



Australian Government

Indigenous Land and Sea Corporation



The ILSC GROUP

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17 June 2019

The Hon. Ken Wyatt AM, MP
Minister for Indigenous Australians
Parliament House
CANBERRA ACT 2600

Dear Minister Wyatt

Re: ILSC – Significant Issue advice regarding Voyages and SkyShip

I write in accordance with the obligations on the ILSC under section 19 (1) (d) of the Public Governance, Performance and Accountability Act 2013 (Cth) (**PGPA Act**)

As you are aware, under the PGPA Act, the ILSC as an accountable authority is obliged to give you, as the responsible Minister, notice of any significant issue that may affect the ILSC or any subsidiary of the ILSC.

I write to provide an update to the advice contained in the letter from the ILSC Group CEO Mr John Maher, dated 05 February 2019, to your predecessor regarding SkyShip. The letter concerned the decision of our subsidiary, Voyages Indigenous Tourism Australia Pty Ltd (**Voyages**), to terminate the various arrangements in place for the operation of the SkyShip previously in place at Ayers Rock Resort.

As previously advised, the decision is now the subject of a court hearing in the New South Welsh Supreme Court. The matter was heard during the week of 11 June and has been the subject of press coverage in the Fairfax Media. My apologies for not advising of this before the matter was published in the press.

Enclosed is a briefing providing detailed advice in relation to this matter.

At this time it has been thought better to refrain from providing any further commentary on the matter until a decision is handed down.

I shall keep you apprised of matters as they develop.

Yours sincerely

Eddie Fry
ILSC Chair



Briefing to the Hon Ken Wyatt AM MP, Minister for Indigenous Australians

Re: Ayers Rock Skyship

Background

- In 1 October 2015, Voyages Indigenous Tourism Australia Pty Ltd (Voyages) entered into three interrelated agreements with Ayers Rock SkyShip Pty Ltd (ARS), being an Operator Agreement and two leases, in contemplation of ARS operating an attraction near Yulara known as 'Skyship Uluru' <https://www.skyship.com.au>.
- In the period from July 2016 to August 2018, ARS constructed an attraction upon the main lease site comprising a tethered 'blimp' style helium balloon, an attached gondola for the accommodation of passengers and associated infrastructure (SkyShip).
- The balloon was inflated in February 2018 and operations commenced in August/September 2018 after ARS received CASA approval for commercial flights.

Incident

- On 8 October 2018, as the result of high winds associated with a storm, the Skyship sustained extensive damage including the destruction of its helium balloon.
- The damage sustained rendered the Skyship inoperable and it has remained inoperable at all times since 8 October 2018.
- When the SkyShip is not in flight, it remains inflated and is moored to a rotating platform. The platform is manufactured so that the SkyShip can be automatically turned and the SkyShip pointed into the wind at all times (Automated Turning System). The mooring into wind is critical to the integrity of the SkyShip's envelope, which is intolerant to high crosswinds. Unknown to Voyages until 10 October 2018, the Automated Turning System was not working and instead was being manually monitored and rotated by ARS
- The storm conditions of 8 October presented safety risks to personnel responsible for the manual operation of the rotating platform. As such, there was no operator present when the storm hit, preventing manual rotation.
- At approximately 5pm local time, a significant change in wind direction subjected the Skyship to cross-wind from the rear-left side, destroying the helium balloon.

Chronology of recent events

- Given the serious operational, safety and performance concerns raised by, and following, the Incident, ARS's contractual compliance was reviewed; it was determined that Voyages had cause to terminate the various agreements. After exploring reasonable alternatives for a negotiated surrender of the arrangement and with the

advice of Allan Myers QC, Voyages served breach notices on ARS under all three agreements on 24 December 2018.

- ARS's breaches were not rectified and on 29 January 2019 the Voyages Board resolved to serve formal termination notices on ARS and bring to an end the Operator Agreement and related leases.
- Termination notices were served on 1 February 2019.
- On 22 February 2019, Voyages was served with a summons returnable in the Equity Division of the Real Property List of the Supreme Court of New South Wales under which ARS challenged the valid termination of the agreements and sought reinstatement of all three agreements on an expedited basis.
- After some Directions, the matter was set down for a final Hearing on Tuesday 11 June 2019 to Thursday 13 June 2019 before Justice Darke with Allan Myers AC QC and Sam Duggan appearing for Voyages and Gregory Sirtes SC and Aaron Cornish appearing for ARS.
- An informal settlement conference was held on 31 May 2019 between the parties with Counsel present but no agreement could be reached.

Current Position

Legal proceedings

- The Hearing commenced on Tuesday 11 June 2019 and concluded on the afternoon of Wednesday 12 June 2019.
- Justice Darke reserved his judgement. Given the expedited nature of proceedings, it is hoped that a decision will be handed down in the next 4 - 8 weeks.

Media coverage

- A journalist from Fairfax, Carrie Fellner, attended the Hearing and on 14 June 2019 and sought comment from Voyages on the matter. Comment was declined and the following media statement was provided:
"Pending receipt of judgment from the Supreme Court of NSW, it is not appropriate for Voyages Indigenous Tourism Australia to make comment in relation to the matter."
- On 15 June 2019, a news article on the matter appeared in The Sydney Morning Herald and The Age. On the same day, a media enquiry was received from ABC Alice Springs and the same media statement issued.
- On 16-17 June 2019 ABC News radio reported on the matter; syndicated in all capital cities.



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12 June 2019

The Hon. Ken Wyatt AM, MP
Minister for Indigenous Australians
Parliament House
CANBERRA ACT 2600

Dear Minister Wyatt

I congratulate you on the recent Federal Election result and your appointment as Minister for Indigenous Australians.

On behalf of the Indigenous Land Corporation (ILSC) Board, and in accordance with section 19 of the *Public Governance, Performance and Accountability Act 2014*, I am writing to inform you of significant decisions taken by the Board at meetings in March and April 2019.

ILSC Board Meetings March and April 2019

Board Meeting 28 March 2019

The ILSC Board met in this out of session meeting subsequent to the announced changes to the ILSC Board. The decision by Minister Scullion to not extend the appointments of Directors Ashby and Hosch was conveyed along with the appointment of two new directors, Directors Daniel Tucker and Roy Ah-See.

As a consequence the position of directorships of subsidiary entities needed to be considered.

Board Meeting 17 April 2019

A presentation from the CEO and the Executive team of NCIE on the possible future direction of the NCIE was both thought provoking and well received by the Board.

The Board also received a report from Mr John Egan following his review of Group Remuneration. The Board endorsed the proposed Group Remuneration Policy.

Board Meeting 29 April 2019

The Board also met out of session to deal with certain consequential matters arising from the decision of Mr John Maher to resign as Group Chief Executive Officer. The Board – after much deliberation, accepted his resignation effective from August and appointed Mr Leo Bator in to the role in an acting capacity from Mr Maher's departure. In the interim, Mr Bator will also be filling in as Acting Group CEO while Mr Maher is on any leave before his contract terminates.

If there are any matters you wish to discuss or further clarified, please do not hesitate to contact me.

Yours faithfully

A handwritten signature in cursive script, reading "Eddie Fry". The signature is written in a dark ink and is positioned above the printed name.

Eddie Fry
ILSC Chair



Australian Government
Indigenous Land and Sea Corporation



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13 June 2019

The Hon Ken Wyatt AM, MP
Minister for Indigenous Australians
Parliament House
CANBERRA ACT 2600

Dear Minister Wyatt

Re: ILSC lease with National Congress of Australia's First Peoples.

On behalf of the ILSC Board, I would like to express our disappointment to see that an organisation undertaking great works for Indigenous peoples is having to cease its operations.

Please find enclosed with this letter a briefing providing detailed advice in relation to the lease between the Indigenous Land and Sea Corporation and the National Congress of Australia's First Peoples (NCAFP) over the Black Theatre Building, Redfern.

While saddened to hear of the Congress going into Administration, I provide the attached to highlight the assistance provided and offered to Congress by the ILSC (and IBA).

I hope you find this helpful, please do not hesitate to make contact if additional information is required.

Yours sincerely

Eddie Fry
ILSC Chair

Enclosed : Briefing ILSC and NCAFP

Office of the Chairperson

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Briefing to the Hon Ken Wyatt AM MP, Minister for Indigenous Australians

Re: National Congress of Australia's First Peoples (Congress)

Congress Tenancy at the Black Theatre site, Redfern, Sydney

- The ILSC entered into a four-year commercial lease over Level 1 of the Black Theatre Building with the National Congress of Australia's First Peoples (Congress) in September 2010. The lease terms provided for a holding-over provision until 30 April 2017.
- The ILSC provided Congress with free rent from December 2016 to end April 2017 to total value of \$69,042 to assist in its transition out of the tenancy.
- Congress occupied a floor plate of 495.8sqm. The ILSC levied a lease fee of \$334.21 per sqm = total lease per annum of \$165,701.
- In addition, tenancy costs included common area outgoings charged at \$99.13 per sqm = \$49,148 per annum.
- Sydney market rents were estimated at the time to be \$674/m² for B Grade commercial property; \$770/m² for A Grade commercial property; and \$1,024/m² for premium commercial property.
- The BTB tenancy was classed as B grade. Under these assumptions, the rent charged to Congress by the ILSC was equivalent to 49.5% of the commercial rate.

ILSC Assistance to Congress

- The total value of the formal assistance package offered to National Congress in relation to winding up its tenancy of the Black Theatre Site Building in Redfern is estimated at \$133,000.
- In addition to this package, the ILSC agreed to waive the make good provisions of the lease, estimated by external contractors to amount to a \$100,000 saving to National Congress.
- On 12 May 2017, the ILSC wrote to the National Congress of Australia's First Peoples (Congress), offering ILSC assistance for Congress to relocate to Canberra. The ILSC's offer comprised the following:
 1. Rent abatement from December 1 2017, valued at approximately \$69,000
 2. Waiver of outstanding outgoings invoices, valued at \$9,000
 3. Relocation costs to the maximum value of \$10,000
 4. Contribution to minor fit out requirements at 5 Lancaster Place, Canberra, to a maximum of \$5,000 (noting that furniture fit out was to be relocated as per item D)
 5. Twelve months rental assistance to support Congress to take up occupancy at its preferred location of 5 Lancaster Place, Canberra, to a maximum of \$40,000.
 6. Waiver of make good provisions under the terms of the lease. The offer extended to Congress removing all removable items (workstations, desks, petitions and furniture) but not incurring costs associated with a commercial strip back to original state of the premises.

- ILSC officers conducted an 'outgoing tenancy inspection' on 16 May 2017, revealing that Congress had in fact 'made good' the tenancy despite ILSC advice that this was not required. The inspection further identified wall, doors, floors and ceiling damages associated with the make good to a repair value of \$13,380.
- In the process of vacating the tenancy, Congress twice triggered fire alarms in the Black Theatre Site Building necessitating Fire Service attendance. The associated call out charges, to a value of \$3,200 (ex GST) were incurred by the ILSC.
- Following the vacation of the premises, 28 June 2017 the ILSC again wrote to Congress re-stating the previous offer to assist Congress to relocate to Canberra. This second letter advised that the ILSC would deduct the costs associated with Congress finalising their tenancy (damages and Fire services)– to a total value of \$16,580 (ex GST)

Potential Divestment of Black Theatre building

- The Black Theatre site was transferred to the ILSC from the Aboriginal and Torres Strait Islander Commission (ATSIC) by Ministerial Declaration on 24 March 2005.
- Following community consultation on any future use, significant support was received for two key objectives: (i) that Gadigal Information Services (Gadigal) was to be accommodated in any future building; and (ii) that local Indigenous business and people were supported through the use of the building.
- In 2007, the ILSC invested \$7.5 million to redevelop the site and construct the multi level (three floors) Black Theatre Building.
- Gadigal was accommodated immediately in Level 2.
- Following several unsuccessful attempts between 2007 and 2010 to identify an Indigenous lessee on commercial terms for the Ground Floor and Level 1, the ILSC entered into a four-year commercial lease for Level 1 with the National Congress of Australia's First Peoples (National Congress) on 2 September 2010.
- It was always the ILSC's intention during this period to seek a return on the investment costs associated with the construction. As such, commercial tenants were sought for the Ground Floor and Level 1.
- National Congress was always regarded as commercial tenant and not a future land owner.
- The lease ended on 3 September 2014 and has operated since under a holding-over provision in the lease.
- To progress the divestment strategy for the Ground Floor and Level 1, at its June 2016 Board Meeting, the ILSC Board endorsed a recommendation for the ILSC to seek Expressions of Interest (EoI) submissions from Indigenous corporations that have the capacity to use and manage the properties to generate benefits for Indigenous people, including members of the local Redfern Indigenous community, with a view to becoming the future land owner.
- Notifications seeking EoIs were placed in the Koori Mail and the Central Courier on 24 August 2016 and invitations were sent directly to organisations that had previously shown an interest in the property. The closing date for initial receipt of the EoIs was 9 September 2016.
- Eight organisations submitted an EoI. At that time, two organisations were advised by the ILSC that their proposals did not satisfy ILC's criteria of (i) being Indigenous controlled; and (ii) aspiring to be a landowner.
- On 19 September 2016, the ILSC invited the remaining six organisations to submit more detailed proposals.
- During the EoI process, National Congress was both invited to submit a tender and, after missing the initial deadline, given an extension of time to submit a proposal. Despite these opportunities, National Congress did not submit an EoI.



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30 July 2019

The Hon Ken Wyatt MP
Minister for Indigenous Australians
Parliament House
CANBERRA ACT 2600

Dear Minister Wyatt

Re: National Indigenous Land and Sea Strategy 2019-2022

On behalf of the Indigenous Land and Sea Corporation (ILSC) Board, I am pleased to present to you the *National Indigenous Land and Sea Strategy 2019-2022* (NILSS).

This is the first time that our key strategy document addresses our expanded remit to reconnect water-based activities as a continuous and enduring feature of the Indigenous Estate.

As the ILSC's key policy document it has been revised in accordance with section 191N of the ATSI Act and as prescribed by the *Aboriginal and Torres Strait Islander Amendment (Indigenous Land Corporation) Act 2018* to capture the following:

- sets out the strategic direction of the ILSC Board and encompasses the views and aspirations of Indigenous landholders, corporations and other key stakeholders that were engaged in the development of the strategy through face-to-face consultations and a submission process;
- formal endorsement of the ILSC Board on 24 July 2019; and
- Section 191N(6) of the *Aboriginal and Torres Strait Islander Act 2005* (ATSI Act) requires that it be presented to yourself as the Minister to “*cause a copy of the national indigenous land and sea strategy or any changes to the national indigenous land and sea strategy to be presented to each House of the Parliament within 15 sitting days of that House after the Minister has received the document.*”

Should you or any of your staff have any queries please contact Mr John Maher, ILSC Group CEO at john.maher@ilsc.gov.au.

Yours sincerely

Eddie Fry
ILSC Chair

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NATIONAL INDIGENOUS LAND AND SEA STRATEGY

2019-2022



Message from the Chair

Welcome to the Indigenous Land and Sea Corporation's *National Indigenous Land and Sea Strategy* – or NILSS. Legislative changes have resulted in the ILC becoming the ILSC – with an extended remit to acquire and divest rights and interests in water as well as land. Together we are entering an exciting new period and this is reflected in this NILSS.

NILSS is the ILSC's guiding document, setting out our strategic direction for the next five years. It provides a high level guide to our stakeholders and staff on how we can achieve economic, social, environmental and cultural benefits for Indigenous Australians.

This NILSS reaffirms the ILSC's vision of becoming your trusted partner in developing the Indigenous Estate. We will continue to do this by:

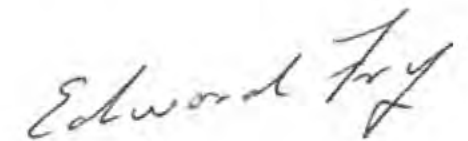
- Acquiring and divesting land and water interests to Indigenous Corporations;
- Supporting you to strengthen culture through reconnection with country;
- Building capacity and capability of Indigenous Corporations for you to sustainably manage and protect country; and
- Partner with Indigenous Corporations to drive and influence opportunities for your country

NILSS (and its associated Regional Indigenous land and Sea Strategies or RILSS) have been prepared with your input. On behalf of the ILSC Board, I thank all of you who made the time to participate in consultation sessions on this important document – your insights have informed the development of this strategy.

