

s 22

From: Sean WORTH
Sent: Friday, 18 October 2024 11:41 AM
To: s 22
Cc: s 22
Subject: RE: Anindilyakwa Land Council [SEC=OFFICIAL]

Good morning s 22

By way of further update, the Board of the Anindilyakwa Land Council (ALC) terminated the employment of Mr Mark Hewitt as CEO on Wednesday.

s 47F

The ALC Board has appointed the ALC CFO (Colin Wakefield) has been appointed as interim CEO pending recruitment of a permanent candidate. s 47F

Any further queries on this are best referred to ALC.

Regards
Sean

Sean Worth
02 6267 7576 | s 22

s 22

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s 22

From: Sean WORTH
Sent: Tuesday, 5 November 2024 2:45 PM
To: DLO McCarthy
Cc: s 22 Sean WORTH; Rachel KERRIGAN; Deborah FULTON; s 22
 Rachel KERRIGAN; Deborah FULTON; s 22
Subject: RE: Meeting | Anindilyakwa Land Council [SEC=OFFICIAL]

OFFICIAL

Hi s 22

Please see below TPs for the meeting with MINIA and ALC. Let us know if you need anything else.

Update on ALC CEO status

- Mark Hewitt was terminated as ALC’s CEO by the ALC Board on 16 October 2024
- The Board has appointed Mr Colin Wakefield (ALC’s CFO) as interim CEO
- The ALC Board will be appointing an executive recruitment firm for the CEO replacement at their next Board meeting
- As part of the termination process, Mark has resigned from the positions of Executive Director Groote Holdings Aboriginal Corporation (GHAC) and CEO of Winchelsea Mining
- The Boards of GHAC and Winchelsea are considering next steps following Mark Hewitt’s termination, including engagement of an independent advisor to assess current operations and the required way forward

s 22

s 22
 Executive Officer to Sean Worth | Integrity Group
 National Indigenous Australians Agency
 p. s 22
 Charles Perkins House 16 Bowes Place Phillip ACT 2606| PO Box 2191 CANBERRA ACT 2601
 w. niaa.gov.au w. indigenous.gov.au



The National Indigenous Australians Agency acknowledges the traditional owners and custodians of country throughout Australia and acknowledges their continuing connection to land, waters and community. We pay our respects to the people, the cultures and the elders past, present and emerging.



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From: s 47E(d) @niaa.gov.au>
Sent: Tuesday, 5 November 2024 11:16 AM
To: Sean WORTH s 22 @niaa.gov.au>
Cc: s 47E(d) @niaa.gov.au>; s 22 @niaa.gov.au>; s 22 @niaa.gov.au>; Rachel KERRIGAN <Rachel.Kerrigan@niaa.gov.au>; Deborah FULTON <Deborah.Fulton@niaa.gov.au>; s 22 @niaa.gov.au>
Subject: FW: Meeting | Anindilyakwa Land Council [SEC=OFFICIAL]
Importance: High

OFFICIAL

Hi Sean,

The Minister is meeting with ALC tomorrow.

With apologies for the tight timeframe, grateful if you could please provide points to support this meeting ASAP.

All the best,

s 22 | Departmental Liaison Officer
 Office of the Minister for Indigenous Australians
 p. s 22 | e. s 47E(d) @niaa.gov.au
 Ngunawal Country



The National Indigenous Australians Agency acknowledges the traditional owners and custodians of country throughout Australia and acknowledges their continuing connection to land, waters and community. We pay our respects to the people, the cultures and the elders past, present and emerging.

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From: s 22 @ia.pm.gov.au>
Sent: Tuesday, 5 November 2024 9:58 AM
To: s 47E(d) @niaa.gov.au>
Cc: s 22 @ia.pm.gov.au>; Serica MACKAY s 22 @niaa.gov.au>
Subject: FW: Meeting | Anindilyakwa Land Council [SEC=OFFICIAL]

OFFICIAL

Hi s 22 & s 22

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Please request a meeting brief and assign to s 22 for this meeting tomorrow afternoon. Emailing through points are ok if needed due to short time frame.

Kind Regards,

s 22 | Executive Officer & Program Manager

Office of the Minister for Indigenous Australians

Senator for the Northern Territory and Christmas and Cocos Keeling Islands

P: s 22 | E: s 22 @ia.pm.gov.au

Electorate Office: 38 Mitchell Street, Darwin NT 0801, PO Box 1596, Darwin NT 0801

Ministerial Office: MG.60, PO Box 6022, Parliament House, Canberra ACT 2600, Australia

For all meeting requests & invitations please email mccarthyinvites@ia.pm.gov.au



@MalarndirriMcCarthySenate | @Malarndirri | @Malarndirri19





MC24-005037

Subject: Anindilyakwa Land Council (ALC) advice regarding termination of Chief Executive Officer	
For: Minister for Indigenous Australians	Minister's Office Action Requested By Not Applicable
	Reason for Urgency Not Applicable

Clearance	
Final Clearing Officer	Deborah Fulton
Position	Group Manager, Country, Culture and Connection
Phone	s 22
Primary Contact Officer	
Name	Rachel Kerrigan
Position	Branch Manager, Land and Native Title
Phone	s 22
Date Cleared	24/10/2024
Date Sent to MO (MinParl use only)	25/10/2024
Received in the MO (MO use only)	Click to enter date

Key Points:

- Ms Cherelle Wurrawilya, Anindilyakwa Land Council (ALC) Chairperson wrote to you on 16 October 2024 to advise the ALC Board resolved to terminate, on notice, the employment of Chief Executive Officer (CEO) Mark Hewitt on 16 October 2024 (**Attachment A**).
- Ms Wurrawilya advises the board had been considering Mr Hewitt's position for some time following recommendations in the National Indigenous Australians Agency's independent review by Bellchambers Barrett into the ALC's response to the Australian National Audit Office (ANAO) governance report in 2023.
- The ALC's Chief Financial Officer, Colin Wakefield, has been appointed as interim CEO and a recruitment process to identify a permanent CEO will commence shortly.
- Ms Wurrawilya further advised officers from the National Anti-Corruption Commission (NACC) attended ALC's Alyangula office on 16 October as part of NACC's investigation process following the referral of a complaint.
- It is understood ALC will be submitting a supplementary budget request shortly to cover Mr Hewitt's final entitlements.

