

RESPONSE TO NOUS REVIEW RECOMMENDATIONS - CENTRAL LAND COUNCIL (CLC)

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. (Rec 1)
Rec 1 Consider incorporating a systematic approach to collecting client feedback around the native title claim process to gather robust data on the experiences and perspectives of its clients and claim groups.
Response Accepted. The CLC has statutory functions under section 25 of the Aboriginal Land Rights Act (Northern Territory) Act 1976 and section 203BF of the Native Title Act 1993, and provides services to the southern part of the NT region. Work related to the CLC's native title functions is integrated across the organisation. The CLC has organisational mechanisms in place for collecting and reviewing client feedback, however, further options will be explored and considered in relation to native title claims embedding a more systematic approach to monitoring of client views on the native title claims process.
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 2)
Rec 2 Embed more formal processes to communicate the assessment and prioritisation process of native title claims to prospective native titleholders in the research phase to ensure clear understanding of this process.
Response Accepted. The CLC has increased its communications relating to native title claim processes through newly developed resources that support native titleholders obtain a greater understanding of native title and native title processes, along with utilising key forums such as the PBC Camp. The CLC recently released a resource entitled 'How to Claim Native Title', which outlines the various stages of the claims process. A majority of these useful resources are available on the CLC website and through the CLC's PBCmob app. The CLC has a significant focus on preparing culturally appropriate and accessible communications for native titleholders (recognised and prospective). The CLC will update its native title communication plan, which will contribute to ongoing strengthening of communications to key stakeholders, including prospective native titleholders.
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)
Rec 3 Prioritise engagement and communication with Traditional Owners who have experienced delays with native title claim processes or mining agreements to ensure they remain aware of progress.

Response Accepted. The CLC has a regular presence across its region and takes steps to increase constituent awareness including through its regional office footprint and utilising regular organisational meetings to inform constituents, as well as being regularly available to respond to queries by phone. The CLC also provides education along with updates accessible for all Aboriginal people in the region in Land Rights News, relevant newsletters and regional Aboriginal radio channel such as CAAMA. In addition the CLC is accountable through forums such as the CLC Executive Committee and Council meetings, where elected delegates are informed of the CLC's work and can raise queries, feedback, or concerns, It is inherent that the timing of outcomes for claims and negotiation of mining agreements is not within control of traditional owners nor their representative body, and the CLC ensures that this uncertainty is made clear to Traditional Owners, while making all efforts to ensure timely claims and agreement negotiations. The CLC will explore how it can further strengthen its communication channels to ensure information is accessible for traditional owners, specifically in relation to delays in the expected timing of native title claims or mining agreement negotiations.
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 4-5)
Rec 4 Continue to explore native title-specific recruitment strategies and initiatives to attract staff to the region and retain them for longer. This includes finalising and implementing changes to the CLC's Aboriginal Development Program to better support and strengthen professional development commitment to Aboriginal staff.
Response Partly accepted. The CLC is not immune to nationwide labour shortages, along with its further challenge of a small local NT candidate for positions. Therefore, the CLC continues to undertake targeted recruitment campaigns to entice and attract staff to various positions across the organization. A re-designed Aboriginal Leadership Program, formerly known as the Aboriginal Development Group, commenced in 2024, to fulfil CLC's commitment to supporting Aboriginal staff on their individual and organisational leadership journey, which includes supporting career succession planning and capability and capacity building within the organisation.
Rec 5 The Review supports recommendations of the ANAO audit for areas for improvement in governance operations across the CLC that will benefit native title operations.

Response Accepted. The CLC welcome ANAO audits as a mechanism of transparency, accountability and continuous improvement, supporting the CLC's fulfilment of its statutory functions. The CLC has accepted all 11 recommendations of the ANAO Performance Report published June 2023. The CLC is progressively implementing these recommendations and publishes six monthly progress updates on its website. At the time of this response, the CLC have implemented 9 of the 11 recommendations, with one to be implemented soon, and the final recommendation involving long-term reform and agreement software development. In addition, the CLC will continue to seek opportunities for continuous improvement in these areas.
TOR 6 Extent to which each organisation is adequately supporting Prescribed Body Corporates towards self-sufficiency. (Rec 6-8)
Rec 6 Establish a PBC development strategy over a five- to ten-year horizon, which aims to strategically develop the self-sufficiency of well-established PBCs, support the economic sustainability of those PBCs with high potential of mining activity and be inclusive of PBCs with limited conditions for economic development.
Response Partly accepted. The CLC recognises the importance of PBCs and their growth to self-sufficiency, and is focused on supporting this where economic development opportunities exist. The CLC accepts the premise of this recommendation and already implements a strategic approach to supporting PBC's with services provided by the CLC targeted to the PBC's activities, needs and future opportunities. The CLC considers that a standalone PBC development strategy would not address the future of PBCs, and that this matter needs to form part of an overarching strategy that is inclusive of native title services and PBCs.
Rec 7 Review the balance and focus of resources to enable more frequent, strategic support to PBCs.
Response Partly accepted. The CLC's existing budgeting for native title work effectively supports the ongoing resourcing and provision of both CLC's native title services and the PBC support service. The CLC considers that resource planning must be inclusive of both native title services and PBC support services, to ensure strategic and effective support.
Rec 8 Prioritise the finalisation and implementation of the new CLC Repatriation of Cultural Materials Policy.
Response Partly accepted. The CLC's Repatriation of Cultural Materials Policy is in development with a sub-committee of the CLC's Executive Committee. The draft policy focuses on Elders leading the repatriation process and for activities to take place on Country, where possible. The policy is expected to be finalised within the current Council term (early 2025).

TOR 7 Extent to which each organisation has developed its planning for a post-determination environment. **(Rec 9)**

Rec 9 Consider articulating a clear statement of CLC's intent for supporting post-determination outcomes across a longer timeframe, up to ten years. This should be developed in consultation with the beneficial stakeholders, native title holders, as well as being informed by the policies and practices of other stakeholders such as local government, the Northern Territory Government, industry and communities.

Response

Partly accepted.

The CLC corporate plan outlines the CLC's intent for continuing to support post-determination outcomes into the future, for both ALRA landowners and Native Title holders. It reflects the integrated operating model of the CLC which sees functional teams integrate services under both the ALRA and the Native Title Act.

The Council set the direction of the organisation, and consultation with the council on organisation direction and intent is undertaken as part of the corporate plan process. The CLC plans to work with the council in the next term to develop an overarching vision statement, which as per the goals set by the council is expected to encompass achieving post-determination outcomes from rights recognised under the ALRA and native title.