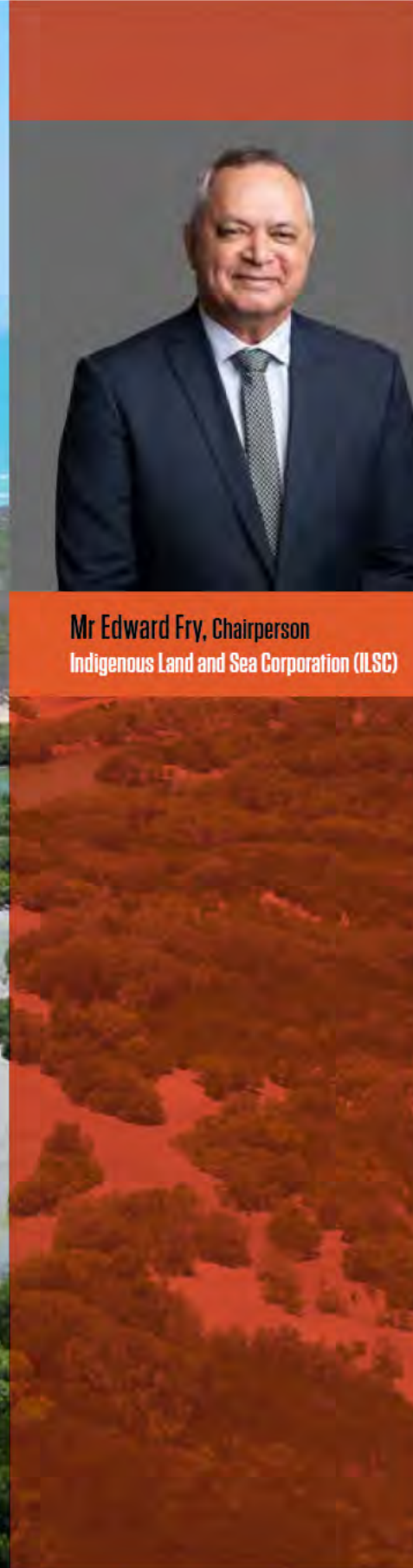
We will continue to work with you to develop your aspirations and opportunities in relation to land and water-based activities. This will inform our strategy and policy in the forward years – ensuring that your aspirations are reflected.

We look forward to working with you.

Eddie Fry, ILSC Chair




Mr Edward Fry, Chairperson
Indigenous Land and Sea Corporation (ILSC)





Introduction

THE ILSC

The Indigenous Land and Sea Corporation (ILSC) is an independent statutory authority established under the *Aboriginal and Torres Strait Islander Act 2005* (the ATSI Act) to assist Indigenous people to acquire and manage interests in land and waters to achieve economic, environmental, social or cultural benefits. The ILSC has two purposes, as set out in the ATSI Act:

- to assist Indigenous Australians to acquire land and water-related rights
- to assist in the management of Indigenous-held land and waters, however acquired.

This makes the ILSC an important institution in helping to define, enhance, and grow the Indigenous Estate.

The Indigenous Estate holds the key to successful economic development for all Indigenous Australians.

Its significant tangible and intangible assets — not just land and waters, but people and the knowledge and intellectual property flowing from the heritage of Indigenous Australians — must be used for the benefit of all Indigenous Australians.

The Indigenous Estate is the focus of the ILSC's efforts.

ILSC ACHIEVEMENTS

Since it was established in 1995, the ILSC has been successful in achieving benefits for Indigenous Australians, through its land acquisition and land management functions (now land and waters functions) and through the operations of its three subsidiaries: Voyages Indigenous Tourism Australia (Voyages), the Australian Indigenous Agribusiness Company Pty Ltd (AIA) and the National Centre of Indigenous Excellence (NCIE).

The ILSC and its three subsidiary companies form the ILSC Group.

LEGISLATIVE REFORM

After receiving independent expert advice on options to improve the sustainability and growth of the Aboriginal and Torres Strait Islander Land Account (Land Account), significant consultations were undertaken across Australia on two key reforms to the ILSC's legislation, the ATSI Act:

- To help secure the sustainability of the Land Account by handing its management to the Future Fund and broadening its investment mandate; and
- Extending the remit of the ILSC to include water.

Responses to the proposed reforms were overwhelmingly supportive, and a package of three Bills relating to the functions and funding of the ILSC were enacted in November 2018, and came into effect 1 February 2019.

These changes, outlined below, are the driver for the development of this document.

The package comprised the:

- Aboriginal and Torres Strait Islander Land and Sea Future Fund Bill 2018
- Aboriginal and Torres Strait Islander Land and Sea Future Fund (Consequential Amendments) Bill 2018
- Aboriginal and Torres Strait Islander Amendment (Indigenous Land Corporation) Bill 2018

and enacted the following key changes:

- Changes the name of the Indigenous Land Corporation to the Indigenous **Land and Sea** Corporation.
- Extends the ILSC's functions to include acquisition and management activities in relation to Indigenous waters, and water-related rights and interests.
- Transfers the Aboriginal and Torres Strait Islander Land Account into a (newly established) Aboriginal and Torres Strait Islander Land and Sea Future Fund (ATSILSFF) under the management of the Future Fund Board of Guardians.
- The ATSILSFF subject to an investment mandate determined by the Minister for Finance with consultation with the Minister for Indigenous Australians and having regard to the views of the ILSC Board.

About the NILSS

The National Indigenous Land and Sea Strategy (NILSS) is a requirement under the ATSI Act and is the ILSC's key policy document. This is the ILSC's first national strategy to include waters (the 'sea' in the strategy).

The directions laid out in the NILSS inform other key documents, including our annual Corporate Plan. It sets out how the ILSC will perform its acquisition and management functions over the next three-to-five years, in order to meet the ILSC's statutory obligation to provide benefits for Indigenous Australians.

The NILSS is tabled in Parliament and published. The ILSC must revise it from time to time, and be guided by it in performing its functions.

Under the ATSI Act, the plan must deal with 'the acquisition of interests in land, and water-related rights, for the purpose of making grants of those interests and rights to Aboriginal and Torres Strait Islander corporations', as well as 'management issues' and 'environmental issues' relating to Indigenous-held land and Indigenous waters.

This NILSS presents the ILSC's priority focus areas, program delivery mechanisms and renewed commitment to building enduring stakeholder relationships as a framework for helping Indigenous people enjoy opportunities and benefits that the return of country and its management brings.



- We buy and divest land and water-related rights to Indigenous people
- We support Indigenous people to preserve and protect culture through connection to country
- We build the capacity and capability of Indigenous people to sustainably manage and protect country
- We partner with Indigenous people to drive and influence opportunities for their country

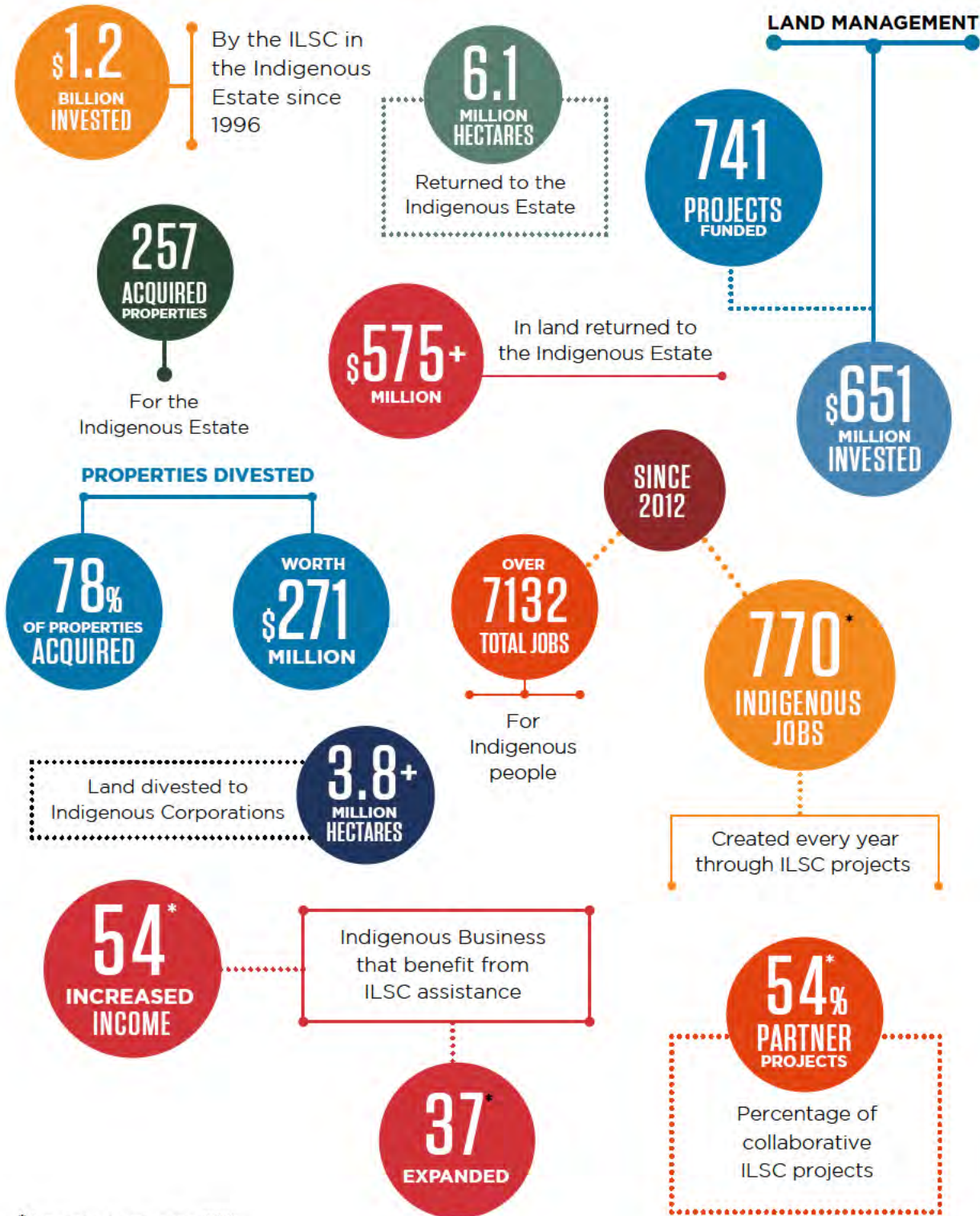


- We invest in projects:** providing funding associated with buying, divesting, managing and/or developing land/water interests and/or foundation projects (such as infrastructure, plant and equipment, feasibility assessment planning activities)
- We provide advice and capability support:** Supporting Indigenous landholders with access to information, training, knowledge and systems to support sustainable management of country and delivery of benefits
- We connect Indigenous landowners:** build and broker relationships with markets, opportunities, partnerships through facilitation, advocacy and negotiation



Indigenous people enjoy opportunities and benefits that the return of country, and its management brings

ILSC: by the Numbers 2019



*Average, per year since 2012

Strategy at a Glance

OUR PURPOSE:

To return **land, fresh water and salt water country** to Indigenous people, and enable sustainable management of country for social, cultural, economic and environmental benefits.

OUR VISION:

Indigenous people enjoy opportunities and benefits that the return of country, and its management brings.

OUR VALUES:

Responsibility | Respect | Courage | Teamwork | Trust

OUR ROLE:

- We acquire and divest land and water-related rights to Indigenous people.
- We support Indigenous people to preserve and protect culture through reconnection with country.
- We build the capacity and capability of Indigenous people to sustainably manage and protect country.
- We partner with Indigenous people to drive and influence opportunities for their country.

STRATEGIC PILLARS:

- **Increasing our Return on Mandate** - increasing our performance against the acquisition and management of land and water-related interests for maximum social, cultural, economic and environmental returns for Indigenous people.
- **Increasing our Investment against Mandate** - increasing actual dollars spent on our core mandate.
- **Focussing on our clients and sector relationships** - being more relevant and responsive to the land and water opportunities for our clients, being a partner not a competitor to our clients, and positioning Indigenous land holders in markets.
- **Continuous business improvement and alignment** - investing in our people and systems in the pursuit of a high-performing, efficient and accountable organisation.

Future directions

THE ILSC'S VISION IS THAT:

Indigenous people enjoy opportunities and benefits that the return of country and its management brings.

In 2015 the ILSC Board commenced an ambitious change agenda driven by a strategic intent to: create a stronger value proposition, legitimacy and support for key constituencies; position the ILSC to invest in the future; develop the ILSC as a high performing and more commercial entity; take advantage of current and emerging market opportunities; and build the structure, capability and culture of the ILSC to drive strategic intent.

In pursuing this strategic intent, the ILSC remains focussed on a four-pronged strategy to bring about immediate and long-term changes for the ILSC, its staff, clients and partners.

THESE STRATEGIC PILLARS ARE:

- **Increasing our Return on Mandate** – increasing our performance against the acquisition and management of land and water-related interests for maximum social, cultural, economic and environmental returns for Indigenous people.
- **Increasing our Investment against Mandate** – increasing actual dollars spent on our core mandate.
- **Focussing on our clients and sector relationships** – being more relevant and responsive to the land and water opportunities for our clients, being a partner not a competitor to our clients, and positioning Indigenous land holders in markets.
- **Continuous business improvement and alignment** – investing in our people and systems in the pursuit of a high-performing, efficient and accountable organisation.

These strategic pillars have been well received by clients and partners, with positive feedback suggesting they are welcomed, and critical to a relevant and thriving ILSC into the future. They continue to form the basis of the ongoing work of the ILSC, including consultation on the NILSS.

PURSuing DEDICATED INDUSTRY STRATEGIES

To help achieve greater outcomes for Indigenous people and to grow the Indigenous Estate, the ILSC has identified – and is working in – key sectors of the economy that present opportunities for Indigenous Australians or where Indigenous land holders may have a competitive advantage. They include both existing and emerging markets.

The expansion of our remit into water, opens up new opportunities for Indigenous people in these focus areas. Opportunities we've understood from discussions with groups and which through partnerships create new Indigenous benefits.

Over the period of this NILSS, the ILSC will continue to work towards making the most of opportunities in these sectors to drive Indigenous wealth creation and employment, asset development and the protection and management of environmental and cultural values.



Conservation/Healthy Country

Cultural and environmental protection and the development of enterprises based on the delivery of eco-system services. The ILSC will continue its current work in carbon farming and will keep a watching brief on emerging opportunities in the carbon space, including other carbon farming opportunities outside northern Australia, and the emergence of blue carbon crediting approaches that could be undertaken by Indigenous sea country managers. Potential uses of Indigenous-held land and water include generation of renewable energies, given the utility of renewable energy in remote, off-grid Indigenous communities and the national commitment to transition to cleaner energy sources. There is also the potential to assist Indigenous groups to manage the impacts of climate change on their country, including sea country.

Our expanded remit will allow us to support the valuable environment and conservation efforts of Indigenous people in salt and fresh water including protection of endangered species, restocking efforts, protection of cultural water ways and sites, rehabilitation of rivers wetlands and estuaries. With the health and security of our water ways such a national topic there are significant opportunities for the application of cultural and environmental knowledge and practices of Indigenous people

Urban Investment

To bring some geographical balance to its investments, and acknowledge where the majority of the Indigenous population lives, the ILSC is also pursuing more strategic acquisitions in urban areas or providing management support to develop enhanced commercial or social uses for existing Indigenous urban assets.



Agribusiness

Having pursued opportunities in agribusiness for a number of years, the ILSC has been shifting its focus in this industry. A set of Investment and Operating Principles agreed by the Board in 2018 will see the ILSC seeking to open opportunities in more diverse agribusiness sectors and in southern Australia. This includes a shift from operating businesses to being an equity partner or otherwise facilitating commercial arrangements—for example, joint ventures involving Indigenous groups, proven operators and/or other investors.

We have heard from clients the aspirations and opportunities afoot in aquaculture and specifically fish and plants, whether farmed/wild harvested or caught.

Image: Visit Victoria/Robert Blackburn



Tourism

Through the ILSC Group's existing operations at Ayers Rock Resort, Mossman Gorge and Home Valley Station, as well as through development of land-based tourism enterprises across the Indigenous Estate. With the addition of water to the ILSC's remit comes further opportunities to develop Indigenous tourism ventures in both salt and freshwater country.

