

The Board noted that Director Martin did not join the meeting and had not been given an approved leave of absence.

**Exempt under s22  
Irrelevant Material**

**Exempt under s22  
Irrelevant Material**

**7. TRANSITION IMPLEMENTATION (IN CAMERA)**

**7.1 AUSTRALIAN INDIGENOUS AGRIBUSINESS—GOVERNANCE ARRANGEMENTS**

***The Board:***

- 1. *Noted the briefing paper entitled Australian Indigenous Agribusiness Company – Governance Arrangements***
- 2. *Approved that pursuant to clause 55.3 of the AIA Constitution the ILC will give notice in writing to AIA that the maximum number of Directors of AIA shall be two.***
- 3. *Agreed to remove Mr Bruce Martin as a Director of AIA and to replace him with Tricia Crossin.***
- 4. *Agreed to remove Ms Kimberley Bridge as a Director of AIA.***
- 5. *Agreed that Mr John Maher will continue in the role of Director of AIA on an ex-officio basis in accordance with s 63A of the AIA Constitution.***

**Exempt under s22  
Irrelevant Material**

**Exempt under s22  
Irrelevant Material**

**Exempt under s22  
Irrelevant Material**

**Exempt under s22  
Irrelevant Material**

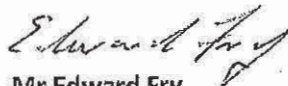
**Exempt under s22  
Irrelevant Material**

**Exempt under s22  
Irrelevant Material**



**Exempt under s22  
Irrelevant Material**

There being no further business, the Chair closed the meeting.

  
Mr Edward Fry  
Chair

**Exempt under s22  
Irrelevant Material**

**Exempt under s22  
Irrelevant Material**

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**From:** Maher, John  
**Sent:** Friday, 20 April 2018 3:02 PM  
**To:** Loss, Sheelagh; Eddie Fry (ILC); Eddie Fry (BigPond)  
**Cc:** Maher, John; Button, Tricia  
**Subject:** FW: UPDATE: #65- Director Bruce Martin

Hi Sheelagh,  
 Resent email on Bruce.  
 Kind regards,  
 John

**From:** Maher, John  
**Sent:** Saturday, 17 March 2018 8:41 AM  
**To:** Eddie Fry (ILC) <Eddie.Fry@ilc.gov.au>; Eddie Fry (BigPond) <Eddie.fry@bigpond.com>  
**Cc:** Maher, John <John.Maher@ilc.gov.au>  
**Subject:** UPDATE: #65- Director Bruce Martin

Hi Eddie,

I understand from Trish you have requested further information on Director Martin and possible options. The following has been put together by Nigel.

On February 17, I provided you with advice on Director Martin's attendance at ILC and AIA Board meetings, as per your request.

I wish to advise you that as at today, Director Martin has missed 3 consecutive ILC Board meetings without granted leave. Apologies were not forthcoming for the following meetings, nor leave granted.

- 1 February 2018
- 21 February 2018
- 9 March 2018

Subsequently, I am forwarding further advice provided by Nigel Wilson.

With regard to Director Martin's AIA Directorship, as part of the Transition Plan his role as AIA Director is to cease at the April ILC Board meeting, and he is to be replaced by an unpaid ILC Director who will act in this role for compliance duties only.

With regard to Director Martin's ILC Directorship:

- Section 192H(4) provides that "If an Indigenous Land Corporation Director who holds office on a part-time basis is absent, except on leave granted under section 192C, from 3 consecutive meetings of the Indigenous Land Corporation Board, the Minister must terminate the appointment of the Director".
- Section 192G provides that "An Indigenous Land Corporation Director may resign by writing signed by him or her and sent to the Minister."

Director Martin can resign himself pursuant to s.192G, or the ILC could invite him to do so. However, Nigel believes the limited contact from Director Martin makes this unlikely.

Nigel therefore recommends that the ILC write to Minister Scullion advising of the situation.

Depending on the advice and actions from Minister Scullion we will need to determine April Board meeting invites.

Please advise if you wish the ILC to draft a letter to Minister Scullion.

Kind Regards  
John Maher  
ILC Group CEO

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**From:** Eddie Fry (ILC)  
**Sent:** Friday, 20 April 2018 3:28 PM  
**To:** Maher, John; Loss, Sheelagh; Button, Tricia; Eddie Fry (BigPond)  
**Subject:** RE: Director Bruce Martin

Thanks John.

Suggest we do this in two parts.

First by way of formal correspondence inviting Director Martin to Resign. Let's initiate this on Monday the 23rd of April 2018.

Then on Monday 30th of April 2018 initiate correspondence to the Minister.

Please take action on this matter.

Kind regards  
Eddie

On 20 April 2018 at 3:01:34 pm ACST, Maher, John <John.Maher@ilc.gov.au> wrote:

Hi Sheelagh,

I will resend an email sent to Eddie on Saturday, 17 March, which covers this (Action #65).

