



ICN 4511
ACN 144 786 747

NGARLUMA VISION: "Keeping our culture strong as we work together to empower
Ngarluma people towards a sustainable future"

27 January 2016

Jerom Hurley
City of Karratha

By Email

Dear Jerom,

NAC and City of Karratha-Native Title Working Group

Thank you for the copy of a report to go to Council tonight. I make the following comments and ask that this letter be tabled with your report tonight. I also refer to my 25 January 2016 letter to which you were copied in by our lawyer Marcus Holmes.

1. The scope of the report and a Working Group:

Matters between the NAC, Ngarluma people and the City of Karratha go beyond native title, native title legislation and native title tenure locations. The whole of the lands and waters within the two Ngarluma native title determinations is the traditional country of the Ngarluma people as its *traditional owners* and the Ngarluma, through the NAC, seek consultation and arrangements, including an agreement, on that basis (as well as on the basis that they are the native title holders and the NAC their prescribed body corporate). In addition to native title procedures, the matters between the Ngarluma and the City are covered in part by other legislation such as the Local Government Act (the good government obligation on the City), the Land Administration Act, the Aboriginal Heritage Act and the Environmental Protection Act and planning laws and relevant Federal laws. So while we support the creation of a Working Group it needs to be named the Ngarluma and City of Karratha Working Group and its terms of reference need to cover more than just native title and heritage sites management.

2. Draft Agreement

The report does not refer to the 2015 draft agreement provided to the City.

3. Resourcing of Working Group and agreement negotiations

The NAC has very limited operational resources and will require please that its reasonable costs of participation on a Working Group (that includes its lawyer, given the array of legal matters and issues involved and the aim to enter into an agreement) and of agreement negotiations and consultations (both NAC's costs and additional legal costs) are funded by the City of Karratha.


4. Meeting with Council and Working Group Council personnel requests

As mentioned in the 25 January letter, we seek to meet the relevant Council staff to look to progress an agreement and *then* meet the Council. Provided costs are agreed to be covered that meeting with Council staff can be held as soon as possible and the terms of reference for the Working Group can also be looked at as part of that meeting. We can also give you some comments on the draft Indigenous Engagement Strategy (these will also be put in writing to you by the due date). It may be that the Council is met therefore in a meeting subsequent to 8 February so as to have time to have the NAC and Council staff meeting first and its outcomes agreed and to be presented together to the Council.

The NAC would like the Roebourne and Wickham/Pastoral Ward Councillors to be on the Working Group as we have developed a good working relationship with them. We also suggest that the Mayor be on the Working Group please. Council staff on the Working Group should include David Pentz, Chris Adams and Jerom Hurley.

Going forward, please copy in Richard Walker and Marcus Holmes on all correspondence between the City and the NAC.

Yours sincerely,


Belinda Churnside
Executive Officer
NAC

Copy to R Walker and M Holmes; UDLA; Chris Adams and David Pentz