

The Far West Coast Experience



Far West Coast Native Title Determination



The Far West Coast Peoples

Kokatha



Mirning



Oak Valley

Roberts



Wirangu



Yalata



Far West Coast/Iluka Resources Liaison Committee

In 2007, due to mining activity on country, the Far West Coast/Iluka Resources Liaison Committee was formed.

Prior to incorporation of the Native Title Holding body, a mining agreement had been negotiated between Iluka Resources and the six applicants that formed the combined FWC claim.

(Exploration and Mining of Mineral Sands)



Far West Coast Investments Pty Ltd ATF Far West Coast Aboriginal Community Charitable Trust

Through the Liaison Committee, an opportunity arose to lease machinery to the mine.

Far West Mining & Civil Pty Ltd was established by Pidinga Munda Investments to be the machinery leasing company.

MLCS Corporate were engaged to set up the company, and trust fund structures, and assist in securing a loan from **Indigenous Business Australia**.

FWCTLA

By 2010 we were a functioning Native Title Association – working towards our Native Title Determination.

2010 Governance Structure

- 24 Member Governing Committee (Associations Act) (with four elected reps from each of the six applicant groups)
- 6 Member Liaison Committee
- 6 Member Sea and Fishing sub-committee
- 6 Member Trust Advisory Committee
- 2 Member Board Far West Coast Investments (previously named Pidinga Munda Investments Pty Ltd)
- 3 Member Board Far West Mining and Civil Pty Ltd
- 1 staff member - Economic Development Manager



Economic Development Manager appointed

- Position was funded by DEEWR – our first employee
- Being the contact point for Trust assistance and liaison point between Iluka.
- Coordination of meetings of the Governing Committee, sub-committees and advisory boards (47 people in total !)
- Organising Heritage Clearances
- Monitoring the Mining Agreement
- Monitoring dry hire agreements.
- Organising all travel, sitting fees and allowances for all of the above, etc.
- Develop the operational structure - becoming sustainable .
Make ourselves viable and thriving beyond the life of the mine,



Native Title Awarded

From December 2013, the FWCAC needed to hit the ground running as a new Registered Native Title Body Corporate.

There was no introduction period.




Only a small portion of the lead up work involved with achieving Native Title prepares an Aboriginal Corporation to be a PBC – in the full sense of the title and in operation.



Acting as Agent for Native Title and land issues in all of their complexity is a full time job for a Corporation, Board of Directors and staff.

There are many areas of development and monitoring necessary.



Making the money, as it turns out, is the easy part.

Establishing a structure that can legally and ethically serve the best interests of our members has been the challenge.




Native Title corporations are based on communal ownership while companies are based on the personal responsibilities of the Directors to the shareholders.

Governance training for an Aboriginal corporation fails to prepare people for corporate governance in a commercial setting.

Training should be delivered in three parts:

- Aboriginal Corporation Training
- Corporate and Commercial Training
- Service Delivery and Trust Fund Management

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- Strong Governance
 - Strong Leadership
 - Strong Structure
 - Sustainability Planning

All of the above require people to make decisions and these decisions must be made within the confines of law.

**Big ticket tasks
towards success**





Familiarising
staff and
Directors and
Members
with the
requirements
under the
CATSI Act
takes time.



ORIC
Annual
reporting
and
reporting to
our
Members is
a record of
our
progress.





Policies and Procedures development was also an immediate need, and was a time consuming task.





We put effective information systems in place for maintaining information collection and records.

We bought a
cloud based database
for our membership data





Membership and apical ancestry became a cultural priority.



We established a
Genealogy Ancestry Service
for our Members





2 big issues

1. Establishing and maintaining obligations and a profile as a Native Title Corporation is challenging.
The constant self-promotion and seeking recognition as the peak body takes dedication and resilience.



2. To progress in economic development, new structures needed to be designed.

This would take into account business possibly conflicting with the FWCAC's functions and compliance.

How did
we fix
that?