The expansion into water, presents further opportunities in cultural and eco tourism that the ILSC can now support groups to pursue. Opportunities where they have a market advantage driven by cultural and environmental knowledge and practices, and where there is a growing demand for authentic cultural experiences beyond land.

Image: Tourism NT/James Fisher



Niche Indigenous products

Emerging industries based on Australian flora and fauna (including introduced feral animals such as camels and goats), building on traditional cultural knowledge and connections to country and exploiting a growing consumer interest in these products. For example, the ILSC has been instrumental in forming the Northern Australian Aboriginal Kakadu Plum Alliance representing eight land-holder groups. The alliance is seeking to develop an Indigenous-controlled supply chain to support Kakadu plum (Gubinge) harvesting and processing businesses in communities across northern Australia.

Given its high quantities of Vitamin C, the fruit, which grows predominately on Indigenous-held land from the Kimberley to Arnhem Land, has existing and potential uses across industry sectors, from food to pharmaceuticals. The expansion into water presents tremendous opportunities in fishing and seafood including pippies, mud crab, cray fish etc. The ILSC has now, and will continue to work with groups in securing rights to fish traditional fish and seafood and associated quotas for commercial benefits.

Water-based activities

The extension to the ILSC's remit enables ILSC investment in previously unexplored opportunities across all five of these focus areas, alongside, and separate to land-based opportunities. Consultation with stakeholders in the development of this first NILSS identified a broad spectrum of aspiration, interest and readiness to seize these diverse opportunities across Indigenous groups, informed by the contexts of their traditional country.



While there are immediate opportunities, the ILSC will take a strategic but considered approach to building the water-based assets and returns for Indigenous people. Water tenure, management and security is complex and never more topical than at present. The ILSC will look at opportunities such as those set out above, but will as part of its longer term strategic planning, consider how the Indigenous Estate can be positioned to tackle market barriers and open up benefits and opportunities for Indigenous people. Consultation identified the following specific barriers:

- Complex Commonwealth, state and territory legislative frameworks
- Exclusionary industry practices
- Prohibitive costs of market entry
- Blockages in accessing capability resources and supply chain management.

Consultations also identified a spectrum of roles for the ILSC to take to leverage the potential cultural, social, environmental and economic values of fresh and saltwater country. Specifically, participants noted value in the ILSC taking a role as an advocate, partner and broker of sector and industry partnerships as well as a facilitator of networks and ally in enabling equitable access to 'closed' or protected market opportunities.

The ILSC's strategic approach to these roles will be further developed with expert Indigenous and industry partners.

Over the timeframe of this NILSS, the ILSC will look to specialised capability and strategy development investment, particularly in relation to regulated waterways and the opportunities presented by fresh-water country. Similarly, the ILSC will look to international examples in the marine sector. Internationally, collective approaches to establishing, developing and building market share have generated significant benefits through Indigenous rights over commercial wild harvest and aquaculture ventures.

The ILSC will also invest in its own capability in the water space, seeking to engage experts and learn from the expertise of other agencies and commercial operators. As in the context of land-based operations, the ILSC will commit to partnerships and promoting Indigenous interests through its management activities, rather than acting as a possible competitor.



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Relationships

The ILSC remains committed to building productive relationships with Indigenous leaders, organisations, communities and individuals, as well as with other parties across the government, business and community sectors. The ILSC will work with Indigenous land holders to build capacity, networks and strategic alliances to pursue opportunities in new and emerging markets at different points along the supply chain. This will be done across industries and across both land and water-based activities.

The ILSC will develop a refreshed Communications Strategy, continuing to expand its social media presence, and developing client collateral which clearly sets out the ILSC's strategy, performance and product offerings. Communications will continue to pursue positive media stories on achievements of the Indigenous Estate, namely the hard work and successes of Indigenous land holders. The ILSC seeks to champion the achievements of its Indigenous partners and the contributions of the Indigenous Estate to the national economy, environment and cultural landscape.

The ILSC has formalised its commitment to its Indigenous partners through the development of a Customer Charter. Based on stakeholder feedback, the Customer Charter articulates the ILSC's service targets and what stakeholders can expect when engaging with the ILSC. The charter also sets out the ILSC's formal complaints process and provide mechanisms for resolving customer concerns.

Alliances are being pursued at four levels:

1. **Networks:** Connecting the ILSC to interests in the wider Indigenous Estate.
2. **Communities of practice:** Connecting Indigenous groups with shared interests and experiences within and across industries. This is particularly relevant in the context of the ILSC's new role in water, but is also relevant across the spectrum of activities that the ILSC can support.
3. **Partnerships:** Cooperation and collaboration between the ILSC and Indigenous groups on key projects and activities.
4. **Strategic alliances:** Formal arrangements involving the ILSC, key Indigenous land and water holding bodies, industry partners and/or government partners.



MECHANISMS

Launched in 2015, the 'Our Land Our Future' (OLOF) funding program is the current mechanism used by the ILSC to identify, investigate, support, implement and monitor the delivery of the ILSC's core functions. Currently being refreshed (in alignment with continuous quality improvement processes and in line with the ILSC's expanded role in relation to water-based activities) the program adopts a tailored grant and investment model, adhering to the following Principles:

- **Demand driven** - responsive to the needs of Aboriginal and Torres Strait Islander peoples and corporations for the return and management of country; and supporting stakeholder aspirations.
- **Outcomes focussed** - All investment decisions based on maximising expected project outcomes, using a comparative assessment model with transparent decision making processes.
- **Prioritising the client experience of proponent groups** - Driven by a clear service charter, established roles and a distribution of responsibilities for project progress between the ILSC and proponent groups.
- **Maximising impact** through a diverse portfolio of investment types:
 - New vs existing projects/investments
 - Types of outcomes achieved
 - Equitable geographic distribution of ILSC funds
- **Respecting investment source** - ensuring that we learn from previous investment legacies and continue to protect the compensation and perpetual nature of our investment funds.
- **Compliance with the legislation** - adopting a cautious and considered approach to new investment ideas until fully tested for compliance of new legislation (specifically applied to water-based investments).

FOUNDATIONAL SERVICES FOR SERVICE DELIVERY

Indigenous corporations want the ILSC to become a more effective and influential partner in the economic development of Indigenous Australia. The reform of key ILSC business processes and services to meet this aspiration has commenced and will continue over the period of this NILSS.

The reformed processes will see the ILSC continue to become more customer focussed, efficient and strategic in its investment approach, ensuring the highest possible return to Indigenous Australians—economic, environmental, social and cultural.

IMPROVING PERFORMANCE MONITORING AND REPORTING

The ILSC is focussed on achieving outcomes for Indigenous Australians. It will establish new measures of success to ensure it is able to track its progress. This will involve adjustments to internal systems to improve data capture and reporting. We are currently moving from an outputs measurement approach to an outcomes and impact approach.

Through a methodology of 'theory of change', the ILSC is pursuing a performance framework which better measures and reports on the impact of our work for Indigenous people. This is timely as we extend our remit to water-based activities, allowing the ILSC to better define and evaluate opportunities, change and impact generated through our broader investments.

As a Corporate Commonwealth Entity, the ILSC sets out its targets in the Portfolio Budget Statements (May each year) and reports on its achievements through the Annual Performance Statement, part of the Annual Report (October each year). Over this NILSS period, the ILSC will revise its targets to reflect our broader scope and ensure we better measure what matters in demonstrating outcomes for Indigenous Australians.

DIGITAL TRANSFORMATION

The ILSC is undertaking a Digital Transformation program, leveraging contemporary technologies and information management practices to generate efficiencies and deliver improved customer services. Aligned with the ILSC's vision and goals, the program includes:

- transition to a digital workplace to better protect and harness the ILSC's information assets through enhanced cyber security and data analytics capability.
- realigning the ILSC's Program Delivery processes and systems.
- progressing the development of its Indigenous Estate Mapping Systems.

Driven by the ILSC Board's Information Assets Mandate, the program will develop the ILSC's information management processes, capability and platforms as a foundation to then innovatively use the organisation's Information Assets to create even greater value for Indigenous People.

REPOSITIONING THE ILSC'S PROGRAM DELIVERY MECHANISM

As noted, the ILSC's key program delivery mechanism, Our Land Our Future, is being refreshed.

As part of its reform strategy, the ILSC is striving to continually build a more client-focussed delivery model that is efficient, transparent and responsive to the needs of Indigenous people.

The ILSC is approaching this element of its reform agenda with a priority focus on:

- The development of client focussed, clear program guidelines that align with the newly developed program logic outcome statements.
- The upgrade of systems to better support the delivery model, both for staff and clients.
- The expanded remit into include fresh and saltwater activities.
- An improved equitable geographic investment for OLOF projects to enhance equity of ILSC investment across the population of Aboriginal and Torres Strait Islander peoples.
- Development of a 'return on mandate' (RoM) methodology placing financial proxies on the acquisition and management of land and water-related rights and interests and the social, cultural, environmental and economic benefits that flow. The RoM methodology will provide a tool for the ILSC to make commercial decisions on its investment (value for money) and enable the ILSC to place a commercial value on its outcomes and the impacts of its investments.
- The establishment of an Investments Committee to provide independent commercial expertise and analysis to major ILSC investment decisions.
- Adoption of Investment Principles that support ILSC investment which is demand driven, outcomes focussed, yields maximum impact, respects the source of funding's intent, and is compliant with our legislation.

Long Term Vision for Impact

The continued efforts to modernise and position the ILSC for the benefit of future generations remains at the heart of this Strategy. Along with bedding down our current strategic intent and pillars, the ILSC Board believes the current Indigenous Affairs environment lends itself to a longer-term vision. A vision beyond the 10 year horizon, and one which sets up the Indigenous Estate as a source of cultural identity and pride, social capital, wealth and prosperity for Indigenous Australians. A vision where the Indigenous Estate is an influential contributor to the broader social and economic future of this nation. During the period of this plan the ILSC Board will, informed by research and innovation and continuing dialogue with our stakeholders, embark on the development of a vision beyond 2030. This long-term vision will inform refreshed and future NILSS.

CONSULTATION AND NEXT STEPS

The ILSC consulted on this NILSS during April and May 2019 – a relatively short period, but given the tight timeframes for the development of the NILSS, necessary. The ILSC appreciates the input of stakeholders to formulate this strategy and thanks those that contributed for their considered and detailed input. The ILSC acknowledges this short timeframe has begun a conversation with Aboriginal and Torres Strait Islander peoples about their aspirations for their water country.

We acknowledge that many groups have long histories caring for and being supported by water country and that with this, they have deep expertise in both traditional management of this asset, resource and responsibility and insight into what benefits ongoing and new ways of managing water country can offer.

In recognising this, the ILSC commits to continuing this conversation over the coming year and to refreshing the National Indigenous Land and Sea Strategy and Regional Indigenous Land and Sea Strategies in 2020. These refreshed strategies will continue to build a focussed platform for achieving outcomes through the ILSC's expanded remit by bringing together enhanced knowledge of opportunities, aspirations and beneficial partnerships and networks.



About the RILSS

As well as the NILSS, the ATSI Act also requires that the ILSC develop Regional Indigenous Land and Sea Strategies (RILSS), which provide regions within Australia with an additional, layered framework for the interpretation and implementation of the NILSS.

In this iteration of the NILSS and RILSS, the RILSS will contain more detailed information on what the ILSC's strategic direction means for Indigenous corporations. This NILSS provides a policy and high-level operational framework. It describes how the ILSC wants to deliver its mandate to achieve economic, environmental, social and cultural benefits for Indigenous Australians over the coming years.

RILSS REGIONS

In developing the previous NILS, the ILSC changed its approach to 'regions'. Previously the regions were the six states (with NSW incorporating the ACT) and the Northern Territory.

The new regions, continued in these NILSS and RILSS, reflect important environmental, demographic and economic differences across the continent and the ways these are reflected in the different situations of Indigenous people.

In making this change, the ILSC Board recognises the opportunities presented through bringing together discrete, but aligned, land parcels and water interests within the Indigenous Estate to allow the development of joined-up projects and economies of scale.

The ILSC also recognises that the new regions do not necessarily align with cultural and/or language groups, an issue which was raised during recent consultation on these strategies. These new boundaries are not designed to preclude any group or project from being considered on the basis of their position in relation to a regional 'border'. The regions are a guide to the kind of projects that may be more desirable and successful in any given region – inclusive of land and waters.

THE FOLLOWING REGIONS WILL CONTINUE TO UNDERPIN THE RILSS

A strategy will soon be released for each of these regions, highlighting alignment between opportunities arising in these regions and the ILSC's focus areas. These strategies will be based on recent stakeholder consultation and, like this NILSS, will be revisited in 2020.

South-West Australia

Includes southern Australia, west from the South Australian border through to Perth and Geraldton in Western Australia. This proposed region has diverse opportunities in agriculture, resource extraction and urban-based industries.

South-East Australia

Includes southern Australia, east of Port Augusta in South Australia and including all of Victoria and Tasmania, most of New South Wales and south-east Queensland including Brisbane. The mostly temperate regions of south-eastern Australia are more heavily populated and urbanised than the other regions, with more intensive and diverse agricultural operations and greater employment and training opportunities in professional and service industries.

Northern Australia

Includes northern Western Australia, the northern areas of the Northern Territory and North Queensland. The climate, environment and general economic-development opportunities in northern Australia differ significantly from the rest of Australia. For example, savanna burning for emissions reduction is viable in this broad region and not in others.

Australian Desert

Includes the desert regions of Western Australia, northern South Australia, south-west Queensland and north-west New South Wales. As with the Northern Australia region, Australia's desert regions are unique. There is value in considering the opportunities arising in these areas in their own right.



Our Regions

REGIONAL INDIGENOUS LAND AND SEA STRATEGY REGIONS
2019-2022



10-Jul-2019
 ILC Map No. 2822



Australian Government
Indigenous Land Corporation

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Australian Government

Indigenous Land and Sea Corporation



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Indigenous Land and Sea Corporation



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11 July 2019

The Hon Ken Wyatt AM
Minister for Indigenous Australians
Parliament House
CANBERRA ACT 2600

Dear Minister Wyatt

Thank you for your letter of 27 June 2019 reference MC19-040263, regarding the acting appointment of the Group Chief Executive Officer (GCEO) of the Indigenous Land and Sea Corporation (ILSC).

As mentioned in your letter, the ILSC Board met on 29 April 2019 to consider and accept the resignation of Mr John Maher effective from August and to appoint an acting GCEO, while the ILSC undertakes the exercise of recruiting a new GCEO. I have now agreed with Mr Maher his employment as GCEO will cease at the close of business on 13 September 2019. The Board's resolution to appoint Mr Leo Bator as Acting GCEO under section 192P of the *Aboriginal and Torres Strait Islander Act 2005 (Cth)*, will commence on 16 September 2019 and will be for a period of six months subject, of course, to Prime Ministerial approval.

Under clause 110 of the Cabinet Handbook, I therefore formally write to ask you to please seek the Prime Minister's approval for the significant appointment of Mr Bator as Acting GCEO of the ILSC for a period of 6 months from 16 September 2019.

Mr Bator comes to the ILSC with considerable experience, having been a Deputy Commissioner of Taxation and having filled the role of Acting CEO of the ILSC in 2016 and Acting CEO for the Voyages Group, a 100% owned subsidiary of the ILSC and owner of Ayers Rock Resort (ARR) during which time he repositioned ARR so that it would journey towards the outstanding performance we have seen over the past two fiscal periods. Mr Bator was also COO of IBA during the significant transformation of that entity. You may recall Mr Bator was present at our recent meeting.

The Board has also directed the commencement of the recruitment process to fill the GCEO position and I believe the period of Mr Bator's appointment will provide sufficient time for the recruitment process to be completed.

Should officers of your Department require any further advice or assistance in these matters, please contact the ILSC's Group General Counsel, Mr Trevor Edmond on 08 8100 7136 or [REDACTED] or at trevor.edmond@ilsc.gov.au.

Yours sincerely

Eddie Fry
ILSC Chair



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Indigenous Land and Sea Corporation



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18 July 2019

The Honourable Ken Wyatt AM
Minister for Indigenous Australians
Parliament House
CANBERRA ACT 2600

Dear Minister Wyatt

Re: ILSC Board meeting and SkyShip update

I refer to my previous correspondence and in particular, the obligation of the ILSC (**the Corporation**) under section 19 of the Public Governance, Performance and Accountability Act 2014, to keep you apprised of significant decisions taken at its Board meetings.

