

RESPONSE TO NOUS REVIEW RECOMMENDATIONS - CARPENTARIA LAND COUNCIL ABORIGINAL CORPORATION (CLCAC)

TOR 1 Extent to which each organisation has achieved positive native title outcomes for persons who hold or may hold native title in its region taking account, where relevant, of disruptions caused by COVID-19.
Nil recommendations.
TOR 2 Extent to which each organisation assesses and prioritises applications for assistance in a manner that is equitable, transparent, and robust, and is well publicised and understood by clients and potential clients. (Rec 1-2)
Rec 1 The CLCAC should review its assessment and prioritisation policy to ensure it is up to date and aligns with current practice, particularly in terms of the role the Board, rather than the CEO, plays as final decision maker for assessment decisions.
Response Accepted. Implementation in process. Recommendation #1 will be implemented via workshop with Board of Directors. Expected timeframe is by the end of Q2 FY2025-26.
Rec 2 The CLCAC should make its assessment and prioritisation policy publicly available once its website has been restructured.
Response Accepted. Implementation in process. Recommendation #2 will be implemented upon completion of current website redevelopment. Expected timeframe is by the end of Q2 FY2025-26.
TOR 3 Extent to which each organisation deals respectfully, equitably, transparently and in a culturally appropriate manner with persons who hold or may hold native title in its region, including by adequately investigating and resolving complaints. (Rec 3-6)
Rec 3 The CLCAC should extend its visibility, regular in-person presence and support across other settlements in its region, especially Doomadgee, Normanton and Mornington Island, to better understand their native title needs and improve communication.
Response Accepted. Implemented in part. CLCAC has increased presence in Doomadgee via CEO and CSEO undertaking periods of in-person work from Doomadgee. Further, members of the PBC Capacity and Economic Development Team have increased in-person presence in Normanton and Mornington Island. CLCAC will continue to create opportunities for increased management and staff in-person attendance at each community on an ongoing basis.

Rec 4 To the extent that it is feasible in the light of poor-quality telecommunications infrastructure, continue to work towards making greater use of videoconferencing capacity so that members can attend key meetings remotely from Doomadgee, Mornington Island and Normanton.
Response Accepted. Not yet capable of implementation. Telecommunications infrastructure in each community is currently inadequate to support extended videoconferencing connectivity, however CLCAC continues to monitor with a view to extending the opportunity for members in these communities to participate remotely in CLCAC general meetings.
Rec 5 The CLCAC should make efforts to provide Traditional Owners with greater clarity about its role, including what it is and is not funded to do in relation to native title in the Carpentaria Gulf community, to ensure community expectations are appropriate and reasonable.
Response Accepted. Not yet implemented. Recommendation #5 will be implemented on an ongoing basis through a variety of methods, including information to be published on CLCAC's new website as well as information provided at meetings. Expected timeframe is by the end of Q2 FY2025-26 and on an ongoing basis thereafter.
Rec 6 The CLCAC should proceed with plans to make its Internal Review Policy and Complaints Policy publicly available once the website has been restructured.
Response Accepted. Not yet implemented. Recommendation #6 will be implemented upon completion of current website redevelopment. Expected timeframe is by the end of Q2 FY2025-26.
TOR 4 Extent to which each organisation performs its functions in a cost-effective manner, including by identifying the key cost drivers for the organisation.
Nil recommendations.
TOR 5 Extent to which each organisation has governance and management structures, and organisational policies and an organisational culture that support efficient and effective project delivery. (Rec 7-10)
Rec 7 The CLCAC Board should assess whether amendments to its Rulebook to limit consecutive terms would support a natural renewal process for Board Directorships.
Response Accepted. Not yet implemented. Recommendation #7 will be implemented via workshop with Board of Directors and ultimately considered by members as an agenda item at CLCAC's 2025 AGM. Expected timeframe is by the end of Q2 FY2025-26.

