

**OPERATION GREER
E14/0362**

PUBLIC INQUIRY BRIEF

**Allegation A
Appointment of the Administrator**

VOLUME 1

HEARING BRIEF**Operation Greer E14/0362****Allegation A - Appointment of the Administrator**

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The Hon Victor Dominello MP
Minister for Citizenship and Communities
Minister for Aboriginal Affairs

Our Ref: AAD13/7155

Mr David Lombe
Partner
Deloitte Touche Tohmatsu
225 George Street
SYDNEY NSW 2000



Dear Mr Lombe

I refer to the report of the investigator into the affairs of Gandangara Local Aboriginal Land Council (**GLALC**), dated 11 April 2013, which recommended that I consider the appointment of an administrator to GLALC.

Pursuant to Section 222(1) of the *Aboriginal Land Rights Act 1983* (**ALRA**), I confirm your appointment as Administrator to GLALC (**Administrator**), with all of the functions of GLALC excepting those functions specified in section 52(2)(g) and 52(4)(b) in accordance with the **attached** Instrument of Appointment. The term of the appointment is for three months commencing from the date the Instrument of Appointment, as signed by me.

Please note that under section 229(1) of the ALRA, you are required to provide a monthly report to me, the NSW Aboriginal Land Council, and GLALC in electronic and hard copy formats, by the 7th day of each month, and in accordance with the terms of the Instrument of Appointment (**Monthly Report**).

You will note that the terms of your appointment as Administrator include the requirement that you develop a program for building capacity and strengthening governance within the Board of GLALC, both during, and on the expiration of the term of the Administrator. In addition to the terms of the Instrument of Appointment, I also require that you provide an update on the board's participation in this program, in your Monthly Report.

If you have any further queries in relation to this matter, please contact Mr Ross Pearson, Manager, Compliance and Regulation at Aboriginal Affairs on 02 [REDACTED]

Yours sincerely

Victor Dominello MP
Minister for Aboriginal Affairs

20 - 8 - 13

**INSTRUMENT OF APPOINTMENT
GANDANGARA LOCAL ABORIGINAL LAND COUNCIL
ADMINISTRATOR**

Preamble:

With the approval of the New South Wales Aboriginal Land Council and pursuant to section 222(1) of the *Aboriginal Land Rights Act 1983*, I hereby appoint Mr David Lombe as Administrator with all the functions of Gandangara Local Aboriginal Land Council ("the LALC"), the Board of the LALC, and the members of the LALC exercised by resolution of the members of the LALC, excepting those functions specified under sections 52(2)(g) and 52(4)(b) of the *Aboriginal Land Rights Act 1983* for a period of three (3) calendar months effective from the date I have signed this instrument.

POWERS OF APPOINTMENT

The Administrator is appointed to administer all of the functions of the LALC, the Board of the LALC, and the members of the LALC exercised by resolution of the members of the LALC, excepting those functions specified under sections 52(2)(g) and 52(4)(b) of the *Aboriginal Land Rights Act 1983* in accordance with the *Aboriginal Land Rights Act 1983* ("ALRA"), the *Aboriginal Land Rights Regulation 2002* ("ALRR") and relevant laws.

1 TERM

- 1.1 The Administrator's appointment begins on the date this instrument is signed by the Minister of Aboriginal Affairs and ends three (3) months from this date unless:
- a) extended by the Minister pursuant to section 231 of the ALRA; or
 - b) the Administrator is removed pursuant to section 232 of the ALRA.

2 FUNCTIONS AND DUTIES

- 2.1 The Administrator is appointed to perform all the functions of the LALC, the Board of the LALC, and the members of the LALC exercised by resolution of the members of the LALC, conferred or imposed on the LALC by and under the ALRA excepting those functions specified under sections 52(2)(g) and 52(4)(b) of the ALRA and the Administrator shall perform all of those functions in accordance with and subject to the ALRA and ALRR.
- 2.2 Without limiting clause 2.1, in the exercise of his functions and duties the Administrator is to have regard to:
- a) The 'Recommendations' set out in the Report of the *Investigation into the Affairs of the Gandangara Local Aboriginal Land Council* dated 11 April 2013 (the Investigation Report);

- b) establishment of effective accounting and internal control procedures;
 - c) establishment of practices that promote transparent decision-making and accountable administration;
 - d) finalisation of the LALC's audited financial statements in respect of the financial years that remain outstanding;
 - e) compliance with all requirements of Div. 2 of Pt 8 of the ALRA in respect of the financial years that remain outstanding;
 - f) compliance of the LALC with section 78B of the ALRA;
 - g) the effectiveness, and the lawfulness under the ALRA of the contractual and financial relationships between the LALC and the Walgett Local Aboriginal Land Council and La Perouse Local Aboriginal Land Council, and between the LALC and the corporate entities referred to in the Investigation Report, as 'the GLALC Group';
 - h) reporting on all incidents of corruption, fraud, misappropriation, mismanagement or maladministration of the Land Council's funds and assets;
 - i) pursuant to section 11 of the *Independent Commission Against Corruption Act 1988* notifying the Commission of any matter that he suspects on reasonable grounds concerns or may concern corrupt conduct.
- 2.3 Within one month of the date of his appointment, the Administrator is to provide the Minister and NSWALC with a Plan of Management for the LALC which:
- a) outlines, in general terms, the steps the Administrator proposes to take to administer the LALC over the course of the administration;
 - b) includes a strategy and program for building capacity and strengthening governance within the Board of the LALC, both during, and on the expiration of the term of the administrator; and
 - c) sets out an estimate of the Administrator's remuneration and expenses associated with achieving each step identified in the Plan of Management.
- 2.4 Pursuant to section 229(1) of the ALRA, the Administrator must within seven (7) working days of the end of each calendar month provide the Minister, NSWALC and the LALC with a Monthly Report. For the purposes of 229(3), the Minister hereby directs the Administrator that the Monthly Report must:
- a) be provided in electronic and hard copy formats;

- b) refer and relate back to the Plan of Management, including by:
 - i. indicating the progress achieved in implementing the steps set out in the Plan of Management;
 - ii. identifying any additional material steps which the Administrator considers need to be taken which were not originally identified in the Plan of Management.

2.5 The last Monthly Report must, in addition to the matters referred to above:

- a) summarise the outcomes of the administration;
- b) make recommendations as to steps which might be taken to facilitate better functioning of the LALC post-administration;
- c) report on and make recommendations to the Minister in respect of each of the Recommendations set out in the Report of the *Investigation into the Affairs of the Gandangara Local Aboriginal Land Council* dated 11 April 2013;
- d) make a recommendation as to whether the LALC's funding should be resumed.