Kind regards,

John

**From:** Loss, Sheelagh  
**Sent:** Friday, 20 April 2018 3:27 PM  
**To:** Maher, John <John.Maher@ilc.gov.au>; Button, Tricia <Tricia.Button@ilc.gov.au>  
**Cc:** Eddie Fry (ILC) <Eddie.Fry@ilc.gov.au>  
**Subject:** Director Bruce Martin  
**Importance:** High

Dear Tricia and John

Given that Director Bruce Martin has missed three consecutive ILC Board meetings, can you please advise Eddie of the statutory obligations regarding his position as Director.

Eddie's understanding is that a letter will need to go to Minister Scullion to advise the status of Director Martin on the ILC Board.

Can you please clarify the way forward.

Kind regards

**Sheelagh Loss** | Executive Assistant to the ILC and IBA Chair, Eddie Fry | Indigenous Land Corporation

Adelaide Office | [www.ilc.gov.au](http://www.ilc.gov.au)

P: 08 8100 7147 Exempt under s47F | E: [Sheelagh.Loss@ilc.gov.au](mailto:Sheelagh.Loss@ilc.gov.au) | Freecall: 1800 818 490



Personal Privacy

ILC acknowledges the Traditional Owners of Country throughout Australia and their continuing connection to land, sea and community. We pay our respects to them and their cultures, and to the Elders both past and present.



Australian Government  
Indigenous Land Corporation



The ILC GROUP

PEOPLE. LAND. OPPORTUNITY.

23 April 2018

Mr Bruce Martin  
Director  
Indigenous Land Corporation  
GPO Box 5212  
Brisbane QLD 4001

Dear Bruce,

**Absence from board meetings of the Indigenous Land Corporation ('ILC')**

First, I note that you have been absent from the past three consecutive ILC Board meetings without leave being granted from the ILC Board.

As a part-time Director of the ILC Board who has missed three consecutive ILC Board meetings without leave, the Minister must now terminate your appointment as an ILC Director pursuant to section 192H(4) of the *Aboriginal and Torres Strait Islander Act 2005* (Cth).

To avoid the Minister actually taking the step of terminating your appointment, I invite you to voluntarily resign from your position as an ILC Director. This will see your departure from the ILC Board occur in an orderly manner and without the need for Ministerial intervention.

The ILC Board requested that I convey its appreciation for your commitment and contribution to the ILC as a Director. I would like to acknowledge your dedication and valued contribution during a time of great changes and I look forward to the opportunity to work with you again on other projects.

Yours sincerely,

Eddie Fry  
Chair  
Indigenous Land Corporation

Head Office  
Level 7, 121 King William Street, Adelaide, SA, 5000  
GPO Box 652, Adelaide, SA, 5001  
Telephone 08 8100 7100 | ABN 59 912 679

[www.ilc.gov.au](http://www.ilc.gov.au)



**From:** Petty, Barry  
**Sent:** Friday, 4 May 2018 11:42 AM  
**To:** Eddie Fry (ILC)  
**Cc:** Maher, John; Loss, Sheelagh  
**Subject:** Draft letter to Minister Scullion re Bruce Martin  
**Attachments:** Letter to Minister re B Martin.docx

Good morning Eddie,

Please find attached a draft letter to Minister Scullion regarding termination of Bruce Martin's appointment as a director of the ILC.

The draft has been reviewed by John who has asked that I now forward it to you.

I would be glad to make any amendment as necessary.

Regards,

**Barry Petty** | Acting General Counsel | Indigenous Land Corporation  
 Adelaide Office | [www.ilc.gov.au](http://www.ilc.gov.au)  
 P: 08 8100 7162 | E: [barry.petty@ilc.gov.au](mailto:barry.petty@ilc.gov.au) | Freecall: 1800 818 490



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ILC acknowledges the Traditional Owners of Country throughout Australia and their continuing connection to land, sea and community. We pay our respects to them and their cultures, and to the Elders both past and present.

**From:** Loss, Sheelagh  
**Sent:** Tuesday, 1 May 2018 10:52 AM  
**To:** Maher, John <[John.Maher@ilc.gov.au](mailto:John.Maher@ilc.gov.au)>  
**Cc:** Button, Tricia <[Tricia.Button@ilc.gov.au](mailto:Tricia.Button@ilc.gov.au)>; Petty, Barry <[barry.petty@ilc.gov.au](mailto:barry.petty@ilc.gov.au)>  
**Subject:** FW: Letter request to MIA re Bruce Martin

Dear John

Eddie would like a letter drafted to Minister Scullion to advise him of the statutory breach by Director Bruce Martin, in failing to attend three consecutive ILC Board meetings without leave of absence and the subsequent cessation of his position as a Director on the ILC Board, pursuant to sections 192H (3) and

192H (4) of the *Aboriginal and Torres Strait Islander Act 2005* (Cth).

Since the email was sent to Bruce Martin on 24 April, inviting him to resign from the ILC Board, there has been no response.

I have now resent both AIA and ILC cessation letters to an address in Cairns and to c/o Bruce's father in Canberra, marked confidential.

