



Perth: 2 Brook Street, East Perth WA 6004
☎ (+61) 08 9331 0100

Kalgoorlie: 159-161 Dugan Street, Kalgoorlie WA 6430
☎ (+61) 08 9092 6500

Postal: PO Box 3007, East Perth WA 6892
ABN: 54 635 417 042

2 June 2020

Ms Sophie Dunstone
Committee Secretary
Legal and Constitutional Affairs Legislation Committee
PO Box 6100
Parliament House
Canberra ACT 2600

By email: legcon.sen@aph.gov.au

Dear Ms Dunstone

Inquiry into the Native Title Legislation Amendment Bill 2019

Thank you for your letter of 22 May 2020 and the invitation to address the evidence provided to the Senate Committee on Legal and Constitutional Affairs by Ms Sharon Dimer and Mr Linden Brownley.

I note that the evidence provided by Ms Dimer and Mr Brownley refers mostly to generalised complaints and there is only one (1) specific complaint to which I can respond. I cannot comment specifically on the allegations raised against Goldfields Land and Sea Council (**GLSC**) or Central Desert Native Title Services (**CDNTS**). I address the specific complaint regarding NTS Goldfields Ltd (**NTSG**) below.

Background

As of 30 June 2019, the National Indigenous Australians Agency (**NIAA**) withdrew the recognition of the GLSC as the native title service provider for the Goldfields region of Western Australia. Prior to that date, NIAA conducted an expression of interest (**EOI**) process, and CDNTS was chosen to establish a new native title service provider for the region. On 29 November 2019, NTSG was recognised as the new service provider on the signing of a funding agreement with NIAA. During the period between when the GLSC was de-funded to provide native title services, and NTSG was appointed, NIAA appointed Grant Thornton Australia Ltd (**Grant Thornton**) as the interim service provider.

As might be expected, the decision to remove GLSC's recognition and the appointment of NTSG was met with a great deal of animosity and suspicion among many of the traditional owners in the Goldfields region.

When NTSG took over the service provision in the Goldfields, we did not receive any files from the GLSC and no hand over of native title materials. This made operations very difficult as we were required to hold meetings with the various existing claim groups to obtain instructions to act on their behalf. As previously stated, a number of constituents in the Goldfields region were unhappy about the withdrawal of representative body status of the GLSC and a number of people raised unfounded allegations of impropriety against NTSG and CDNTS, which included allegations of conflict of interest and alleged wrongdoing by CDNTS.

Ms Dimer's Evidence

I am unable to identify any specific allegations made against NTSG in Ms Dimer's evidence. I cannot comment on Ms Dimer's allegations of information swapping and theft against the GLSC, as the GLSC is a completely separate entity from NTSG. I can only observe that Ms Dimer does not identify any specific facts to support her allegations.

Mr Brownley's Evidence

Mr Brownley also raises a number of issues which do not relate specifically to NTSG. The issue of the determination of NTSG as the service provider appears to be a complaint about the manner in which the GLSC was removed as the native title representative body and its replacement with NTSG. I am not aware of any irregularities in that process.

Mr Brownley also alleges that NTSG is a subsidiary company of CDNTS. When NTSG was first incorporated on 6 August 2019, following the EOI process, it was a subsidiary company of the CDNTS Group. Once NTSG was incorporated, steps were taken to separate NTSG from CDNTS. That occurred in late 2019. CDNTS assisted NTSG in the first instance with logistical support during its establishment, and until such time as a funding agreement was executed with NIAA. Along with two (2) Aboriginal Board members who are traditional owners from the Goldfields, NTSG does have common Board members with CDNTS, which is a fact that is well known in the Goldfields.

The only specific complaint raised by Mr Brownley appears to relate to two (2) meetings held with a native title claim group. The first meeting was held in Leonora on 4 December 2019. NTSG held the meeting to seek instructions to act on behalf of the claim group, which had previously been represented by the GLSC. The meeting was unable to reach a decision regarding our representation. NTSG was concerned that there were a number of court programming orders and some future act matters that required urgent attention. Following the meeting NTSG was approached by some members of the claim group to seek our assistance to represent them. NTSG held a second meeting in Leonora on 8 February 2020.

At that meeting NTSG reiterated the need for representation, whether through NTSG or an alternative source. We reiterated the fact that the claim group needed representation and set out the services we could provide. This meeting, while not without some disputation, was a more orderly meeting than the first and resulted in the claim group retaining our services by a considerable majority of those present. There was nothing that occurred in that meeting that could have reasonably been considered as unethical or overbearing.

Yours Faithfully

David Lanagan
Chief Executive Officer