2.6 Not later than one month prior to the date on which the Administrator's term expires, the Administrator is to provide to the Minister and NSWALC a draft Exit Strategy which sets out:

- a) Which of the steps identified in the Plan of Management have been fully implemented and the results of that implementation;
- b) Which of the steps identified in the Plan of Management have not been fully implemented (including the reasons as to why) and what further steps need to be taken to finalise them; and
- c) What steps need to be taken to implement the transition from administration to non-administration and how the Administrator proposes to implement those steps.

2.7 Throughout the term of the appointment the Administrator is to attend meetings with representatives of NSWALC and officers of Aboriginal Affairs on request.

2.8 The administrator is to convene and attend meetings of the Board of the LALC at least every four weeks during the term of the administration.

3 ADMINISTRATOR'S REMUNERATION AND EXPENSES

3.1 Subject to this clause 3, the amounts to be paid by NSWALC to the Administrator pursuant to s.222(5) of the ALRA are as follows:

a) the Administrator's remuneration (including fees payable for the services of other personnel within the Administrator's firm who provide services as agents of the Administrator) calculated at the following rates:

- for the Administrator's time: \$ 480 per hour, plus GST
- for a Director's time: \$ 380 per hour, plus GST
- for Manager's time: \$ 300 per hour, plus GST
- for a Senior Analyst's time: \$240 per hour, plus GST
- for an Analyst's time: \$180 per hour, plus GST
- for a Support's time: \$108 per hour, plus GST

b) The Administrator's reasonable expenses.

3.2 Where it appears likely that the Administrator's remuneration and reasonable expenses (see cl.3.1) will exceed \$150,000 plus GST, the Administrator must (as far in advance of that amount being reached as possible) inform NSWALC that this is likely to occur, and give NSWALC an estimate of the extent to which that amount is likely to be exceeded.

3.3 NSWALC is not obliged to pay the Administrator's remuneration and reasonable expenses (see cl.3.1) which exceed \$150,000 plus GST unless NSWALC has agreed to pay the amounts before they are incurred.

Signed: _____

Date: _____

Victor Dominello MP
Minister for Aboriginal Affairs

The Administrator acknowledges:

- That he has read and understands this Instrument of Appointment, and
- That he accepts the appointment on the terms of this Instrument of Appointment.

Signed: _____

Date: _____

Mr David Lombe

Notice of this appointment will be published in the NSW Government Gazette.

INSTRUMENT OF APPOINTMENT GANDANGARA LOCAL ABORIGINAL LAND COUNCIL ADMINISTRATOR

Preamble:

With the approval of the New South Wales Aboriginal Land Council and pursuant to section 222(1) of the *Aboriginal Land Rights Act 1983*, I hereby appoint Mr David Lombe as Administrator with all the functions of Gandangara Local Aboriginal Land Council ("the LALC"), the Board of the LALC, and the members of the LALC exercised by resolution of the members of the LALC, excepting those functions specified under sections 52(2)(g) and 52(4)(b) of the *Aboriginal Land Rights Act 1983* for a period of three (3) calendar months effective from the date I have signed this instrument.

POWERS OF APPOINTMENT

The Administrator is appointed to administer all of the functions of the LALC, the Board of the LALC, and the members of the LALC exercised by resolution of the members of the LALC, excepting those functions specified under sections 52(2)(g) and 52(4)(b) of the *Aboriginal Land Rights Act 1983* in accordance with the *Aboriginal Land Rights Act 1983* ("ALRA"), the *Aboriginal Land Rights Regulation 2002* ("ALRR") and relevant laws.

1 TERM

- 1.1 The Administrator's appointment begins on the date this instrument is signed by the Minister of Aboriginal Affairs and ends three (3) months from this date unless:
- a) extended by the Minister pursuant to section 231 of the ALRA; or
 - b) the Administrator is removed pursuant to section 232 of the ALRA.

2 FUNCTIONS AND DUTIES

- 2.1 The Administrator is appointed to perform all the functions of the LALC, the Board of the LALC, and the members of the LALC exercised by resolution of the members of the LALC, conferred or imposed on the LALC by and under the ALRA excepting those functions specified under sections 52(2)(g) and 52(4)(b) of the ALRA and the Administrator shall perform all of those functions in accordance with and subject to the ALRA and ALRR.
- 2.2 Without limiting clause 2.1, in the exercise of his functions and duties the Administrator is to have regard to:
- a) The 'Recommendations' set out in the Report of the *Investigation into the Affairs of the Gandangara Local Aboriginal Land Council* dated 11 April 2013 (the Investigation Report);

- b) establishment of effective accounting and internal control procedures;
- c) establishment of practices that promote transparent decision-making and accountable administration;
- d) finalisation of the LALC's audited financial statements in respect of the financial years that remain outstanding;
- e) compliance with all requirements of Div. 2 of Pt 8 of the ALRA in respect of the financial years that remain outstanding;
- f) compliance of the LALC with section 78B of the ALRA;
- g) the effectiveness, and the lawfulness under the ALRA of the contractual and financial relationships between the LALC and the Walgett Local Aboriginal Land Council and La Perouse Local Aboriginal Land Council, and between the LALC and the corporate entities referred to in the Investigation Report, as 'the GLALC Group';
- h) reporting on all incidents of corruption, fraud, misappropriation, mismanagement or maladministration of the Land Council's funds and assets;
- i) pursuant to section 11 of the *Independent Commission Against Corruption Act 1988* notifying the Commission of any matter that he suspects on reasonable grounds concerns or may concern corrupt conduct.

2.3 Within one month of the date of his appointment, the Administrator is to provide the Minister and NSWALC with a Plan of Management for the LALC which:

- a) outlines, in general terms, the steps the Administrator proposes to take to administer the LALC over the course of the administration;
- b) includes a strategy and program for building capacity and strengthening governance within the Board of the LALC, both during, and on the expiration of the term of the administrator; and
- c) sets out an estimate of the Administrator's remuneration and expenses associated with achieving each step identified in the Plan of Management.

2.4 Pursuant to section 229(1) of the ALRA, the Administrator must within seven (7) working days of the end of each calendar month provide the Minister, NSWALC and the LALC with a Monthly Report. For the purposes of 229(3), the Minister hereby directs the Administrator that the Monthly Report must:

- a) be provided in electronic and hard copy formats;

- b) refer and relate back to the Plan of Management, including by:
 - i. indicating the progress achieved in implementing the steps set out in the Plan of Management;
 - ii. identifying any additional material steps which the Administrator considers need to be taken which were not originally identified in the Plan of Management.