I take this opportunity to provide an update on the ILSC Board meeting held on 19 June 2019 and to also provide an update on the outcome of the litigation involving Voyages Indigenous Tourism Australia Pty Ltd, our subsidiary that operates Ayres Rock Resort (**Voyages**).

Board Meeting of 19 June 2019

Program Logic and the Updated National Indigenous Land and Sea Strategy (NILSS)

As part of the commitment arising from the amendments made to the *Aboriginal and Torres Strait Islander Act* last year, the ILSC has been working on consulting on and updating the NILSS and Regional Indigenous Land and Sea Strategy (RILSS) documentation. The Board received an update as to the status of the consultations and noted a final draft for review would shortly be provided.

The Board also noted the NILSS and RILSS documents need continual updating and approved a further revision of both be undertaken during 2020.

As an adjunct to the above, the Board also received an update on the development of a Program Logic framework for the ILSC. The Board noted the initial discussions on this at the ILSC Strategic Planning Day in February 2019 and asked for a further meeting with the facilitator of the proposal before final sign-off.

ILSC Group Budget 2019/2020

The Board was presented with a draft budget for the ILSC Group for the next financial year. The Board noted the draft and discussed aspects of the budget, including the potential for greater acquisitions and divestments. The Board noted and approved the budget as tabled.

Development of the Indigenous Investment Centre (IIC)

The Board received a proposal from the Group CEO and Director Martin as to possible co-investment models and of their suggestion that a pilot program be trialled in the Dubbo area to “test the market”. The Board resolved to establish the IIC with Directors Martin and Ah-See, the Group CEO and a third party with an investment background to run the pilot program and to report back to the Board in August.

ILSC Group RAP

The Board also received a report on and endorsed the proposed ILSC Group RAP as well as approving the first “RAP Champion”.

ILSC Information Assets

The Board noted as part of the budget an increase on the expenditure on upgrading the IT systems to allow better integration and to deal with ever increasing cyber security and information risks. The Board received a presentation on the upgrades from the ILSC Group Chief Information Officer.

Subsidiary Appointment

Finally the Board approved the extension of the appointment of Ms Alison Page as Chair of the NCIE for a further two years.

Voyages Litigation

On the other matter mentioned previously; the litigation concerning Voyages and the operator of the SkyShip business at Uluru, I am pleased to report that the Judge hearing the application by the operator to prevent Voyages from acting to terminate their agreements was dismissed, with the Judge finding Voyages had every right to do so. While there is still time for the operator to appeal the decision, we are hopeful this has put an end to the suggested dirigible operations near Uluru.

Please do not hesitate to contact me or Mr Maher should you or your Department have any questions in relation to the contents of this letter or more generally.

Yours faithfully



Eddie Fry


ILSC Chair



The Hon Ken Wyatt AM, MP
Minister for Indigenous Australians
Member for Hasluck

Reference: MC19-040263

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


Dear Mr Fry

Thank you for your correspondence of 12 June 2019 informing me of the significant decisions taken by the Indigenous Land and Sea Corporation (ILSC) at Board meetings held in March and April 2019.

I appreciate your message of congratulations. I am honoured to be the first Aboriginal person to serve as Minister for Indigenous Australians, and I am committed to building a better future for First Australians and our country as a whole.

I note that on 29 April 2019 the Board accepted the resignation of Mr John Maher as the ILSC Group Chief Executive Officer (CEO) effective from August 2019 and appointed Mr Leo Bator as the Acting Group CEO from Mr Maher's departure and during his period of leave.

As you will be aware, under the Cabinet Handbook the appointment of the ILSC CEO is considered significant and is subject to formal Commonwealth Government processes, this includes acting appointments. In accordance with the Handbook I am required to consult with the Prime Minister, the Hon Scott Morrison MP, and possibly the Cabinet, for approval of the appointment before the appointment is made by the ILSC Board.

I would appreciate receiving your early advice regarding the term the Board has proposed for Mr Leo Bator as Acting CEO to facilitate this consultation. Under the *Aboriginal and Torres Strait Islander Act 2005*, a person appointed by the ILSC Board to act as CEO must not continue to act for more than six months.

Once a decision has been made by the ILSC Board on a preferred candidate for substantive appointment, I would welcome the ILSC Board's recommendation for me to consult with the Prime Minister and possibly the Cabinet, before the ILSC Board makes the appointment.

Once I have received your advice officers from the National Indigenous Australians Agency (NIAA) will need to contact Mr Bator in order to obtain the documentation required for consultation with the Prime Minister and the Cabinet.

If you have any questions on this matter, the contact officer in NIAA is Assistant Secretary, Legal Services Branch, Mr Brendan Jacomb. Mr Jacomb may be contacted by phoning (02) 6152 3555 or by email at Brendan.Jacomb@pmc.gov.au.

Thank you for raising this matter.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Ken Wyatt', is written over the typed name below.

The Hon KEN WYATT AM, MP
Minister for Indigenous Australians

27/6 /2019



The Hon Ken Wyatt AM, MP
Minister for Indigenous Australians
Member for Hasluck

Reference: MC19-001598

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

Eddie
 Dear Mr Fry

Thank you for your correspondence of 13 June 2019 regarding the assistance the Indigenous Land and Sea Corporation (ILSC) has provided to the National Congress of Australia's First Peoples (Congress) relating to its commercial leasing arrangements.

Since the establishment of Congress in 2010, the Australian Government has provided \$32.3 million for a range of activities.

As you are aware, on 3 June 2019 Congress entered into voluntary administration on advice that they were close to trading insolvent. Subsequently on 14 June 2019, a first creditors meeting was held in Sydney for an initial assessment of Congress' liability. A second creditors meeting will take place before the 19th July 2019. It is at this point the Administrator, Cor Cordis, will advise on the future of Congress.

Thank you for the extensive assistance that the ILSC provided to Congress over many years in its tenure in Sydney and on its relocation to Canberra.

Yours sincerely

[Signature]
 The Hon KEN WYATT AM, MP
 Minister for Indigenous Australians

9 / 7 / 2019



Australian Government
Indigenous Land and Sea Corporation



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30 August 2019

The Hon Ken Wyatt MP
Minister for Indigenous Australians
Parliament House
CANBERRA ACT 2600

Dear Minister Wyatt

Re: ILSC Corporate Plan 2019-20, Strategy to 2023

It is my pleasure to present you with the Corporate Plan for the Indigenous Land and Sea Corporation (ILSC), which will be published on the ILSC's website as required under the Public Governance, Performance and Accountability Act 2013 (PGPA Act) and PGPA Rule 2014.

This Corporate Plan along with the NILSS and RILSS, demonstrate the ILSC's commitment to the Board's vision of Aboriginal and Torres Strait Islander people enjoying opportunities and benefits that the return of country, and its management brings.

The ILSC Board prioritises the continued development of a more strategic enterprise group that is more engaged with our Indigenous stakeholders and will deliver improved meaningful and measurable outcomes to make a stronger contribution to the Indigenous Estate.

We look forward to working with you, the National Indigenous Australians Agency and with Indigenous people across Australia, as we strive to deliver economic, environmental, social and cultural benefits through our work.

If you have any questions regarding this plan or the work of the ILSC, please do not hesitate to contact the Group CEO Mr John Maher via email John.Maher@ilsc.gov.au or M: [REDACTED]

Yours sincerely

Eddie Fry
Chair



Australian Government
Indigenous Land and Sea Corporation



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02 August 2019

The Hon Ken Wyatt MP
Minister for Indigenous Australians
Parliament House
CANBERRA ACT 2600

Dear Minister Wyatt

Re: ILSC and IBA Ministerial meetings

Thank you for taking the time on 3rd July to accept the introduction to the Indigenous Land and Sea Corporation (ILSC) and Indigenous Business Australia (IBA) and recognising their growing contribution to the Indigenous Estate. The strategic changes that have been implemented over the last three years are extensive for each organisation resulting in evidential benefits for Indigenous Australians.

As you requested we meet again soon, I had anticipated that this would occur before 9 September 2019, however it has not been possible to secure a time in your calendar before then. There are several matters of importance I would like to address prior to 9 September.

I believe you will be visiting Adelaide in the near future. Acutely aware that you will have a busy schedule, I would like to avail myself to you at any time and location during your time here.

I would also like to secure regular meetings with you in which the ILSC and IBA Chief Executive Officers (CEO's) can attend to apprise you of several matters of importance we need to address which frequently arise on our change journey. It has not been possible to book these meeting times until after we have met on 9 September.

One of the most pressing matters concerns the expiry of terms of two ILSC Directors on 19 October 2019. In contemplation of the current skills of the Board, the Indigenous knowledge, aspirations for change and the future focus, I would like to recommend the reappointment of Bruce Martin who has recently driven a new initiative, producing a significant body of work for the ILSC.

I would also like the opportunity to suggest some potential new candidates for your consideration to fill the overall skill requirements of the Board both now and into the future. I considered the need for refreshment, business continuity, gender balance and diversity and the desire to expand the collaboration between the ILSC and IBA Boards.

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The IBA Board also has appointments that are due to expire in April 2020 and it would be opportune to consider these Board appointments concomitantly.

The positions of CEO's of both organisations is another important matter for discussion. As you would be aware and as is my intention, I would like to appoint Indigenous CEO's to these organisations. It is imperative to secure leaders that communicate vision and engage the culture to implement successful change and propel the organisations into the future. The current CEO's of ILSC and IBA have contributed significant transformational efforts and participatory approaches and future CEO's will need adequate skills to continue the change journeys.

I look forward to meeting with you soon to address these significant matters and others. In the meantime, you can contact me directly on M: [REDACTED] or my EA Sheelagh Loss on M: [REDACTED] or email Sheelagh.loss@ilsc.gov.au

Yours sincerely



Eddie Fry
ILSC Chair



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05 August 2019

The Honourable Ken Wyatt AM
Minister for Indigenous Australians
Parliament House
CANBERRA ACT 2600

Dear Minister Wyatt

Re: ILSC – Significant Issues - Voyages

I write in accordance with the obligations on the ILSC under section 19 (1) (d) of the Public Governance, Performance and Accountability Act 2013 (Cth) (**PGPA Act**).

Under the PGPA Act, the ILSC as an accountable authority is obliged to give you, as the responsible Minister, notice of any significant issue that may affect the ILSC or any subsidiary of the ILSC.

I write to provide a further update to the advice contained in my letter of 17 Jun 2019 concerning the decision of our subsidiary, Voyages Indigenous Tourism Australia Pty Ltd (**Voyages**), to terminate the various arrangements in place for the operation of the Skyship (**Operator**) previously in place at Ayres Rock Resort.

This termination of the various agreements was the subject of legal proceedings commenced by the Operator and heard in the NSW Supreme Court the week of 11 June 2019. The judge hearing the matter, Justice Darke, handed down a decision on the 4 July 2019, dismissing in its entirety the Operator's claim and finding in favour of Voyages.

Notwithstanding the decisive judgement, the Operator (as it has the right to do) has filed a Notice of Intention to Appeal with the NSW Supreme Court, Court of Appeal. This notice allows the Operator a period up to 4 October 2019 to make a final decision on whether to pursue an appeal.

Voyages will, of course respond to the details of the appeal once they are received and I will keep you apprised of developments.

Yours sincerely

Eddie Fry
ILSC Chair

cc Ray Griggs AO, CEO NIAA



Australian Government
Indigenous Land and Sea Corporation



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26 September 2019

The Hon Ken Wyatt MP
Minister for Indigenous Australians
Parliament House
Canberra ACT 2600

Dear Minister Wyatt

On behalf of the ILSC Board, I am pleased to present the ILSC Annual Report 2018–19 for your review, including the Annual Performance Statement and audited financial statements. The Report has been assured by the ILSC Audit and Assurance Committee and reviewed by the Indigenous Portfolio Bodies Legal Services Branch as compliant with the *Public Governance, Performance and Accountability Act 2013*.

This report demonstrates the significant achievements of the ILSC against our core deliverables, exceeding both the acquisition and divestment targets for the first time in eight years. We are situated in a more secure financial position and moving towards a fit for growth outlook.

We will continually pursue an aggressive divestment target in the forward years 2019-22 maintaining this as a key performance measurement of the ILSC.

Our commitment to modernise and secure the ILSC's functions for future generations remains front and centre and this report highlights our progress in the transition of our agribusiness ventures to be an enabler and partner in this key sector.

With higher than forecast numbers of projects developed and implemented we are pleased to showcase the results of the Board's transformation agenda.

Our ongoing work will improve our internal processes, customer focus and more effectively measure our expanded impact. As we continue to transition, our Performance Framework will ensure the ILSC will be more effectively placed to deliver on a growth outlook in 2020 and beyond.

The passage of legislation this year broadened the remit of the ILSC to include water-based activities and to create the Aboriginal and Torres Strait Islander Land and Sea Future Fund which is broadening our investment mandate. This will enable the ILSC to continue to work towards its vision of becoming the trusted partner with Indigenous Corporations in developing, underwriting and safeguarding the Indigenous Estate for future generations.

I commend the Annual Report to you for your approval for publication and its subsequent tabling in Parliament.

Yours sincerely

Edward Fry
ILSC Chair



Australian Government
Indigenous Land and Sea Corporation



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24 September 2019

The Hon Ken Wyatt MP
Minister for Indigenous Australians
Parliament House
CANBERRA ACT 2600

Dear Minister Wyatt

ILSC & IBA Board Membership and Future Fixed Meeting Arrangements

Thank you for taking the time on 3 July to meet and receive an introduction to the Indigenous Land and Sea Corporation (ILSC) and Indigenous Business Australia (IBA). The strategic changes that have been implemented over the last three years are extensive resulting in evidential benefits for Indigenous Australians due to the performance growth of each organisation.


At our 3 July meeting you suggested a more detailed discussion should take place as soon as practicable with IBA CEO, Rajiv Viswanathan, the ILSC Group CEO Leo Bator and myself, to apprise you of current matters of importance. It has been a very busy time since that date and whilst we currently have a meeting booked for 24 October, Senate Estimates is scheduled for the following day and may limit the time available for our discussion. As such I would like to suggest we meet earlier in October to discuss several important matters including the ILSC & IBA Board membership & fixed monthly meetings.

The ILSC Board Directorships of Ms Trish Crossin and Mr Bruce Martin will expire on 19 October 2019 and as you may be aware, Ms Kerryne Liddle resigned as a Director from IBA to take up a new role with Senator Anne Rushton. As the Directors are Ministerial appointments, I would appreciate the opportunity to consider the current skills of the Boards with you. It is crucial to continue the progress of the ILSC and IBA and their transformational journeys in order to meet the aspirations of the Indigenous Community and secure the Indigenous Estate for generations to come.

I would also be keen for you to meet with the Boards of IBA and the ILSC at forthcoming meetings to present on the Government's priorities. Whilst I understand that you will not be available to attend the IBA Board meeting on 5 December due to it being a sitting week, I would like to explore whether you might be available to attend the respective Board meetings of each organisation in early 2020.

I look forward to meeting with you on the 24th of October 2019, if not earlier, and securing future meetings with you soon to address these significant matters and others. You can contact me directly on M: [REDACTED] or my EA Sheelagh Loss on M: [REDACTED] or email Sheelagh.loss@ilsc.gov.au.

Yours sincerely



Eddie Fry
ILSC Chair



The Hon Ken Wyatt AM, MP
Minister for Indigenous Australians
Member for Hasluck

Reference: MS19-004795

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

Dear Mr Fry

Thank you for your correspondence of 11 July 2019 seeking Government approval for the acting appointment of Mr Leo Bator as the Indigenous Land and Sea Corporation (ILSC) Group Chief Executive Officer (CEO).

I am pleased to advise the proposed acting appointment of Mr Bator as the ILSC CEO has been considered by Cabinet in accordance with the requirements of the Cabinet Handbook. This agreement is for an appointment for six months commencing from 16 September 2019.

If you have any questions regarding this matter, the contact officer in the National Indigenous Australian Agency is Mr Brendan Jacomb, Chief Lawyer, Legal Services Branch. Mr Jacomb can be contacted on (02) 6152 3555 or by email at brendan.jacomb@pmc.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Ken Wyatt', written over a white background.

