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Our ref: 21330

14 July 2017

By Email: admin@knightsbridgenorthlawyers.com

Ms Despina Bakis
Solicitor
Knightsbridge North Lawyers Pty Ltd
Level 15, 9-13 Castlereagh Street
Sydney NSW 2000

Dear Ms Bakis,

**Awabakal Local Aboriginal Land Council ats Knightsbridge North Lawyers and Ors
– Supreme Court Proceeding 2017/92960**

We refer to your letter of 10 July 2017 headed "Contempt of Court by Terry Lawler". We note that your letter raises serious allegations, including allegations that Mr Lawler has committed contempt, perverting the course of justice and other unspecified offences.

We do not propose to respond in detail to every allegation contained in paragraphs (1)–(12) on pp. 1–2 of your letter. However, we are instructed to respond as follows:

- (1) Mr Towers was suspended from attending meetings on or about 13 February 2017. Pursuant to the instrument of appointment and s 222(4) of the *Aboriginal Land Rights Act 1983* (NSW) (ALRA) Mr Lawler has all the functions of the land council and has authority to suspend members pursuant to s 57, ALRA. Mr Towers was given notice of the intention to suspend him, and an opportunity to respond.
- (2) Mr Lawler denies this allegation.
- (3) Mr Lawler disputes Ms Dates' evidence. Mr Lawler's evidence in relation to these matters will be provided in an affidavit in the above proceeding which is due to be filed with the Defendant's evidence next week.
- (4) Mr Lawler denies this allegation.
- (5) The issue of notice of meetings is discussed below.
- (6) Mr Lawler denies this allegation.
- (7) Mr Lawler denies this allegation. We are advised by Mr Lawler that he is considering possible suspensions of members. Pursuant to the instrument of appointment and s 222(4) of the ALRA Mr Lawler has all the functions of the land council and has authority to suspend members pursuant to s 57, ALRA. Mr Lawler reserves the right to suspend a member if he determines that the conduct of the member constitutes a

serious breach of the Code of Conduct for members of the land council, or is otherwise detrimental to the best interests of the Land Council. Mr Lawler is aware that pursuant to s 57 a member can only be suspended for a period not exceeding 3 years.

- (8) Mr Lawler denies this allegation.
- (9) Mr Lawler denies this allegation.
- (10) Mr Lawler denies this allegation.
- (11) During the June 2017 members meeting Mr Lawler informed the members of the proceeding commenced by Sunshine Property Investment Group Pty Ltd (ABN 53 167 983 128) (Supreme Court Proceeding 2017/168414) and the allegations contained in its Statement of Claim.
- (12) Mr Lawler denies this allegation.

In relation to the issue of notice of members meetings I am instructed to advise as follows:

1. The manner in which notice for meetings is given is not determined by reference to family membership or the identity of individual members.
2. Regulation 32(1)(a) of the Aboriginal Land Rights Regulation allows for notice for a meeting of a Local Aboriginal Land Council to be provided by being "*published in a newspaper, magazine or periodical circulating in the Council's area*" or be "*given to all the members of the Council by such other means as may appear to the Council to be efficient and practicable and are approved by the Council*".
3. At the May 2017 members meeting of the land council the CEO of Awabakal LALC raised the issue of alternative ways of providing notice to member due to the costs associated with the mail out and the large number of members, many of whom are inactive. The meeting was advised that the June meeting would be notified by notice in the newspaper with written notice also being provided to those who attended the May meeting.
4. The notice of the June meeting was published in the Newcastle Herald. A written notice was also provided to those who were at the May 2017 meeting.
5. At the June 2017 members meeting the issue of meeting notice process was further discussed. Following that discussion, it is proposed that at the next member's meeting in July, a timetable for the meetings for the next 12 months will be tabled and will also be forwarded to all members by mail. Notice of meetings will continue to be advertised in the Newcastle Herald.

Accordingly, Mr Lawler does not propose to take the action, or give the undertakings, requested at paragraphs (1)–(5) at pp. 2–3 of your letter.

Yours faithfully,
CHALK & BEHRENDT



Jason Behrendt
Director