The ILC Board meeting dates that were missed were -1 Feb 2018, 21 Feb 2018 and 18 Apr 2018.

Could you please have this letter prepared for Eddie's approval?

Kind regards

**Sheelagh Loss** | Executive Assistant to the ILC and IBA Chair, Eddie Fry | Indigenous Land Corporation

Adelaide Office | [www.ilc.gov.au](http://www.ilc.gov.au)

P: 08 8100 7147 Exempt under s47F | E: [Sheelagh.Loss@ilc.gov.au](mailto:Sheelagh.Loss@ilc.gov.au) | Freecall: 1800 818 490



Personal Privacy

ILC acknowledges the Traditional Owners of Country throughout Australia and their continuing connection to land, sea and community. We pay our respects to them and their cultures, and to the Elders both past and present.

Senator the Hon Nigel Scullion

Minister for Indigenous Affairs

Parliament House

Canberra ACT 2600

Dear Minister

**Termination of appointment of Indigenous Land Corporation Director, Mr Bruce Martin**

I write to inform you that Indigenous Land Corporation ('ILC') Director, Mr Bruce Martin, was absent, without leave granted, for three consecutive ILC Board meetings and his appointment as a Director should now be terminated.

Mr Martin is a part-time Director of the ILC Board. Under s 192C of the *Aboriginal and Torres Strait Islander Act 2005* (Cth), the ILC Board can grant a leave of absence for a part-time director in writing.

Mr Martin was absent from three consecutive ILC Board meetings on 1 February, 21 February and 18 April 2018, all without written leave of absence.

Under sub-section 192H(4) of the Act, if an ILC Director who holds office on a part-time basis is absent, without leave granted under s 192C, for three consecutive meetings the Minister must terminate their appointment as an ILC Director.

In these circumstances, I have written to Mr Martin to request his resignation but, to date, he has not responded to my correspondence.

As Mr Martin has been absent for three consecutive meetings without leave of absence from the ILC Board, I request that you terminate his appointment as an ILC Director pursuant to s 192H of the Act.

Yours faithfully,

Eddie Fry  
ILC Chair



Australian Government  
Indigenous Land Corporation



The ILC GROUP

PEOPLE. LAND. OPPORTUNITY.

04 May 2018

Senator the Hon Nigel Scullion

Minister for Indigenous Affairs

Parliament House

Canberra ACT 2600

Dear Minister

**Termination of appointment of Indigenous Land Corporation Director, Mr Bruce Martin**

I write to inform you that Indigenous Land Corporation ('ILC') Director, Mr Bruce Martin, was absent, without leave granted, for three consecutive ILC Board meetings and his appointment as a Director should now be terminated.

Mr Martin is a part-time Director of the ILC Board. Under s 192C of the *Aboriginal and Torres Strait Islander Act 2005* (Cth), the ILC Board can grant a leave of absence for a part-time director in writing.

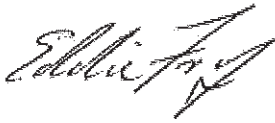
Mr Martin was absent from three consecutive ILC Board meetings on 1 February, 21 February and 18 April 2018, all without written leave of absence.

Under sub-section 192H(4) of the Act, if an ILC Director who holds office on a part-time basis is absent, without leave granted under s 192C, for three consecutive meetings the Minister must terminate their appointment as an ILC Director.

In these circumstances, I have written to Mr Martin to request his resignation but, to date, he has not responded to my correspondence.

As Mr Martin has been absent for three consecutive meetings without leave of absence from the ILC Board, I request that you terminate his appointment as an ILC Director pursuant to s 192H of the Act.

Yours faithfully,

A handwritten signature in cursive script, appearing to read "Eddie Fry".

Eddie Fry

ILC Chair



**Australian Government**  
Indigenous Land Corporation



**The ILC GROUP**

Board in confidence  
**ILC Board Meeting No 224**

**Teleconference**  
Friday 11 May 2018

## **MINUTES**

### **Attendance:**

Mr Eddie Fry	Chair
Mr Joseph Elu AO	Deputy Chair
Mr Anthony Ashby	Director
Ms Trish Crossin	Director
Dr Donna Odegaard AM	Director

### **Apologies:**

Ms Tanya Hosch	Director
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### **Not attending:**

Mr Bruce Martin	Director
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The following attended all or part of the meeting:

Mr John Maher	ILC Group CEO
Ms Tricia Button	ILC Deputy CEO
Mr David Silcock	ILC CFO
Mr Barry Petty	ILC Acting GC
Mr Leo Bator	Voyages Acting CEO
Mr Mark Seatree	Voyages Acting CFO
Mr James Cudmore	Partner CCK Lawyers

A copy of the agenda is attached

The Chair welcomed participants and opened the meeting at 2:00 pm ACST.

- 1. APOLOGIES/DECLARATIONS**
- 1.1 APOLOGIES/APPROVED LEAVE OF ABSENCE**

Apologies from Director Hosch.