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Recommendations:

1. That you note the termination of Anindilyakwa Land Council (ALC) Chief Executive Officer Mr Mark Hewitt by the ALC Board.

Noted / ~~Please Discuss~~

2. That you sign the response at **Attachment A** to ALC Chairperson Ms Cherele Wurrawilya.

Signed / Not signed



Malarndirri McCarthy

Date: 5-11-24

Comments:**Sensitivities and Handling**

6. The Bellchambers Barrett report was finalised on 29 August 2024. Your response on 29 August 2024 expressed concern regarding ALC's lack of progress in addressing the audit's recommendations. You also stated the recommendations made by the ANAO and the independent review show that ALC's governance, operations, and decision-making remain deficient (**MB24-000425**).
7. Mr Mark Hewitt had been CEO of ALC since September 2011. During 2023-24 Mr Hewitt held positions as the Co-CEO of Winchelsea Mining and as the Executive Director of Groote Holdings Aboriginal Corporation and was a Director of Aboriginal Sea Company.
8. Since February 2024 there have been allegations raised in the media that Mr Hewitt had allegedly misused royalties and directed funds into Winchelsea Mining, a mining company in which he was a director. Mr Hewitt has denied any wrongdoing.
9. The NIAA has referred information received in relation to Mr Hewitt's conduct to the NACC for assessment and investigation is warranted.
10. The CEO's tenure had been a matter for the ALC's Board.

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11. ALC's advice has been provided in accordance with Section 19 of the *Public Governance, Performance and Accountability Act 2013* (PGPA Act) the ALC has a duty to keep you informed of significant decisions and any significant issues which may affect the entity or any of its subsidiaries.

Alternative Options:

12. Nil.

Data and evidence:

13. The independent report by Bellchambers Barrett about ALC's response to the ANAO governance report is available online on the Agency's public web page: niaa.gov.au/resource-centre/anindilyakwa-land-council-alc-independent-review-anao-recommendation-implementation-progress-final.

Consultation:

14. Regional Manager – Arnhem Land and Groote Eylandt.
15. Group Manager Integrity.

Legal advice / Legislative impacts:

16. Nil.

Financial impacts:

17. ALC received a 5 month budget of \$5,557,104 on 26 September 2024 to ensure the Land Council considered its resourcing requirements in line with recommendations from the independent review. Future funding will be considered alongside ALC demonstrating its progress in responding to and implementing the independent review recommendations.

Implementation and Communications:

18. In accordance with Section 19 of the *Public Governance, Performance and Accountability Act 2013* (PGPA Act) the ALC has a duty to keep you informed of significant decisions and any significant issues which may affect the entity or any of its subsidiaries.

Attachments:

- A. Draft response
B. Incoming correspondence

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Distribution	
Name of Adviser/s in Minister's Office to whom a copy of this submission/brief is to be provided	<ul style="list-style-type: none">• s 22• [REDACTED]
Name of Officers in the NIAA to whom a copy of this submission/brief is to be provided	<ul style="list-style-type: none">• Ms Broun• Ms Guivarra• Mr Brahim• Ms Jackson• Mr Jamble• NIAA Executive Coordination• Ms Bellenger• Mr Wanganeen• Mr Worth

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Updates/Redraft: (refer to 'MO Comments' below)	Yes / No
Updates/Redraft due date	[DLO to enter]

MO Comments

Minister's Office Feedback:

- No Changes required.
- Minor stylistic changes
- Minor but essential changes
- Major changes
- Substantive rewrite



Senator the Hon Malarndirri McCarthy
 Minister for Indigenous Australians
 Senator for Northern Territory and Christmas and Cocos (Keeling) Islands

MC24-005037

Ms Cherelle Wurrawilya
 Chairperson
 Anindilyakwa Land Council
 s47F [redacted]@alcnt.com.au

Cherelle
 Dear Ms Wurrawilya

Thank you for your letter of ^{Subject to third party review rights} [redacted] advising Anindilyakwa Land Council (ALC) Chief Executive Officer Mr Mark Hewitt has been terminated by the ALC Board. I appreciate the update on significant issues at the ALC, including the advice that officers from the National Anti-Corruption Commission have attended the ALC's Alyangula office investigate a complaint.

I am pleased the new ALC Board has provided direction to implement the Australian National Audit Office and Bellchambers Barrett review recommendations as a priority. I also note your advice you are working with the National Indigenous Australians Agency to progress a governance framework. Strong governance arrangements for Land Councils is a priority to ensure accountability to Aboriginal people in the ALC region.

The contact officer for this matter is Rachel Kerrigan, Land and Native Title Branch Manager, who may be contacted on ^{s 22} [redacted] or by email Rachel.Kerrigan@niaa.gov.au.

Yamalu

M McCarthy
Senator the Hon Malarndirri McCarthy
 Minister for Indigenous Australians

5 / 11 / 2024