

At the sittings of the Public Accounts Committee in its *Inquiry into Local Decision Making* in Yirrkala on 27 October 2022, the evidence of a range of organisational representatives included inaccuracies about which the Department of the Chief Minister and Cabinet's East Arnhem Office considers the Committee should be addressed.

Details outlined below do not respond to matters of opinion, but only to matters of fact.

Organisation	Speaker	Statement (Hansard page/s)	CM&C comment
Laynhapuy Homelands Aboriginal Corporation (LHAC)	Kerry Legge, CEO LHAC	P 2 – 'the [Djalkiripuyngu LDM] agreement was made in the Laynhapuy homelands with a different organisation – which we are very respectful of – but it was kept secret from Laynha.'	<ul style="list-style-type: none"> <li>In 2018, CM&amp;C provided LHAC Directors a briefing on LDM including an offer to further engage on LDM if LHAC was interested. During this initial meeting, Djalkiripuyngu directors from the LHAC Board invited NTG officials to Baniyala to discuss LDM in more detail.</li> <li>In 2018, when the high level Djalkiripuyngu LDM Statement of Commitment to commence negotiations on an LDM Agreement was signed, LHAC Directors and the then CEO were present and discussion held about ways to work together on the LDM process. The Djalkiripuyngu LDM Statement of Commitment was also published on the NTG LDM website for transparency.</li> <li>There was one LDM Housing and Infrastructure meeting in Baniyala in January 2019 where LHAC was not invited to attend as Djalkiripuyngu leaders specifically requested to engage with the responsible NT Government agency to discuss concerns about service delivery and understand key accountabilities to more effectively engage with LHAC as the service provider for the Djalkiripuyngu homelands.</li> <li>Following on from the January 2019 meeting, in Feb 2019, CM&amp;C's Regional Executive Director met with the former CEO of LHAC and provided a detailed briefing on the Djalkiripuyngu LDM negotiation process, shared the Djalkiripuyngu concerns about housing and essential services and invited LHAC participation in the development of the LDM Agreement. This offer was not taken up.</li> <li>In August 2019, CM&amp;C's Regional Executive Director and Djalkiripuyngu leaders were invited to brief the LHAC organised Wäna Watanu (Land Owners) meeting at Dhalinbuy homeland. A detailed briefing on the LDM negotiations was provided to these leaders with the former LHAC CEO present. Further conversations were held between Djalkiripuyngu leaders and then LHAC CEO with a further invitation to engage on the Djalkiripuyngu LDM Agreement development process, including an offer to partner more formally. This offer was not taken up.</li> <li>Through 2020 and 2021, there were extended delays in the drafting and development of the LDM Agreement due to COVID-19.</li> <li>The LDM Agreement was subsequently negotiated and drafted in the last quarter of 2021.</li> </ul>

**LEGISLATIVE ASSEMBLY OF THE NT**  
**TABLED DOCUMENTS**

Committee: *Public Accounts*  
 Paper No: *1.8* Date: *2/12/22*  
 Tabled By: *DMC*  
 Signed: *[Signature]*