The Board noted that Director Martin is absent without leave.

**Exempt under s22  
Irrelevant Material**

**Exempt under s22  
Irrelevant Material**

There being no further business the Chair closed the meeting at 2:50 pm ACST.



Mr Edward Fry  
Chair



Board-in-Confidence

**ILC BOARD MEETING No 224**

**Exempt under s22  
Irrelevant Material**



Australian Government  
Indigenous Land Corporation



The ILC GROUP

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03 July 2018

Senator the Hon Nigel Scullion  
Minister for Indigenous Affairs  
Parliament House  
CANBERRA ACT 2600

Dear Minister

**Ongoing position of ILC Director, Mr Bruce Martin**

I wrote to you on 04 May 2018 requesting the termination of ILC Director Mr Bruce Martin, who was absent from three consecutive Board meetings without leave granted. With consideration for the Board achieving the best possible outcomes going forward, I would like to rescind this request and I seek to retain Director Martin as a part-time Director.

As discussed when we met in Adelaide on 14 June 2018, the personal extenuating factors which led to the absence of Director Martin now allow him to return to his position and carry out his full duties on the Board.

I seek to retain Director Martin as a key Indigenous refreshed participant for the future success of the Board and would like to extend to him a second chance to fulfil his Directorial duties. I truly believe that he is worthy of my continued interest and respect.

I would be happy to provide further information in writing or discuss this further with you in person at your convenience.

Yours faithfully

Eddie Fry  
ILC Chair

Office of the Chairperson  
Level 7, 121 King William Street, Adelaide, SA, 5000  
GPO Box 652, Adelaide, SA, 5001  
Telephone 08 8100 7100 | ABN 59 912 679 254

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**Australian Government**  
Indigenous Land Corporation



**The ILC GROUP**

Board in confidence  
ILC BOARD MEETING No 226

Friday, 6 July 2018  
TELECONFERENCE

## MINUTES

### ATTENDANCE:

Mr Edward Fry	Chair
Mr Joseph Elu AO	Deputy Chair
Mr Anthony Ashby	Director
Ms Patricia Crossin	Director
Dr Donna Odegaard AM	Director

### Apology:

Nil

### Not attending:

Mr Bruce Martin	Director
Ms Tanya Hosch	Director

The following attended all or part of the meeting:

Mr James Cudmore	Partner, Cosoff Cudmore Knox
Mr Barry Petty	ILC Acting General Counsel (minute taker)

A copy of the agenda is attached.

The Chair and Directors Crossin, Odegaard and Ashby were in attendance. The Chair noted that a quorum was present and opened the meeting at 10:10 am ACST. Director Elu attended the meeting from approximately 10:20 am ACST.

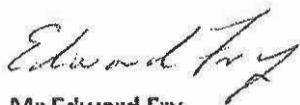
The Chair explained that the meeting was called to discuss the iHR inquiry. Mr Barry Petty would be present to record the start of the meeting, but would leave for the *in camera* session.

## 1. APOLOGIES/DECLARATIONS

### 1.1 Apologies/Approved Leave of Absence

No apologies.

**Exempt under s22  
Irrelevant Material**



**Mr Edward Fry**  
Chair

Board-in-Confidence

**ILC BOARD MEETING No 226**

**Exempt under s22  
Irrelevant Material**

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**From:** Eddie Fry (ILC)  
**Sent:** Monday, 21 August 2017 11:31 AM  
**To:** Andrews, Sue <[Sue.Andrews@ilc.gov.au](mailto:Sue.Andrews@ilc.gov.au)>  
**Cc:** Wilson, Nigel <[Nigel.Wilson@ilc.gov.au](mailto:Nigel.Wilson@ilc.gov.au)>; Maher, John <[John.Maher@ilc.gov.au](mailto:John.Maher@ilc.gov.au)>  
**Subject:** Re: Director Martin

Great. Thanks Sue for your perseverance.  
Kind regards  
Eddie

---  
Sent from VMware Boxer

On 21 August 2017 at 10:54:48 am ACST, Andrews, Sue <[Sue.Andrews@ilc.gov.au](mailto:Sue.Andrews@ilc.gov.au)> wrote:

Hi Eddie

Bruce has now contacted me and will be at the Board meeting in Perth on Wednesday.

Cheers

Sue

**From:** Bruce Martin [<mailto:bruce@rdcorp.com.au>]  
**Sent:** Monday, 21 August 2017 11:07 AM  
**To:** Andrews, Sue <[Sue.Andrews@ilc.gov.au](mailto:Sue.Andrews@ilc.gov.au)>  
**Subject:** Flights

Good Morning Sue,

Apologies this email is getting to you late, could you please arrange my flights from Cairns to Perth for tomorrow, returning on the first flight on Saturday? I will obviously arrange accommodation for myself outside of ILC Board requirements.

Also I can't access the board pad on my ipad. I realise there was an issue of excessive data, I have now disabled the option to use the ipad as a wifi hotspot - which I had been doing for work purposes to connect my laptop, but unfortunately my smart tv would automatically connect itself and utilise large amounts of data.

