

RESPONSE TO NOUS REVIEW RECOMMENDATIONS - QUEENSLAND SOUTH NATIVE TITLE SERVICES (QSNTS)

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 Considering the significant dissatisfaction among some Traditional Owners in the greater Mount Isa region and in some other claim groups, QSNTS should consider a range of options to rebuild trust and ensure that it can assist Traditional Owners to achieve native title outcomes. Options include:

- engagement of one of the other three NTRB-SPs in Queensland to assist some Traditional Owners
- one or more meetings between dissatisfied claim groups and the QSNTS Board, and/or engagement of an independent, skilled and mutually agreed Aboriginal mediator.

Response

Accepted in part.

QSNTS acknowledges that some constituents are dissatisfied and that some of those people hold a great deal of antipathy towards the organisation.

As the report notes, many of the issues canvassed pre-dated the review period. Those issues are likely to have been compounded or absorbed by the finalisation of the relevant native title determination application. That is, short of an evidence-based application to revise the relevant determination in a way that addresses the particular grievance, the source of the dissatisfaction may be incapable of resolution.

QSNTS considers that there may be practical, legal, and resourcing issues if it sought to engage other Queensland based NTRB/SPs to assist. The fact that other NTRB/SPs are part of 'the system' that has contributed to some constituents' dissatisfaction may be a barrier to that option being workable.

The recommendation is premised on other NTRB/SPs having capacity and willingness to undertake work of that type.

Further, grievances that do not have their foundations in the pursuit of native title would not be capable of resolution by other NTRB/SPs which operate under the same mandate as QSNTS.

The QSNTS Board has resolved that it (or members of it) will make themselves available to meet with constituents who are willing to take that opportunity to discuss issues. To the extent that it may be helpful, those conversations could be assisted / facilitated by an independent, skilled and mutually agreed Aboriginal mediator.

While the identity of some of the unhappy constituents can likely be guessed, if this recommendation is to be implemented, it will be necessary for the relevant people to identify themselves and for them to work co-operatively with QSNTS to bring about the proposed conversations.

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 Ensure the information outlining the process QSNTS undertakes to assess requests for assistance, and to prioritise projects and claims, is easily understandable to clients and easily accessible on the website (that is, using simplified language where possible).

Response

Accepted.

Implemented prior to the review.

The relevant information is available on the QSNTS website ([Link available here](#)) and is regularly reviewed and updated to ensure that it is both comprehensive and comprehensible.

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 More regular newsletters and broader dissemination of information to clients and claim groups, in line with QSNTS policies, to improve communication.

Response

Accepted.

QSNTS has employed a dedicated communications officer whose tasks include making sure that regular and appropriate communications are provided from the organisation to its broad constituency and by QSNTS's service delivery teams to their clients.

QSNTS is actively working to develop web-based information on discrete topics ('Launchpads') which will help make concepts of native title more accessible and easily understood. Those Launchpads will be progressively rolled out.

As part of our ongoing commitment to enhancing ways of communicating more efficiently with our constituents, these launchpads were developed to ensure constituents will not miss out on any crucial information about their native title journey.

Housed in a secure, login access only section of the QSNTS website, these user-friendly platforms will act as a centralised hub of information for each of our client groups, specifically tailored to their claim and curated to cater to their needs. Clients will be able to receive timely updates and allow for us to communicate with them more efficiently and effectively. Clients will be able to see upcoming meetings, crucial deadlines and any developments made on their native title claim.

Furthermore, details regarding upcoming meetings with QSNTS, relevant information, locations and agendas will be conveniently accessible on the launchpad. We understand the complexity of the native title process and finding information relevant for our clients can place them in an overwhelming situation when looking online. Therefore, we have decided to house additional, relevant resources for our clients, curated specifically to match exactly where they are on their native title journey. These resources will aim to provide clarity and further guidance through their every step of the native title process.