		<ul style="list-style-type: none"> <li>• In December 2021, CM&amp;C sought Djalkiripuyngu leader agreement to share the draft agreement with LHAC which was endorsed. At the time the Agreement was classified as 'In Confidence' as it was proposed to be part a formal government decision making process in January 2022.</li> <li>• LHAC expressed concerns about some aspects of the draft Agreement and meetings were held and correspondence provided to address those concerns. In March 2022, the Agreement was also re-drafted to accommodate LHAC joining the agreement as a Foundation Partner which was requested by Djalkiripuyngu leaders and LHAC.</li> <li>• In April 2022, at a meeting of LHAC Directors and Djalkiripuyngu leaders, CM&amp;C and the Minister for Treaty and Local Decision Making, Laynhapuy and Djalkiripuyngu leaders agreed to progress the Djalkiripuyngu LDM Agreement with LHAC as a foundation partner to the Agreement.</li> <li>• The Agreement underwent further minor amendment through to May 2023, with LHAC confirming its agreement to the final draft in late May 2022.</li> <li>• LHAC signed the Agreement, along with Djalkiripuyngu leaders and Djalkiripuyngu Aboriginal Corporation in on 30 July 2022.</li> </ul> <p>Evidence of the various meetings and correspondence can be provided on request.</p>
	P 4-5 – Since the last meeting there has been 'silence since August...'	<p>On 24 August 2022, a meeting was held between representatives of LHAC, ARDS Aboriginal Corporation, Yothu Yindi Foundation and CM&amp;C to discuss the approach to the agreed overarching LDM agreement making process in Laynhapuy Homelands.</p> <p>The Chairperson of LHAC invited the representatives in attendance to join the LHAC board at its next meeting, 6 days later in the homeland of Dhalinybuy. It was agreed that all representatives would consider what was possible at short notice, but that if it was not possible for any one of the organisations represented to attend, then none would, and instead, the Chairperson and LHAC would arrange a dedicated meeting at a future time to be agreed in the homeland of Bukudal.</p> <p>Although ARDS and CM&amp;C have received some correspondence from the CEO of LHAC following the board's Dhalinybuy meeting, CM&amp;C has otherwise been awaiting an invitation and confirmation for the agreed meeting at Bukudal to continue advancing discussions.</p>
	P 6 – new Ab Corp for purposes of LDM	<p>At no time has CM&amp;C implied or requested the establishment of new organisations for the purposes of LDM.</p> <p>As stated in the Djalkiripuyngu LDM Agreement, in 2020, with the support of the Northern Land Council, the Djalkiripuyngu leaders established the Djalkiripuyngu Aboriginal Corporation with the aspiration to perform the functions of a Prescribed Body Corporate (PBC) under the <i>Native Title Act</i></p>

			1993 (Cth) and to improve regional governance and economic development opportunities. The need for an entity with the functions of a PBC was entirely separate from LDM discussions. CM&C did not have a role in the Djalkiripuyngu leaders' decision to include broader objects of the Corporation to include such opportunities as LDM.
YNA	Shannon Voss	P 11 – 'We have been involved in some of the local decision making meetings in Gove, but not many, sadly.'	YNA received an invitation to be a member of the Yolngu Region LDM Partnership, and advised that rather than become a member, it would prefer to have 'observer' status. As a result of that status, YNAC received invitations to all Partnership Working Group meetings and workshops (see dates below) and were copied on all correspondence to the Working Group. However, YNAC did not regularly attend meetings.
YNA	Shannon Voss	P 13 – 'In the engagement I have had with local decision making here, something I see as quiet a major challenge is we have non-Yolngu speaking facilitators. We have people facilitating this who have never spent time in an Aboriginal community in Australia, let alone Arnhem Land.'	<p>At the direction of the Yolngu Region LDM Partnership Working Group, members of the cross-cultural facilitation team not only have competencies in Yolngu matha, but the majority are Yolngu. Since early 2021 in particular, the core facilitation team for sub-regional engagements has comprised senior Yolngu representatives from:</p> <ul style="list-style-type: none"> <li>• ARDS – Gawura Wanambi</li> <li>• CM&amp;C – Waka Mununggurr</li> <li>• NIAA – Norman Daymirringu</li> </ul> <p>Significant components of Working Group meetings were conducted in Yolngu matha. Where required, components of Working Group meetings required all non-Yolngu members to leave the meeting and allow key decisions about how LDM processes in the region would move forward to be made by Yolngu.</p> <p>CM&amp;C is not aware of the specific CM&amp;C arranged LDM engagements where language speaking cultural facilitators were not used however would welcome advice of any specific incidences of concern.</p>
ARDS	Gawura Wanambi	P 26 – '...I think that is where the government saw and recognised	Decision making regarding the engagement of ARDS Aboriginal Corporation in a role to facilitate LDM processes and opportunities for agreement making were through the Yolngu-led Working Group of the Yolngu Region LDM Partnership Commitment.