We made some **BIG CHANGES**

- ▶ We recognised that FWCAC could not do it all
- ▶ But we knew we wanted to take on the care and control of our affairs – and not allow third parties to control our future.

Actions

- Far West Coast Investments took on 5 new Directors to be a 6 Director Board
- The existing Trusts name was changed to FWCACCT
- FWCI developed an investment and Trust structure – with no third parties set to receive FWC profits.
- FWCI recruited a General Manager to focus on Economic development



Decisions

FWCAC Directors researched comparable investment options and made 2 major decisions.

1. invest funds from all income sources into our own Trust - The Far West Coast Aboriginal Community Charitable Trust.
2. have further economic development managed by FWCI.





As a result:

- FWCAC have set up a new and sustainable structure
- **FWCI has established the 100% Aboriginal owned and managed Trust**
- FWCAC redirected Native Title derived funds to the Trust




Shifted focus

As a land and Native Title based board the FWCAC shifted their focus back to the priorities of :

- Managing country
- Governance
- Heritage issues
- Land tenure and Sea Claim
- Negotiating land use
- Negotiating Mining Agreements



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- FWCI employed a Trust Coordinator.
 - And started to assist FWCAC Members through the FWACACC Trust.
 - Service is local and direct and FWCAC Member focused.



THE FAR WEST

MONEY STORY



\$ OPERATIONAL
FUNDING FOR
ONGOING
PROJECTS

\$ LONG TERM
PROJECT
INVESTMENTS

\$ LONG TERM
CASH, SHARES,
COMMERCIAL
BUILDINGS, etc.
INVESTMENT

\$ MEMBERS
AND
COMMUNITY
BENEFIT

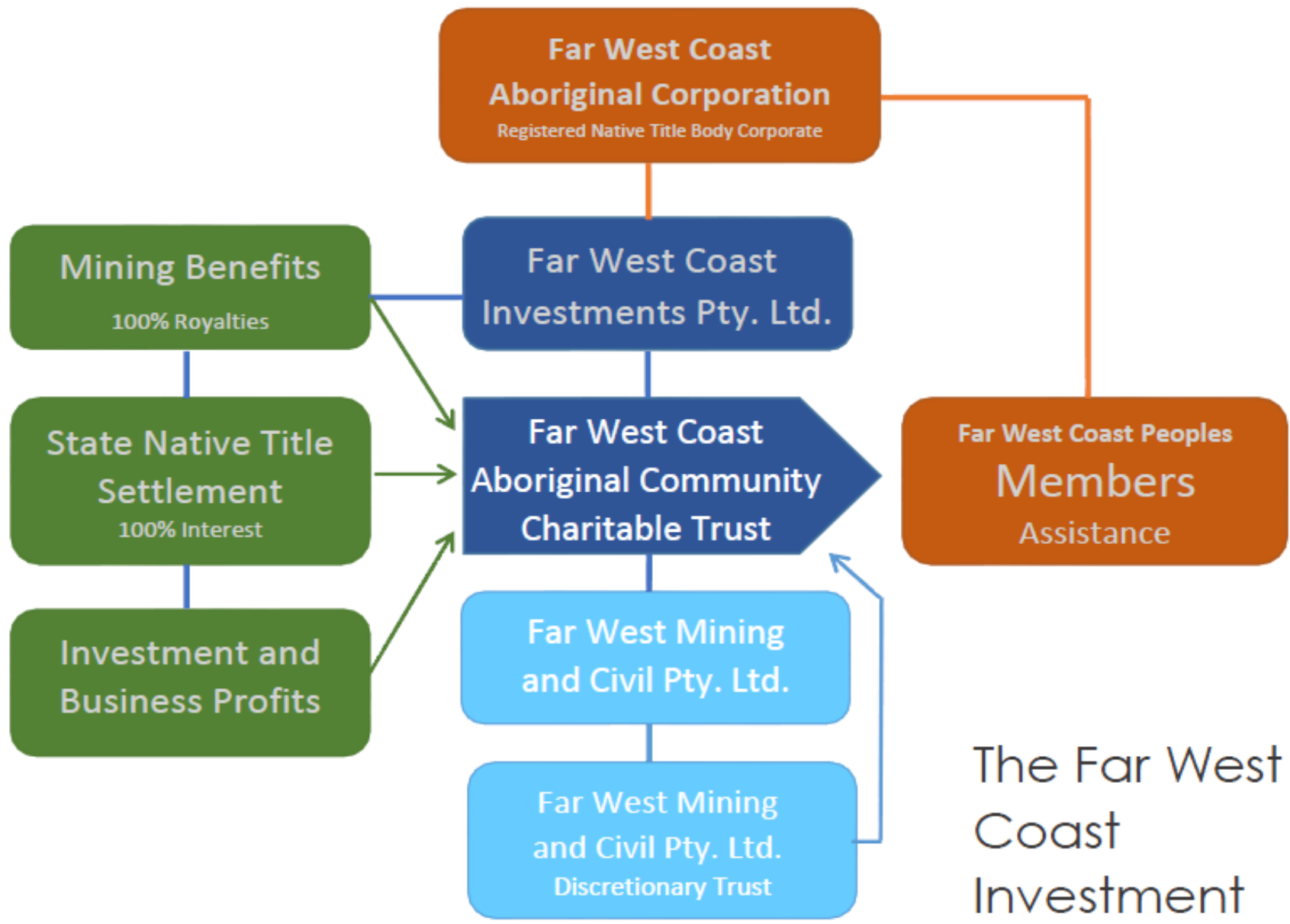
Invest enough money to reach the target of \$38 million within 13 years. This is to ensure that the interest earned will support programs for Far West Coast Aboriginal people; creating a future for our children and grandchildren ahead.