Rec 4 Noting the high cultural load carried by FNEAs, QSNTS could develop practices that help mitigate or avoid burnout of Indigenous employees.

Response

Accepted.

Implementation an ongoing process.

Since early 2023, QSNTS has emphasised the need to upskill all its staff members to assist them to render services and deal with all people in a trauma informed and a culturally appropriate way. This has included all staff participating in workshops focussing on culture and trauma informed practice conducted by We Al-li.

QSNTS is committed to continuing to grow and develop all its people in a way that provides internal support by all its people to each other. The Chief Capability Officer continuously works towards developing and improving in-house resources addressing skilling FNEAs and equipping them to meet the challenges of their very important role.

Managers have been instructed to manage workloads, and in particular the accrual and usage of toil to militate against overload and burnout.

QSNTS has commenced discussions and are looking to engage Gallang Place, an Indigenous owned and operated organisation that provides counselling services, to provide 'as needed' counselling services to QSNTS staff. This relationship is additional to the more 'mainstream' Employee Assistance program that QSNTS had in place throughout the review period and continues to offer staff.

Rec 5 QSNTS should ensure that cultural awareness training is consistently available to all staff and contractors within the first three months of their tenure.

Response

Accepted.

Implementation an ongoing process.

As noted above, external providers conducted workshops for all staff in culturally aware and trauma informed service delivery.

QSNTS has cultural awareness material developed in-house since the end of the review period and continues to look for ways for its non-Indigenous staff to better understand and appreciate the organisation's First nations constituents.

New starters are exposed to introductory materials as part of their 'on-boarding' induction and cultural awareness is an ongoing theme during all-staff meetings.

Most recently QSNTS has acquired licences for all staff to undertake Core Cultural Learning: Aboriginal and Torres Strait Islander Australia cultural awareness program developed by the Australian Institute for Aboriginal and Torres Strait Islander Studies. Completion of that program is mandatory and forms part of each staff member's performance review.

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. **(Rec 6)**

Rec 6 Develop a staff travel policy to provide clarity around organisational expectations of staff.
Response Accepted. QSNTS will formalise and publish its staff travel policy to its intranet by the end of qtr. 1 2025.
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 7-12)
Rec 7 Create discipline-based leadership roles for anthropologists and FNEAs to provide guidance for more junior staff in these roles, while providing a career pathway for staff. A form of matrix management could also be considered.
Response Accepted in part. QSNTS will work towards developing improved support structures for its non-legal staff. Ways of achieving this are under active consideration and, subject to funding and associated budgetary constraints, will be in place before the end of the 2024-5 financial year.
Rec 8 The Board implement a stronger mechanism to incorporate greater local input into the direction of QSNTS. Recommended mechanisms include: • increasing the number of local Aboriginal Directors • the creation of a representative regional advisory council.

Response

Accepted in part.

The QSNTS Board has always prioritised the recruitment of Aboriginal and Torres Strait Islander candidates, as entrenched in the QSNTS Constitution. This commitment seeks to ensure that Aboriginal and Torres Strait Islander representation is a focal point in the Board's recruitment decision-making processes. However, it is equally important to recognise and understand that the Board operates within a professional framework that emphasises the necessity for diverse skill sets among Directors.

The Board's succession planning policy is designed to align with the principles outlined in the QSNTS Constitution and to maintain a Board composition with professional skills that are relevant to the Board's strategic objectives and operating environment. As part of this policy, the Board assesses the skills and experience of our directors systematically and ensures that the Board is refreshed in a manner that promotes dynamic perspectives and effective leadership.

The Board remains committed to exploring ways to strengthen local representation while ensuring that the professional skills and competencies required by the Board continue to be met. This approach by the Board aims to maintain good governance and positions QSNTS to best serve our clients.

Creation of a representative regional advisory council may not be an optimal use of resources, but the Board has resolved to offer to meet on a rolling and semi-regular basis with the Boards of Prescribed Bodies Corporate in the QSNTS Region to discuss matters of mutual interest.