2.5 The last Monthly Report must, in addition to the matters referred to above:

- a) summarise the outcomes of the administration;
- b) make recommendations as to steps which might be taken to facilitate better functioning of the LALC post-administration;
- c) report on and make recommendations to the Minister in respect of each of the Recommendations set out in the Report of the *Investigation into the Affairs of the Gandangara Local Aboriginal Land Council* dated 11 April 2013;
- d) make a recommendation as to whether the LALC's funding should be resumed.

2.6 Not later than one month prior to the date on which the Administrator's term expires, the Administrator is to provide to the Minister and NSWALC a draft Exit Strategy which sets out:

- a) Which of the steps identified in the Plan of Management have been fully implemented and the results of that implementation;
- b) Which of the steps identified in the Plan of Management have not been fully implemented (including the reasons as to why) and what further steps need to be taken to finalise them; and
- c) What steps need to be taken to implement the transition from administration to non-administration and how the Administrator proposes to implement those steps.

2.7 Throughout the term of the appointment the Administrator is to attend meetings with representatives of NSWALC and officers of Aboriginal Affairs on request.

2.8 The administrator is to convene and attend meetings of the Board of the LALC at least every four weeks during the term of the administration.

3 ADMINISTRATOR'S REMUNERATION AND EXPENSES

3.1 Subject to this clause 3, the amounts to be paid by NSWALC to the Administrator pursuant to s.222(5) of the ALRA are as follows:

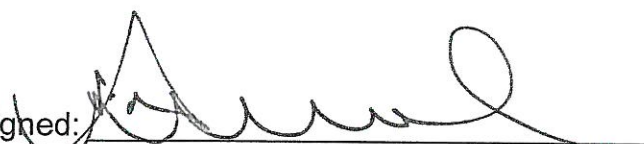
a) the Administrator's remuneration (including fees payable for the services of other personnel within the Administrator's firm who provide services as agents of the Administrator) calculated at the following rates:

- for the Administrator's time: \$ 480 per hour, plus GST
- for a Director's time: \$ 380 per hour, plus GST
- for Manager's time: \$ 300 per hour, plus GST
- for a Senior Analyst's time: \$240 per hour, plus GST
- for an Analyst's time: \$180 per hour, plus GST
- for a Support's time: \$108 per hour, plus GST

b) The Administrator's reasonable expenses.

3.2 Where it appears likely that the Administrator's remuneration and reasonable expenses (see cl.3.1) will exceed \$150,000 plus GST, the Administrator must (as far in advance of that amount being reached as possible) inform NSWALC that this is likely to occur, and give NSWALC an estimate of the extent to which that amount is likely to be exceeded.

3.3 NSWALC is not obliged to pay the Administrator's remuneration and reasonable expenses (see cl.3.1) which exceed \$150,000 plus GST unless NSWALC has agreed to pay the amounts before they are incurred.

Signed:  Date: 20-8-13

Victor Dominello MP
Minister for Aboriginal Affairs

The Administrator acknowledges:

- That he has read and understands this Instrument of Appointment, and
- That he accepts the appointment on the terms of this Instrument of Appointment.

Signed:  Date: 21-8-2013

Mr David Lombe

Notice of this appointment will be published in the NSW Government Gazette.



NSW ICAC EXHIBIT

The Hon Victor Dominello MP
Minister for Citizenship and Communities
Minister for Aboriginal Affairs

E14/0362/11/29

Our Ref: AAD13/7155

Ms Cinderella Cronan
Chairperson
Gandangara Local Aboriginal Land Council
PO Box 1038
LIVERPOOL BUSINESS CENTRE NSW 1871

Dear Chairperson

I refer to the report of the investigator into the affairs of Gandangara Local Aboriginal Land Council (**GLALC**), dated 11 April 2013, which recommended that I consider the appointment of an administrator to GLALC.

After careful consideration of all the relevant material, I have appointed Mr David Lombe as Administrator of GLALC pursuant section 222(1) of the *Aboriginal Land Rights Act 1983 (ALRA)* for a period of three months with all of the functions of the Council, excepting those functions specified in section 52(2)(g) and 52(4)(b) of the ALRA.

The appointment of the Administrator with part functions ensures that you and the elected Board of GLALC remain in office. I have decided on this approach, in the aim of developing capacity and strengthening governance of the Board of GLALC. Please note that the terms of the Administrator's appointment include the requirement that he develop a program for building capacity and strengthening governance within the Board of GLALC, both during, and on the expiration of the term of the Administrator. The Administrator is required to provide a monthly report to me, the NSW Aboriginal Land Council and to GLALC on, amongst other things, the participation of the Board of the GLALC in this program.

If you have any further queries in relation to this matter, please contact Mr Ross Pearson, Manager, Compliance and Regulation at Aboriginal Affairs on [REDACTED]

Yours sincerely

Victor Dominello MP
Minister for Aboriginal Affairs

20-8-13



The Hon Victor Dominello MP
Minister for Citizenship and Communities
Minister for Aboriginal Affairs

Our Reference: AAD13/7830

Mr David Lombe
Partner
Deloitte Touche Tohmatsu
225 George Street
SYDNEY NSW 2000

26 NOV 2013

Dear Mr Lombe

David

I am writing to advise you that I have received the consent of NSW Aboriginal Land Council to extending your term of appointment as administrator of Gandangara Local Aboriginal Land Council.

In accordance with section 231(2) of the *Aboriginal Land Rights Act 1983*, and the NSW Aboriginal Land Council's consent, I have extended your term as Administrator of the Land Council until 20 December 2013.

The Instrument Extending Term of Office of the Administrator to the Land Council is attached to this letter.

If you have any further queries in relation to this matter, please contact Mr Ross Pearson, Manager, Compliance and Regulation at Aboriginal Affairs on 02 [REDACTED]

Yours sincerely

Victor Dominello MP
Minister for Aboriginal Affairs

19 NOV 2013

**INSTRUMENT EXTENDING TERM OF OFFICE OF THE ADMINISTRATOR,
GANGANDARA LOCAL ABORIGINAL LAND COUNCIL**

Pursuant to section 231(2) of the *Aboriginal Land Rights Act 1983* and with the consent of the New South Wales Aboriginal Land Council, I hereby extend the term of office of the Administrator of the Gangandara Local Aboriginal Land Council, Mr David Lombe as set out in the Instrument of Appointment until 20 December 2013.

