

Our Ref: FTA 3375

2 June 2020



South West Aboriginal  
Land & Sea Council

Ms. Sophie Dunstone  
Committee Secretary  
Legal and Constitutional Affairs Legislation Committee  
P O Box 6100  
Parliament House  
CANBERRA ACT 2600

Legcon.sen@aph.gov.au

Dear Ms. Dunstone,

### **Inquiry into Native Title Legislation Amendment Bill 2019**

I refer to your letter dated 28 May 2020, the contents of which have been noted. Without necessarily commenting on any particular assertion made by the individuals referred to in your said letter, I would make the following brief comments in response.

The *South West Aboriginal Land and Sea Council (SWALSC)* is the registered native title service provider for the Ballardong, Gnaala Karla Boodja, South West Boorah, Yued, Whadjuk and Wagyl Kaip/Southern Noongar native title claimants (collectively referred to as the **Noongar People**).

At all relevant times SWALSC has and continues to operate in accordance with its Rule Book and as further governed by the Corporations (Aboriginal and Torres Strait Islander Act) 2006 (*CATS/ ACT*) and the Native Title Act. In so doing, SWALSC ACTS in accordance with instructions received from each of the mentioned native title claimant groups from time to time. To this end, SWALSC has been instructed and has been duly authorized by each of the claim groups to negotiate a settlement agreement with the State. Six Indigenous Land Use Agreements (**ILUAs**), the combined value at the time estimated to be approximately 1.3 Billion dollars, were negotiated between the State, SWALSC and representatives of each of the native title claim groups.

At conclusion of negotiations during or about May 2015, the six ILUAs were executed by the State, SWALSC and duly appointed representatives from each of the native title claim groups (commonly known as the **South West Settlement**).

It should be noted that notwithstanding these significant milestones having been achieved, which were subsequently accepted and approved by each of the native title claim groups, a minority of individuals remained opposed to the South West Settlement. This remains to be the case.

It is further noted that SWALSC has no involvement in the compensation claim for \$290 billion dollars being referred to. SWALSC has not been privy to any advice having been given to certain individuals by lawyers in this regard and is not aware of the nature of such advice.

Any allegations/suggestions of misrepresentation, misleading or corrupt conduct on the part of SWALSC is refuted in the strongest sense. SWALSC continues to conduct itself in accordance with its constitutions and in compliance with the SWALSC Rule Book.

What you have described as "adverse comments" are not in fact adverse comments. They are instead reflections on the way in which the operation of the Native Title Act and the functions of the Representative Bodies are often misunderstood.

We trust that the above is of assistance.

Kind regards.

  
**Mr. Wayne Nannup**  
Chief Executive Officer  
**South West Aboriginal Land & Sea Council**

