

QoN # 1 – Page 57

Senator GROGAN: There was a fair bit of criticism about your engagement with some of the Larrakia people. Do you have any commentary about that? Or maybe you'd like to step out for us how you see your representative role and where you see the beginning and end of your role compared to, as you've said a couple of times already, the state government engaging directly with the Larrakia people.

Mr Gomez: I'll take you back to my earlier comments that we have a limited role to play on Larrakia country given successive outcomes that have occurred. We have a role in assisting with the management of the Kenbi Land Trust and we do so in line with our statutory obligations under the Land Rights Act. I wasn't listening into the criticisms that came across from yesterday, so it would be helpful if you could step through what they are because, aside from giving you that overview, I'm not sure what the specifics of the—

Senator GROGAN: I wonder if we would send you the *Hansard* and have you provide a response on notice. That way it will give you time to unpack it.

Mr Gomez: That might be a better way of doing it.

CHAIR: We can do that.

ANSWER:

The Northern Land Council (NLC) is a statutory entity, independent from government and mining companies.

The NLC is a vocal critic of governments and companies which have sought to undermine the rights of Aboriginal people in the Top End.

Over the years, the NLC has fiercely advocated on behalf of our constituents.

The NLC provides information and advice to Traditional Owners and Native Title Holders. The NLC in the strongest possible terms reject any assertion that we pressure anyone to make decisions or sign agreements they do not agree with.

Who the NLC consults with is based on relevant legislation, and legal and anthropological advice. The NLC places the principles of free, prior and informed consent at the centre of our consultation processes.

QoN # 2 – Page 57-58

Senator THORPE: Thanks for appearing today. Mr Gomez, are you aware of any NLC members being paid by Santos, any other fossil fuel company or the Australian Energy Producers—their lobby group—which was formerly known as APIA?

Mr Gomez: Yes, I'm aware.

Senator THORPE: Tell me about it.

Mr Gomez: I believe it was—and you're going to have to forgive me on dates because I'm not sure of the specifics—

Senator THORPE: How many members have received payments and who are they?

Mr Gomez: I don't have that information.

Senator THORPE: Can you take that on notice?

Mr Gomez: I can take it on notice, but I don't have the information. I'm aware that we received a complaint from the EDO, I believe it was, alleging that there were some members that were engaging in consultative activity on behalf of Good Advice, which is a consultation company acting on behalf of Santos on the Tiwi Islands. We did some follow-up requests to them, but from the information they provided we weren't able to ascertain who those members were.

I'm subsequently aware of a group that travelled with Australian Energy Producers to Canberra to meet with certain politicians. We wrote to Australian Energy Producers when we became aware of that and asked them to make it clear when they were engaging with people that they didn't represent the NLC, and that they were appearing in their own private capacity.

CHAIR: Could we get a copy of that exchange?

Mr Gomez: I'm happy to table a copy of that.

ANSWER:

See correspondence from NLC to Australian Energy Producers at Attachment A.

QoN # 3 – Page 58

Senator THORPE: To the lawyer, has the NLC or any of its members met with any of the potential proponents or fossil fuel companies to discuss the Middle Arm project?

Mr Gomez: Can I take aspects of that question on notice? We have met with some of the proponents of Middle Arm. For example, we're in regular dialogue with SunCable as we're assisting native title holders there with negotiating their ILUAs. I believe there was a meeting with Tivan earlier in the year or late last year, but I'll be able to come to you with the specific on that one. On the question of if NLC council has met with proponents, I don't believe we have a record of who councillors meet with in their own capacity, so I don't think we'll be able to assist you with that question.

ANSWER:

The Northern Territory Government website advertises the following as proponents of the Middle Arm Industrial Precinct EH2, Fortescue Future Industries, Tivan, Tamboran Resources Limited and Avenira.

The NLC has met with EH2, Fortescue Future Industries, Tivan and Tamboran in various capacities but not to directly discuss their intentions for Middle Arm. Whilst not listed above, the NLC has also engaged with Suncable with respect to aspects of their intentions at Middle Arm.

On Middle Arm, given that the NLC does not have a defined statutory role, the NLC has encouraged proponents that it has met with to engage with Larrakia Nation and Larrakia Development Corporation as representative entities of the Larrakia people.

QoN # 4 – Page 59

Senator THORPE: You mentioned that you speak with other companies on a regular basis. Is that information provided to the nine Larrakia families?

Mr Gomez: The example I used earlier was SunCable. To take that as an example, we're engaging with SunCable about the generation site and we're having conversations with them about the transmission corridor. As far as I'm aware, they haven't approached us directly to say, 'We would like to talk to you about Middle Arm,' or 'We have plans for Middle Arm.' We became aware of SunCable's intention for Middle Arm the same way that everyone else became aware of SunCable's intention for Middle Arm, through press releases and reporting in the papers about it. That's my answer to that question. We haven't been approached, really, by any of—I'm just trying to think of the ones I'm aware of. Perhaps I could take that one on notice and come back to you?

ANSWER:

As a point of clarification to comments made by Mr Gomez at the hearing, there was a meeting on 16 November 2023 at the SunCable office in Darwin where, among other matters, SunCable advised of their intentions to supply electricity to the Middle Arm Precinct as part of Stage 2 of their Project.