I am available on phone and email throughout the day.

Thanks Sue.

Bruce

Monty p. Many notes to prep letter.

August 2018

28  
Tuesday

Exempt under s22 Irrelevant Material

240 = 125 Week 35

Exempt under s22  
Irrelevant Material

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MTA. Response re R. Mark...

to be written

Check approval also to extend...

work & time...

Believe Bruce is fine & now what to be done with the emergency letter that is not required & that has been at the level of answers.

then

Draft to have granting lease.

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29 AUG 2018



## MINISTER FOR INDIGENOUS AFFAIRS

Reference: MC18-087301

Mr Eddie Fry  
 Chairperson  
 Indigenous Land Corporation  
 GPO Box 652  
 ADELAIDE SA 5001



Dear Mr Fry *EDDIE.*

Thank you for your letter of 3 July 2018 about Mr Bruce Martin continuing as a Director of the Indigenous Land Corporation (ILC).

I note your advice that Mr Martin was absent from three consecutive Board meetings due to extenuating personal factors and that he is now able to carry out his full duties as a Director. I would appreciate clarification in writing from you confirming if Mr Martin has been granted leave of absence for the period he was away due to extenuating personal circumstances.

As you may be aware under subsection 192C(2) of the *Aboriginal and Torres Strait Islander Act 2005* (ATSI Act), the ILC Board may, in writing, grant leave of absence to an ILC Director from a Board meeting. Further to this, subsection 192H(4) of the ATSI Act stipulates that if a Director is absent, except on leave granted under section 192C, from three consecutive meetings of the Board, the Minister must terminate the appointment of the Director.

If you have any questions on this matter the contact officer in the Department of the Prime Minister and Cabinet is Mr Brendan Jacomb, Assistant Secretary, Indigenous Affairs Legal Services Branch on (02) 6152 3555. Mr Jacomb can also be contacted by email at [brendan.jacomb@pmc.gov.au](mailto:brendan.jacomb@pmc.gov.au).

Yours sincerely

NIGEL SCULLION

20 / 8 / 2018



Australian Government  
Indigenous Land Corporation



The ILC GROUP

PEOPLE. LAND. OPPORTUNITY.

31 August 2018

Senator the Hon Nigel Scullion  
Minister for Indigenous Affairs  
Parliament House  
Canberra ACT 2600

Dear Minister

Thank you for your letter of 20 August 2018 regarding Mr Bruce Martin continuing as a Director of the Indigenous Land Corporation (ILC).

I genuinely appreciate your consideration of the circumstances that lead to the absence of Mr Martin from three consecutive ILC Board meetings dated 01 February, 21 February and 18 April 2018 and I write to confirm to you, that I have written to Mr Martin, on behalf of the ILC Board, to grant him leave of absence from these Board meetings, due to extenuating personal circumstances.

Mr Martin has confirmed to me that he is now able to carry out his full duties as a Director of ILC and that the reasons that kept him away from the meetings have been resolved. He is extremely appreciative of the opportunity to continue his position on the Board and he will seek advance approval for leave from any future meetings if he is unable to attend.

I would like to thank you for the opportunity to retain Mr Martin as an ILC Director as I truly believe that he has enormous potential as a leader of the future that will inspire emerging generations of Indigenous people who have great ideas, enthusiasm and new skill sets to achieve their goals and aspirations.

Yours sincerely

Eddie Fry

ILC Chair

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Office of the Chairperson  
Level 7, 121 King William Street, Adelaide, SA, 5000  
GPO Box 652, Adelaide, SA, 5001  
Telephone 08 8100 7100 | ABN 59 912 679 254

[www.ilc.gov.au](http://www.ilc.gov.au)



Australian Government  
Indigenous Land Corporation



The ILC GROUP

PEOPLE. LAND. OPPORTUNITY.

31 August 2018

Mr Bruce Martin

Director, Indigenous Land Corporation

21 Kang Kang Rd

Aurukun QLD 4871

Dear Bruce

**Absence from Board meetings of the Indigenous Land Corporation ('ILC')**

As you are aware under subsection 192C(2) of the Aboriginal and Torres Strait Islander Act 2005 (ATSIA Act), the ILC Board may, in writing, grant leave of absence to an ILC Director from a Board meeting.

I am writing to advise you that due to the extenuating personal factors that kept you away from three consecutive ILC Board meetings of 01 February, 21 February and 18 April 2018 without leave, I now grant you leave for these missed meetings. This will enable you to continue your duties as a part-time Director of the ILC Board.

I believe you have enormous potential as a leader of the future that will inspire the emerging generations of young Indigenous people who have great ideas, enthusiasm and new skill sets. These should come to the attention of a wider audience and serve to remind everyone that we need to keep our eyes on the horizon and focus on why we are here and what we are trying to achieve. New thinking and actions will enable us to be much more fluid and flexible in how we work with Indigenous people to help them achieve their goals and aspirations.