The Hon KEN WYATT AM, MP
Minister for Indigenous Australians

23/9/2019



Australian Government
Indigenous Land and Sea Corporation



The ILSC GROUP

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02 October 2019

The Hon Ken Wyatt AM
Minister for Indigenous Australians
Parliament House
Canberra ACT 2600

Dear Minister Wyatt

Re: ILSC Significant Issue advice regarding Voyages and Skyship

I write in accordance with the obligations on the ILSC under section 19 (1) (d) of the Public Governance, Performance and Accountability Act 2013 (Cth) (**PGPA Act**).

As you are aware, under the PGPA Act, the ILSC as an accountable authority is obliged to give you, as the responsible Minister, notice of any significant issue that may affect the ILSC or any subsidiary of the ILSC.

I write to provide an update to the advice contained in my letter dated 05 August 2019 concerning issues arising as a result of the termination of certain contractual arrangements between our subsidiary entity Voyages Indigenous Tourism Australia Pty Ltd (**Voyages**) and the operator of the Skyship venture at Uluru.

I refer in particular to the advice regarding the proceedings commenced by that operator.

I am pleased to be able to report that a settled negotiation has now been reached between Voyages and the operator, on the following basic terms:

- The operator has agreed to waive all rights of appeal;
- \$250,000 will shortly be released and paid to Voyages in full settlement of Voyages' legal costs;
- Termination of all the Skyship agreements has been acknowledged and possession of the Lease sites has returned to Voyages;
- A schedule of Make Good works for the Skyship Lease site has been agreed for completion prior to 28 February 2020, and this obligation has been secured by various contractual obligations and PPSR charges being placed over key equipment on site; and
- Broad releases for the benefit of Voyages have been obtained from the operator (including related entities) effective immediately. The Operator will not to be released from their obligations until Make Good works are complete.

While, no doubt, the payment of \$250,000 will not cover the entirety of Voyages' legal fees, it will go to meeting a reasonable percentage of them. The balance will be covered by Voyages revenue and there will be no impost on the ILSC or more generally on Government.

Ultimately, the result will allow Voyages and the wider ILSC Group to focus on delivery of core actions.

Yours sincerely

Eddie Fry
ILSC Chair



The Hon Ken Wyatt AM, MP
Minister for Indigenous Australians
Member for Hasluck

Reference: MS19-004638

Mr Edward Fry
 Chairperson
 Indigenous Land and Sea Corporation
 GPO Box 652
 ADELAIDE SA 5001

Dear Mr Fry

Thank you for providing me with the Indigenous Land and Sea Corporation's (ILSC) National Indigenous Land and Sea Strategy (NILSS) 2019–2022 for tabling as required under the *Aboriginal and Torres Strait Islander Act 2005*.

I have agreed to the NILSS being tabled in both Houses of the Parliament. Initially the NILSS will be tabled out-of-sitting in the Senate and following this on the next sitting day in the House of Representatives. Once tabled in the Senate the ILSC will be able to make the NILSS publically available.

I would like to take this opportunity to acknowledge the efforts of the ILSC Board and Officers in preparing the NILSS, particularly in undertaking consultations that were required as a consequence of the ILSC's expanded remit to include water-related rights. Please convey my appreciation to everyone involved.

If you have any questions regarding this matter, enquiries can be made with Ms Susan Pitt at the National Indigenous Australians Agency. Ms Pitt may be contacted on (02) 6228 6625 or at susan.pitt@niaa.gov.au.

Yours sincerely

The Hon KEN WYATT AM, MP
 Minister for Indigenous Australians

23 / 9 / 2019



The Hon Ken Wyatt AM, MP
Minister for Indigenous Australians
Member for Hasluck

Reference: MC19-009558

Mr Eddie Fry
 Chair
 Indigenous Land and Sea Corporation
 GPO Box 652
 ADELAIDE SA 5001

Dear Mr Fry

Thank you for your correspondence of 2 August 2019 regarding the proposed performance payment for the Indigenous Land and Sea Corporation (ILSC) Group Chief Executive Officer (CEO), Mr John Maher.

I note your advice and acknowledge the Board's unanimous decision of a "Superior" performance rating for Mr Maher for the 2017-18 period and agreement to apply a 14 per cent lump sum performance payment. I consider this decision consistent with the Remuneration Tribunal's Principal Executive Office – Classification Structure and Terms and Conditions – Determination 2019.

If you have any questions on this matter the contact officer in the National Indigenous Australians Agency is Mr Brendan Jacomb, Chief Lawyer, Legal Services Branch on (02) 6152 3555. Mr Jacomb can also be contacted by email at brendan.jacomb@niaa.gov.au.

I apologise for the delay in responding.

Thank you for consulting with me in relation to the performance payment arrangements.

Yours sincerely

The Hon KEN WYATT AM, MP
 Minister for Indigenous Australians

10/10/2019



The Hon Ken Wyatt AM, MP
Minister for Indigenous Australians
Member for Hasluck

Reference: MS19-004749

Mr Edward Fry
Chairperson
Indigenous Land and Sea Corporation
GPO Box 652
ADELAIDE SA 5001

Dear Mr Fry

I am writing to thank the Indigenous Land and Sea Corporation (ILSC) for providing a final draft of its Corporate Plan 2019-2020, Strategy to 2023 for my consideration. Unfortunately, as you did not provide this plan to me until 28 August 2019, I was unable to provide the ILSC with feedback by 31 August 2019.

I note the ILSC's plan includes structural improvements and additional contextual information, particularly in the Environment, Capability and Risk sections. I was pleased to read about ILSC's intention to adopt a program logic framework and refresh performance measures to support outcome reporting. I also note ILSC will develop new performance measures through Portfolio Budget Statements reforms post 2020-21. I encourage ongoing refinement of the plan, particularly the continued development of performance information. These improvements will help demonstrate the important contribution ILSC makes towards improved outcomes for Indigenous Australians.

As you may be aware, the Joint Parliamentary Committee of Public Accounts and Audit, the Department of Finance and the Australian National Audit Office (ANAO) expect all Commonwealth entities to report performance in a way that satisfies public and government stakeholders. Future ANAO performance audits will assess whether satisfactory progress has been made, including the use of meaningful and relevant outcome based measures and narratives that describe how entities use Commonwealth resources to achieve their stated purposes.

I appreciate the efforts of ILSC staff in developing the corporate plan and your support for them to continue participating in the voluntary process of engagement with officers from my Agency. This engagement contributes to planning and performance reporting reforms across the Commonwealth under the *Public Governance, Performance and Accountability Act 2013* (PGPA Act) as the enhanced Commonwealth performance framework is further developed.

I encourage ongoing collaboration between the ILSC and the National Indigenous Australians Agency (NIAA), as ILSC further develops the performance information in future plans.

Please provide future final draft plans to me in time to review and provide feedback prior to publication.

If you have any questions regarding this matter the contact officer in the NIAA is Mr Brendan Jacomb, Chief Lawyer, Legal Services Branch. Mr Jacomb can be contacted by phoning (02) 6152 3555 or via email at brendan.jacomb@pmc.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Ken Wyatt', written over a faint circular stamp.

The Hon KEN WYATT AM, MP
Minister for Indigenous Australians

20 1 9 . 12019



The Hon Ken Wyatt AM, MP
Minister for Indigenous Australians
Member for Hasluck

Reference: MS19-004795

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

Dear Mr Fry

Thank you for your correspondence of 11 July 2019 seeking Government approval for the acting appointment of Mr Leo Bator as the Indigenous Land and Sea Corporation (ILSC) Group Chief Executive Officer (CEO).

I am pleased to advise the proposed acting appointment of Mr Bator as the ILSC CEO has been considered by Cabinet in accordance with the requirements of the Cabinet Handbook. This agreement is for an appointment for six months commencing from 16 September 2019.

If you have any questions regarding this matter, the contact officer in the National Indigenous Australian Agency is Mr Brendan Jacomb, Chief Lawyer, Legal Services Branch. Mr Jacomb can be contacted on (02) 6152 3555 or by email at brendan.jacomb@pmc.gov.au.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Ken Wyatt', written over a horizontal line.

The Hon KEN WYATT AM, MP
Minister for Indigenous Australians

23 / 9 / 2019



Australian Government
Indigenous Land and Sea Corporation



The ILSC GROUP

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14 November 2019

The Honourable Ken Wyatt AM
Minister for Indigenous Australians
Parliament House
CANBERRA ACT 2600

Dear Minister

Re: ILSC Board Update August, September and October 2019

I refer to my previous correspondence and in particular, the obligation of the ILSC (**the Corporation**) under section 19 of the Public Governance, Performance and Accountability Act 2014, to keep you apprised of significant decisions taken at its Board meetings.

Board Meeting of 21 August 2019

Timber Creek

The Board received a presentation on the possible impact the High Court decision could have on compensation payable to Indigenous Australians for the loss of Native Title as well as the possible assistance the ILSC could play should any fund be established. The Board noted more work needed to be done to ascertain the possible extent of claims following the decision and it was recommended that the ILSC work jointly with IBA on that task.

Development of the Indigenous Investment Centre (IIC)

The Board received an updated briefing on proposal from Director Martin as to possible structures for the pilot entity as well as the initial work that had been undertaken. The Board resolved to continue the pilot and noted Director Martin would come back to a future meeting with a final proposal.

ILSC Group CEO Transitions

The Board also received a report from the Group CEO transitioning matters under his control. It was noted that this was one of the last meetings before Mr Maher's term expired and the Board moved a motion of thanks to Mr Maher for all he had done for the ILSC.

ILSC Group Policies

The Board received a series of papers dealing with new or updated policies covering media representation, Group communications, Group sponsorship and attendance at certain conferences. These policies are in the process of being rolled out to the ILSC Group as a whole.

Corporate Plan

The Board approved the Corporate Plan for 2019-20 and I note with thanks you have tabled this in Parliament.

Program Delivery

The Board also received a report on the progress of the refresh of how the ILSC delivers its activities.

Subsidiary Appointment

The Board approved the appointment of Director Odegaard as the Deputy Chair of NCIE as well as the continued appointment of NCIE's CEO.

Acting CEO Terms

Finally, the Board approved the terms of Mr Bator's appointment as Acting CEO of the ILSC.

Board Meeting of 11 September 2019

2018-19 Financial Statements

This meeting is scheduled to sign off the ILSC Group Financial Accounts and Annual Report. The Chair of the ILSC Audit and Assurance Committee was in attendance and took the Board through the ILSC transmittal letter she had signed.

The ILSC Group CFO took the Board through the Accounts and the ANAO closing report. Mr Silcock noted the Group had undertaken a review of the accounts and that there were no grounds to believe the ILSC Group was unable to pay its debts as they fell due.

It was resolved that the Chair sign the Directors' representation letter.

The Board also noted the contents of the draft Annual Report tabled at the meeting. After discussion, it was resolved to once consolidated, transmit the Annual Report and Annual Performance Statement to your office for tabling in Parliament; which is noted occurred on 27 September 2019.

Appointments

It was also noted that with the change in the Group CEO position, changes needed to be made to various subsidiary Boards. The Board approved the appointment of Mr Bator to the Boards of Voyages Indigenous Tourism Australia Pty Ltd and NCIE as well as appointing Mr Bruce Martin as Chair and Mr John Maher as a non-executive director of the Aboriginal Indigenous Agriculture Company Pty Ltd.

Board Meeting of 23 October 2019

Having noted this as the first meeting with the new Acting Group CEO, the Board welcomed Mr Bator.

ILSC Director Terms

The Board noted that the terms of Directors Martin and Crossin was the subject of consideration. While noting the decision to appoint Directors rested solely with the Minister, it was recommended that the ILSC Chair write advising that the Board supported both remaining as Directors of the ILSC.

Appointment of CEO

The Board also considered the issue of the permanent replacement of Mr Maher as Group CEO. Noting the work proposed on the efficiency and restructure review being undertaken by Mr Bator, it was considered appropriate that he be appointed to the position on a permanent basis until 30 November 2021, when any transition should be completed. It was noted the appointment was still subject to both internal and external processes which the Board directed be commenced.

Agribusiness Transition

The Board considered the question of the previously approved transition of Agribusiness activities into the ILSC. It was noted the Board had decided some time ago to transition activities into the ILSC but that was not now necessarily the best way to proceed. The Board resolved to revoke the earlier decision and to revisit the matter now that new Directors had been appointed to the relevant subsidiary. This is a matter that will be the subject of discussion at a future meeting.

IIC Update

The Board also received a report from Director Martin & Mr Maher concerning the establishment of a subsidiary entity to run the pilot investment centre project in the Murray-Darling area. The Board agreed to establish an entity to facilitate the identification and working up of possible projects in the area.

RILSS

Following the earlier approval of the new National Indigenous Land and Sea Strategy, the Board received and approved draft versions of the various Regional strategies. It was noted these would be rolled out shortly, but that continued consultation with stakeholders would occur.

Guarantees and Joint Ventures

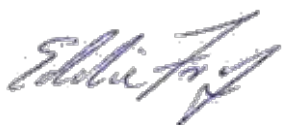
The Board also considered its appetite for activities using joint venture vehicles and guarantees. While noting specific matters would need approval, the Board indicated willingness to consider the same and looked forward to specific transactions being brought to it.

Subsidiary Appointments

The Board approved the re-appointment of Directors Cam and Kombumerri and Director Crossin and Angus to the NCIE and Voyages Boards respectively.

Please do not hesitate to contact me or Mr Bator should you or your Department have any questions in relation to the contents of this letter or more generally.

Yours faithfully



Eddie Fry
ILSC Chair



Australian Government
Indigenous Land and Sea Corporation



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21 November 2019

The Honourable Ken Wyatt AM
Minister for Indigenous Australians
Parliament House
CANBERRA ACT 2600

Dear Minister Wyatt

Re: Aboriginal and Torres Strait Islander Land and Sea Future Fund meeting request

I am writing to you on behalf of the Board of the Indigenous Land and Sea Corporation to request that you convene a meeting of officials from each of the National Indigenous Australians Agency, the Department of Finance and the Indigenous Land and Sea Corporation, under section 51A of the *Aboriginal and Torres Strait Islander Land and Sea Future Fund Act 2018*, to discuss the performance of the Fund for the quarter ended 30 September 2019.

I would be grateful if you could ask your staff to liaise with my assistant, Sheelagh Loss, to coordinate the meeting. Sheelagh's email address is sheelagh.loss@ilsc.gov.au and phone number is 08 8100 7147.

Yours sincerely

Eddie Fry
ILSC Chair



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Indigenous Land and Sea Corporation



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12 November 2019

The Hon. Ken Wyatt AM MP
Minister for Indigenous Australians
Parliament House
Canberra ACT 2600

Dear Minister Wyatt

Re: ILSC Board membership

I write to you in respect of the expiry of terms for two Directors on the Indigenous Land and Sea Corporation (ILSC) Board. The positions of Directors Martin and Crossin expired on 19 October 2019.

As Board Directors are a Ministerial appointment under the ATSI Act (2005) discussion at our Board meeting of 23 October 2019 indicated support for the reappointment of both Directors.

Based on your discussion with me when we met recently and on careful consideration of the Board's strategic goals, diversity, gender balance, opportunities and risks and business growth, I would like to offer additional recommendations for Director Nominations. At this time I am seeking their confirmation and I will forward their details for your consideration, in anticipation that you may seek a Board refresh.

Group wide, the ILSC has significantly increased its productivity and outcomes over the past three years with the ILSC Board reaffirming its commitment to become the trusted partner in the innovative development of the Indigenous Estate. Sharply focused on the pursuit of our vision of Aboriginal and Torres Islander people enjoying opportunities and benefits that the return of country and its management brings, we have committed to modernise the ILSC's performance for growth and for the security of future generations.

For the first time in eight years, the ILSC has exceeded both its acquisition and divestment targets and will continue to pursue an aggressive divestment target in the forward years. These results are the product of a strategic, independent Board driving its transformation agenda, skilled leadership and dedicated staff.

The ILSC Board believes the current Indigenous outlook lends itself to a longer-term vision. While the ILSC will continue with its prescribed strategic planning cycles, we believe the foundations for these must lay in a strategic vision over a 10 to 20 year horizon with a customer focus platform. This vision will position the Indigenous Estate as a source of prosperity for Indigenous Australians and an influential contributor to the social and economic future of this nation.

