

INDEPENDENT COMMISSION AGAINST CORRUPTION

STATEMENT IN THE MATTER OF: Operation Skyline - File No. E17/0549

PLACE: PARRAMATTA

NAME: Nicole Kathleen COURTMAN

ADDRESS: Level 3, 2-10 Wentworth Street, PARRAMATTA

OCCUPATION: Registrar - Aboriginal Land Rights Act 1983

TELEPHONE NO: (02) 8633 1266

DATE: 23 February 2021

States: -

-
1. This statement made by me accurately sets out the evidence which I would be prepared, if necessary, to give in Court as a witness. The statement is true to the best of my knowledge and belief, and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.
 2. I hold a Bachelor of Laws (LLB) (Hons) from the University of Sydney and a Bachelor of Commerce (Property Economics) (Distinction) from the University of Western Sydney. I was admitted as a Solicitor in 2005 and hold an unrestricted practising certificate. My main practice areas have been administrative law, Aboriginal Land Rights and Native Title.
 3. I was appointed as the Registrar of the *Aboriginal Land Rights Act 1983* (“**Registrar**”) by the Governor of New South Wales for a term of three (3) years

Signature _____

Witness _____

**STATEMENT IN THE MATTER OF: Operation Skyline - File No. E17/0549
NAME: Nicole Kathleen COURTMAN**

commencing on 1 April 2017. On 18 March 2020 I was reappointed for a further three (3) years until 31 March 2023.

4. The position is an independent statutory office holder who reports to the Minister for Aboriginal Affairs.
5. The Office of the Registrar has historically been funded and staffed through Aboriginal Affairs, which now sits within the Department of the Premier and Cabinet.
6. I provided a Statement to the Independent Commission Against Corruption (“**the Commission**”), dated 12 February 2019, which is being tendered in evidence for Operation Skyline.
7. I have been asked to provide a Supplementary Statement to the Commission in regard to two matters: the standard advice my Office provides to Local Aboriginal Land Councils (“LALCs”) in regard to giving Notice for board meetings, and information about the current staffing and funding situation in my Office.

Notice for Board meetings

8. The Office of the Registrar’s standard advice in relation to notice of LALC board meetings is that reasonable notice must be provided for all board meetings. This requires at least seven (7) days clear notice to all Board members in the method approved by the Board.

Signature _____

Witness _____

**STATEMENT IN THE MATTER OF: Operation Skyline - File No. E17/0549
NAME: Nicole Kathleen COURTMAN**

If the Board wishes to call an extraordinary board meeting at shorter notice, all board members must agree to the proposed date and time for the meeting.

9. This advice, based on common law principles, was developed because the Office of the Registrar has received complaints from board members about inadequate notice being provided for Board meetings.
10. In my opinion, the common law requirement for reasonable notice for board meetings should be embedded in the Model Rules for Local Aboriginal Land Councils (set out in Schedule 1 of the *Aboriginal Land Rights Regulation 2020*).

Staff and funding

11. In paragraphs 6 to 30 of my 19 February 2019 Statement, I provided information about the staff and funding situation for the Office of the Registrar at that time.
12. Until 2019 the Office of the Registrar had not received a substantial increase in funding in over ten (10) years. In 2019/20 the Office of the Registrar received an increase in funding to support more active monitoring of compliance of Local Aboriginal Land Councils.
13. The Office of the Registrar now employs a compliance team comprising a Senior Manager of Compliance and three (3) Senior Compliance Officers.
14. The Office of the Registrar receives over 50 new inquiries and complaints relating to Aboriginal Land Councils in each month. These inquiries and complaints are assessed and managed by the compliance team.

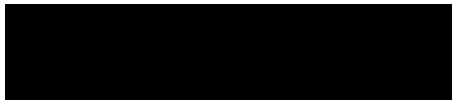
Signature _____

Witness _____

STATEMENT IN THE MATTER OF: Operation Skyline - File No. E17/0549
NAME: Nicole Kathleen COURTMAN

15. The investigative functions of the Registrar are now supported by two legal officers.
16. In my opinion, further ongoing resourcing of the Office of the Registrar would result in earlier intervention in relation to Aboriginal Land Councils who are failing to comply with the requirements of the ALRA and ALRR.
17. In paragraph 30 of my statement dated 12 February 2019, I gave my opinion that “it is not possible to properly discharge all the statutory functions of the Registrar with the current level of staff and funding.” I remain of this opinion.
18. I remain concerned that the lack of resourcing represents a significant ongoing risk to the work health and safety of staff of the Office of the Registrar.

Signature _____



Witness _____