Rec 9 Develop an advertising strategy for Director positions for any future vacancies, to prioritise an increase in Aboriginal Directors with experience and connection to local Aboriginal communities.

Response

Accepted in part.

The Board takes the recruitment of Directors seriously, understanding that it is crucial for the governance and success of QSNTS. With this responsibility, the Board's Governance Committee approaches recruitment needs of potential Directors based on a priority skills schedule and a clearly defined selection criterion.

To enhance our current approach and in accordance with the QSNTS constitution, the Board recognises the importance of developing a specific advertising strategy targeted at attracting Aboriginal candidates from within the Southern and Western Queensland Region with the requisite skills, experience and strong ties to local Aboriginal communities. This strategy will be enhanced to initiate a targeted outreach effort, ensuring that our advertising channels effectively reach potential applicants who fulfill these criteria.

Our existing recruitment process includes suggestions from current Directors and their networks, through the organisation's networks and using resources such as the AICD and ORIC registers. We will expand this process by incorporating additional strategies to promote awareness about available positions within QSNTS' Aboriginal communities. This may involve partnering with local organisations and community groups, promoting through community platforms, and collaborating with Indigenous recruitment agencies.

The Board does ensure that our selection process is transparent and inclusive, providing prospective Directors with the necessary governance materials and insights about QSNTS and the expectations of Board members.

If challenges continue to arise in finding suitable candidates, the Governance Committee will revise the recruitment strategy to improve outreach and better connect with potential Aboriginal Directors.

Rec 10 Noting the need for information barriers between the Operational Service Delivery teams for confidentiality and conflict of issue reasons, QSNTS to identify and implement mechanisms for lesson learning and information sharing across the organisation, including across the separate Operational Service Delivery teams.

Response

Accepted.

Implemented.

Active experience-based learning is ongoing within QSNTS through regular cohort meetings and within the sector through the AIATSIS Summit and the annual AIATSIS legal workshop which is held for lawyers and legal staff employed by NTRB/SPS. Additionally, all QSNTS Anthropologists participated in the Centre for Native Title Anthropology conference, while QSNTS's First Nations Engagement Officers attended the AIATSIS PBC Support Officer Workshop held in Cairns.

In 2024, QSNTS implemented 'off-line' days to create opportunities for staff to gather in groups or cohorts for workshops and training. In May, we held a session 'Collaboration Across Operational Teams,' which was facilitated as an interactive workshop based on real-world scenarios. This session focused on establishing boundaries and effective communication strategies among operational service delivery teams. As a result, participants developed a roadmap to ensure that clear information-sharing protocols are maintained.

Position descriptions for staff, performance management and performance development tools are currently being updated to ensure active collaboration and sharing of experiences is a requirement of each role within the organisation.

Rec 11 Implement a performance monitoring and review arrangement for contractors and external consultants

Response

Accepted.

To be fully implemented in FY 24 – 25.

Methods and metrics will be developed to attempt to measure the performance of external consultants and contractors. QSNTS intends to roll these measures out in the financial year 2025-26.

Rec 12 Given the extent of dissatisfaction with the outcomes of native title claims in some parts of the region, adopt the principle of hearing from and listening to stakeholders (as recommended by the Australian Institute of Company Directors) in the roles and responsibilities of the Board.

Response

Accepted. Implementing.

QSNTS has taken proactive steps to integrate stakeholder feedback into our operational and service delivery framework.

Recently, we undertook training through the We Ali trauma-informed workshops, which emphasised creating safe working circles for both our staff and clients. One of the core insights from this training is the Aboriginal principle of Dadirri, articulated by Auntie Miriam-Rose Ungumerr Bauman. Dadirri encompasses deep listening, patience, and the understanding that some matters require a natural unfolding over time.