The terms of the Administrator's Instrument of Appointment dated 20 August 2013 ("Original Instrument") apply to the extended period of administration, subject to the following variation effected by this Instrument:

Clause 3 of the Original Instrument is deleted and the following clause is inserted:

3. REMUNERATION

3.1 Subject to this clause 3, the amounts to be paid by NSWALC to the Administrator pursuant to s.222(5) of the ALRA are as follows:

a) The Administrator's remuneration (including fees payable for the services of other personnel within the Administrator's firm who provide services as agents of the Administrator) calculated at the following rates:

- for the Administrator's time: \$ 480 per hour, plus GST
- for a Director's time: \$ 380 per hour, plus GST
- for Manager's time: \$ 300 per hour, plus GST
- for a Senior Analyst's time: \$240 per hour, plus GST
- for an Analyst's time: \$180 per hour, plus GST
- for a Support's time: \$108 per hour, plus GST

b) The Administrator's reasonable expenses.

3.2 Where it appears likely that the Administrator's remuneration and reasonable expenses (see cl.4.1) will exceed \$60 000 excluding GST, the Administrator must (as far in advance of that amount being reached as possible) inform NSWALC that this is likely to occur, and give NSWALC an estimate of the extent to which that amount is likely to be exceeded.

3.3 NSWALC is not obliged to pay the Administrator's remuneration and reasonable expenses (see cl.3.1) which exceed \$60 000 excluding GST, unless NSWALC has agreed to pay the amounts before they are incurred.

Signed: _____

Date: _____

19-11-13

The Hon Victor Dominello MP
Minister for Communities
Minister for Aboriginal Affairs
Minister for Citizenship



The Hon Victor Dominello MP
Minister for Citizenship and Communities
Minister for Aboriginal Affairs

Our Reference: AAD13/7956

ACH

Mr David Lombe
Partner
Deloitte Touche Tohmatsu
225 George Street
SYDNEY NSW 2000

13 JAN 2014

13 JAN 2014

Dear Mr Lombe

David

I am writing to advise you that I have received the consent of NSW Aboriginal Land Council to extending your term of appointment as administrator of Gandangara Local Aboriginal Land Council.

In accordance with section 231(2) of the *Aboriginal Land Rights Act 1983*, and the NSW Aboriginal Land Council's consent, I have extended your term as Administrator of the Land Council for three months until 19 March 2014.

The Instrument Extending Term of Office of the Administrator to the Land Council is attached to this letter.

If you have any further queries in relation to this matter, please contact Mr Ross Pearson, Manager, Compliance and Regulation at Aboriginal Affairs on 02 [REDACTED]

Yours sincerely

Victor Dominello MP
Minister for Aboriginal Affairs

17-12-13

**INSTRUMENT EXTENDING TERM OF OFFICE OF THE ADMINISTRATOR,
GANGANDARA LOCAL ABORIGINAL LAND COUNCIL**

Pursuant to section 231(2) of the *Aboriginal Land Rights Act 1983* and with the consent of the New South Wales Aboriginal Land Council, I hereby extend the term of office of the Administrator of the Gangandara Local Aboriginal Land Council, Mr David Lombe as set out in the Instrument of Appointment for a period of three months effective from 20 December 2013.

The terms of the Administrator's Instrument of Appointment dated 20 August 2013 ("Original Instrument") apply to the extended period of administration, subject to the following variation effected by this Instrument:

Clause 3 of the Original Instrument is deleted and the following clause is inserted:

3. REMUNERATION

3.1 Subject to this clause 3, the amounts to be paid by NSWALC to the Administrator pursuant to s.222(5) of the ALRA are as follows:

a) The Administrator's remuneration (including fees payable for the services of other personnel within the Administrator's firm who provide services as agents of the Administrator) calculated at the following rates:

- for the Administrator's time: \$ 480 per hour, plus GST
- for a Director's time: \$ 380 per hour, plus GST
- for Manager's time: \$ 300 per hour, plus GST
- for a Senior Analyst's time: \$240 per hour, plus GST
- for an Analyst's time: \$180 per hour, plus GST
- for a Support's time: \$108 per hour, plus GST

b) The Administrator's reasonable expenses.

3.2 Where it appears likely that the Administrator's remuneration and reasonable expenses (see cl.4.1) will exceed \$180 000 excluding GST, the Administrator must (as far in advance of that amount being reached as possible) inform NSWALC that this is likely to occur, and give NSWALC an estimate of the extent to which that amount is likely to be exceeded.

3.3 NSWALC is not obliged to pay the Administrator's remuneration and reasonable expenses (see cl.3.1) which exceed \$180 000 excluding GST, unless NSWALC has agreed to pay the amounts before they are incurred.

Signed:  Date: 17-12-13

The Hon Victor Dominello MP
Minister for Communities
Minister for Aboriginal Affairs
Minister for Citizenship

**INSTRUMENT OF APPOINTMENT
GANDANGARA LOCAL ABORIGINAL LAND COUNCIL
ADMINISTRATOR**

Preamble:

With the approval of the New South Wales Aboriginal Land Council and pursuant to section 222(1) of the *Aboriginal Land Rights Act 1983*, I hereby appoint Mr Peter Hillig as Administrator with all the functions of Gandangara Local Aboriginal Land Council ("the LALC") for a period of six (6) calendar months, effective from 20 March 2014.

POWERS OF APPOINTMENT

The Administrator is appointed to administer all of the functions of the LALC of the *Aboriginal Land Rights Act 1983* in accordance with the *Aboriginal Land Rights Act 1983* ("ALRA"), the *Aboriginal Land Rights Regulation 2002* ("ALRR") and relevant laws.

1 TERM

- 1.1 The Administrator's appointment begins on 20 March 2014 and ends six (6) months from this date unless:
- a) extended by the Minister pursuant to section 231 of the ALRA; or
 - b) the Administrator is removed pursuant to section 232 of the ALRA.

