

NEWSLETTER

Issue 1 | December 2021

Njernda

Aboriginal Corporation

ICN 1274—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 in Perth. On 15 November 2021, the Registrar of Indigenous Corporations appointed us as the **special administrators** of Njernda Aboriginal Corporation (Njernda).

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

As well as these newsletters, Njernda will continue to send **Njernda News** to members—to provide a comprehensive update on all Njernda services and other operational matters. The next edition of *Njernda News* is due at the beginning of December 2021.

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 'Njernda' and follow the link to 'documents'.

What is special administration?

Special administration is a type of external assistance unique to the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (CATSI Act). Only the Registrar can appoint a special administrator.

Special administration differs from other types of external administration in that the aim is to work with the corporation to fix internal problems and restore it to good health. If they achieve that, they appoint a new board of directors and hand back control of the corporation to the members.

A special administrator is a suitably qualified person who:

- works in the best interests of the corporation and its members
- helps fix problems such as money trouble or poor governance.

A special administrator is responsible for all the affairs of the corporation and has comprehensive powers under the CATSI Act to do this. A special administrator will:

- secure the corporation's books, assets and bank accounts
- verify the financial position of the corporation and assess its ongoing viability
- communicate and meet with members and other interested parties

- manage the day-to-day activities of the corporation and restore it to good order
- prepare the corporation for return to control by members

Special administrators have broad powers under the CATSI Act—section 499-5. They:

- control the corporation's business, property and affairs
- may carry on any business and manage any property and affairs of the corporation
- may terminate or dispose of all or part of any business, and may dispose of any property
- may engage or discharge employees on behalf of the corporation
- may perform any function and exercise any power that the corporation, its officers or its members could perform if the corporation were not under special administration
- can change the corporation's rule book
- can admit and remove members
- can appoint and remove directors or a secretary
- can appoint and remove a contact person
- can apply to the court for a winding-up order.

There are **3 stages** to a special administration:

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

We are currently in stage one of the special administration. This newsletter outlines our progress so far.

Why appoint special administrators to Njernda?

In late October 2021, a majority of Njernda's board asked the Registrar of Indigenous Corporations to appoint a special administrator. The directors said that ongoing disputes were preventing good governance and interfering with the corporation's service to the community.

We were appointed on 15 November.

What has happened so far?

Njernda provides vital services and programs to its clients and the community in which it operates. These services and programs are continuing

to operate as usual. Njernda receives funding from various commonwealth and state agencies to deliver important health services and programs. There will be no interruption to those services and programs during the special administration.

During the special administration, we will work closely with these funders and other stakeholders.

We are also working with the interim COO, Kelli Bartlett, and the executive team to obtain a full understanding of the operations of Njernda in order to identify the work needed to restore Njernda to member control at the end of the special administration.

Chief executive officer

At the time of our appointment, the role of chief executive officer (CEO) was vacant. The position was advertised prior to our appointment, with a closing date of Friday 19 November 2021.

We have reviewed the advertising program and consider that it was not adequate for a CEO role. As such, we intend to commence a new recruitment campaign for the CEO role. Due to the upcoming Christmas/New Year break, the advertising campaign for the role will commence in January 2022.

Seeking an advisory group

To help us during the special administration, we will also form an advisory group who will provide advice about matters that we need to deal with to fix the current problems faced by Njernda.

Mainly, the advisory group will help us to:

- recruit a new CEO
- review the rule book to strengthen governance at Njernda

The group will also help us review the rule book.

If you would like to nominate to be on the advisory group, please complete and return the attached nomination form by 17 December 2021.

Baroona Healing Centre

Baroona Healing Centre, at Baroona Farm, provides young Aboriginal men from around Victoria with a residential healing service that includes addressing trauma as well as alcohol and drug misuse in a safe and culturally-grounded environment.

The existing facility is not 'fit for purpose' and presents a risk to both clients and staff. Due to the limitations of the existing facility the decision was taken prior to our appointment to cease accepting referrals into the Centre. We support that decision.

The operations of Baroona Healing Centre are funded by National Indigenous Australians Agency, the Department of

Families, Fairness and Health and the Department of Justice and Community Safety (DJCS). We are in discussions with these funders to use Baroona resources to deliver an alternative program for young Aboriginal people while the future of the centre is finalised.

DJCS has also provided Njernda with funding to design and construct a new fit-for-purpose building to provide a state-wide healing facility at Baroona Farm. We want to ensure the project has strong community support before proceeding, and propose to establish a Baroona Community Consultation Committee (BCCC) to provide advice and guidance for the project. Membership of the BCCC is open to all members of Njernda and other Aboriginal community members who have an interest in Baroona Healing Centre and Baroona Farm.