How the Trust benefits Members

The main assistance categories provided to our members from the FWCACC Trust are:

- Medical and Serious Illness
- Elders
- Scholarship and Leadership
- Funeral Assistance
- Micro-business Development
- Aboriginal Sporting Clubs and Elite Athletes
- Culture and Heritage
- Youth Development





The Far West Coast Investment and Benefits Structure



The new structure provides the economic gains for our Members

Some achievements

- We've set up two companies that generate income for the Trust.
- One of the companies purchased our premises in Ceduna.
- We have recently purchased a commercial venture in Darwin
- And another in Ceduna
- Our original company Far West Mining and Civil is still making profits that return to the Trust

We see ourselves now as the Far West Coast Group of Entities





Far West Coast Aboriginal Corporation

12 Director Board Prescribed Body Corporate

FWCAC Corporate Services Manager

Administration Officer

Native Title Rights and Interests

FWCAC Determination Area Our Munda

Far West Coast Group of Entities

FWCAC Governance and Members Service Model

FWCAC Members and Native Title Holders

Native Title Services
Heritage Issues
Mining 9b Agreements
Land Clearances
Cultural monitoring
Members Database
Consultation
Information
Research
Legal

General Service
Service Hub
Membership
Record Keeping
Ancestry
Support and Advocacy
Trust Referral
Web Page
Social Media
Consultation
Conferencing

Trust Services
Financial Assistance
Categories
Medical
Funeral
Education
and more...
Services Support and Advocacy

Far West Coast Investments Pty. Ltd.



6 Director Board (Trustee Directors)

FWCI General Manager

Administration Officer

FWCACC Trust Coordinator

FWCI owns Companies Investing in Property & Business

Far West Mining & Civil Pty. Ltd. (FWM&C Discretionary Trust) Investing in Mining Equipment

FWCACCT Trust



All of these changes took place whilst still delivering members services, Native Title Services and developing economic development opportunities.



In short, the obligation to the Members to achieve the objectives of the Corporation once Native Title is achieved, changes radically.



We now have a stable, financially viable and sustainable structure for the future.