2 FUNCTIONS AND DUTIES

- 2.1 The Administrator is appointed to perform all of the functions of the LALC, the Board of the LALC, and the members of the LALC exercised by resolution of the members of the LALC, conferred or imposed on the LALC subject to the ALRA and ALRR.
- 2.2 Without limiting clause 2.1, in the exercise of his functions and duties the Administrator is to give priority to:
- a) The 'Recommendations' set out in the Report of the *Investigation into the Affairs of the Gandangara Local Aboriginal Land Council* dated 11 April 2013 (the Investigation Report);
 - b) establishing effective accounting and internal control procedures;
 - c) establishing practices that promote transparent decision-making and accountable administration;
 - d) finalising the LALC's audited financial statements in respect of the financial years that remain outstanding;

- e) complying with all requirements of Div. 2 of Pt 8 of the ALRA in respect of the financial years that remain outstanding;
 - f) ensuring compliance of the LALC with section 78B of the ALRA;
 - g) addressing management issues outlined in the contents of the Draft Management Letter of Lawler Partners accompanying the LALC audit for the year ended June 2013,
 - h) ensuring the effectiveness, and the lawfulness under the ALRA of the contractual and financial relationships between the LALC and the Walgett Local Aboriginal Land Council and La Perouse Local Aboriginal Land Council, and between the LALC and the corporate entities referred to in the Investigation Report, as 'the GLALC Group';
 - i) identifying and recovering any funds or assets of the LALC, loaned to, transferred to, or in the possession of any of the corporate entities currently or previously constituting part of the GLALC Group', or to the directors of such entities, where such loan, transfer or possession is ascertained to have been, or to be, *ultra vires* the ALRA, or otherwise contrary to the provisions of the ALRA, or contrary to any previous compliance directions issued by the Registrar ALRA to the LALC,
 - j) identifying and recovering from the former Chief Executive Officer of the LALC, Mark Johnson, or his private company Waawidji Pty Ltd, any funds or assets of the LALC which are ascertained to have been paid or transferred from the LALC unlawfully, *ultra vires* the ALRA, or otherwise contrary to the provisions of the ALRA and ALRR,
 - k) reporting on all incidents of corruption, fraud, misappropriation, mismanagement or maladministration of the Land Council's funds and assets;
 - l) pursuant to section 11 of the *Independent Commission Against Corruption Act 1988*, notifying the Commission of any matter that he suspects on reasonable grounds concerns or may concern corrupt conduct.
- 2.3 Within one month of the date of his appointment, the Administrator is to provide the Minister and NSWALC with a Plan of Management for the LALC which:
- a) outlines, in general terms, the steps the Administrator proposes to take to administer the LALC over the course of the administration;
 - b) sets out an estimate of the Administrator's remuneration and expenses associated with achieving each step identified in the Plan of Management.

- 2.4 Pursuant to section 229(1) of the ALRA, the Administrator must within seven (7) working days of the end of each calendar month provide the Minister, NSWALC and the LALC with a Monthly Report. For the purposes of 229(3), the Minister hereby directs the Administrator that the Monthly Report must:
- a) be provided in electronic and hard copy formats;
 - b) refer and relate back to the Plan of Management, including by:
 - i. indicating the progress achieved in implementing the steps set out in the Plan of Management;
 - ii. identifying any additional material steps which the Administrator considers need to be taken which were not originally identified in the Plan of Management.
- 2.5 The last Monthly Report must, in addition to the matters referred to above:
- a) summarise the outcomes of the administration;
 - b) make recommendations as to steps which might be taken to facilitate better functioning of the LALC post-administration;
 - c) report on and make recommendations to the Minister in respect of each of the Recommendations set out in the Report of the *Investigation into the Affairs of the Gandangara Local Aboriginal Land Council* dated 11 April 2013;
 - d) make a recommendation as to whether the LALC's funding should be resumed.
- 2.6 Not later than one month prior to the date on which the Administrator's term expires, the Administrator is to provide to the Minister and NSWALC a draft Exit Strategy which sets out:
- a) Which of the steps identified in the Plan of Management have been fully implemented and the results of that implementation;
 - b) Which of the steps identified in the Plan of Management have not been fully implemented (including the reasons as to why) and what further steps need to be taken to finalise them; and
 - c) What steps need to be taken to implement the transition from administration to non-administration and how the Administrator proposes to implement those steps.
- 2.7 Throughout the term of the appointment the Administrator is to attend meetings with representatives of NSWALC and officers of Aboriginal Affairs on request.

3 ADMINISTRATOR'S REMUNERATION AND EXPENSES

3.1 Subject to this clause 3, the amounts to be paid by NSWALC to the Administrator pursuant to s.222(5) of the ALRA are as follows:

a) the Administrator's remuneration (including fees payable for the services of other personnel within the Administrator's firm who provide services as agents of the Administrator) calculated at the following rates:

- for the Administrator's time: \$ 470 per hour, plus GST
- for a Director's time: \$ 415 per hour, plus GST
- for Senior Manager's time: \$ 380 per hour, plus GST
- for Manager's time: \$ 320 per hour, plus GST
- for a Supervisor's time: \$ 270 per hour, plus GST
- for a Senior's time: \$ 250 per hour, plus GST
- for a Senior Assistant's time: \$ 200 per hour, plus GST
- for an Intermediate's time: \$ 160 per hour, plus GST
- for a Professional Clerk's time: \$ 135 per hour, plus GST
- for a Secretary's time: \$ 170 per hour, plus GST
- for a Typist's time: \$ 115 per hour, plus GST
- for a Junior's time: \$ 100 per hour, plus GST

b) The Administrator's reasonable expenses.

3.2 Where it appears likely that the Administrator's remuneration and reasonable expenses (see cl.3.1) will exceed \$300,000 plus GST, the Administrator must (as far in advance of that amount being reached as possible) inform NSWALC that this is likely to occur, and give NSWALC an estimate of the extent to which that amount is likely to be exceeded.

3.3 NSWALC is not obliged to pay the Administrator's remuneration and reasonable expenses (see cl.3.1) which exceed \$300,000 plus GST unless NSWALC has agreed to pay the amounts before they are incurred.

Signed: _____

Date: _____

19.3.14

Victor Dominello MP
Minister for Aboriginal Affairs

The Administrator acknowledges:

- That he has read and understands this Instrument of Appointment, and
- That he accepts the appointment on the terms of this Instrument of Appointment.

Signed: _____

Date: _____

20/3/14

Mr Peter Hillig

Notice of this appointment will be published in the NSW Government Gazette.