		ARDS to be the body or the organisation to be in there to work on this LDM process; not to be the main player for the decision-making but work in there just to sort of be in the middle and get the understanding so both sides of the parties will have to understand what is going on, what it's all about'.	<p>Specific decisions were taken as follows:</p> <ul style="list-style-type: none"> <li>• 25 July 2019 – Working Group requested that ARDS develop proposals for workshops to pursue the objectives of the Partnership Commitment, which was developed and refined over a series of meetings. Due to COVID-19, the initial concept for a whole of region workshop did not proceed as planned in March-April 2020.</li> <li>• 11 August 2020 – Working Group suggested that in light of ongoing COVID-19 risks, ARDS prepare a proposal for sub-regional workshops to progress LDM discussions</li> <li>• 12 November 2020 – In a Yolngu only component of a Working Group meeting, it was decided to approve ARDS' proposal for a facilitation approach to sub-regional LDM workshops.</li> </ul> <p>Minutes of relevant meetings can be provided as further supporting evidence if required by the Committee.</p>
EARC	Dale Keehne	P 32 – '...it has been quite a while, four years this whole process but we did go originally the Chief Minister got everyone together in one or two meetings, essentially. That was the plan.'	<p>A range of engagements and meetings have been scheduled for LDM in the Yolngu region. The evolution and various purposes of meetings held will be covered in oral submissions, but for the purposes of evidencing that there have been many more than two meetings, we note details below.</p> <p><i>Initial workshops regarding how LDM could be approached in the Yolngu region</i></p> <ul style="list-style-type: none"> <li>• 25 &amp; 27 July 2017</li> <li>• 10 September 2018</li> </ul> <p><i>Engagements of the (Yolngu-led) Yolngu Region LDM Partnership Commitment Working Group, of which East Arnhem Regional Council was a member</i></p> <ul style="list-style-type: none"> <li>• 25 July 2019</li> <li>• 17 September 2019</li> <li>• 11 November 2019</li> <li>• 24 February 2020</li> </ul> <p>[Delays due to COVID-19]</p> <ul style="list-style-type: none"> <li>• 11 August 2020</li> </ul>

			<ul style="list-style-type: none"> <li>• 9 October 2020</li> <li>• 12 November 2020</li> <li>• 11 February 2021</li> <li>• 23 April 2021</li> </ul> <p>[Partnership Commitment lapsed in May 2021; correspondence from Minister for Treaty and Local Decision Making sent to members about next steps in the Yolngu region (a copy of that correspondence is included with this document)]</p> <p><i>Workshops for the purpose of initial phases of agreement negotiation</i></p> <ul style="list-style-type: none"> <li>• 30 March – 3 April 2020 - Whole of region workshop (postponed in early March due to COVID risks)</li> <li>• 1-5 March 2021 – Miyarrka sub-region workshop (first three days Yolngu only)</li> <li>• 20-21 May 2021 – Gattjirrk sub-region workshop (Yolngu only)</li> <li>• 27 May 2021 – Birr Rawarrang sub-region workshop (Yolngu only)</li> </ul> <p>Minutes of relevant meetings and workshop reports can be provided as further supporting evidence if required by the Committee.</p> <p>Following advice from the facilitation team about more effective engagement happening through smaller discussions with clan leaders and through a more developmental approach to agreement making, those were prioritised over larger sub-regional meetings and conducted through a mix of in person visits and phone calls by a Yolngu facilitation team made up of members from ARDS Aboriginal Corporation (leading the engagements), CM&amp;C and NIAA. This work continued with timing of engagements negotiated directly with leaders throughout 2021 and 2022, subject to COVID-19 restrictions and availability of leaders.</p>
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