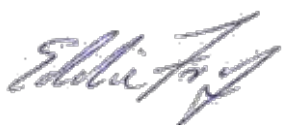
To continue achieving strong outcomes and pursue growth for our stakeholders, it is vital that the ILSC Board comprises the right mix of highly skilled individuals who share vision and values.

The future performance of the ILSC Board in large part depends on the quality and performance of its Directors and earlier this year, the Board underwent a Governance Review conducted by an external, specialist provider. The Review found that the ILSC Board strengths include diversity of knowledge, commitment to purpose and a good understanding of Indigenous experience and community views. The report and thus the Board members recognise there are constraints that exist currently, in commercial and financial experience and that there is a need for dynamic Board candidates with deeper skills in developing and overseeing the commercial strategy to conduct the rigorous, impartial analysis that is needed going forward.

Progressing the Board skill sets to drive the ILSC's continual transformation agenda going forward is an important consideration as is refreshing the Board. It is my considered view that, at present, one particular necessity at Board level is the development of capital raising agendas to enhance the strategic success of partnerships to facilitate the continued growth and future securitisation of the Indigenous Estate. Accordingly, candidates with a focus on public sector mergers and acquisitions, equity capital markets and business management insight and experience would be invaluable to the ILSC.

Please contact me directly if you have any questions about the above.

Yours sincerely



Eddie Fry
ILSC Chair

M [REDACTED]



Australian Government
Indigenous Land and Sea Corporation



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20 December 2019

The Honourable Ken Wyatt AM, MP
Minister for Indigenous Australians
Parliament House
CANBERRA ACT 2600

Cc Ray Griggs NIAA ray.griggs@niaa.gov.au

Dear Minister

Re: Indigenous Land and Sea Corporation (ILSC) - Board Meeting Updates

I refer to my previous correspondence and in particular, the obligation of the ILSC under section 19 of the *Public Governance, Performance and Accountability Act 2014*, to keep you abreast of significant decisions taken at its Board meetings. The Board has met three times in November and December.

Board Meeting of 29 November 2019

Appointment and Remuneration of ILSC GCEO – Mr L Bator

The Board unanimously resolved to appoint Mr Bator as the ILSC Group CEO for an extended period until 30 November 2021, at which time the appointee to the office will be further reviewed. I will write to you concerning this in the New Year.

Reappointment of Audit and Assurance Committee Member – Ms P Crossin

The Board approved the re-appointment of Director Patricia Crossin to the Audit and Assurance Committee for a further 12 month period to 22 October 2020, or until such time a decision is made concerning the composition of the ILSC Board, whichever first occurs. As you are aware, Ms Crossin's tenure as Director of the Board expired on 19 October 2019, and is subject to the receipt of any decision from you or further discussion as you have requested.

Remuneration for Directors of Australian Indigenous Agribusiness Company Pty Ltd (AIAC) and Yamanah Investments Pty Ltd (Yamanah)

Having noted the inconsistency of remuneration between Directors of ILSC subsidiaries, the Board decided as an interim measure those Directors who were not yet in receipt of a fee, were to be remunerated on the same basis as the recent appointee to the AIAC Board. The approved the annual remuneration of Directors for both AIAC and Yamanah is fixed at \$45,000 to be annually adjusted in accordance with the Remuneration Tribunal determinations.

ANZ Facility Agreement Extension and Increase

The Board received a report from the Group Chief Financial Officer, Mr David Silcock seeking the Board's approval for Voyages to continue the process in extending and increasing the ANZ Facility Agreement. The Board resolved to approve the final terms and execution of the documentation. Final sign-off will be sought at a later date.

Board Meeting of 11 December, 2019

GCEO's Report

The Group Chief Executive Officer advised the Board that on 2 December at Gunbalanya, West Arnhem Land a fatal single car rollover occurred in the Kakadu National Park where five members of the Gunbalanya Community were killed. The Board extended their sympathy and condolences and offered to support the Community by providing meat from the Gunbalanya Meat Works for the *Sorry* ceremony.

Strategic Reform Unit (SRU)

The ILSC and IBA Board joined to discuss the current position of the proposed merged business model and risks relative to the current legislative framework.

Following the joint session the ILSC Board met and approved further work to be undertaken on the approved model from the meeting. I understand that Mr Bator has or will shortly be in contact with your office to discuss the matter in further detail.

Indigenous Networking, Engagement and Feedback Mechanism

The Board resolved to approve the networking potential gained by engaging professional, experienced Indigenous leaders who have local knowledge and connections to represent and deliver the ILSC's vision in local settings. Mr L Bator will be responsible for engaging Indigenous leaders to continue to build relationships and look for new opportunities to grow the Indigenous Estate.

Yamanah Investments Pty Ltd

An overview was provided to the Board on the progress to date; organisational structure and the targets and opportunities of the pilot program following the Yamanah Board of Directors' initial meeting on 2 December 2019. As Yamanah Investments Pty Ltd was registered on 21 November 2019, a number of obligatory documents were approved for the newly appointed Directors.

Roebuck Joint Venture

The Board resolved to approve a number of documents as part of the transitioning arrangements of the Roebuck properties and operations to NBY. At this stage it is anticipated the documents will be completed and signed and the joint venture between the ILSC and the Traditional Owner Group commence in early 2020.

Sub-Committees of the Board

Work Health and Safety Committee (WH&S), and Audit and Assurance Committee (name change to Audit and Risk Committee) Charters were presented for approval by the Board.

Board Meeting of 18 December 2019

ANZ Facility Agreement Revised Pricing

The Group Chief Financial Officer, Mr Dave Silcock updated the Board on the status on the ANZ Facility Agreement. Since the Board meeting of 29 November, an expression of interest (EOI) had been received from Westpac. Since re-negotiating the terms of ANZ, it was resolved by the Board for Voyages to continue to extend and increase the ANZ Facility, noting that management revert back to the ILSC Board in due course, once the terms have been finalised.

Repayment of the Commonwealth Debt

The Group Chief Financial Officer Mr Dave Silcock, sought the Board's approval in prepaying the remaining Commonwealth debt of ~\$23 million. The Board resolved the prepayment, with ILSC and Voyages to work with ANZ and NAIF to determine the method of reimbursement.

I understand these matters are also to be the subject of further discussion between our CEO and your Department.

Please do not hesitate to contact me or Mr Bator should you or your Department have any questions in relation to the contents of this letter.

May I also take this opportunity of personally wishing you and your staff a merry Christmas and wonderful New Year, I look forward to working with you in progressing the ILSC reform agenda in 2020.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Eddie Fry', with a stylized flourish at the end.

Eddie Fry

ILSC Chair



Australian Government
Indigenous Land and Sea Corporation



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20 December 2019

The Honourable Ken Wyatt AM
Minister for Indigenous Australians
Parliament House
CANBERRA ACT 2600

Cc Ray Griggs NIAA ray.griggs@niaa.gov.au

Dear Minister

Re: The repayment of the Commonwealth loan

As you're aware, the ILSC entered into a \$65 million loan agreement with the Commonwealth in 2016. At that time, this loan allowed ILSC to repay, in full, the vendor finance provided by GPT at the time of the purchase of Ayers Rock Resort.

Since 2016, repayments have been made to the Commonwealth each quarter. Almost a year ago, a prepayment of \$23.5 million was made, representing a Commonwealth condition to entering into the facility with NAIF. Following this payment, quarterly repayments of ~\$1.95 million have been made and are scheduled to continue through March 2023.

However, as you're aware, ILSC is in a position to prepay the outstanding balance and, by way of an update, the ILSC board has approved to do so. The repayment of the Commonwealth loan in full represents a significant milestone and is, in part, due to the improved performance of Ayers Rock Resort.

At 31 December 2019, the balance of the Commonwealth loan will be approximately \$23 million and we expect to repay this amount to the Commonwealth in early January.

Please do not hesitate to contact me or Mr Bator should you or your Department have any questions in relation to the contents of this letter.

Yours sincerely

Eddie Fry
ILSC Chair



Australian Government
Indigenous Land and Sea Corporation



The ILSC GROUP

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15 January 2020

The Hon Ken Wyatt AM, MP
Minister for Indigenous Australians
Parliament House
Canberra ACT 2600

Dear Minister Wyatt

Re: ILSC security of information and data

I write to you about a matter I have been led to understand may be brought to your attention.

I have become aware that a former employee at the Indigenous Land and Sea Corporation (ILSC), being disgruntled at the termination of his employment has made certain allegations about the state of security of ILSC information and data.

The gentleman in question, [REDACTED], was employed by the ILSC in 2019 on a fixed terms contract as a Network and Security Engineer in the Information and Communication Services division. During [REDACTED]'s probationary period, concerns were raised as to his ability to work within the ILSC environment and in particular his lack of ability to receive and respond to feedback. There were also issues concerning his interpersonal skills and ability to work under a level of pressure.

While [REDACTED] was provided feedback, both formally and informally, on these matters ultimately a decision was made to terminate his employment during his probationary period. He was informed of this at a meeting on 25 November 2019. All appropriate termination payments were made.

Unfortunately, [REDACTED] did not accept the termination or the reasons provided for the decision. [REDACTED] aggressively asserted that there were a number of deficiencies in the security around the ILSC servers and IT systems more generally and that persons within the ILSC had made the decision to terminate his employment to prevent him raising concerns he had.

Subsequent to this, in December, [REDACTED] wrote to Mr Leo Bator, the ILSC's Group CEO, restating his allegations, including that a certain Executive had deliberately withheld details of the alleged vulnerabilities. [REDACTED] set out 10 examples of the matters he believed were deficient or defective. This was the first occasion these matters were raised with Mr Bator.

Understandably, while not accepting the basis for the complaint, the allegations were and have been taken seriously at the ILSC. Following receipt of the email, Mr Bator arranged for the ILSC to engage Deloitte Risk Advisory to undertake a thorough review of the ILSC servers and systems, not only to consider the specific matters alleged but also to ensure the ILSC's compliance with the "Essential Eight" strategies to mitigate Cyber Security incidents published by the Australian Signals Directorate's Australian Cyber Security Centre, most recently in July 2019.

The Deloitte investigation which commenced in late 2019 is expected to report to the ILSC Board at its February 2020 meeting.

Mr Bator has ensured that not only I and the ILSC Board been made aware of the allegations, but also the ILSC's independent Chair of the ILSC Audit and Risk Committee.

However, [REDACTED] has recently written to Mr Bator again, seeking amongst other things a confirmation that his employment was not appropriately terminated and that the ILSC's systems are defective. Included in that correspondence was a statement that failure to receive a satisfactory response would be met with [REDACTED] writing to both the Prime Minister and yourself and/or commencing court proceedings.

Mr Bator has responded advising that the ILSC has commenced an investigation into the matters included in the allegation and that the ILSC stood by its earlier decision.

While I cannot be certain that [REDACTED] will follow through with his intention to write, I do believe it is better to provide this information now, rather than in any reactive response to allegations he may raise with you or the Prime Minister.

I will, of course, ensure that my letter to you following the ILSC February Board meeting includes details of any findings reported by Deloitte. However, should you or your staff require any further information, Mr Bator would be more than happy to provide it.

Yours sincerely

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

Eddie Fry
ILSC Chair



Australian Government
Indigenous Land and Sea Corporation



The ILSC GROUP

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04 February 2020

The Hon. Ken Wyatt AM MP
Minister for Indigenous Australians
Parliament House
Canberra ACT 2600

Dear Minister Wyatt

Re: ILSC Board appointment of Group CEO

Following my letter to you of 08 January and our recent discussion of 24 January regarding the ILSC Board appointment of Group Chief Executive Officer (GCEO) Mr Leo Bator, as requested, I write to provide you with further clarity regarding our decision.

As mentioned in my letter, there were a number of important factors considered by the Board and extensive deliberation, before this unanimous decision was agreed.

The most significant discussion was around the previously expressed desire to appoint an Indigenous CEO. As you know, the previous GCEO John Maher, invested considerable professional training, mentoring and executive development opportunities to all of our Indigenous Executives, in the hope that they would be able to transition to more senior roles, including the GCEO. Incorporating their learning and development and acknowledging their understanding of the ILSC is extremely advantageous for a first time CEO. However, the investment in professional development does not provide the competence and expertise required for the incredibly complex task of designing and implementing the change journey that the ILSC is undertaking.

In addition to the investment in ILSC and IBA Indigenous Executives, John Maher and I have for the past few years, been extensively networking and meeting with potential external Indigenous candidates, as well as attending various events at forums including the Aurora Education Foundation and the Australian Rural Leadership Foundation, to source 'new blood'. Unfortunately, this has not presented a more suitable candidate than Mr Bator.

I believe Mr Bator sits comfortably and competently at the crossroads of four critical requirements for the ILSC at this time. His depth of experience with the ILSC, Voyages and IBA in understanding how to apply change to the current work, his knowledge, experience and leadership of organisational cultural change, his understanding of Legislative and policy development and his leadership of process and performance improvement will maintain stability and functionality during our transformation and secure the best outcome.

The Strategic Reform Agenda that the ILSC has planned over the last two years has begun in earnest and is scheduled to continue for the next two years. The organisation transformation and skilful change management that Mr Bator has applied over the last few months has assuaged the fear of change for many team members and enabled collaboration to thrive. A stronger progressive culture is building as well as courage to embrace

innovation. Mr Bator is a skilled conductor at implementing monumental change; change, which we believe, would be unfathomable to a new CEO - at this point in time.

The ILSC Board proceeded through the following steps before making the decision to appoint Mr Bator.

1. ILSC Remuneration and Nomination committee endorsement;
2. Discussion at Board level to appoint Mr Bator as GCEO rather than go to an open market or dedicated 'soft' approach via a head hunting exercise;
3. ILSC Board approval.

With the abovementioned skills, knowledge and qualities the Board considered Mr Bator the ideal candidate for the next 20 months, just as we had for appointing him to the Acting GCEO role.

The building of our new business model to modernise the ILSC performance for growth will reflect improved outcomes and the implementation of new impact measurements will show continual improvement in the security of the Indigenous Estate as well as greater outcomes for Indigenous communities.

Recognising his considerable skills and experience and as requested in my letter of 8 January, in order to remunerate the Group CEO appropriately, the Board also seeks your support to apply to the Remuneration Tribunal for a commencing salary of 5% above the Reference Rate on the engagement of Mr Bator, which aligns with his current level.

I trust that this further clarification will assist your understanding of the Boards unanimous decision to appoint Mr Bator until November 2021 and I look forward to receiving your support of this appointment following referral to the Prime Minister for consideration if necessary, as well as your support of the ILSC Board requested total remuneration package.

Yours sincerely



Eddie Fry
ILSC Chair



Australian Government
Indigenous Land and Sea Corporation



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14 February 2020

The Honourable Ken Wyatt AM
Minister for Indigenous Australians
Parliament House
CANBERRA ACT 2600

Dear Minister Wyatt

Re: Aboriginal and Torres Strait Islander Land and Sea Future Fund meeting request

I am writing to you on behalf of the Board of the Indigenous Land and Sea Corporation to request that you convene a meeting of officials from each of the National Indigenous Australians Agency, the Department of Finance and the Indigenous Land and Sea Corporation, under section 51A of the *Aboriginal and Torres Strait Islander Land and Sea Future Fund Act 2018*, to discuss the performance of the Fund for the quarter ended 30 December 2019.

I would be grateful if you could ask your staff to liaise with my assistant, Sheelagh Loss, to coordinate the meeting. Sheelagh's email address is sheelagh.loss@ilsc.gov.au and phone number is 08 8100 7147.

Yours sincerely

Eddie Fry
ILSC Chair



Australian Government
Indigenous Land and Sea Corporation



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04 February 2020

The Hon. Ken Wyatt AM MP
Minister for Indigenous Australians
Parliament House
Canberra ACT 2600

Dear Minister Wyatt

Re: ILSC Board membership

I write to you in respect of the expiry of terms for two Directors on the Indigenous Land and Sea Corporation (ILSC) Board, and as a follow up from my letter of 12 November 2019 on this subject.

As you are aware, the terms of two of our Directors, Crossin and Martin expired on 19 October 2019. The Board unanimously supports the extension of their terms.

The re-appointment of Directors Crossin and Martin as discussed at our meeting of 24 January 2020, maintains important continuity at a time when the ILSC Board's focus is on implementing our Strategic Reform agenda over the next two years. I recommend extending the appointments for a further three years at minimum.

Please contact me directly if you have any questions about the above and I look forward to receiving your support.