The Hon Victor Dominello MP
Minister for Citizenship and Communities
Minister for Aboriginal Affairs
Minister for Veterans' Affairs
Assistant Minister for Education

Our Reference: AAD14/9644
RML14/3426

Mr Peter Hillig
Partner
Smith Hancock
Level 4, 88 Phillip Street
PARRAMATTA NSW 2150

PTNR	MANAGER	DATE REC'D	23 SEP 2014
DRAFT RESPONSE (✓)		FILE ONLY (✓)	
OHS TO BE BANKED (✓)		PAY A/G (✓)	
OTHER		ADMIN (✓)	
VA	DC	WL	RL

MS MLE 24/9/14

Dear Mr Hillig *Peter*

I refer to correspondence dated 3 September 2014 from the NSW Aboriginal Land Council, consenting to an extension of your term of appointment as Administrator of Gandangara Local Aboriginal Land Council.

In accordance with section 231(2) of the *Aboriginal Land Rights Act 1983*, and the New South Wales Aboriginal Land Council's consent, I have extended your term as Administrator of the Gandangara Local Aboriginal Land Council for a period of six months, effective from 20 September 2014.

The Instrument *Extending Term of Office of the Administrator to the Land Council* is attached to this letter.

If you have any further queries in relation to this matter, please contact Mr Daniel Lutton, Acting Manager, Compliance and Regulation, Aboriginal Affairs on (02) [REDACTED]

Yours sincerely

Victor Dominello MP
Minister for Citizenship and Communities
Minister for Aboriginal Affairs
Minister for Veterans' Affairs
Assistant Minister for Education

17-9-14

**INSTRUMENT EXTENDING TERM OF OFFICE OF THE ADMINISTRATOR,
GANDANGARA LOCAL ABORIGINAL LAND COUNCIL**

Pursuant to section 231(2) of the *Aboriginal Land Rights Act 1983* and with the consent of the New South Wales Aboriginal Land Council, I hereby extend the term of office of the Administrator of the Gandangara Local Aboriginal Land Council, Mr Peter Hillig as set out in the Instrument of Appointment for a further period of six (6) calendar months effective from **20 September 2014**.

The terms of the Administrator's Instrument of Appointment dated 19 March 2014 ("Original Instrument") apply to the extended period of administration, subject to the following variation effected by this Instrument:

Clause 3 of the Original Instrument is deleted and the following clause is inserted:

3. REMUNERATION

3.1 Subject to this clause 3, the amounts to be paid by NSWALC to the Administrator pursuant to s.222(5) of the ALRA are as follows:

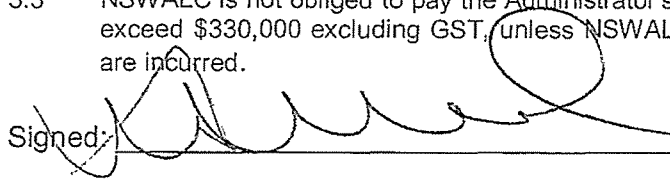
a) The Administrator's remuneration (including fees payable for the services of other personnel within the Administrator's firm who provide services as agents of the Administrator) calculated at the following rates:

•	for the Administrator's time:	\$ 470 per hour, plus GST
•	for a Director's time:	\$ 415 per hour, plus GST
•	for Senior Manager's time:	\$ 380 per hour, plus GST
•	for Manager's time:	\$ 320 per hour, plus GST
•	for a Supervisor's time:	\$ 270 per hour, plus GST
•	for a Senior's time:	\$ 250 per hour, plus GST
•	for a Senior Assistant's time:	\$ 200 per hour, plus GST
•	for an Intermediate's time:	\$ 160 per hour, plus GST
•	for a Professional Clerk's time:	\$ 135 per hour, plus GST
•	for a Secretary's time:	\$ 170 per hour, plus GST
•	for a Typist's time:	\$ 115 per hour, plus GST
•	for a Junior's time	\$ 100 per hour, plus GST

b) The Administrator's reasonable expenses.

3.2 Where it appears likely that the Administrator's remuneration and reasonable expenses will exceed \$330,000 excluding GST, the Administrator must (as far in advance of that amount being reached as possible) inform NSWALC that this is likely to occur, and give NSWALC an estimate of the extent to which that amount is likely to be exceeded.

3.3 NSWALC is not obliged to pay the Administrator's remuneration and reasonable expenses which exceed \$330,000 excluding GST, unless NSWALC has agreed to pay the amounts before they are incurred.

Signed:  Date: 17-9-14

The Hon Victor Dominello MP
Minister for Citizenship and Communities
Minister for Aboriginal Affairs
Minister for Veterans' Affairs
Assistant Minister for Education

ABORIGINAL LAND RIGHTS ACT 1983

NOTICE

I, the Honourable Victor Dominello MP, Minister for Aboriginal Affairs, following consent by the New South Wales Aboriginal Land Council (NSWALC), do, by this notice pursuant to section 231(2) of the Aboriginal Land Rights Act 1983 (the Act) extend the appointment of Mr Peter Hillig as administrator to the Gandangara Local Aboriginal Land Council for a period of six (6) calendar months, from 20 September 2014. During the period of his appointment, the administrator will have all of the functions of the Gandangara Local Aboriginal Land Council and any other duties as specified by the instrument of appointment. The administrator's remuneration and expenses are not to exceed \$330,000 excluding GST without the prior approval of NSWALC. The administrator's remuneration may include fees payable for the services of other personnel within the administrator's firm who provide services as agents of the administrator.

SIGNED AND SEALED THIS

17 DAY OF Sept 2014

A handwritten signature in black ink, appearing to read 'Victor Dominello', with a large, stylized flourish at the end.

MINISTER FOR ABORIGINAL AFFAIRS

GOD SAVE THE QUEEN

22121 Extension of Appointment

**The Hon Victor Dominello MP**

Minister for Citizenship and Communities

Minister for Aboriginal Affairs

Minister for Veterans' Affairs

Assistant Minister for Education

Mr Peter Hillig
Partner
Smith Hancock
Level 4, 88 Phillip Street
PARRAMATTA NSW 2150

PTNR	UNVS	PH	JD
MANAGER	MW	ST	RML15/237 AAD15/204
DATE REC'D - 8 15 15			
DRAFT RESPONSE	✓	FF	
CHQ TO	✓	FF	
OTHER		ADMIN	✓
VA	DCA	CVL	OF

Dear Mr Hillig *Peter*

I refer to correspondence of 15 January 2015, from the NSW Aboriginal Land Council, consenting to an extension of your term of appointment as Administrator of Gandangara Local Aboriginal Land Council.

In accordance with section 231(2) of the *Aboriginal Land Rights Act 1983*, and with the New South Wales Aboriginal Land Council's consent, I have extended your term as Administrator of the Gandangara Local Aboriginal Land Council for a period of three months, effective from 20 March 2015.

