

RESPONSE TO NOUS REVIEW RECOMMENDATIONS – SOUTH AUSTRALIAN NATIVE TITLE SERVICES (SANTS)

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 a more structured approach to the allocation of legal work across claims to increase the effectiveness of teams.
Response Recommendation is accepted. SANTS considers this recommendation has been implemented. It should be noted that the Federal Court had placed much pressure on SANTS during the reporting period having to address three trials running at the same time, and all other matters given programming orders. There was significant pressure on SANTS but particularly more so on the legal team. In fact, for SANTS, COVID was a blessing in disguise because of the slowdown of Court activity which enabled SANTS to re-focus, catch up on matters, and plan future activities in a less pressured environment. SANTS weathered the storm, and has since reinvigorated its legal team, which is functioning at a high level.
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 2-3)
Rec 2 Make the Facilitation and Assistance Policy available online.
Response Recommendation is accepted. SANTS considers this recommendation has been implemented. SANTS has made the Facilitation and Assistance Policy online.
Rec 3 Ensure that guidelines for Traditional Owner requests for funding to respond to claims are accessible and provide clear and timely justifications for decisions.
Response Recommendation is accepted. SANTS considers this recommendation has been implemented. The implementation of Recommendation 2 will provide guidelines for funding requests. SANTS always clearly articulates funding decisions including information about the right to seek review of SANTS decisions.
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 4)
Rec 4 Develop proactive mechanisms for seeking and managing feedback from clients across all services to support long term relationship management across Traditional Owner groups and native title holders.

Response

Recommendation is accepted.

SANTS considers action for this recommendation to be ongoing.

SANTS is investigating how to better obtain feedback from clients. Currently most feedback is verbal, and generally that feedback only occurs when there has been an issue with the delivery of services. SANTS is considering technology such as online surveys for this purpose and including a session during meetings to obtain feedback (we find at the end of meetings people leave quickly and do not complete feedback forms).

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 5)**

Rec 5 Continue to explore opportunities for continued growth in fee-for-service and other revenue.

Response

Accepted.

SANTS considers action for the recommendation to be ongoing.

SANTS continues to explore opportunities for revenue growth.

A significant cost relates to in person meetings and SANTS continues to explore avenues for managing time as a resource, including encouraging the use of technology to minimize travel, and the use of technology in meetings, while recognizing the value of in person meetings.

SANTS is also exploring ways to reduce its carbon footprint.

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 6)**

Rec 6 Continue to plan for the workforce and leadership capability required in the coming years, including supporting succession planning for long-tenured senior staff.

Response

Recommendation is accepted.

SANTS considers action for this recommendation to be ongoing.

The SANTS Board is actively looking at succession planning and has engaged a consultant for this purpose. SANTS sought additional funding this financial year to support a deputy CEO position that might transition to filling the CEO position in the future.

SANTS leadership is exploring broadening the areas of expertise of its legal team as native title holders transition into the context of protecting and preserving their native title rights and interests, and further leveraging wealth creation and beneficial outcomes from being the holders of rights and interests that must be dealt with by governments and third parties when granting or creating new rights and interests in land and waters.

TOR 6 Extent to which each organisation is adequately supporting Prescribed Body Corporates towards self-sufficiency. **(Rec 7 -8)**

Rec 7 Consider ways to most effectively target support for PBCs within the limitations of resource capacity.

Response

Recommendation is accepted.

SANTS considers action for this recommendation to be ongoing.

SANTS provides significant support services to PBCs which are identified by the PBCs themselves as priority activities often linked to development opportunities including good governance practices, economic and social program growth, looking after country, and maintaining law and culture.

Rec 8 Finalise the development of a consistent and respectful approach to the repatriation of cultural materials.

Response

Recommendation is accepted.

SANTS considers action for this recommendation to be ongoing.

SANTS is actively developing policy and capacity to return cultural materials to traditional owners.

TOR 7 Extent to which each organisation has developed its planning for a post-determination environment. **(Rec 9 - 10)**

Rec 9 Undertake a planning process to explore what services SANTS should provide in a post-determination environment. This planning process should involve a variety of internal staff and external stakeholders.

Response

Recommendation is accepted.

SANTS considers action for this recommendation to be ongoing.

SANTS is currently undertaking a strategic planning process to produce a new strategic plan for the period 2025-2030. SANTS will be engaging with internal and external stakeholders in this process. A significant portion of SANTS work is currently in a post determination environment.

Rec 10 Fast track the development of an operating model for post-determination which defines sustainable resource requirements and guides future funding discussions with NIAA.

Response

Recommendation is accepted.

SANTS considers action for this recommendation to be ongoing.

SANTS is currently working in a post determination operating model. Discussions with NIAA about future funding support is a high priority.