

Integrity Group

Anindilyakwa Land Council Governance Audit

Appropriate SES to come forward to support response:

- Sean Worth, Group Manager, Integrity Group

Key Talking Points

- The Australian National Audit Office (ANAO) conducted performance audits of the governance arrangements of all ALRA land councils, including the Anindilyakwa Land Council (ALC) which was tabled on 31 May 2023.
- The audit made 15 recommendations for improvement of governance, including improved management of conflicts of interest, particularly with reference to dealings between the ALC and Groote Holdings Aboriginal Corporation (GHAC) and Winchelsea Mining Pty Ltd.
- A petition was received in February 2024 seeking an independent investigation into potential gross misconduct of the ALC CEO and Board and several media articles soon followed referring to issues identified in the audit.
- The Ministerial response to the petition was tabled on 29 February 2024. The response states that the Minister has referred the issues raised in the petition and media articles to the NIAA's Integrity Group for review and referral to relevant Commonwealth and Territory agencies if required.
- The NIAA received some information that was subsequently referred to the National Anti-Corruption Commission (NACC).
- As part of NIAA's response, the NIAA commissioned an independent review of the ALC's responses to the issues and recommendations of the ANAO audit.
- The review is available on the NIAA website and found that the ALC has not yet fully implemented any of the ANAO recommendations and that the ALC's governance, operations and decision-making remain deficient.
- In response, the Minister withheld approval for the full operating 2024/25 budget for ALC, approving partial funding until 1 December 2024. Release of further funding was subject to the ALC demonstrating sufficient prioritisation and implementation of ANAO audit and review recommendations.
- The NIAA has been monitoring ALC's progress in addressing the governance recommendations and has been providing support and advice as required.
- The Minister approved additional funding release for the ALC after the NIAA's assessment of satisfactory implementation of priority recommendations and progress of others on 28 November 2024.
- The ALC and NIAA are continuing to meeting regularly to review progress.
- The ALC CEO's employment was terminated by the ALC Board on 16 October 2024.

If asked: Is NIAA aware of reports in the media that ALC was raided by the NACC?

- The NIAA is aware that the NACC attended the ALC offices on 16 October 2024.
- Questions regarding the operations of the NACC should be referred to that Agency.

If asked: What is NIAA doing to address the concerns in relation to ALC governance?

- The NIAA commissioned an independent review to assess the progress and effectiveness of the ALC's responses to the issues and recommendations raised in the ANAO audit report on governance of the ALC.
- The scope and appointment of the independent review was determined by the NIAA Group Manager, Integrity and did not receive input from ALC.
- The ALC CEO and Board fully cooperated with this independent review. Bell Chambers Barrett (BCB) conducted the review.
- In my capacity as NIAA Integrity Group Manager, I accompanied the independent reviewer to Groote Eylandt on 27 and 28 May 2024 to gather additional evidence and meet with the ALC Board and management.
- On 24 September 2024, I also attended Groote Eylandt to provide the newly elected ALC board members a walkthrough of the issues review report.
- On 15 and 16 October 2024, I attended Groote Eylandt to work with the board members to support their next steps in progressing the governance arrangements of the ALC board.
- The ALC have appointed new, independent advisors – an independent Board advisor and new independent Audit and Risk Committee Chair.

If asked: Is NIAA addressing media reports about the ALC's CEO alleged fraudulent activity?

- Following the receipt of information relating to ALC's CEO, the NIAA made a referral to the NACC. To avoid compromising any potential investigation, no further comment will be made in relation to this referral.
- On 16 October 2024 the ALC Board resolved to terminate employment of CEO Mark Hewitt and that CFO Colin Wakefield has been appointed as interim CEO while a recruitment process is undertaken.

Background

- The Minister wrote to the ALC Board on 29 August 2024 noting the findings of the independent review commissioned by the NIAA and asked the Board to work with the NIAA after the election results are finalised to address the issues identified.
- The NIAA is monitoring ALC's progress in addressing the governance recommendations and will provide support and advice to the ALC as required. The ALC CEO's employment has been terminated as advised by the ALC Chair who wrote to the Minister on 16 October 2024.
- For any budget, governance framework and meeting rules content, refer to Country, Culture and Connection:
 - [5. CEO brief - Land Council and Native Title Organisations Governance](#)

Facts and figures

- Bell Chambers Barrett (BCB) conducted the independent review at a cost of \$73,630.45 (including GST). BCB is not an Indigenous organisation.

