking 'in good shape' and that it has been hard work to get it back on track.

8 Review of Trustee Advisory Committee – if required

Current Trustee Advisory Committee is:

Trustee Advisory Committee



| Member | Family |
|-------------------------|---|
| Kevin Allen | Allen Ball and Brown |
| Wayne McKie | J Mc Phee |
| | Mack, Tinke and Corbett |
| Aileen (Candy) Mitchell | Mitchell |
| Thomas Geary | Monaghan, Geary, Little and Perry |
| Lloyd Williams | Ngurrpangu, Coppin, Williams, Taylor, Brierley and Wellington |
| Graham Coppin | Puntalong, Coppin, Alaed Wilson |
| Troy Eaton | Putungaja, Eaton, Walters and Miller |
| Dean Snook | Snook |
| Gavin Mitchell | Stewart and Mitchell |
| Tony Taylor | Taylor |
| Willie Jumbo | Walker, Murphy, Jenkins, Rastus and Woodman |
| Terry Wilson | R Mc Phee |
| Kathleen McKenna | McKenna |

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Kathryn Bates confirms that the Trustee has received formal communication from the Ngurrpangu (Coppin, Williams, Taylor, Brierley and Wellington) family advising the Lloyd Williams wished to resign and that the family had nominated Joanne Taylor as the replacement TAC member. Lloyd advised he was not able to commit to the TAC due to work commitments and that the family requested Joanne to step into the role.

Joanne Taylor confirmed this is correct.

Kathryn Bates confirms that at the 2019 AGM:

- the meeting was closed before the meeting could further consider whether each family group wished to remove/replace their current TAC member
- the meeting did vote on and resolve that the composition of the TAC would remain as is and that there would be no change to the 14 family groups that currently represent the whole of the group
- there was a commitment to work with NAC in relation to the make up of the composition of the family groups to ensure they truly reflect the make up of the group. The Trustee, TAC and NAC have been discussing this and will continue to do so under the guidance of NAC and the Elders.
- the Elders will be supported to work on the cultural mapping project which will assist the group to clearly identify the families which make up Nyamal as well as who belongs to which family group

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|-------------------------------|--|-------------------------------|-------------------------------|
| | <p>Doris Eaton advises this is an important piece of work that needs to be done.</p> <p>Danny Brown notes that this is a priority for NAC and they will continue to work with the Council of Elders to get this project under way.</p> <p>Kathryn Bates confirms the Trustee supports this important work as the cultural mapping will underpin so many areas of the groups operations.</p> <p>Gavin Mitchell notes that until such time as this is done, it will be difficult to make any changes.</p> <p>Sharon Westerman agrees that there needs to be a review of the TAC and the representatives, that it needs to be done right.</p> <p>Andrew White states that it needs to be structured so that it accurately represents the group, and this work is important to getting the right representatives for families.</p> <p><i>Beneficiaries at the meeting agree that until such time as the cultural mapping project is complete and the family groups are clear, the TAC should remain as is.</i></p> <p>Kathryn Bates confirms that the beneficiaries at the meeting agree that there will be no TAC election at this meeting, there will be a TAC election once there is clarity around the family groups pursuant to the cultural mapping process.</p> | | |
| 9 | <p>Acceptance of financial statements</p> <p><i>Proposed resolution: That the financial statements tabled at the annual general meeting be accepted.</i></p> <table border="1"> <tr> <td>Moved: Joanne Taylor</td> <td>Seconded: Doris Eaton</td> </tr> </table> <p style="text-align: right;">Passed</p> | Moved: Joanne Taylor | Seconded: Doris Eaton |
| Moved: Joanne Taylor | Seconded: Doris Eaton | | |
| 10 | <p>Acceptance of operational report</p> <p><i>Proposed resolution: That the operation report tabled at the annual general meeting be accepted.</i></p> <table border="1"> <tr> <td>Moved: Rodney Monaghan</td> <td>Seconded: Nadine Geary</td> </tr> </table> <p style="text-align: right;">Passed</p> | Moved: Rodney Monaghan | Seconded: Nadine Geary |
| Moved: Rodney Monaghan | Seconded: Nadine Geary | | |
| 13 | <p>Meeting close</p> <p>Meeting closed at 5.14pm</p> | | |

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|----------------------|---------------|
| Minute taker: | Kathryn Bates |
| Signed: | |
| Name: | |
| Date: | |