

21<sup>st</sup> August 2009

**ABORIGINAL INVESTMENT  
CORPORATION PTY LTD**



Ms. Christine McDonald  
Secretary  
The Senate Standing Committee on Finance and Public Administration  
References Committee  
Parliament House  
CANBERRA ACT 2600

Dear Ms. McDonald,

**Inquiry into the relationship between the Central Land Council and Centrecorp Aboriginal Investment Corporation Pty Ltd.**

We refer to your letter of 18 June 2009 enclosing the Request for documents and 19 July 2009 clarifying the Request for documents.

The Board of Centrecorp acknowledges the entitlement of the Finance and Public Administration Committee to information that concerns the source and application of Public Funds.

As advised in our letter dated 27<sup>th</sup> June 2009 we provide the following information from the audited accounts for the financial years 2002-03 to 2007-08 to the extent that the documents relate to the application of public funds and the matters referred to the Committee.

To the best of our knowledge and search of records, we advise;

1. Centrecorp.

Centrecorp Aboriginal Investment Corporation Pty Ltd (Centrecorp) does not employ any staff, does not undertake any financial transactions and does not produce any financial statements. Centrecorp has no assets or liabilities. It follows that none of the documents requested are applicable.

2. Central Australian Aboriginal Charitable Trust (CAACT)

Addressing the list of documents required: (list in italics)

a) *balance sheets;*

Enclosed are extracts from balance sheets. For those investments where Australian Government assistance was received, the content has been retained. Figures for those investments acquired with private funds, involving external partners and operating in competitive environments, are properly treated as commercial-in-confidence.

b) *profit and loss accounts;*

Enclosed are extracts from profit and loss accounts. For those investments where Australian Government assistance was received, the content has been retained. Figures for those investments acquired with private funds, involving external partners and operating in

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competitive environments, are properly treated as commercial-in-confidence. Sources of income are identified to facilitate understanding of CAACT's operations. Expense items related to the Terms of reference have been retained.

c) *taxation returns;*

Not applicable. CAACT is income tax exempt.

d) *audit reports;*

Enclosed

e) *any other documents or evidence of entitlement to or ownership of assets, real or personal property or financial asset, held by or under the control of each of the above entities;*

All assets, real or personal property or financial asset are listed in notes of the attached extracts from the financial reports.

f) *records of grants, loans and payments made to*

- i. *Any director, officers or employees of Centrecorp,*
- ii. *Any associated entity (that is, those entities identified on page 16 of the OEA Performance Audit), or*
- iii. *Any director, officers or employees of any associated entity,*

*By any of the entities listed on page 16 of the performance audit;*

In the context of CAACT we advise:

- i) No grants or loans have been made to any director, officer or employee of Centrecorp.

Attached are schedules of payments (except employee salaries) made to directors and officers of Centrecorp.

- ii) Associated entities in terms of your letter dated 19 July 2009 appear to be:

- Central Land Council (CLC)
- Centrecorp Aboriginal Investment Corporation Pty Ltd (Centrecorp)
- CACT
- NT Gas Pty Ltd
- Amadeus Gas Trust
- Big O Pty Ltd
- Magnetic Pty Ltd
- Alice Springs Real Estate Trust
- Alice Springs Real Estate Pty Ltd
- L J Hooker Joint Venture
- Tancor Nominees Pty Ltd

Tancor Supermarket Trust  
Kings Canyon Nominees Pty Ltd  
Kings Canyon (Watarrka) Resort Trust  
Aboriginal Property Nominees Pty Ltd  
Central Australian Aboriginal Property Trust  
CAAMV Pty Ltd  
CAAMV Unit Trust  
Alice Car Centre Pty Ltd  
Yeperenye Nominees Pty Ltd  
Yeperenye Charitable Trust  
Yeperenye Pty Ltd  
Central Railway Equity Benefit Trust  
Central Railway Aboriginal Investment Pty Ltd  
CAAH Nominees Pty Ltd  
Centrefarm Management Pty Ltd  
Aboriginal Catering Services Pty Ltd  
AAC Nominees Pty Ltd  
Centrecorp Aboriginal Services Pty Ltd  
Central Australian Aboriginal Property Nominees Pty Ltd  
Central Australian Aboriginal Unit Trust