To date, most of the NLC's engagement with Suncable has been in the south where the Generation Site is located and we are progressing our negotiations north. Therefore, we have had limited engagement to date with the Larrakia.

QoN # 5 – Page 61

Senator THORPE: It's for Mr Gomez again. From your 2022-23 annual report, the NLC spent \$2.79 million on consultants versus \$129,000 on claimant meetings. That's a lot of money to spend on consultants when I'm hearing from Larrakia people that they've been let down by the NLC when it comes to supporting them in their negotiations around the developments at Lee Point and Middle Arm. How much has NLC spent on meetings with the Larrakia peoples in the last four years?

Mr Gomez: I'll have to take that one on notice.

Senator THORPE: Okay. I'm happy for you to take the four years of spending on notice. But it's \$2.79 million on consultants versus \$129,000 on claimant meetings. Can you give some kind of justification around that?

Mr Gomez: Without seeing the breakdown, I'm not sure what the consultants were engaged for. I know the consultants section includes fees we pay to barristers. I know that we were involved in some high-profile High Court cases over that period. So it could be those fees that are weighted in that way. But, without having the breakdown in front of me, I can't comment on it at this point.

ANSWER:

The NLC spent \$163,625.51 (Ex GST) on consultations with Larrakia peoples over the past four years.

QoN # 6 – Page 61

Senator COX: It's just in reference to SunCable, which you were talking about before. Is the NLC engaged in any conversations with the Tiwi Land Council, in particular, around any of the proponents' proposed concept of that, given that SunCable will actually go by Garden Point?

Mr Gomez: We're working through that. It's a good point. It's a good question. We're working through how we'll manage those elements of that particular project.

Senator COX: But you are talking to the Tiwi Land Council? Is that correct?

Mr Gomez: I can't say. I know there have been some discussions about it. I'd rather just take that one on notice so I can get you a correct answer on whether those conversations have happened or haven't happened yet. But there were certainly some internal conversations about how we'll manage those elements of it. But, just on SunCable, the focus in the last year or so has been on the generation side. The conversations and the internal discussions we've been having have been about that. The transmission line is the next step after we finalise that element of the project.

Mr Ryan: I started engaging with them again this morning. I went and saw the interim CEO about potential consults. I said we just need to be on the same page. Again, as part of my role, I want to be on the same page.

Senator COX: Thank you.

ANSWER:

The NLC are collaborating with AAPA on all site clearance work for the Sun Cable project, consultants engaged by the Aboriginal Areas Protection Authority and the NLC worked together on the subsea cable clearance which involved meetings with Custodians (as defined in the Sacred Sites Act) from the Tiwi Islands.

Those consultants reached out to Tiwi Land Council staff at that time.

To date, most of the NLC's engagement has been in the south where the Generation Site is located and we are progressing our negotiations north. Therefore, we have had limited engagement to date with the Larrakia and the Tiwi Land Council to date.



NORTHERN LAND COUNCIL

Our Land, Our Sea, Our Life

Address all correspondence to:

Chief Executive Officer

GPO Box 1222 Darwin NT 0801

45 Mitchell Street Darwin NT 0800

P: 08 8920 5100 • F: 08 8945 2633

Freecall: 1800 645 299

www.nlc.org.au

ABN 56 327 515 336

Samantha McCulloch
Chief Executive Officer
Australian Energy Producers

Greg McDonald
The Good Advice

Via email:

Via email:

Dear Ms. McCulloch and Mr. McDonald,

TRADITIONAL OWNER DELEGATION – 27 AND 28 NOVEMBER 2023

I have been made aware that Australian Energy Producers and The Good Advice are facilitating or assisting a delegation of people, all of whom are Northern Land Council (NLC) Council Members, to travel to the Australian Parliament in Canberra to discuss the Barossa Gas Project, specifically to articulate their support for the project.

While I appreciate that members of the delegation are undertaking that travel as individuals or in their capacity as contractors to Good Advice; we are concerned that as they are all NLC Council Members there will be the perception that the:

1. delegation represents the NLC in the discussions; and
2. that the NLC has adopted a position in support of the Barossa Gas Project.

These concerns are aggravated by complaints that the NLC has received from the Environmental Defenders Office in the past regarding the NLC members alleged involvement in activities in relation to the Barossa Gas Project. We understand that the Environmental Defenders Office has shared that correspondence with you.

As you are both aware, the NLC adopts a position of neutrality when it comes to projects within its region; it is up to the Traditional Owners for the impacted areas to determine whether they provide their free, prior and informed consent. As such, the Northern Land Council has not adopted a position in relation to the Barossa Gas Project (either in support, or against).

To mitigate these concerns and to reinforce perceptions of neutrality regarding the NLC, we request that you:

1. make it clear to any persons you meet with that members of the delegation are not attending in their capacity Northern Land Council representatives;
2. to the extent possible, refrain from describing the members of the delegation as NLC Members, or describe them in a way that minimises the perception that they are attending the meeting in their capacity as an NLC Member;

3. in your discussions, make it clear that the NLC has communicated its position of neutrality on the project to you; and
4. provide us with the details of who the delegation meets with.

I am happy to discuss this further with you, if required, and please contact me via email at if you have any queries regarding this correspondence.

Yours sincerely,

JOE MARTIN-JARD
CHIEF EXECUTIVE OFFICER
NORTHERN LAND COUNCIL
DATE: 23 November 2023