If you would like to be part of the BCCC please register your interest by completing the attached nomination form and sending it to Sally Ollie (email sallyo@njernda.com.au) by 17 December 2021.

If you would like further information please contact Sally on 0490 346 984 or Krystal Henderson, Regional Justice Advisory Committee Executive Officer on 0428 834 809.

Information meeting

We will be holding our first information meeting as follows:

5 pm, Thursday 16 December
Dungula Events Centre
69 Dungula Way
Moama NSW 2731

Information meetings are open to all members and other interested people to attend, except for media. They provide 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 any questions you may have.

A notice of meeting is attached to this newsletter.

Holiday season closure

Njernda will be fully closed after Friday 17 December 2021 and will reopen on Tuesday 4 January 2022. A roster will be in place during this time to ensure coverage for essential services.

Like others during the pandemic, Njernda staff have worked tirelessly over the past 18 months to ensure community members had access to the latest information, options and treatments and could stay safe. Staff have worked longer hours and, at times, have cancelled scheduled leave to maintain the service standard. Njernda staff need a break; hence the decision to close.

Njernda will provide a list of alternative contacts to all members/clients, keep its social media pages updated and clearly display signage at all office sites.

Njernda has notified regional primary health networks, local doctors and hospitals of the closure.

What will happen next?

Our upcoming tasks include:

- talk to funders about ongoing funding—and compliance
- start to recruit a new CEO
- review the executive staff structure
- review operations and finances
- review the budget for the remainder of this financial year
- with the help of the advisory group, review the governance structure and the rule book.

Special administrators



Jack James



Paula Smith

jjames@rodgersreidy.com.au | psmith@rodgersreidy.com.au

Rodgers Reidy (08) 9328 6262

More information

The Registrar has a fact sheet, Special administrations: what members and directors need to know.

See oric.gov.au/special-admins or free call **1800 622 431**.

NOTICE OF INFORMATION MEETING

Njernda Aboriginal Corporation

ICN 1274—under special administration

Dear members and interested parties,

On 15 November 2021, the Registrar of Indigenous Corporations appointed special administrators of Njernda Aboriginal Corporation.

We are holding our first information meeting and invite all members of the corporation and interested parties to come.

To respect the privacy of those attending, **no media** will attend.

A representative from ORIC will be at the meeting and answer your questions.

Date	Venue	Time
Thursday 16 December	Dungula Events Centre 69 Dungula Way Moama NSW 2820	5 pm

Agenda

- 1 Role of the **special administrators**
- 2 **Aim** of the special administration
- 3 **Progress** to date
- 4 **Money** story
- 5 Role of the **advisory group**
- 6 **Next steps** in the special administration
- 7 **Questions**

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

Light refreshments will be served at the meeting.

Covid-19 caution

The health of community members, employees and stakeholders is of paramount importance.

Whilst Victoria COVID 19 restrictions have eased, we will be monitoring case numbers in the region to ensure

all necessary precautions are taken to maintain the safety of those attending.

We will update community members and stakeholders of any change in circumstances that may affect the meetings.

In accordance with current Covid-19 rules in Victoria, people attending must:

- be fully **vaccinated**
- wear a **mask**, and
- **check in** with the Service Victoria app

Special administrators



Jack James



Paula Smith

jjames@rodgersreidy.com.au | psmith@rodgersreidy.com.au

Rodgers Reidy (08) 9328 6262

More information

The Registrar has a fact sheet, Special administrations: what members and directors need to know.

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ADVISORY GROUP NOMINATION



ICN 1274—under special administration

84-86 Hare Street, Echuca Vic 3564 | (03) 5480 6116



To know our living culture

I, _____

(insert name)

nominate myself for the special administrators' advisory group.

Relevant background and experience:

Contact details:

Email: _____ Phone: _____

Address: _____

Signed: _____ Date: _____

To nominate, email your completed form to Jack James at jjames@roddersreidy.com.au by 17 December 2021.

BAROONA COMMUNITY CONSULTATION COMMITTEE NOMINATION



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I, _____

(insert name)

nominate myself for the Baroona community consultation committee.

Relevant background and experience:

Contact details:

Email: _____ Phone: _____

Address: _____

Signed: _____ Date: _____

To nominate, email your completed form to Sally Ollie at sallyo@njernda.com.au **by 17 December 2021.**

For further information contact Sally on 0490 346 984 or Krystal Henderson on 0428 834 809.