No grants have been made to any associated entity. No loans have been made to associated entities, where the investment in such entities has been assisted with Australian Government funds. Loans and payments made from private funds to private commercial entities, are properly treated as commercial-in-confidence.

On 23/5/06 a request for a donation of a vehicle was received from Gurrindji Kurri-Walijawu Rarraj-Kaji Elders group. On 8/5/07 a used Toyota Troop Carrier was purchased from Central Land Council for the sum of \$22,000.

On 15/4/05 CAAUT sold Lot 7409 to Central Land Council for \$1,380,000.

CAACT has conducted commercial arms length transactions with those associated entities that provide retail/commercial services.

- iii) No grants, loans or payments have been made to any director, officer or employee of any associated entity except where persons in those positions are also directors or officers of Centrecorp in which case the payments are detailed in i) above.

Neither Centrecorp, CAACT nor CACT hold details of payments made by the entities listed on page 16 of the OEA Performance Audit, with the exception of CACT and CAAMV Unit Trust. If the Committee can explain that its within its powers under the Terms of Reference to do so, requests for records of such payments should be directed at those entities.

- g) *records of grants, loans and payments to any director, officer or employee of the Central Land Council;*

No grants, loans or payments have been made to any director, officer or employee of the Central Land Council except where persons in those positions are also directors or officers of Centrecorp in which case the payments are detailed in i) above.

*h) records of grants, loans and payments to any charitable trusts or like entities;*

No loans or grants have been made to any charitable trusts or like entities.

The attached schedules of donations include payments to charitable entities.

Providing this information involves naming individual Indigenous associations who have benefited in donations requested from the charitable trust. We request this specific information be held in confidence and not released for public view. CAACT has always observed this protocol. The request is made to avoid embarrassment, peer pressure and indeed harassment in some instances, to the indigenous individuals and associations which have sought and received charitable benefit, when this assistance has become known.

*i) records of any other grants, loans and payments for the benefit of Aboriginal Australians living in the Central Australian region.*

No loans or grants have been made for the benefit of Aboriginal Australians living in the Central Australian region.

The attached schedules of donations are payments made for the benefit of Aboriginal Australians living in the Central Australian region.

Providing this information involves naming individual Aboriginal Australians and Indigenous associations who have benefited in donations requested from the charitable trust. We request this specific information be held in confidence and not released for public view. CAACT has always observed this protocol. The request is made to avoid embarrassment, peer pressure and indeed harassment in some instances, to the indigenous individuals and associations which have sought and received charitable benefit, when this assistance has become known.

3. Central Aboriginal Charitable Trust (CACT)

Addressing the list of documents required: (list in italics)

*a) balance sheets;*

Enclosed are extracts from balance sheets. For those investments where Australian Government assistance was received, the content has been retained. Figures for those investments acquired with private funds, involving external partners and operating in competitive environments, are properly treated as commercial-in-confidence.

*b) profit and loss accounts;*

Enclosed are extracts from profit and loss accounts. For those investments where Australian Government assistance was received, the content has been retained. Figures for those investments acquired with private funds, involving external partners and operating in competitive environments, are properly treated as commercial-in-confidence. Sources of

income are identified to facilitate understanding of CACT's operations. Expense items related to the Terms of reference have been retained.

c) *taxation returns;*

Not applicable. CACT is income tax exempt.

d) *audit reports;*

Enclosed.

e) *any other documents or evidence of entitlement to or ownership of assets, real or personal property or financial asset, held by or under the control of each of the above entities;*

All assets, real or personal property of financial asset are listed in notes of the attached extracts from the financial reports.

f) *records of grants, loans and payments made to*

- i. *Any director, officers or employees of Centrecorp,*
- ii. *Any associated entity (that is, those entities identified on page 16 of the OEA Performance Audit), or*
- iii. *Any director, officers or employees of any associated entity,*

*By any of the entities listed on page 16 of the performance audit;*

In the context of CACT we advise:

- i) No grants or loans have been made to any director, officer or employee of Centrecorp.