I look forward to working with you on our continuing journey with this new thinking and enabling the ILC to make a difference to so many more Indigenous people.

Yours faithfully

Eddie Fry

ILC Chair

Board in confidence

DRAFT

## ILC BOARD MEETING No 228

Wednesday, 12 September 2018

## MINUTES

**ATTENDANCE:**

Mr Edward Fry	Chair
Mr Joseph Elu AO	Deputy Chair
Mr Anthony Ashby	Director
Ms Patricia Crossin	Director
Dr Donna Odegaard AM	Director

**Apologies:**

Mr Bruce Martin	Director
Ms Tanya Hosch	Director

**Not attending:**

Nil

The following attended all or part of the meeting:

Mr John Maher	ILC Group CEO
Ms Tricia Button (telephone)	ILC Group Deputy CEO
Mr David Silcock	ILC Group CFO
Mr Barry Petty (telephone)	Acting ILC Group General Counsel (minute taker)

A copy of the agenda is attached.

The Chair welcomed participants and opened the meeting at 1:30pm AEST.

**1. APOLOGIES AND DECLARATION****1.1 Apologies/Approved Leave of Absence**

Apologies were accepted from Directors Martin and Hosch.

**Exempt under s22  
Irrelevant Material**

**Exempt under s22  
Irrelevant Material**

**Exempt under s22  
Irrelevant Material**

**Exempt under s22  
Irrelevant Material**

There being no further business, the Chair closed the meeting at 3:10pm AEST.

**Mr Edward Fry**  
Chair

---

**From:** Button, Tricia  
**Sent:** Thursday, 27 September 2018 11:10 AM  
**To:** Hayden, Rebecca  
**Subject:** Re: FW: PMC (interim) Feedback - ILC draft 2017-18 annual report [SEC=UNCLASSIFIED]  
**Attachments:** image001.jpg

Agree. Rather not highlight it further. I don't think we should add anything without Bruce's input anyway.

On 27 September 2018 at 11:27:05 am AEST, Hayden, Rebecca <Rebecca.Hayden@ilc.gov.au> wrote:

Hi Tricia

Please see the below for feedback from PM&C re annual report.

Of consequence is the highlighted section re Dir Martin.

I have discussed with Barry and he advised that a notification of these absences was sent to the Minister. He and I agree that the likely best solution is to leave this section unchanged, without an additional comment, noting that we are instructed to 'consider' adding a footnote.

Could you please confirm that you are happy to proceed on this basis? All other changes will be included in the final proof.

Thanks

Rebecca

**From:** Clery, Mark <Mark.Clery@pmc.gov.au>  
**Sent:** Wednesday, 26 September 2018 5:25 PM  
**To:** Hayden, Rebecca <Rebecca.Hayden@ilc.gov.au>  
**Cc:** McFadyen, Denise <Denise.McFadyen@ilc.gov.au>; Taylor, Glen <Glen.Taylor@pmc.gov.au>; Duggan, Sally <Sally.Duggan@pmc.gov.au>  
**Subject:** PMC (interim) Feedback - ILC draft 2017-18 annual report [SEC=UNCLASSIFIED]



## UNCLASSIFIED

Hi Rebecca

Noting your tight printing timeframes please find below additional feedback on content for consideration.

As follow up to the compliance feedback we provided yesterday for the covering pages of the draft ILC report we will provide more detailed feedback within 10 business days.

- The signature block on page V (letter to Minister Scullion from Edward Fry) should read:

o Senator the Hon Nigel Scullion

Minister for Indigenous Affairs

Parliament House

CANBERRA ACT 2600

- Regarding the three ILC Bills that are listed as Acts under the heading Legislative Change (page 3) – As we don't know when the Bills will gain Royal Ascent (it could be later than 2018) these could be referred to as Bills rather than Acts.

- Table 7 Board Meetings - Board Meeting Numbers 214-219 (inclusive) would have taken place in 2017 rather than 2018 as listed.

- Table 7 Board meetings - Mr Martin was absent from 8 Board meetings out of 12 in total, had leave of absence for one meeting, and did not attend 7 (including 3 in succession). ILC may consider adding a footnote explaining the absences.

Our review hasn't involved a full editorial check, we recommend that a full proof read and edit be undertaken prior to the report being sent to the Minister.

We look forward to receiving the final proof of the CLC annual report in due course.

Please feel free to contact me with any questions in the meantime.

Regards

**Mark Clery** | Adviser

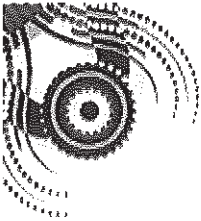
Indigenous Portfolio Bodies | Legal Services Branch

Legal, Employment, Environment and Evaluation Division | Department of the Prime Minister and Cabinet

Ph. 02 6152 3606

e. [mark.clery@pmc.gov.au](mailto:mark.clery@pmc.gov.au) | [www.dpmc.gov.au](http://www.dpmc.gov.au)

GPO Box 6500 CANBERRA ACT 2600



The Department acknowledges the traditional owners of country throughout Australia and their continuing connection to land, sea and community. We pay our respects to them and their cultures and to their elders both past and present.

