



BUNURONG LAND COUNCIL

ABORIGINAL CORPORATION
ICN 3630 (under special administration)

NEWSLETTER 2 NOVEMBER 2023

Dear members, traditional owners and other interested people

This is my second newsletter as the special administrator for Bunurong Land Council (Aboriginal Corporation. The appointment is 6 months. It is due to end on Friday 15 March 2024.

While I am in this role, I will send regular newsletters to let you know what I am doing to help get your corporation back on track. In this issue I will tell you about what has been happening during the special administration so far.

You can find all newsletters and all meeting notices on the public Register of Aboriginal and Torres Strait Islander Corporations at oric.gov.au – use the 'Find a corporation' tool, search using **Bunurong** and follow the link to 'documents'.

Where are we now?

My job is to restore good operational practice and then to prepare the corporation to be handed back to member control.

Stage one of the special administration is finished, and we have made good progress in a number of important areas. I am pleased to advise that with the support of the members, staff, community and external stakeholders, all services continue to operate at Bunurong Land Council.

There are 3 stages to a special administration:

STAGE & ACTION	STATUS
1 Take control of the assets, including bank accounts; build a complete picture of issues and challenges; and establish a clear plan of action.	COMPLETE
2 Restore good operational order.	IN PROGRESS
3 Prepare the corporation for return to members control.	NOT STARTED

Registered Aboriginal Party

Bunurong is an appointed Registered Aboriginal Party (RAP) and has cultural heritage responsibilities under the *Aboriginal Heritage Act 2006* (Vic) over its appointed area. The corporation will continue to operate as a RAP during this period of special administration. The corporation will not lose its RAP registration / status because a special administrator has been appointed. The *Aboriginal Heritage Act 2006* was amended in September 2022 to allow for a special administrator to be appointed and for the corporation to retain its RAP registration.

LEADERSHIP

Good progress has been made on leadership development for Bunurong Land Council, with some significant changes to report.

Corporation Advisory Group

The Corporation Advisory Group (CAG) has now been established, to facilitate community consultation and engagement, and to work with the special administrator through the change process. The CAG works with the special administrator to help make sound decisions during the special administration for the welfare and governance of the corporation. It meets monthly and its next meeting is on 13 December.

We began the CAG process with the call for nominations in Newsletter 1 in September. A number of members responded, and we have appointed six members to the CAG so far:

- Terry Atkinson
- Anthony Egan
- Lisa Rea
- Kerry Romney
- Jillian West
- Zoe Upton

Membership of the CAG is not fixed and may change and develop as the special administration progresses.

We have appointed people with the aim of creating a balanced, skills-based team that can deal effectively with the corporate governance and business oversight aspects of the CAG's role.

We encourage more nominations, so if you wish to play an active part in decision-making for the corporation and would like to target a future board appointment, please fill out and return the attached nomination form.

To give the corporation a fresh start, I have now decided to restrict CAG membership to individuals who have not previously been directors of BLCAC. Employees of BLCAC will also be unable to join the CAG to maintain a clear boundary between corporate governance and operations.

During the special administration, the CAG will help me:

- consider how best to strengthen the corporation, develop the capability of its future board and improve its administration systems
- review the corporation's rules with a view to putting in place better mechanisms for good governance
- look at ways the corporation's rules can be amended to reflect the interests of all members
- review new membership applications.

At the conclusion of the special administration, I will appoint members from the CAG to the new BLCAC board, to lead the governance, strategy and commercial oversight of Bunurong in its important role as a RAP.

I will keep accepting nominations for the CAG well into the special administration but encourage you to nominate your interest as soon as possible.

Specialist independent directors

The purpose of specialist independent directors is to bring professional board process and corporate governance experience to BLCAC and to add commercial business skills to enable stronger decision-making.

We began recruitment for specialist independent directors in September and have reached the final stage. We have four well qualified people as finalists, who will initially join the CAG as independent members at the next meeting on 13 December. As the special administration develops, the Bunurong CAG members will vote on which independents will continue for consideration for appointment to the board when the corporation is handed back to its members. We will announce the names of the new appointments at that time.

Chief Executive Officer

Our temporary CEO Kevin Leighton completed his interim contract on 15 November and has now left BLCAC. I would like to thank Kevin for his hard work and leadership over this time of change.

We began the search for a new permanent CEO in September and now have a final shortlist

of 5 candidates. Response to recruitment advertising was strong, with over 120 applicants. Twenty-four were selected for detailed selection criteria assessment and fourteen from that group for first-round interview. The 5 finalists have been selected on merit, based on their fit to the needs of the BLCAC CEO position.