Yours sincerely

Eddie Fry
ILSC Chair



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Indigenous Land Corporation



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24 March 2020

The Hon Ken Wyatt AM, MP
Minister for Indigenous Australians
Parliament House
CANBERRA ACT 2600

Email: minister.wyatt@ia.pm.gov.au

Dear Minister Wyatt

Re: ILSC – Significant Issues – COVID-19

I write in accordance with the obligations on the ILSC under section 19 (1) (d) of the Public Governance, Performance and Accountability Act 2013 (Cth) (**PGPA Act**) to advise of a significant issue that may affect the ILSC or a subsidiary of the ILSC.

I write to bring you up to date with the decisions currently made by the ILSC and subsidiaries in response to the COVID-19 situation.

As you may be aware, Voyages Indigenous Tourism Australia Pty Ltd (**Voyages**) has, following consultation with local Indigenous bodies and representatives, decided to close the Mossman Gorge Tourist Centre for an initial period of two weeks. That period is being used to work with groups to determine the best way to maintain Indigenous health in that region and we will keep you apprised of developments.

At this stage no final decisions have been made concerning Home valley, but that is being reviewed daily and again, we will advise as to any changes.

Voyages' major asset, Ayers Rock Resort is being monitored daily. The Management Team at Voyages is meeting daily to consider the best response to the ever-changing circumstances, including significantly reduced visitor numbers. Guest safety is paramount, and an abundance of precautionary cleaning and sanitising is in place as well as a detailed COVID-19 Response Plan and Community Engagement Plan and the ability to isolate and quarantine if necessary. Business operations will be maintained, and we will keep you informed of any changes.


As for our subsidiary, NCIE, I advise that at a Board meeting 18 March, NCIE resolved to close the facility for a period of two weeks, from 19 March. This has been communicated to all staff, other occupants and stakeholders. During that time, again, the situation will be monitored, with staff either working from home or undertaking grounds keeping, security and cleaning activities on site.

The ILSC has closed the three offices as of today and staff are working from home with limited access for those requiring office facilities. The management team are meeting daily and monitoring the situation closely. All within the ILSC fully understand the continuing and ever-changing nature of the current situation and will continue to work to ensure the wellbeing of all Indigenous stakeholders and fellow staff.

We are also continuing to ensure we maintain best practice in line with NIAA and more broadly with Government recommendations including cleanliness and social distancing. We also continue to monitor the health and wellbeing of staff on remote properties as well as our offices.

I shall keep you apprised of matters as they develop.

Yours sincerely



Eddie Fry
ILSC Chair



The Hon Ken Wyatt AM MP
Minister for Indigenous Australians
Member for Hasluck

Reference: MS20-000184

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

Dear Mr Fry

Further to my letter of 25 February 2020 I am writing to advise you of my approval for the Board of the Indigenous Land and Sea Corporation (ILSC) to reappoint Mr Leo Bator as the acting ILSC Chief Executive Officer (CEO) for up to three months from 23 March 2020.

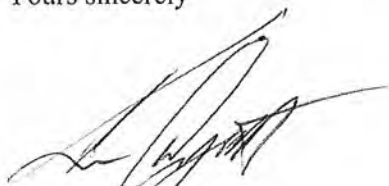
As you know under the *Aboriginal and Torres Strait Islander Act 2005* (ATSI Act) a person appointed to act as the ILSC CEO during a vacancy must not continue to act for more than six months. I understand Mr Bator's acting appointment ended on 15 March 2020 and that the ILSC Board has appointed Mr Trevor Edmond, ILSC General Counsel, as the acting ILSC CEO for one week from 16 March 2020.

Under the Cabinet Handbook the ILSC CEO appointment is considered significant and I am required to consult with the Prime Minister, the Hon Scott Morrison MP, who may refer the matter to Cabinet. The Cabinet Handbook also provides for existing appointments to be extended for up to three months without consulting the Prime Minister.

Given timing, I am therefore advising that I have written to the Prime Minister informing him of my approval for the ILSC Board to reappoint Mr Bator as the acting ILSC CEO for up to three months and seeking consideration by the Australian Government of the proposed acting appointment of Mr Bator for a total period of up to six months. I will write separately regarding the decision of the Government on this proposed appointment.

If you have any questions regarding this matter, the contact officer in the National Indigenous Australian Agency is Mr Brendan Jacomb, Chief Lawyer, Legal Services Branch. Mr Jacomb can be contacted by phoning (02) 6152 3555 or by email at brendan.jacomb@niaa.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Ken Wyatt', written over a faint, illegible background.

The Hon KEN WYATT AM MP
Minister for Indigenous Australians

19/3/2020



The Hon Ken Wyatt AM MP
Minister for Indigenous Australians
Member for Hasluck

Reference: MC20-000066

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

Dear Mr Fry

Thank you for your letters of 8 January 2020 and 4 February 2020 regarding the proposed appointment of the Indigenous Land and Sea Corporation (ILSC) Acting Group Chief Executive Officer (CEO), Mr Leo Bator, to the position of Group CEO until 30 November 2021.

I appreciate your advice on the importance of ILSC's transformation and development of the Indigenous Estate. I also appreciate the views from the ILSC Board about the contribution Mr Bator has made in driving this transition and the Board's unanimous support for his appointment and your letter of 4 February 2020 providing me with further information supporting the Board's decision.

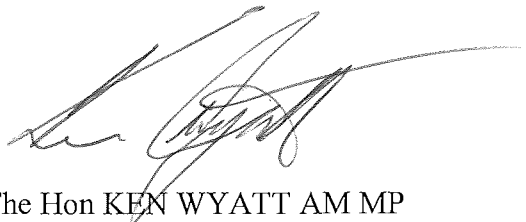
As you have noted the ILSC CEO is a significant appointment and is subject to formal Government processes. Any proposal I make to the Prime Minister, the Hon Scott Morrison MP, must ensure account is given of the selection process used. To support an appointment process I expect the ILSC Board to conduct a full selection process that provides the opportunity to attract appropriately skilled and experienced Indigenous Australians to be considered by the Board for possible appointment to this important position.

As discussed at our meeting on 24 January 2020, and considering this is not a reappointment, I reiterate my views and I ask that the ILSC Board conduct a formal selection process for the ILSC CEO position. Once I am satisfied with the Board's selection process I will progress consideration of the ILSC CEO appointment by Government.

Given the timing for a selection process to be conducted and Mr Bator's appointment as Acting ILSC CEO ending on 15 March 2020, it is unlikely that the ILSC Board and Government will have approved this appointment before his acting appointment expires, I suggest the ILSC Board gives early consideration to appropriate acting arrangements for the ILSC CEO position. As you will be aware under the *Aboriginal and Torres Strait Islander Act 2005*, a person appointed to act as the CEO cannot continue to act for more than six months.

If you have any questions regarding this matter, the contact officer in the National Indigenous Australian Agency is Mr Brendan Jacomb, Chief Lawyer, Legal Services Branch. Mr Jacomb can be contacted by phoning (02) 6152 3555 or by email at brendan.jacomb@niaa.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Ken Wyatt', written in a cursive style.

The Hon KEN WYATT AM MP
Minister for Indigenous Australians

25/02/2020



Australian Government
Indigenous Land and Sea Corporation



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06 April 2020

The Hon. Ken Wyatt AM MP
Minister for Indigenous Australians
Parliament House
Canberra ACT 2600
Email: minister.wyatt@ia.pm.gov.au

Dear Minister Wyatt

Re: ILSC Group CEO and ILSC Board Directors

I am in receipt of your correspondence of 25 February 2020, concerning the position of the Group Chief Executive Officer (**GCEO**) of the Indigenous Land and Sea Corporation (**ILSC**) and your most recent correspondence of 19 March 2020. Your most recent letter confirms you are aware of the decisions made at our Board meeting of 13 March 2020 and that you have written to the Prime Minister to seek a six-month acting appointment for Mr Bator. Thank you.

I would like to inform you that the Board has engaged an external recruitment agency to conduct a formal selection process.

However, as we all move through these unique times and attempt to deal with the ever-changing environment that COVID-19 is imposing upon all, it is imperative to maintain stability in leadership roles, both within the Board and in Management. While having our Group General Counsel in the role of Acting CEO for a week caused no major disruption, it highlighted the benefit that stability in senior management brings, for business continuity during the current circumstances.

Further, the difficulties the ILSC face during the COVID-19 crisis have also led our Board to resolve to meet weekly and for there to be continued dialogue and cooperation between the ILSC, its sister corporation IBA and all subsidiaries for both.

As you did not support the appointment of Mr Bator as GCEO as passed by our Board in October 2019, the Board, at its meeting of 13 March 2020 in reliance of S192P of the Aboriginal and Torres Strait Islander Act (the Act) appointed Mr Bator as acting GCEO for a period of six months. As mentioned, you have indicated this has your approval for the first three months and that you are seeking Prime Ministerial approval for the full six months.

However, as mentioned, the current uncertain times require certainty of decision makers, particularly the most senior Manager. A six-month appointment of Mr Bator, while appreciated, does not provide that level of certainty. The Board respectfully suggests that, as we strive to maintain business continuity and focus on new and innovative ways to service the need of our Indigenous clients, the appointment of Mr Bator for six months does not provide the best outcome for all involved, internal and external. It is expected that a more effective

ILSC will be operational by November 2021 by which time we should also be out of the current environment, so I urge you to progress your consideration to support the original Board decision, to appoint Mr Bator to November 2021. Further, as Prime Ministerial consent is being sought by you, may I suggest that consent be sought for the period to November 2021.

As previously discussed, the ILSC is on a path of restructure, to make changes to inefficient processes and structures, because we are not as well placed as we could be to enhance the Indigenous Estate. As we are working through the changes, it has become apparent that the skillset for a new GCEO has changed. The expertly designed model that Mr Bator is implementing creates structures that promote private sector funding into the Indigenous Estate. The decision to appoint Mr Bator to drive these innovations, was thoroughly thought through by the Board, who are best placed to comprehend the complexities of this path, to achieve the best possible outcomes for Indigenous Australians. As you would have experienced within the National Indigenous Australians Agency, effective structural change takes time to implement effectively, achieving maximum impact with minimal disturbance.

The depth of understanding Mr Bator has amassed over years of commitment to the ILSC, enables him to identify possible barriers and to assuage employees, enabling clearer comprehension of the benefits of the upcoming changes for our clients. Mr Bator's experience in change management within large organisations has enabled him to inspire, inform and empower employees to be engaged in progressing change together.

Mr Bator's success to date is not an entitlement but something he has earned, as he presents a compelling vision for the Indigenous Estate, addresses sensitivities for employees regarding change and respectfully transitions the ILSC from the past into the future. The Board considered this would not be effectively implemented within six months and that the longer term would more effectively reduce the possibility of complications in operational changes.

In these extraordinarily unique times, for the greatest outcome for Indigenous Australians and the ILSC and in the spirit of ongoing cooperation in this COVID-19 environment, I would be most grateful and appreciative, if you respect and support the Board's decision to appoint Mr Bator as GCEO for the full term to November 2021. The Board agreed this timeframe was required after considering the intricacies of the transformation and reached this decision with the understanding of powers contained within the Act, in particular S191L regarding the Minister not directing the ILSC Board.

On a related matter, I note I have previously written concerning the terms of our two Directors that expired in 2019, Directors Crossin and Martin, and on another occasion, the terms of Directors Odegaard and Elu, due to expire in June this year.

For continued stability in leadership in the present circumstances, I would be grateful and appreciative if you could confirm the continued appointment of all four Directors as soon as possible. This is not the time for there to be uncertainty in Board members and more importantly for the ILSC to be onboarding new Directors. I would be grateful if you could approve the extension of the four named Directors until 30 June 2022 at the earliest.

Yours sincerely



Eddie Fry
ILSC Chair



23 April 2020

The Honourable Ken Wyatt AM, MP
Minister for Indigenous Australians
Parliament House
CANBERRA ACT 2600

Dear Minister Wyatt

Re: Indigenous Land and Sea Corporation (ILSC) - Board Meeting Updates of 13 and 26 March 2020

On behalf of the Indigenous Land and Sea Corporation (ILSC) Board and in accordance with section 19 of the *Public Governance, Performance and Accountability Act 2014*, I am writing to inform you of significant decisions taken at the 13 and 26 March 2020 ILSC Boards meetings. Owing to the current COVID-19 crisis, the ILSC Board decided to meet more frequently via teleconference than previously scheduled.

Out of Session Board Meeting of 13 March 2020

Group Chief Executive Officer (GCEO) Position

In respect to correspondence received from you regarding the Board decision to appoint Mr Bator as Group Chief Executive Officer (GCEO), the Board met to consider the matter. Following broad discussion, the Board resolved to approve to appoint Mr T Edmond (currently Group General Counsel) as Acting GCEO for a period of one week (14 March – 20 March 2020), followed by the re-appointment of Mr Bator as Acting Chief Executive Officer for a period of six months (21 March – 20 September 2020) in accordance with s192P of the *Aboriginal and Torres Strait Islander Act 2005* (Cwth). I have subsequently written to you regarding this Board decision and urged you to progress your support for the original Board decision to appoint Mr Bator as GCEO through to November 2021.

Engagement of External Recruiter for ILSC GCEO

The ILSC Board agreed to the engagement of the executive recruitment agency that will search for a new ILSC GCEO. A Selection Committee has been recommended to review short-listed applicants, assess candidates, and interview, in addition to making a final recommendation to the ILSC Board.

Appointment of Mr L Bator as Director – Voyages and NCIE

The ILSC Board approved the continuing appointment of Mr Bator to the Boards of the ILSC subsidiary entities Voyages and NCIE for the period commencing 14 March 2020 until 30 November 2021 in his capacity as Executive Director, Strategic Reform Unit.

Interim Appointment of Mr L Bator as Acting Chief Executive Officer – Primary Partners Pty Ltd

The ILSC Board approved the interim appointment of Mr L Bator as Acting Chief Executive Officer, Primary Partners Pty Ltd from 21 March 2020 until a new Primary Partners CEO has been appointed.

COVID-19

The Chair outlined to the ILSC Board the proposed preventative measures in protecting the health, safety and wellbeing of all employees as provided by the Department of Health and Prime Minister and Cabinet. Across

the ILSC Group, a range of precautionary measures are currently being implemented with Management keeping the Board apprised of developments as they occur.

Out of Session Board Meeting of 26 March 2020

ANZ Facility Agreement Update

The ANZ Fourth Amendment and Restatement Agreement (**Facility Agreement**) will be maturing in January 2021 at which point repayment of the balance of the loan is required. With market deterioration, Voyages management with ANZ have sought to renegotiate the material terms of the Facility Agreement.

Common Seal

Under the *Aboriginal and Torres Strait Islander Act 2005* (Cth), it is a regulatory requirement that the ILSC has to have a Common Seal. Owing to the current crisis period relating to COVID-19 and all ILSC employees working remotely, it is impossible for the ILSC to execute documents under Seal without two Directors personally present to witness. Under the new Board Decision, the Group General Counsel is able to affix the Seal, complete, print, scan documents with the person fulfilling that role of sole witness. Upon returning to normality and people free to meet, it is intended that this Board Resolution will be revoked.

Loan AML / CTF Compliance

As a provider of a “designated service” the ILSC falls within the scope of that *Anti Money Laundering / Counter Terrorism Financing Act*. However, it is recommended that an exemption from the provisions of that Act be sought on the basis that the ILSC already complies with the thrust of the AML / CTF through a number of obligatory avenues ie ATSI and PGPA Acts. The ILSC Board resolved to approve that the ILSC make application for exemption for compliance from the AML / CTF under Part 18 of the AML / CTF.

COVID-19 Update


On Monday, 23 March the ILSC employees moved to full remote working arrangements. A Business Continuity Planning Management Team has been established that meet daily overseeing the business continuity measures across the Group and its subsidiaries.

Business Continuity Principles

Board approval was sought on the Business Continuity eight guiding Principles during and after the current COVID-19 pandemic. Over the coming weeks and months, the Board will be faced with difficult decisions relating to financial stability; staffing; security of assets; operating models; productivity; maintenance of its core mandate and services provided to its clients; and its role in the protection, relief and recovery of the Indigenous Estate. Following my discussion with you on Tuesday 7 April, a copy of these principles was sent to your office.

Please do not hesitate to contact me should you, or your Department, have any questions in relation to the contents of this letter.