The schedules for CAACT of payments made to directors and officers of Centrecorp include payments from CACT.

- ii) Associated entities in terms of your letter dated 19 July 2009 appear to be:

Central Land Council (CLC)  
Central Australian Aboriginal Congress (CAAC)  
Tangentyere Council Inc. (Tangentyere)  
Centrecorp Aboriginal Investment Corporation Pty Ltd (Centrecorp)  
CAACT  
NT Gas Pty Ltd  
Amadeus Gas Trust  
Big O Pty Ltd  
Magnetic Pty Ltd  
Alice Springs Real Estate Trust  
Alice Springs Real Estate Pty Ltd  
L J Hooker Joint Venture

Tancor Nominees Pty Ltd  
Tancor Supermarket Trust  
Kings Canyon Nominees Pty Ltd  
Kings Canyon (Watarrka) Resort Trust  
Aboriginal Property Nominees Pty Ltd  
Central Australian Aboriginal Property Trust  
CAAMV Pty Ltd  
CAAMV Unit Trust  
Alice Car Centre Pty Ltd  
Yeperenye Nominees Pty Ltd  
Yeperenye Charitable Trust  
Yeperenye Pty Ltd  
Central Railway Equity Benefit Trust  
Central Railway Aboriginal Investment Pty Ltd  
CAAH Nominees Pty Ltd  
Centrefarm Management Pty Ltd  
Aboriginal Catering Services Pty Ltd  
AAC Nominees Pty Ltd  
Centrecorp Aboriginal Services Pty Ltd  
Central Australian Aboriginal Property Nominees Pty Ltd  
Central Australian Aboriginal Unit Trust

No grants have been made to any associated entity. Loans made to associated entities, where the investment in such entities has been assisted with Australian Government funds, are fully detailed in the financial statements. Loans made from private funds to private commercial entities are properly treated as commercial-in-confidence. Payments made in establishing investments are detailed in the financial statements.

- iii) No grants, loans or payments have been made to any director, officer or employee of any associated entity except where persons in those positions are also directors or officers of Centrecorp in which case the payments are detailed in i) above.

Neither Centrecorp, CAACT nor CACT hold details of payments made by the entities listed on page 16 of the OEA Performance Audit, with the exception of CAACT and CAAMV Unit Trust. If the Committee can explain that its within its power under the Terms of Reference to do so, requests for records of such payments should be directed at those entities.

- g) *records of grants, loans and payments to any director, officer or employee of the Central Land Council;*

No grants, loans or payments have been made to any director, officer or employee of the Central Land Council except where persons in those positions are also directors or officers of Centrecorp in which case the payments are detailed in i) above.

- h) *records of grants, loans and payments to any charitable trusts or like entities;*

No loans or grants have been made to any charitable trusts or like entities.

The attached schedules of donations include payments to charitable entities.

Providing this information involves naming individual Indigenous associations who have benefited in donations requested from the charitable trust. We request this specific information be held in confidence and not released for public view. CAACT has always observed this protocol. The request is made to avoid embarrassment, peer pressure and indeed harassment in some instances, to the indigenous individuals and associations which have sought and received charitable benefit, when this assistance has become known.

- i) *records of any other grants, loans and payments for the benefit of Aboriginal Australians living in the Central Australian region.*

No loans or grants or donations have been made for the benefit of individual Aboriginal Australians living in the Central Australian region.