The final interviews will be conducted by selection panel on 4 and 5 December. The panel will be made up of 3 Bunurong CAG members plus 2 external panel members from other Victorian Aboriginal organisations.

We will announce the successful applicant and new CEO for BLCAC when this process is completed.

CORPORATION ADVISORY GROUP BUSINESS

Annual General Meeting

At its meeting on 1 November, the CAG determined that the date of the next AGM will be 24 February 2024, as recommended by BLCAC management. The meeting will be held at Frankston Arts Centre. Members may attend at their own cost and video conference facilities will be arranged for members who are unable or do not wish to attend in person. More details will be provided later.

Membership Applications

At its meeting on 1 November, the CAG determined that no further memberships will be entered onto the membership register until after the AGM has been held.

OTHER ACTIVITIES

With the help of the CAG and ORIC staff, I will review the **corporation's rule book** to ensure that it enables strong corporate governance in a simplified, condensed form. Later in the special administration, I will place the first draft of this on the ORIC website.

During the special administration I will continue to **visit the corporation** each month. During this time, I will meet with staff to review progress and when established also meet with the advisory group members.

The BLCAC Corporate Recovery Team

Human Resource – Kelli Dragos from Abundance HR. Kelli is part of the special administration team and will be working with staff to ensure position descriptions and contracts are in place. Kelli will also work with our industrial relations lawyers to clear up any claims which had been made against the corporation by former staff members.

Recruitment, leadership structure and board development – Keith Mackay from KMSearch. Keith is part of the special administration team and will continue to work on leadership appointments and structure. Keith will also provide training for the directors-elect on the role of directors and how to performance manage a CEO.

Industrial Relations – Adrian Barwick from Williamson Barwick. Adrian is part of the special administration team. Adrian will take over any industrial relations claims against the corporation. Adrian will also work on reviewing and where necessary creating employment contract templates for management positions and staff generally.

The above corporate recovery team has been brought in by me to work with existing staff to bring about a positive change for the corporation and thereby ensure its long-term future.

NEWS FROM BURNURONG COUNTRY

MotoGP at Phillip Island, 21-22 October

Jungala Ellis led the cultural heritage officers and race goers in a traditional smoking ceremony and Welcome to Country on the starting grid. This was followed by The Long Walk which celebrates First Nation people and cultures. Bunurong artist, Kobi Sainty, attended the event and custom-designed five helmets, one of which was given away as a prize for charity. We are looking forward to our next engagement at the Formula One to be held next year.



Yoorook Justice Commission Roundtable, 2 November

This pivotal event, recorded by the Yoorook Justice Commission, saw key figures in attendance, including Uncle Shane, Steven Pepper, Shani Blyth, and other dedicated cultural heritage officers.

The roundtable commenced with a profound traditional smoking ceremony led by Uncle Shane, setting the tone for a discussion of utmost importance. While I recommend checking the attached flyer for a more comprehensive overview, it sheds light on the land injustices First Nations people face. This gathering is a testament to our ongoing commitment to address historical inequities and work collaboratively towards a more just future.

Gowrie Victoria Incursion to Clare Court, 1–2 November

Kobi Sainty, accompanied by members of the Strong Country team, recently brought the richness of Bunurong culture to the Clare Court day care centre. Engaging with the children, Kobi shared insights into Bunurong traditions, showcased artefacts, and guided them through captivating art projects. The children and their educators were captivated, eagerly absorbing the knowledge about Bunurong heritage.

The learning journey continued outdoors as the Strong Country team met the group outside. Together, they embarked on a delightful exploration along a nearby creek. Amidst the natural surroundings, team members enlightened the children about native flora and fauna, fostering an appreciation for the local environment and indigenous wildlife.

The experience was met with enthusiasm, and the Strong Country team is set to return in December for another engaging session. This initiative fosters cultural understanding and creates lasting connections with the wider community.

OFFICE HOLIDAY CLOSURE

Bunurong Land Council offices will be closed from 22 December to 2 January 2024.

Many thanks,
Peter
Special administrator

27 November 2023

SPECIAL ADMINISTRATOR



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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.



BUNURONG LAND COUNCIL

ABORIGINAL CORPORATION

NOMINATION TO BE IN THE SPECIAL ADMINISTRATOR'S ADVISORY GROUP

My name is: _____

I nominate myself for the special administrator's advisory group.

My relevant background and experience is:

My contact details

Email:

Phone:

Address:

Signature:

Date:

Please return your form to Keith Mackay at KM Search by email to:
k.mackay@kmsearch.com.au

For more information call Keith Mackay on 07 3289 6071