We have workshopped and have commenced incorporating the values of Responsibility, Resonance, Reciprocity, Relatedness, and Rights into our service delivery, with a particular focus on Relatedness. This highlights our commitment to authenticity and humility as we engage with our clients. We recognise that we do not have all the answers and are open to listening, learning and evolving through our interactions.

Our approach encourages thorough listening rather than hastily trying to resolve issues or complete tasks. By applying the teachings of Dadirri, we are working towards transforming our workshops and meetings into spaces where participants are genuinely listened to and valued. Feedback is captured in ways that respects diverse perspectives, allowing voices to be heard without the filter of preconceived notions. This dual operating mode respects both traditional Indigenous customs and contemporary practices, fostering a harmonious environment for dialogue and collaboration.

As we continue to implement these principles and practices within our organisation, we are dedicated to ensuring that the voices of our clients are prioritised and integrated into our service delivery approach and processes.

TOR 6 Extent to which each organisation is adequately supporting Prescribed Body Corporates towards self-sufficiency. **(Rec 13-15)**

Rec 13 Finalise the development of a policy for the consistent and respectful approach to the return of cultural materials.

Response

Accepted in principle.

Noting that while litigation is on-foot or in prospect (including compensation applications), returning cultural materials (other than to the individual who provided that material) may present forensic challenges. QSNTS will work towards developing a policy for the consistent and respectful approach to the return of cultural materials.

When completed, formal policy will be published to the QSNTS website in financial year 2024-25.

Rec 14 Develop a clear policy for the implementation of service agreements with all PBCs supported by QSNTS.

Response

Accepted.

All PBCs are offered service agreements. That practice will continue.

Rec 15 Develop a process for understanding the journey towards self-sufficiency for each PBC. Seek continuous feedback about services provided by QSNTS and the extent to which they are enabling self-sufficiency.

Response

Accepted.

QSNTS has developed the People Place and Partnership Program (**PPP**) which has among its purposes working with PBCs to develop through culture and identity, competence, capability and self-sufficiency with the end goal of First Nations groups within the QSNTS Region self-determining.

Part of the PPP process is an ongoing 'virtuous cycle' of review and refinement. PPP is embedded in the current QSNTS Strategic Plan.

TOR 7 Extent to which each organisation has developed its planning for a post-determination environment. (**Rec 16**)

Rec 16 Develop a clear statement of aim for QSNTS's support for post-determination outcomes across a longer timeframe, of up to ten years. This should be developed in consultation with native title holders and other relevant stakeholders of the native title system.

Response

Accepted in principle.

Currently, the QSNTS Strategic Plan operates on a five-year cycle. However, as part of our ongoing planning, we are committed to taking an 'over the horizon' perspective that considers the needs and objectives of clients beyond the life of the current Strategic Plan. This approach reflects our awareness of the ever-evolving landscape of native title and the need for proactive, forward-thinking strategies.

We acknowledge that the uncertain nature of funding for NTRB/SPs which can vary based on the political environment, complicates the development of a ten-year statement of aim. Nonetheless, we recognise the necessity of setting a long-term framework to guide our initiatives and support for post-determination outcomes.

To further support this recommendation, we have secured funding from National Indigenous Australians Agency (**NIAA**) to facilitate a focused workshop for Prescribed Bodies Corporate (**PBCs**) within the QSNTS region in 2025. This workshop, centered on the PPP framework, aims to develop and enhance partnerships among PBCs, fostering collaboration and collective problem-solving.

Key Objectives of the Workshop Include:

- Strengthening partnerships among PBCs to form a collaborative network.
- Providing a platform for sharing successes and best practices.
- Enabling PBCs to collaboratively address challenges and develop actionable strategies.

By bringing PBCs together, we aim to alleviate the isolation they face and empower them to harness their collective strengths, thereby enhancing their operational capacities and resilience. This initiative aligns with our commitment to meaningful engagement with native title holders and will serve as a stepping stone towards establishing a longer-term strategy for post-determination support.