Rec 8 The CLCAC should ensure that there is a clear statement of the role and responsibilities of the CSEO in CLCAC's native title functions.
Response Accepted. Implementation in process. Recommendation #8 will be implemented in line with a review of CLCAC's Policy and Procedure documents and, subject to prior consultation with Board of Directors, via information sessions with CLCAC Members and Native Title Holders at meetings and forums, as well as in CLCAC publications, such as quarterly newsletters. Expected timeframe is by the end of Q2 FY2025-26.
Rec 9 The CLCAC should assess the advantages and disadvantages of proposing an amendment to the Rulebook to add one or two independent Directors to the Board.
Response Accepted. Not yet implemented. Recommendation #9 will be implemented via workshop with Board of Directors and ultimately considered by members as an agenda item at CLCAC's 2025 AGM. Expected timeframe is by the end of Q2 FY2025-26.
Rec 10 Prioritise timely updates to the webpage so that stakeholders are made aware of important information such as changes to Board Directors.
Response Accepted. Implemented. Recommendation #10 has been implemented with the list of CLCAC Directors updated following the 2023 AGM. This recommendation will continue to be implemented on an ongoing basis.
TOR 6 Extent to which each organisation is adequately supporting Prescribed Body Corporates towards self-sufficiency. (Rec 11)
Rec 11 The CLCAC should document its approach to the return of cultural materials.
Response Accepted. Implementation in process. Recommendation #11 will be implemented via workshop with Board of Directors. Expected timeframe is by the end of Q4 FY2025-26.
TOR 7 Extent to which each organisation has developed its planning for a post-determination environment. (Rec 12-14)
Rec 12 Proceed with plans to refresh or replace the post-determination Transition Plan to maintain its relevance and currency particularly in light of future funding needs as native title claims are finalised.

Response

Accepted. Implementation in process.

Recommendation #12 will be progressed via workshop with Board of Directors.

Upon review by the Board of Directors, it is anticipated that the direction of the Board will be that engagement of a consultant will be required to assist with:

- broader consultations with PBCs;
- development of a proposed new business model for CLCAC; and
- documentation of implementation steps in order to develop the Transition Plan.

It should be noted that CLCAC still has a significant amount of native title work and that transition will require some time. In order for CLCAC to understand where it fits and where it holds relevance in the region, it is considered important for each PBC to finalise its Strategic Plan and Economic Development Plan. CLCAC can then develop a regional plan in support of the PBC's aspirations, ensuring that CLCAC "fills the gaps", with CLCAC to then assume the role of implementing that regional plan.

Whilst CLCAC agrees with Recommendation 12, it must be noted that it will take time to implement this recommendation in a manner that responds to the collective needs and aspirations of the region's PBCs, ensuring therefore that the exercise is meaningful and impactful.

Expected timeframe is approximately 2 to 3 years, subject to funding and progress of PBC development plans.

Rec 13 Engage with the NIAA to discuss the potential for the CLCAC to maintain financial sustainability once claim work is completed

Response

Accepted.

Not yet implemented.

Recommendation #13 has not been implemented as yet, however will be implemented following finalisation of Transition Plan at Recommendation #12. Expected timeframe is for:

- interim discussions with NIAA by the end of Q4 FY2025-26; and
- substantive discussions with NIAA once the Transition Plan at Recommendation 12 has been finalised and once Recommendation 14 has been implemented.

Rec 14 To ensure adequate preparation for the post-determination environment, formulate an estimate of the future claims load and the time for claim work to be completed in the region.

Response

Accepted.

Implemented in part.

Recommendation #14 has been partially completed via CLCAC's development of its Regional Native Title Resolution Strategy and Regional Native Title Compensation Strategy. Both strategies involve variables, such as whether individual claims are likely to be settled promptly or otherwise might require lengthy litigation processes, such that CLCAC is currently able to accurately estimate the future claims load but not the time or cost for claim work to be completed in the region. It should be noted that availability of funding to CLCAC will also impact the pace of progress.

Recommendation #14 will therefore be implemented on an ongoing basis as more information becomes available. In addition, CLCAC anticipates drafting a tentative progress timeline by Q2 of FY2025-26 which will form the basis of discussions with NIAA at recommendation #13.