Yours faithfully



Eddie Fry
ILSC Chair



Australian Government
Indigenous Land and Sea Corporation



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23 April 2020

The Honourable Ken Wyatt AM MP
Minister for Indigenous Australians
Parliament House Canberra ACT 2600

Email: minister.wyatt@ia.pm.gov.au

Dear Minister Wyatt

Re: JobKeeper eligibility for ILSC and IBA employees

It was with great pleasure that I received your letter of 21 April, regarding the JobKeeper eligibility in which you congratulate the Boards and employees across the IBA and ILSC group, for the strong leadership and extra work undertaken for Indigenous Australians.

We also thank you for your support in announcing the \$50m Indigenous Business Support Package. The IBA team has embraced and is committed to delivering the package prudently and effectively and are actively engaging across the Indigenous business sector in delivering it.

On behalf of the Boards, we greatly appreciate that you have turned your attention to the difficult situation that the affected tourism businesses in particular are facing, given the inadvertent consequences of the current JobKeeper parameters.

Looking beyond that, we have been assessing the extending impact to communities surrounding our tourism operations and other closed businesses. We are focused on the maintenance of hope for a better future for these communities with opportunities for change and growth. As you would understand, this is a significant moment and a direct opportunity to contribute towards closing the gap.

Aside from the necessity to support themselves during this period, of major concern is the fragility of our employees and their families if they do not feel the security of maintaining their positions post the COVID-19 period. To that end, we look forward to a solution which puts the employees in the same situation as they would be in if they worked for other affected businesses.

As you highlight, the importance of keeping staff engaged, skilled-up and ready to emerge strongly for the future is a major business consideration, so that the businesses can participate in the recovery of the industry and their regions beyond the crisis.

Office of the Chairperson

Mail to : Sheelagh.loss@ilsc.gov.au

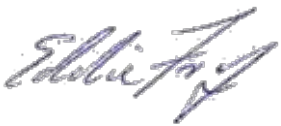
Telephone 08 8100 7100 | ABN 59 912 679 254

www.ilsc.gov.au

I would like to assure you that our teams are highly focused on keeping our workforce engaged to the extent possible during this period. However, as you would appreciate, this is a difficult task given the uncertainty of not knowing when the 'past COVID-19 period' will commence and more specifically, the strength of the economic restart.

We will also continue to work closely with NIAA and your office for a solution and we will continue to keep you informed.

Yours sincerely

A handwritten signature in black ink, appearing to read "Eddie Fry". The signature is written in a cursive, slightly slanted style.

Eddie Fry
ILSC Chair



Australian Government
Indigenous Land and Sea Corporation



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08 April 2020

The Honourable Ken Wyatt AM MP
Minister for Indigenous Australians
Parliament House Canberra ACT 2600

Email: minister.wyatt@ia.pm.gov.au

Cc Ray Griggs NIAA ray.griggs@niaa.gov.au

Dear Minister Wyatt

Re: Unintended consequences of Stimulus Payments on Indigenous Communities

I write as a matter of urgency following our discussion yesterday, to apprise you directly of the escalating situation that has been brought to my attention by Indigenous Community leaders. The immediate concern is the lack of availability and supply of basic living necessities to Indigenous Communities and the dire situation that this has brought to light. This situation threatens the food security and disadvantages communities of Australia's First Nations, already among the most vulnerable people of our society.

An unintended consequence for Indigenous Communities of the most welcomed Stimulus Payments by the Federal Government, has been the disruption in the supply of food and essential stocks to remote community stores. Following the first Stimulus Payment, essential food and household items quickly sold out in remote community stores. This is not a panic buying by community members but rather a natural occurrence whereby remote community residents are able to purchase an increased supply and variety of goods that their regular income would not normally allow.

As a result, discussions and emails from several community leaders have alerted me to the disastrous circumstances that are unfolding now in communities across Australia. The acknowledged panic buying by urban consumers has resulted in a lack of commitment by suppliers to continue to provide stock to warehouses in Darwin and Alice Springs for distribution to replenish stocks in remote communities. Major suppliers have been concentrating their supply of stocks to their regular urban deliveries as a direct consequence of the acknowledged panic buying by urban consumers. This is likely due to the larger urban population numbers and the ease of delivery.

If stocks are not provided to remote communities, then there is growing concern that residents will leave communities looking to purchase supplies from major centres such as Alice Springs and Darwin. Apart from the critical concerns of increased exposure for these communities to the Coronavirus by these departures, it breaches Designated Bio Security areas which have been set up to protect communities from exposure. In reality, no barrier designed to protect communities will be impenetrable to families seeking basic living necessities that are unobtainable within their communities. Such breaches of barriers could result in fines and

arrests of community members trying to feed and supply their families. Any person in that situation would do the same.

There is major concern for the impact of future Stimulus Payments and the immediate effect that this will have on remote communities heading to their local stores.

I received an email (Attachment A) following discussions with Alastair King, CEO Arnhem Land Progress ALPA AC this morning with this situation of grave concern.

In our discussion yesterday, I brought to your attention the Murdi Paaki region, which is essentially the same with the urgent requirement of supplies. (Attachment B).

Whilst the Murdi Paaki matter has the attention of NIAA, there seems to be growing concern that this urgent situation is suspended in meetings as agencies try to plan a coordinated response. Such a coordinated response is admirable but may arrive too late to these communities. I therefore urge you to intervene in this matter to escalate rapidly for action.

As I have conveyed to those I have spoken to, I am certain that your office, NIAA and all agencies that have capability to address these issues will work quickly together at this critical time. The immediate intervention to ensure supplies continue to reach warehouses for distribution to all remote communities will likely eliminate the need for community barrier breaches.

I believe we also need to spend the time to communicate this call to action to community leaders. If you can assure them of your urgent attention and the coordinated efforts of agencies to effect immediate action, we can request that they turn their attention to maintaining calm amongst their community and assuage their fears of abandonment and despair.

Yours sincerely



Eddie Fry
ILSC Chair

Attachment A – Alastair King ALPA CEO email to Eddie Fry

Attachment B - Allan Lamb Goodooga LALC email to Roy Ah See

Attachment A - Alastair King ALPA CEO email to Eddie Fry

Good morning Eddie

Further to our discussion this morning

We had good stock levels due to our wet season reserve stock but an unintended consequence of the first stimulus was that everyone came out and spent it in the remote stores smashing stock levels. This was not panic buying but normal behaviour with our customer demographic, they are not savers, they will spend if they get any extra money.

We now have a situation where our warehouses in Darwin and Alice Springs are not receiving adequate stock to replenish our stores and nor will the Manufacturers commit to supplying them. I don't think the manufacturers get it or understand that the warehouses are so important in the supply chain of remote community stores and that our customers are in "Designated Biosecurity Areas" and very remote. They can't just shop around as most have one community store.

The Warehouses are branded Independent Grocers (IG) in both Darwin and Alice Springs and are part of the Metcash group, the Manufactures below need to commit stock to them.

If we do not get commitment to supply then people will start to panic and leave community and head to Darwin, Alice and Katherine for supply exposing their communities to potential infection from Covid-19 which the who Designated Bio Security area is set up to protect communities from.

Myself and Michael Borg from OBS have been on many forums and teleconferences but we are at a point where if stock does not hit the road soon we will not be able to get it up to the Territory and out to stores in time!

In the next 2 weeks the next stimulus will hit putting stock levels under more pressure.

Supply issues

- Manufacturers not advising wholesalers about out-of-stocks/short supply and ETA of product
- Manufacturers will not commit to supply any orders from our NT Warehouses
- Wholesalers not being able to guarantee supply to retailers because manufacturers and not advising the above.
- Retailers having to move from primary suppliers to alternate suppliers to source stock. E.g. we have had to source personal hygiene products from a Sydney supplier who we have never used. Driving up the retail price if manufacturers and wholesalers are not held to account.
- Critical products **all essential volume sellers** – these lines will run out of in the next few weeks but this list is NOT extensive:
 - o UHT milk
 - o Powdered milk
 - o Rice
 - o Pasta
 - o Flour
 - o Canned meals (e.g. Tom Piper, Harvest, Heinz spaghetti)
 - o Canned meats
 - o Sugar
 - o Household disinfectant
 - o Personal hygiene (soap, hand sanitizer, female hygiene products)
 - o And....as expected....toilet paper

Manufacturers that are not committing stock to the Warehouses in Darwin and Alice Springs that supply the bulk of remote community stores

We need immediate action from the following

- o Arnotts: Brian Driscoll <Brian_Driscoll@arnotts.com>
- o Fonterra: Xen Xenofontos <Xen.Xenofontos@fonterra.com>
- o Freedom Foods: Matt Vince <mvince@ffgl.com.au>
- o Goodman Fielder: Mark Puglisi <Mark.Puglisi@goodmanfielder.com.au>
- o GSK: John Sawicki <john.x.sawicki@gsk.com>
- o Heinz: Emery, Mark <Mark.Emery@kraftheinz.com>
- o Kimberly Clark: Kelly, Matthew <matthew.kelly@kcc.com>
- o Nestle Food & Bev: Andrew Lawrey <Andrew.Lawrey@AU.nestle.com>

- Sanitarium: Steve Beams <Steve.Beams@sanitarium.com.au>
- Saputo: John Williams <John.Williams@saputo.com>
- Simplot: Anthony Noakes <Anthony.Noakes@simplot.com>
- Sorbent: Paul Tonkin <Paul.Tonkin@sorbent.com>
- Sunrice: Rob Gordon <rgordon@sunrice.com.au>
- Unilever: Nicole Sparshott <nicole.sparshott@unilever.com>

Attachment B - Allan Lamb Goodooga LALC email to Roy Ah See

From: Roy Ah See [<mailto:royahsee67@gmail.com>]
Sent: Tuesday, 7 April 2020 3:35 PM
To: 'VISWANATHAN,Rajiv' (Rajiv.Viswanathan@iba.gov.au); Eddie Fry (ILSC); Leo Bator (ILSC)
Subject: Fwd: Food Security Disadvantaged Communities. [SEC=OFFICIAL]

Dear Chairman,

I wish to bring this to your attention, I'm really concerned for our mobs in these communities is there anything we can do? At the very least raise it with the minister or appropriate authorities?

Many thanks

Roy

From: LANNEN, Rebecca <rebecca.lannen@official.niaa.gov.au>
Date: Tue, 7 Apr 2020 at 2:44 pm
Subject: RE: Food Security Disadvantaged Communities. [SEC=OFFICIAL]
To: Chairperson <Chairperson@redie.org.au>, BENTICK, Alison <alison.bentick@official.niaa.gov.au>, Stephen.Howarth6@aboriginalaffairs.nsw.gov.au <Stephen.Howarth6@aboriginalaffairs.nsw.gov.au>, Tracey Shillingsworth <traceys@redie.org.au>, Peter Gibbs <PeterG@redie.org.au>, mark.coulton.mp@aph.gov.au <mark.coulton.mp@aph.gov.au>, royahsee67@gmail.com <royahsee67@gmail.com>, goodooga.lalc@yahoo.com.au <goodooga.lalc@yahoo.com.au>

Dear Allan

Thank you for reaching out. We've also been in discussions with the surrounding LALCs and CWP Chairs about the serious food and health security issues in the Murdi Paaki region, particularly access to and supply of essential food and personal items; and health services.

I've got a few meetings this afternoon with NSW govt colleagues and NSWALC - we are working together for a more coordinated response. If it's ok with you, I will raise through this forum and hopefully have some options we can work through.

I'll keep in touch,

Rebecca Lannen

Regional Manager for Western New South Wales
 National Indigenous Australians Agency
 Level 1, 65 Church Street DUBBO NSW 2830
 P: 02 5852 1031 | M: [REDACTED] | *E: rebecca.lannen@official.niaa.gov.au

From: Chairperson <Chairperson@redie.org.au>
Sent: Tuesday, 7 April 2020 11:56 AM
To: LANNEN, Rebecca <rebecca.lannen@official.niaa.gov.au>; BENTICK, Alison <alison.bentick@official.niaa.gov.au>; Stephen.Howarth6@aboriginalaffairs.nsw.gov.au; Tracey Shillingsworth <traceys@redie.org.au>; Peter Gibbs <PeterG@redie.org.au>; mark.coulton.mp@aph.gov.au; royahsee67@gmail.com; goodooga.lalc@yahoo.com.au

Yaama Rebecca

On behalf of a number of very concerned residents from the communities of Goodooga, Weilmoringle, Engonnia, I wish to seek information to see if our community members of those identified communities may be able gain assistance to acquire much needed food and other essentials.

At present members of these 3 communities have not got stores or outlets to purchase food and supplies and are required to shop at the bigger towns of Lightning Ridge, Brewarrina and Bourke and it has been found that because of the COVID-19 and the stores and grocery outlets in these have not been able to fully cater for their needs.

It is a well known fact that the needs of the locals of those bigger towns are being looked after in preference to the needs of smaller disadvantaged and isolated communities and when community people do go to the bigger towns to shop, then there have been literally few food items and supplies left and that includes meat, vegetables, flour etc.

The present situation is very frustrating for the members The communities of Goodooga(250), Engonnia(75), Weilmoringle (65) and the immediate health and well-being of our people, especially our children, elders and other members who have diabetes, respiratory problems. Also our communities have limited and no health services.

With government advising that families are advised to remain in their communities for the duration of the hideous situation, our community members are very concerned that our health and well being will suffer, and we are scared of losing community members because we know that us Aboriginal Are susceptible to this disease.

Whilst being Chairperson of REDI.E, I am also Chairperson of the Goodooga Lalc, and I have spoken to TanniaEdwards Engonnia Lalc, [REDACTED] Anthony Knight Weilmoringle Lalc, [REDACTED] Allan Lamb, [REDACTED].

We as representing our Lalc's are in agreement that our community members are all wanting the basic food items and supplies to keep our communities safe.

Fresh Meat	Long life Milk	Detergents
Fresh Vegetables	Personal hygiene	Disinfectant
Tin meats	Toiletries	Hand Sanitizers
Flour	Toilet paper	Medication
Cereals	Cleaning stuff	

We are very concerned that if assistance is not available, and believe that there will be added trauma and suffering, that our communities do not need.

Our members are highly stressed at the moment with high rents, high water bills high electricity costs, no fuel and public transportation and our people are very distressed about this virus and scared of what may happen in the future, and what the future holds for our community members.

We are very concerned for our Aboriginal people and also are concerned about non-Aboriginal community members, who also live in our communities and we hope that this letter of request be strongly considered.

Yours in the struggle


Allan Lamb
Goodooga Lalc



The Hon Ken Wyatt AM MP
Minister for Indigenous Australians
Member for Hasluck

Reference: MC20-000890

Mr Edward Fry
Chairperson
Indigenous Land and Sea Corporation
GPO Box 652
ADELAIDE SA 5001


Dear Mr Fry

Thank you for your correspondence of 24 March 2020 regarding the actions the Indigenous Land and Sea Corporation (ILSC) Group are taking in response to COVID-19.

I would like to applaud the ILSC Group for its quick response in implementing measures to ensure the safety of its staff and the many Indigenous communities that it supports. We are all aware that these are unprecedented times and decisions such as these, while necessary, are extremely difficult.

The National Indigenous Australians Agency (NIAA) is closely involved with the Australian Government's broader efforts to minimise the health and non-health impacts of COVID-19 on Indigenous Australians, including through membership of the COVID-19 Aboriginal and Torres Strait Islander Advisory Group chaired by the Department of Health and the National Aboriginal Community Controlled Health Organisation.

The NIAA is working with a range of Commonwealth and state and territory government agencies to protect against the serious threat for Indigenous populations, particularly those in remote areas.

The NIAA is using its regional presence and on-the-ground contacts to assist jurisdictions' development of ongoing responses to COVID-19 and support communities to develop and implement tailored, culturally appropriate evidence-based responses. Details on COVID-19 support measures for Indigenous Australians are being posted on the NIAA website at niaa.gov.au.

Additionally, information about COVID-19 and the Government's response can be found at Australia.gov.au.

I encourage the ILSC to remain up-to-date on these support measures and the Government's response more broadly so it can ensure ILSC Group alignment.

I would also be grateful if you could keep me up-to-date on matters and actions as they arise.

Yours sincerely



The Hon KEN WYATT AM MP
Minister for Indigenous Australians

21 / 4 / 2020