



Australian Government  
Indigenous Land Corporation



The ILC GROUP

**BOARD BRIEFING PAPER**  
MEETING No 236

**Request for Legal Expenses**

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**Purpose**

To consider and approve the request for the ILSC to meet the legal expenses to be incurred by the Group CEO arising out of an inquiry being undertaken by the Commonwealth Ombudsman

**Recommendation**

**That the Board Resolves:**

To meet the request of the Group CEO for the ILSC to meet his personal legal expenses arising out of an inquiry being undertaken by the Commonwealth Ombudsman to the extent of assisting in responding to the matters raised by the Ombudsman.

**Background**

The resolution being sought arises following the receipt by the ILSC's group General Counsel of a letter from the Group CEO requesting that the ILSC, under Legal Services Directions 2017 (Cth), Appendix E, agree to meet the costs to be incurred by the Group CEO in dealing with a request from the Commonwealth Ombudsman to assist in an investigation being undertaken by the Ombudsman.

Under the Directions, an employee of a Commonwealth entity may request the entity assist in meeting legal costs.

The general policy as stated in the Directions is that approval will normally be given if there is some benefit to the Commonwealth or the entity to do so.

**Issues**

The Board needs to determine firstly, if it grants the request and if it does then needs to determine the extent of the assistance to be provided. At this stage it is recommended that if assistance is agreed to, it is limited to responding to the Ombudsman's request for assistance. If there is the need to expand the agreed reimbursement, that will be the subject of a further request.

It will be noted by the Board that once approval has been given, the costs are able to be the subject of a claim to Comcover.

**Recommendation**

**That the Board Resolves:**

To meet the request of the Group CEO for the ILSC to meet his personal legal expenses arising out of an inquiry being undertaken by the Commonwealth Ombudsman to the extent of assisting in responding to the matters raised by the Ombudsman.

**Endorsement**

**Prepared by:**

Trevor Edmond  
Group General Counsel  
4 April 2019

*In making this recommendation, I declare I have no conflict of interest.*

**Supported by:**

Trevor Edmond  
Group General Counsel  
4 April 2019

*In supporting this recommendation, I declare I have no conflict of interest.*

*Commercial in Confidence*

**BOARD DECISION**

Decision No [No]

**BOARD MEETING No:**

[No]

**MEETING DATE:**

[Date]

**THE BOARD OF DIRECTORS OF THE INDIGENOUS LAND CORPORATION:**

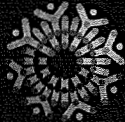
1. Resolves as follows:

SIGNED, Mr Edward Fry, Chair: ..... Date:



Australian Government

Indigenous Land and Sea Corporation



The ILSC GROUP

PEOPLE. COUNTRY. OPPORTUNITY.

3 April 2019

Mr Trevor Edmond  
Group General Counsel  
Indigenous Land and Sea Corporation  
Level 7/121 King William Street  
Adelaide SA 5000

Dear Trevor,

**Legal costs relating to a Commonwealth Ombudsman inquiry**

I must respond to a Commonwealth Ombudsman inquiry regarding a matter that relates to my role as Group Chief Executive Officer of the Indigenous Land and Sea Corporation (ILSC).

I request that the ILSC meets my personal legal expenses that relate to advice and representation in this matter.

This request is made pursuant to the *Legal Services Directions 2017* (Cth), Appendix E. Further, I note that the ILSC should be indemnified for such expenses under its Comcover policy of insurance that includes provision for Directors and Officers.

Considering my need to respond to the allegations made against me, I ask that you seek necessary instructions and provide me with a response as soon as possible.

Yours sincerely,

John Maher  
ILSC Group CEO



Australian Government  
Indigenous Land and Sea Corporation



The ILSC GROUP

*Commercial in Confidence*  
**BOARD DECISION**

Decision No 549.1

**BOARD MEETING NO:** 246  
**MEETING DATE:** 5 April 2019  
**FOR:** LEGAL EXPENSES – J MAHER

**THE BOARD OF DIRECTORS OF THE INDIGENOUS LAND AND SEA CORPORATION**

The Board unanimously resolved:

To meet the request of the Group CEO for the ILSC to meet his personal legal expenses arising out of an inquiry being undertaken by the Commonwealth Ombudsman to the extent of assisting in responding to the matters raised by the Ombudsman.

SIGNED, Mr Edward Fry, Chair:  ..... Date: 5 April 2019

ILSC BOARD MEETING No 236

Friday 5 April 2019

MINUTES

**ATTENDANCE:**

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

**Apologies:**

Mr Roy Ah See	Director
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**Not attending:**

The following attended all or part of the meeting:

Mr Trevor Edmond	ILSC Group General Counsel
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A copy of the agenda is attached.

The Chair noted this was the third meeting of the Board in a week, but hoped matters could return to a regular basis shortly, He thanked the Directors for making themselves available and note Director Ah-See was an apology, having a prior conflicting appointment.

The Chair opened the meeting at 12.00 noon ACDT having noted a quorum of Directors was present via telephone link.

**1. Apologies/Approved Leave of Absence**

As mentioned, it was noted Director Ah-See was an apology for the meeting.

**1.2 Declarations of Conflict of Interest**

No conflicts of interest were declared, but the Chair noted for good practice he would excuse himself from item 2 on the Agenda and have the Deputy Chair chair that matter. On that basis, the Chair suggested that the Board firstly deal with Agenda item 3 and then return to this matter.

**Redacted**  
**Section 22**  
**Irrelevant Matter**

**2. Request for payment of legal costs**

The Chair then moved to Agenda item 2. The Chair excused himself from the meeting and left the teleconference. The Deputy Chair took the chair for this matter.

The Deputy Chair noted the matter was to be discussed in camera and the Directors discussed the request. It was confirmed by the Group General Counsel that proper process had been followed. It was noted a request like this from any staff was something the Board would look both seriously and favourably at.

The Board unanimously resolved:

To meet the request of the Group CEO for the ILSC to meet his personal legal expenses arising out of an inquiry being undertaken by the Commonwealth Ombudsman to the extent of assisting in responding to the matters raised by the Ombudsman.

**4. Other Business**

The Chair re-joined the meeting and asked if there was any other business.

**Redacted**  
**Section 22**  
**Irrelevant Matter**



**Redacted**  
**Section 22 - Irrelevant Matter**

There being no further business, the Chair closed the meeting at 12.35pm ACDT.

  
**Mr Eddie Fry**  
Chair