4. Yeperenye Nominees Pty Ltd

No records are held by Centrecorp, Central Australian Aboriginal Charitable Trust (CAACT) or Central Aboriginal Charitable Trust (CACT). All records are held by Yeperenye Nominees Pty Ltd.

5. Yeperenye Pty Ltd

We note your letter dated 19 July 2009 wherein the documents will be sought from Yeperenye Pty Ltd. In making its request of Yeperenye Pty Ltd, the Committee will obviously need to explain to Yeperenye Pty Ltd that its within its power under the Terms of Reference to make such a request of it.

6. Kings Canyon Nominees Pty Ltd

The constitution of Kings Canyon Nominees Pty Ltd was amended in August 2005, deleting the requirement for Annual General Meetings. Consequently, the last financial statements were for the year ended 30 June 2005.

As a unit holder in Kings Canyon (Watarrka) Resort Trust, CAACT received an annual audited financial report up to 30 June 2005. Noting the possibility that provision of this information may lead to it being made public, we would need to seek the consent of other unitholders to providing the financial reports.

No other records are held by Centrecorp, Central Australian Aboriginal Charitable Trust (CAACT) or Central Aboriginal Charitable Trust (CACT). All records are held by Kings Canyon Nominees Pty Ltd. Consequently, neither Centrecorp, CAACT nor CACT are able to provide the remainder of the documents and information requested. We therefore respectfully suggest that the Committee seeks such documents, including the financial reports, from Kings Canyon Nominees Pty Ltd, assuming the Committee can explain to Kings Canyon Nominees Pty Ltd that it is empowered to do so under the Terms of Reference.

7. Kings Canyon (Watarrka) Resort Trust

As a unit holder in Kings Canyon (Watarrka) Resort Trust, CAACT receives an annual audited financial report. Noting the possibility that provision of this information may lead to it being made public, we would need to seek the consent of other unitholders to providing the financial reports.

No other records are held by Centrecorp, Central Australian Aboriginal Charitable Trust (CAACT) or Central Aboriginal Charitable Trust (CACT). All records are held by Kings Canyon Nominees Pty Ltd as trustee of Kings Canyon (Watarrka) Resort Trust. Consequently, neither Centrecorp, CAACT nor CACT are able to provide the remainder of the documents and information requested. We therefore respectfully suggest that the Committee seeks such documents, including the financial reports, from Kings Canyon (Watarrka) Resort Trust, assuming the Committee can explain to Kings Canyon (Watarrka) Resort Trust that it is empowered to do so.

8. CAAMV Unit Trust

Addressing the list of documents required: (list in italics)

a) *balance sheets;*

Enclosed are extracts from balance sheets. For the investment where Australian Government assistance was received, the content has been retained. Figures which do not relate to the matter referred to the committee or relate to private activities funded with private funds are considered commercial in confidence.

b) *profit and loss accounts;*

Enclosed are extracts from the profit and loss accounts. For the investment where Australian Government assistance was received, the content has been retained. Figures which do not relate to the matter referred to the committee or relate to private activities funded with private funds are properly treated as commercial in confidence.

c) *taxation returns;*

Taxation returns are properly treated as commercial-in-confidence.

d) *audit reports;*

Enclosed.

e) *any other documents or evidence of entitlement to or ownership of assets, real or personal property or financial asset, held by or under the control of each of the above entities;*

All assets, real or personal property or financial asset are detailed in notes of the attached financial reports.



f) *records of grants, loans and payments made to*

- i. *Any director, officers or employees of Centrecorp,*
- ii. *Any associated entity (that is, those entities identified on page 16 of the OEA Performance Audit), or*
- iii. *Any director, officers or employees of any associated entity,*

*By any of the entities listed on page 16 of the performance audit;*

In the context of CAAMV Unit Trust we advise:

- i) No grants, loans or payments have been made to any director, officer or employee of Centrecorp.
- ii) Associated entities in terms of your letter dated 19 July 2009 appear to be:

Central Land Council (CLC)  
 Central Australian Aboriginal Congress (CAAC)  
 Tangentyere Council Inc. (Tangentyere)  
 Centrecorp Aboriginal Investment Corporation Pty Ltd (Centrecorp)  
 CACT  
 CAACT  
 NT Gas Pty Ltd  
 Amadeus Gas Trust  
 Big O Pty Ltd  
 Magnetic Pty Ltd  
 Alice Springs Real Estate Trust  
 Alice Springs Real Estate Pty Ltd  
 L J Hooker Joint Venture  
 Tancor Nominees Pty Ltd  
 Tancor Supermarket Trust  
 Kings Canyon Nominees Pty Ltd  
 Kings Canyon (Watarrka) Resort Trust  
 Aboriginal Property Nominees Pty Ltd  
 Central Australian Aboriginal Property Trust  
 CAAMV Pty Ltd  
 Alice Car Centre Pty Ltd  
 Yeperenye Nominees Pty Ltd  
 Yeperenye Charitable Trust  
 Yeperenye Pty Ltd  
 Central Railway Equity Benefit Trust  
 Central Railway Aboriginal Investment Pty Ltd  
 CAAH Nominees Pty Ltd  
 Centrefarm Management Pty Ltd  
 Aboriginal Catering Services Pty Ltd  
 AAC Nominees Pty Ltd  
 Centrecorp Aboriginal Services Pty Ltd  
 Central Australian Aboriginal Property Nominees Pty Ltd

Central Australian Aboriginal Unit Trust

No grants or loans have been made to any associated entity. Payments made to CACT as a unitholder are detailed in the financial reports.

iii) No grants, loans or payments have been made to any director, officer or employee of any associated entity.

g) *records of grants, loans and payments to any director, officer or employee of the Central Land Council;*

No grants, loans or payments have been made to any director, officer or employee of the Central Land Council.

h) *records of grants, loans and payments to any charitable trusts or like entities;*

No grants or loans have been made to any charitable trusts or like entities, except as evidenced in the financial reports, distributions have been made to the unitholder CACT.

i) *records of any other grants, loans and payments for the benefit of Aboriginal Australians living in the Central Australian region.*

No grants, loans or payments have been made for the benefit of Aboriginal Australians living in the Central Australian region.

9. Alice Car Centre Pty Ltd

Neither Centrecorp, CAACT nor CACT hold any records for Alice Car Centre Pty Ltd. CAAMV Unit Trust receives annual financial reports. The Chairman and 50% equity holder of Alice Car Centre Pty Ltd has requested that any request for information about the Company be directed to the Company, with an explanation by the Committee that it is within its power under the Terms of Reference to make such a request of it.

Notwithstanding that financial records have yet to be audited for the 2008-09 financial year, we advise the following major transaction between CACT and CLC;

On 14/11/09 CACT purchased Lot 174 Hartley Street, Alice Springs, NT from CLC for the sum of \$520,000.

The Board of Centrecorp remains of the reasonable opinion that, beyond the information it has provided previously to the Committee and that information which is set out above and in the attachments to this letter, it is not required to provide the Inquiry with any further information. Centrecorp is not required to provide information that is not related to the source and application of Public Funding and/or is "commercial-in-confidence". Also, the Board of Centrecorp notes that the Australian National Audit Office submission to the Inquiry has emphatically stated that the Central Land Council has no controlling interest in Centrecorp. As such, the Centrecorp entities are not required to provide any information as if they are Commonwealth controlled bodies or authorities.

If the Committee considers it is entitled to any further information, the Centrecorp Board would reasonably require a written explanation of how that entitlement arises at Law before acceding to any request for such further information.

We trust the information provided is helpful to the Committee in its deliberations.

Yours sincerely,

R.W.Kennedy  
General Manager