The Instrument Extending Term of Office of the Administrator to the Land Council is attached to this letter.

If you have any further queries in relation to this matter, please contact Mr Ross Pearson, Manager, Compliance and Regulation, Aboriginal Affairs by telephone on [REDACTED]

Yours sincerely

Victor Dominello MP

Minister for Citizenship and Communities

Minister for Aboriginal Affairs

Minister for Veterans' Affairs

Assistant Minister for Education

29-1-15

**INSTRUMENT EXTENDING TERM OF OFFICE OF THE ADMINISTRATOR,
GANDANGARA LOCAL ABORIGINAL LAND COUNCIL**

Pursuant to section 231(2) of the *Aboriginal Land Rights Act 1983* and with the consent of the New South Wales Aboriginal Land Council, I hereby extend the term of office of the Administrator of the Gandangara Local Aboriginal Land Council, Mr Peter Hillig as set out in the Instrument of Appointment for a further period of three (3) calendar months effective from **20 March 2015**.

The terms of the Administrator's Instrument of Appointment dated 19 March 2014 ("Original Instrument") apply to the extended period of administration, subject to the following variation effected by this Instrument:

Clause 3 of the Original Instrument is deleted and the following clause is inserted:

3. REMUNERATION

3.1 Subject to this clause 3, the amounts to be paid by NSWALC to the Administrator pursuant to s.222(5) of the ALRA are as follows:

a) The Administrator's remuneration (including fees payable for the services of other personnel within the Administrator's firm who provide services as agents of the Administrator) calculated at the following rates:

- for the Administrator's time: \$ 470 per hour, plus GST
- for a Director's time: \$ 415 per hour, plus GST
- for Senior Manager's time: \$ 380 per hour, plus GST
- for Manager's time: \$ 320 per hour, plus GST
- for a Supervisor's time: \$ 270 per hour, plus GST
- for a Senior's time: \$ 250 per hour, plus GST
- for a Senior Assistant's time: \$ 200 per hour, plus GST
- for an Intermediate's time: \$ 160 per hour, plus GST
- for a Professional Clerk's time: \$ 135 per hour, plus GST
- for a Secretary's time: \$ 170 per hour, plus GST
- for a Typist's time: \$ 115 per hour, plus GST
- for a Junior's time: \$ 100 per hour, plus GST

b) The Administrator's reasonable expenses.

3.2 Where it appears likely that the Administrator's remuneration and reasonable expenses will exceed \$165,000 excluding GST, the Administrator must (as far in advance of that amount being reached as possible) inform NSWALC that this is likely to occur, and give NSWALC an estimate of the extent to which that amount is likely to be exceeded.

3.3 NSWALC is not obliged to pay the Administrator's remuneration and reasonable expenses which exceed \$165,000 excluding GST, unless NSWALC has agreed to pay the amounts before they are incurred.

Signed: _____

Date: _____

29-1-15

The Hon Victor Dominello MP
Minister for Citizenship and Communities
Minister for Aboriginal Affairs
Minister for Veterans' Affairs
Assistant Minister for Education

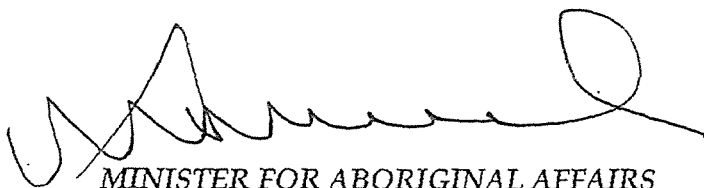
ABORIGINAL LAND RIGHTS ACT 1983

NOTICE

I, the Honourable Victor Dominello MP, Minister for Aboriginal Affairs, following consent by the New South Wales Aboriginal Land Council (NSWALC), do, by this notice pursuant to section 231(2) of the Aboriginal Land Rights Act 1983 (the Act) extend the appointment of Mr Peter Hillig as administrator to the Gandangara Local Aboriginal Land Council for a period of three (3) calendar months, from 20 March 2015. During the period of his appointment, the administrator will have all of the functions of the Gandangara Local Aboriginal Land Council and any other duties as specified by the instrument of appointment. The administrator's remuneration and expenses are not to exceed \$165,000 excluding GST without the prior approval of NSWALC. The administrator's remuneration may include fees payable for the services of other personnel within the administrator's firm who provide services as agents of the administrator.

SIGNED AND SEALED THIS

29th DAY OF JAN 2015



MINISTER FOR ABORIGINAL AFFAIRS

GOD SAVE THE QUEEN



The Hon Leslie Williams MP
 Minister for Early Childhood Education
~~Minister for Aboriginal Affairs~~
 Assistant Minister for Education

Mr Peter Hillig
 Partner
 Smith Hancock
 PO Box 3905
 PARRAMATTA NSW 2124

DATE	12 MAY 2015
MANAGER	
DATE RECD	12 MAY 2015
DRAFT RESPONSE	<input checked="" type="checkbox"/>
FILED	<input checked="" type="checkbox"/>
OTHER	
VA	<input checked="" type="checkbox"/>
DCA	<input checked="" type="checkbox"/>

RML15/2096
 RML15/2129

Dear Mr Hillig

I write in response to your correspondence of 30 April 2015, requesting an extension to your current term of office as Administrator of Gandangara Local Aboriginal Land Council (your reference: PH/TB/22121/GLALC – Minister re; Appointment Extension).

I confirm that the NSW Aboriginal Land Council (NSWALC) wrote to me on 4 May 2015, consenting to an extension of your term of office for a period of three months.

In accordance with section 231(2) of the *Aboriginal Land Rights Act 1983*, and the NSWALC's consent, I have extended your term of office as Administrator of the Gandangara Local Aboriginal Land Council to perform all of the functions of the Land Council for a period of three months, effective from 20 June 2015.

The Instrument Extending Term of Office of the Administrator to the Land Council is attached to this letter.

If you have any further queries in relation to this matter, please contact Mr Ross Pearson, Manager, Compliance and Regulation, Aboriginal Affairs, by telephone on [REDACTED]

Yours sincerely

Leslie Williams MP

22 MAY 2015

**INSTRUMENT EXTENDING TERM OF OFFICE OF THE ADMINISTRATOR,
GANDANGARA LOCAL ABORIGINAL LAND COUNCIL**

Pursuant to section 231(2) of the *Aboriginal Land Rights Act 1983* and with the consent of the New South Wales Aboriginal Land Council, I hereby extend the term of office of the Administrator of the Gandangara Local Aboriginal Land Council, Mr Peter Hillig as set out in the Instrument of Appointment for a further period of three (3) calendar months effective from **20 June 2015**.