**From:** Hayden, Rebecca <[Rebecca.Hayden@ilc.gov.au](mailto:Rebecca.Hayden@ilc.gov.au)>  
**Sent:** Friday, 21 September 2018 5:35 PM  
**To:** Clery, Mark <[Mark.Clery@pmc.gov.au](mailto:Mark.Clery@pmc.gov.au)>  
**Cc:** McFadyen, Denise <[Denise.McFadyen@ilc.gov.au](mailto:Denise.McFadyen@ilc.gov.au)>  
**Subject:** ILC Annual Report for compliance check  
**Importance:** High

Hello Mark

Please see the attached for compliance checking. To meet the print and design deadlines for our designers, could I please request a specific review/comment on the front, back and inside covers from a compliance perspective? Our printer would like to commence the printing of these next week (Tuesday 25 Sept) if we could obtain your clearance in advance of this.

Please feel free to get in touch with any queries.

Kind Regards

Rebecca

**Rebecca Hayden** | Manager Policy Program Development | Indigenous Land Corporation  
Adelaide Office | [www.ilc.gov.au](http://www.ilc.gov.au)  
P: 08 8100 7156 Exempt under s47F | E: [Rebecca.Hayden@ilc.gov.au](mailto:Rebecca.Hayden@ilc.gov.au) | Freecall: 1800 818 490  
Personal Privacy

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**From:** Anthony Ashby <anthony@ashbyandco.com.au>  
**Sent:** Friday, 26 October 2018 10:38 AM  
**To:** Eddie Fry (BigPond) <Eddie.fry@bigpond.com>  
**Cc:** Maher, John <John.Maher@ilc.gov.au>  
**Subject:** Senate

Hi Gents,

Just an update, Senator Keneally just grilled the Minister and the department for about 10 minutes about Director Martin's unapproved leave of absence in the annual report and why he was not immediately terminated as per the Act's requirements.

It was very uncomfortable viewing to the Minister and Department scrambling and they stated leave of absence was granted, despite the annual report stating otherwise.

Just a heads up because you both will be getting grilled on this soon.

Kind regards



ASHBY & Co  
CHARTERED  
ACCOUNTANTS

**Anthony**

---

**Mob:** Exempt under s47F Personal Privacy  
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**Post:** PO Box 1200, Castle Hill NSW 1765  
**Street:** Suite 6, 31 Terminus Street Castle Hill NSW 2154  
**Email:** [anthony@ashbyandco.com.au](mailto:anthony@ashbyandco.com.au)  
**Web:** [www.ashbyandco.com.au](http://www.ashbyandco.com.au)

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---

**From:** Button, Tricia  
**Sent:** Friday, 26 October 2018 10:58 AM  
**To:** Petty, Barry; Hayden, Rebecca  
**Subject:** Director Martin's attendance

Morning,

The Minister has been asked at Estimates about Dir Martin's non-attendance at 8 meetings with 7 of those being without leave of absence granted.

The Department alluded to our Annual Report not being correct as the Chair had advised that leave of absence was granted.....

The Minister gave an explanation of cultural and business reasons and remoteness.

It was now taken on notice.

Barry can you please forward me the correspondence between the Minister and Chairman on this matter.

The opposition has raised their concerns with the Minister's compliance with s192H of the act rather than their concern about Bruce's attendance.

We can expect a QoN so we should start crafting something.

Timeline of events in terms of corro with Min will assist.

Naturally Barry we'll need you to QA any QoN response we draft up.

Tricia

**Tricia Button** | Deputy CEO | Indigenous Land Corporation

Brisbane Office | [www.ilc.gov.au](http://www.ilc.gov.au)

P: 07 3854 4685 | M: **Exempt under s47F Personal Privacy** | E: [Tricia.Button@ilc.gov.au](mailto:Tricia.Button@ilc.gov.au) | Freecall: 1800 818 490



Australian Government  
Indigenous Land Corporation



The ILC GROUP

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ILC acknowledges the Traditional Owners of Country throughout Australia and their continuing connection to land, sea and community. We pay our respects to them and their cultures, and to the Elders both past and present.

**From:** [Hayden, Rebecca](#)  
**To:** [Button, Tricia](#); [Petty, Barry](#)  
**Subject:** RE: Director Martin's attendance  
**Date:** Friday, 26 October 2018 11:00:53 AM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)

Hi

My understanding was that the Leave of absence was granted subsequent to the end of financial year; as at EoFY (the reporting period of the APS) the attendance figures were as reported in the APS.

We will 'stand by' for a QoN.