Key Dates

- 28 November 2024 – Minister approves funding to 30 June 2025.
- 16 October 2024 - ALC Board terminates CEO Mark Hewitt and appoints CFO Colin Wakefield as interim CEO pending recruitment of a new CEO
- 16 October 2024 – NACC conducts operations of Groote Eylandt.
- 15/16 October 2024 – NIAA Group Manager met with the ALC board to discuss governance arrangements next steps.
- 24 September 2024 – NIAA Group Manager and independent reviewer met with the newly elected ALC board to discuss recommendations.
- 29 August 2024 – The Minister for Indigenous Australians received the final review and in response wrote to the ALC board restricting approved funding to 1 December 2024 and outlining expectations that ALC work with NIAA in addressing recommendations.
- 27 & 28 May 2024 – NIAA Group Manager and the independent reviewer attended Groote Eylandt to meet with the ALC board and management.
- 4 April 2024 – NIAA engaged an independent reviewer to undertake a review of ALC's response to the ANAO audit
- 29 February 2024 – Minister tables response to the Petition in the House of Representatives.
- 12 February 2024 – Petition tabled in the House of Representatives from the Anindilyakwa people and Traditional Owners of the Groote Archipelago
- 31 May 2023 – ANAO tabled Anindilyakwa Land Council performance audit

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Country, Culture and Connection Group

5. Land Council and Native Title Organisations Governance

s22(1)

s22(1)

Anindilyakwa Land Council (ALC)

- The ALC has made improvements in governance in response to the May 2023 Australian National Audit Office (ANAO) report, and 2024 independent Bellchambers Barrett review, which was initiated by the NIAA in response to ongoing governance concerns.
- The ALC has engaged Yamagigu Consulting to act as Independent Adviser to the ALC Board and to develop a governance framework in consultation with the NIAA.

- ALC's budget from 2 December 2024 to 30 June 2025 was approved by the Minister on 28 November 2024. This follows the Minister's decision on 26 September 2024 to approve a five-month budget, withholding approval for a full year operating budget until ALC had demonstrated progress in implementing recommendations from the independent review.
- The ALC advised that on 15 November 2024, 6 outstanding ANAO recommendations and all 4 of the independent review recommendations were considered and approved for closure by the ALC Audit and Risk Committee.
- In September 2024 a new ALC Board was elected in accordance with a revised Method of Choice approved by the Minister under section 29(1) of the ALRA on 20 August 2024.
- In August 2024 the Minister approved new meeting rules for the ALC Board under section 31(7B) of the ALRA including updated procedures for managing conflicts of interest. Further updates to the meeting rules were approved in February 2025.
- The August 2024 Bellchambers Barrett review concluded that while significant progress has been made by ALC since May 2023 across the ANAO's 15 recommendations, none had been fully implemented.
- The Minister wrote to the ALC Board on 29 August 2024 to advise she was extremely disappointed to read the review's conclusion.

Former Chief Executive Officer Mark Hewitt

- The ALC Board terminated the employment of Chief Executive Officer (CEO) Mark Hewitt on 16 October 2024 and appointed Chief Financial Officer Colin Wakefield as interim CEO pending recruitment of a new CEO.
- The termination payment made to Mr Hewitt was in accordance with his contract of employment and provisions of the *Fair Work Act 2009*.
 - *If asked: Did the Minister approve the termination payment?*
 - [placeholder - brief was provided to the Minister for approval in February 2025].
- The CEO's tenure had been a matter for the ALC's Board.
- The NIAA is aware of public concerns that Mr Hewitt allegedly misused royalties and directed funds into a mining company in which he is a director.
- The NIAA referred the former CEO to the National Anti-Corruption Commission (NACC) in ~~July~~ *May** 2024. [**Correction made by NIAA FOI Team*]
- The NACC attended the ALC office in the week of 14 October 2024.
- To avoid compromising any potential investigation, no further comment will be made in relation to this referral.

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Key Dates

Anindilyakwa Land Council

- 16 OCT 2024 – The ALC Board terminated the employment of CEO Mark Hewitt and appointed Chief Financial Officer Colin Wakefield as interim CEO, pending recruitment of a new CEO.
- 29 AUG 2024 – Bellchambers Barrett report into the ALC's response to the ANAO recommendations published on NIAA website.

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