

# Ernie Ifould joins call for Royal Commission have “ripped” millions off the Martu People

A former member and adviser to the Western Desert Puntukurnuparna Aboriginal Corporation which is part of the larger Western Desert Lands Aboriginal Corporation which has been implicated in revelations involving a mining agreement with the Martu People of Western Australia has joined the call for a Royal Commission into Native Title and claimed millions of dollars which should have been paid to the Martu People was siphoned off to pay people and organisations not associated with the Martu People..

Mr Ernie Ifould lashed out at what he described as carpetbaggers who have ripped millions of dollars from the Martu Peoples of the Western Desert while his People have been left to languish in poverty and said a Royal Commission into the whole Native Title process was desperately needed.

The highly respected Elder said he agreed largely with the allegations raised by Fairfax journalists Richard Baker and Nick McKenzie which claimed an agreement with a mining company for access to sacred land of the Martu People at Lake Disappointment had been tainted by poor processes and practices by a number of parties involved in the negotiations.

The report also claimed the \$50 million payment to the Martu People for agreeing to granting mining rights in effect had not been received by the Martu communities at ground level. Mr Ifould backed claims by Martu man, Darren Farmer that there should be an inquiry into what has happened to the \$50 million.

Mr Ifould said a Royal Commission was the only way to end what appeared to be an endemic and pernicious trait of Native Title benefits actually never reaching communities.

He said a Royal Commission would weed out the carpetbaggers and “thieves who are exploiting our people” and who were managing payments of millions of dollars to themselves

By National Indigenous Times  
reporter Gerry Georgatos



while nothing was returned to the “people of the lands”.

“The people on Martu lands have never benefited, never seen anything returned to them from all the deals brokered by outsiders that have returned millions to the outsiders but nothing to our people who remain so poor it is tragic,” Mr Ifould said.

“It is a national disgrace – a disgrace the pitiful Office of the Registrar of Indigenous Corporations (ORIC) and National Native Title Tribunal have allowed to occur.

“Only a Royal Commission into what has happened with outsiders coming in and leaving with millions but with no evident return to the Martu people of the lands, to all our language groups, is the only way we can find out where the millions have gone.”

Mr Ifould will soon turn 70 years old. He has known the ways of his people and their needs all his life. He has worked for Martu and Kimberley peoples all his life. The people of the Martu lands and the Kimberley are among the poorest people anywhere in Australia despite owning the land that has reaped billions of dollars for mining companies.

Mr Ifould has been responsible for many very good initiatives for his People. He co-founded drug and alcohol centres in Wyndham in the 1980s which are still going strong and in 1999 he was seconded to Chair the Board of the Emmagnuda Aboriginal Corporation in Derby when it was facing bankruptcy while in administration. He helped navigate the Corporation back into a strong position and the corporation continues to this day. In the Western Desert he was a CDP Manager with 680 participants until 2007 when the political



Respected Elder, Ernie Ifould ... Royal Commission is needed to expose the people who have ripped millions from the Martu People

landscape changed with the Northern Territory Intervention.

In 2008 a public meeting of Martu appointed him as an adviser to the board of the Western Desert Puntukurnuparna Aboriginal Corporation, such was his trusted reputation among his peoples. But he said he and the non-Aboriginal executive of the WDLAC and its then Chief Executive Officer, Clinton Wolf, who is Aboriginal but not Martu, “did not see eye to eye on a number of issues.”

“Only a Royal Commission can stop outsiders coming in benefiting at the expense of our people, which is what Native Title should be about – our people.”

“It is time for a Royal Commission on native title. There are too many people who have a stake in all sorts of things which are conflicts, who are involved with our people making decisions about the rights of our people that makes it wrong for them to be in the jobs representing our people and advising us. A Royal Commission can end this because what other way is there to stop these exploiters?”

Mr Ifould said Martu people are living in

shambolic poverty while tens of millions has gone missing to prescribed body corporates and trusts and millions in fees are paid to carpetbaggers, brokers and non-Martu private businesses.

Mr Ifould revealed he had spoken with the Deputy Chair of the Western Desert Lands Aboriginal Corporation (Jamukurnu-Yapalikunu), Teddy Biljuba and called for a Martu people only public meeting of the common land holders to expedite positive ways forward in responding to the explosive allegations by Fairfax’s Mr Baker and Mr McKenzie.

But a day after Mr Ifould and Mr Biljuba spoke about this, Mr Ifould said Mr Biljuba contacted him and said he did not believe there was a need for a meeting of the Martu People.

Mr Ifould’s call for a Royal Commission has been backed by other Martu who said they would be willing to testify because they would feel protected and so too have said insiders within the National Native Title Tribunal who want changes to be crafted.