Happy to discuss

R

**From:** Button, Tricia  
**Sent:** Friday, 26 October 2018 10:58 AM  
**To:** Petty, Barry <[barry.petty@ilc.gov.au](mailto:barry.petty@ilc.gov.au)>; Hayden, Rebecca <[Rebecca.Hayden@ilc.gov.au](mailto:Rebecca.Hayden@ilc.gov.au)>  
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**Tricia Button** | Deputy CEO | Indigenous Land Corporation  
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---

**From:** Maher, John  
**Sent:** Friday, 26 October 2018 11:02 AM  
**To:** Button, Tricia; Eddie Fry (BigPond); Anthony Ashby  
**Subject:** RE: Senate

Thank you Tricia.

-----Original Message-----

**From:** Button, Tricia  
**Sent:** Friday, 26 October 2018 11:31 AM  
**To:** Eddie Fry (BigPond) <Eddie.fry@bigpond.com>; Maher, John <John.Maher@ilc.gov.au>; Anthony Ashby <anthony@ashbyandco.com.au>  
**Subject:** RE: Senate

Morning Gentleman,

We will commence immediately a response for the QoN we can expect (as per PM&C's advice that they would refer it to ILC).

A draft response will be provided to Chair and CEO to clear.

We will be able to respond to the Annual Report figures and our actions, Chair's views/actions etc. but will leave the matter of the Minister's obligations under s192H to the Minister.

Naturally will ensure everyone is kept abreast of any further developments.

Tricia

-----Original Message-----

**From:** Eddie Fry <eddie.fry@bigpond.com>  
**Sent:** Friday, 26 October 2018 10:25 AM  
**To:** Maher, John <John.Maher@ilc.gov.au>; Anthony Ashby <anthony@ashbyandco.com.au>  
**Cc:** Button, Tricia <Tricia.Button@ilc.gov.au>  
**Subject:** RE: Senate

Hi Anthony, please note the following.

I dealt with this matter at time of reviewing the Annual Report. Tricia Button is best to facilitate the response.

And for good order and record I have dealt with this matter well before the preparation and printing of the Annual Report.

I will call you to discuss.

Kind regards

Eddie

-----Original Message-----

**From:** Maher, John [mailto:John.Maher@ilc.gov.au]  
**Sent:** Friday, 26 October 2018 10:11 AM



To: Anthony Ashby; Eddie Fry (BigPond)  
Subject: RE: Senate

Thanks Anthony.  
Regards,  
John

From: Anthony Ashby <anthony@ashbyandco.com.au>  
Sent: Friday, 26 October 2018 10:38 AM  
To: Eddie Fry (BigPond) <Eddie.fry@bigpond.com>  
Cc: Maher, John <John.Maher@ilc.gov.au>  
Subject: Senate

Hi Gents,

Just an update, Senator Keneally just grilled the Minister and the department for about 10 minutes about Director Martin's unapproved leave of absence in the annual report and why he was not immediately terminated as per the Act's requirements.

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Just a heads up because you both will be getting grilled on this soon.

Kind regards

[cid:image001.png@01D3ABD6.9C6A7590]

Anthony

.....  
.....  
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Post: PO Box 1200, Castle Hill NSW 1765  
Street: Suite 6, 31 Terminus Street Castle Hill NSW 2154  
Email: anthony@ashbyandco.com.au<mailto:anthony@ashbyandco.com.au>  
Web: www.ashbyandco.com.au<http://www.ashbyandco.com.au/>

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**From:** [Button, Tricia](#)  
**To:** [Petty, Barry](#)  
**Subject:** RE: Director Martin's attendance  
**Date:** Friday, 26 October 2018 11:46:20 AM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)  
[image006.png](#)

Thanks heaps

**From:** Petty, Barry  
**Sent:** Friday, 26 October 2018 11:15 AM  
**To:** Button, Tricia <[Tricia.Button@ilc.gov.au](mailto:Tricia.Button@ilc.gov.au)>  
**Cc:** Hayden, Rebecca <[Rebecca.Hayden@ilc.gov.au](mailto:Rebecca.Hayden@ilc.gov.au)>  
**Subject:** RE: Director Martin's attendance

Hi Tricia,

I am gathering a variety of documents including;

1. all correspondence between the Chair and the Minister on the matter;
2. the ILC Board resolution authorizing the Chair to grant leave of absence under s 192C of the Act; and,
3. minutes from the meeting where Director Martin was absent to see how the absence was recorded.

Once I have seen all of that I will be able to answer usefully, including by providing a timeline.

Regards,

**Barry Petty** | Acting General Counsel | Indigenous Land Corporation  
 Adelaide Office | [www.ilc.gov.au](http://www.ilc.gov.au)  
 P: 08 8100 7162 M: | E: [barry.petty@ilc.gov.au](mailto:barry.petty@ilc.gov.au) | Freecall: 1800 818 490



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**From:** Button, Tricia  
**Sent:** Friday, 26 October 2018 10:58 AM  
**To:** Petty, Barry <[barry.petty@ilc.gov.au](mailto:barry.petty@ilc.gov.au)>; Hayden, Rebecca <[Rebecca.Hayden@ilc.gov.au](mailto:Rebecca.Hayden@ilc.gov.au)>  
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