The terms of the Administrator's Instrument of Appointment dated 19 March 2014 ("Original Instrument") apply to the extended period of administration, subject to the following variation effected by this Instrument:

Clause 3 of the Original Instrument is deleted and the following clause is inserted:

3. REMUNERATION

- 3.1 Subject to this clause 3, the amounts to be paid by NSWALC to the Administrator pursuant to s.222(5) of the ALRA are as follows:

- a) The Administrator's remuneration (including fees payable for the services of other personnel within the Administrator's firm who provide services as agents of the Administrator) calculated at the following rates:

•	for the Administrator's time:	\$ 470 per hour, plus GST
•	for a Director's time:	\$ 415 per hour, plus GST
•	for Senior Manager's time:	\$ 380 per hour, plus GST
•	for Manager's time:	\$ 320 per hour, plus GST
•	for a Supervisor's time:	\$ 270 per hour, plus GST
•	for a Senior's time:	\$ 250 per hour, plus GST
•	for a Senior Assistant's time:	\$ 200 per hour, plus GST
•	for an Intermediate's time:	\$ 160 per hour, plus GST
•	for a Professional Clerk's time:	\$ 135 per hour, plus GST
•	for a Secretary's time:	\$ 170 per hour, plus GST
•	for a Typist's time:	\$ 115 per hour, plus GST
•	for a Junior's time	\$ 100 per hour, plus GST

- b) The Administrator's reasonable expenses.

- 3.2 Where it appears likely that the Administrator's remuneration and reasonable expenses will exceed \$195,000 excluding GST, the Administrator must (as far in advance of that amount being reached as possible) inform NSWALC that this is likely to occur, and give NSWALC an estimate of the extent to which that amount is likely to be exceeded.
- 3.3 NSWALC is not obliged to pay the Administrator's remuneration and reasonable expenses which exceed \$195,000 excluding GST, unless NSWALC has agreed to pay the amounts before they are incurred

Signed: _____



Date: _____

22.5.15

The Hon Leslie Williams MP
Minister for Early Childhood Education
Minister for Minister for Aboriginal Affairs
Assistant Minister for Education



The Hon Leslie Williams MP
Minister for Early Childhood Education
Minister for Aboriginal Affairs
Assistant Minister for Education

Mr Peter Hillig
Partner
SmithHancock
PO Box 3905
PARRAMATTA NSW 2124

RML15/3570

Dear Mr Hillig *Peter*

I write in response to your letter of 24 July 2015, requesting an extension to your current term of office as Administrator of Gandangara Local Aboriginal Land Council. I confirm that the NSW Aboriginal Land Council (NSWALC) wrote to me on 29 July 2015, consenting to an extension of your term of office for a period of two months.

In accordance with section 231(2) of the *Aboriginal Land Rights Act 1983*, and the NSWALC's consent, I have extended your term of office as Administrator of Gandangara Local Aboriginal Land Council to perform all of the functions of the Land Council for a period of two months, effective from 20 September 2015.

I consider the two month extension to your term of office is an appropriate period within which you will be able to complete a comprehensive hand-over of the Gandangara Local Aboriginal Land Council administration to the newly appointed Chief Executive Officer. I expect also that the two month period of transition should be adequate to enable the Chief Executive Officer to assume the requisite ongoing relationship with an elected Board.

The Instrument Extending Term of Office of the Administrator to the Land Council is attached to this letter.

Should you have any queries in relation to this matter, please contact Mr Ross Pearson, Manager, Compliance and Regulation, Aboriginal Affairs, by telephone on [REDACTED].

Yours sincerely

Leslie Williams MP

**INSTRUMENT EXTENDING TERM OF OFFICE OF THE ADMINISTRATOR,
GANDANGARA LOCAL ABORIGINAL LAND COUNCIL**

Pursuant to section 231(2) of the Aboriginal Land Rights Act 1983 and with the consent of the New South Wales Aboriginal Land Council, I hereby extend the term of office of the Administrator of the Gandangara Local Aboriginal Land Council, Mr Peter Hillig as set out in the Instrument of Appointment for a further period of two (2) calendar months effective from 20 September 2015.

The terms of the Administrator's Instrument of Appointment dated 19 March 2014 ("Original Instrument") apply to the extended period of administration, subject to the following variation effected by this Instrument:

Clause 3 of the Original Instrument is deleted and the following clause is inserted:

3. REMUNERATION

3.1 Subject to this clause 3, the amounts to be paid by NSWALC to the Administrator pursuant to s.222(5) of the ALRA are as follows:

The Administrator's remuneration (including fees payable for the services of other personnel within the Administrator's firm who provide services as agents of the Administrator) calculated at the following rates:

- | | |
|------------------------------------|---------------------------|
| • for the Administrator's time: | \$ 470 per hour, plus GST |
| • for a Director's time: | \$ 415 per hour, plus GST |
| • for Senior Manager's time: | \$ 380 per hour, plus GST |
| • for Manager's time: | \$ 320 per hour, plus GST |
| • for a Supervisor's time: | \$ 270 per hour, plus GST |
| • for a Senior's time: | \$ 250 per hour, plus GST |
| • for a Senior Assistant's time: | \$ 200 per hour, plus GST |
| • for an Intermediate's time: | \$ 160 per hour, plus GST |
| • for a Professional Clerk's time: | \$ 135 per hour, plus GST |
| • for a Secretary's time: | \$ 170 per hour, plus GST |
| • for a Typist's time: | \$ 115 per hour, plus GST |
| • for a Junior's time | \$ 100 per hour, plus GST |

The Administrator's reasonable expenses.

3.2 Where it appears likely that the Administrator's remuneration and reasonable expenses will exceed \$100,000 excluding GST, the Administrator must (as far in advance of that amount being reached as possible) inform NSWALC that this is likely to occur, and give NSWALC an estimate of the extent to which that amount is likely to be exceeded.

3.3 NSWALC is not obliged to pay the Administrator's remuneration and reasonable expenses which exceed \$100,000 excluding GST, unless NSWALC has agreed to pay the amounts before they are incurred

Signed: _____



Date: _____

27/8/15

The Hon Leslie Williams MP
Minister for Early Childhood Education
Minister for Aboriginal Affairs
Assistant Minister for Education