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## Legal advice questioned mining deal

**More legal advice has emerged questioning the process that led to a controversial deal between a Western Australian Aboriginal corporation and a mining company.**

Fairfax Media has obtained advice from a third in-house lawyer for the Western Desert Lands Aboriginal Corporation which cast doubt over the process that led to a deal with Reward Minerals to mine a Martu sacred site in outback Western Australia called Lake Disappointment.

Fairfax Media revealed last week how two other in-house lawyers for the Western Desert Corporation wrote an explosive July, 2011 memo warning a soon to be signed deal with Reward had “no validity”, in part because the corporation’s board and executives had, in their opinion, not acted in the best interests of the Martu people.

A 2009 email reveals a separate in-house lawyer for the Corporation also raised concerns about the Martu people not having given “proper informed consent” to an in-principle agreement signed with Reward to mine Lake Disappointment a year earlier.

In March, 2009, the Western Desert Corporation’s then in-house lawyer, Christina Araujo, emailed acting Chief Executive, Tony Wright to advise she was not “prepared to state that I believe WDLAC has the informed consent of the common law holders” because it could put her practising certificate at risk.

“Tony, further to our conversation on the 6th of March, I am confirming in writing concerns I have in relation to the Reward negotiations,” Ms Araujo wrote. “Apart from my personal observations, I have also had discussions with a number of others who were also of the view that proper informed consent is or may be lacking.

“Going through the files, it appears Katherine Hill (another legal adviser), on numerous occasions provided advice on proper informed consent and it is noted in a file note dated 16/10/2007 that she spoke to Joe Procter and Clinton Wolf about her concern people did not seem to understand there was a mining proposal over Lake Disappointment.

“It does not appear in the files the matter was discussed in detail with the common law holders ... it is an issue for WDLAC if we do not have informed consent for the Reward matter. Any agreement which may result may be invalid.”

Mr Procter was a consultant helping the Western Desert Corporation negotiate the initial 2008 deal and Mr Wolf was then the Corporation’s Chief Executive.

Ms Araujo’s March, 2009 email came at the same time the Native Title Tribunal heard Martu Elders testify about the cultural significance of the Lake Disappointment site.

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# into Native Title to expose the people who in Lake Disappointment mining agreement

From page 6

One high profile source within the National Native Title Tribunal said a Royal Commission “could be beneficial” in bringing the truth out.

“What has gone on with the Martu People occurs everywhere, all the time,” the source within the Tribunal said.

“Native Title is a dead duck and we work with it because it is all we have, some of us try and others run with the culture that’s been allowed to take shape.

“It’s like the Wild West frontier where everyone jumps in to make a huge buck on the spot without much of a sweat.

“The problem is the Tribunal has people on board who have done likewise or who are too close to the elite club of ex-mining executives, ex-politicians, those on some of Western Australia’s and the nation’s biggest boards, everyone jumps in for a stake or jackpot hit through Native Title.”

The source said some of those involved are high profile figures, including former Premiers and political powerbrokers.

“The National Native Title Tribunal and ORIC could have stepped up and exposed it and by doing so stamp out these bad processes but we didn’t and therefore I suppose a Royal Commission could ask why not?”

The Baker and McKenzie report in Fairfax newspapers revealed what it described as “controversial deals” had been put in place between the Western Desert Lands Aboriginal Corporation and a mining company, deals the Corporation’s in-house lawyers said were both unethical and illegal. Baker and McKenzie published a report last week revealing, WDLAC’s then in-house lawyer, Christina Araujo, emailed acting Chief Executive Officer, Tony Wright in March 2009 saying

## New revelations over Martu mining deal

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The Tribunal was asked to rule on Reward’s proposal after relations between the mining company and the Western Desert Corporation stalled in mid-2008 amid an argument over legal costs. In a historic ruling, the Tribunal rejected Reward’s bid on the basis of Lake Disappointment’s cultural importance to the Martu People. It was the first time the Tribunal had refused a mining company’s application.

But the Western Desert Corporation altered its stance on the Reward proposal in 2011, despite strong doubts from another set of in-house lawyers about the negotiation process not being conducted in the best interests of the Martu People.

Ms Araujo’s successors as the Western Desert Corporation’s in-house lawyers warned the Reward negotiation process had in their opinion put the Corporation in breach of most of its legal obligations as the trustee body for Martu People.

In a January, 2011 announcement to the Australian Stock Exchange, Reward revealed it had in late 2010 approached the Western Desert Corporation to re-open talks over Lake Disappointment.

On April 1, 2011, Reward announced to the



Martu Board members and Martu community members at the 2012 Lake Disappointment tenement signing ceremony ... explosive allegations have revealed the \$50 million payment for the mining rights has never reached the Martu Peoples.

she was not prepared to certify WDLAC had secured “the informed consent of the common law holders”. The Fairfax article is published on pages 6, and 7.

“Tony, further to our conversation on March 6, I am confirming in writing concerns I have in relation to the Reward negotiations,” Ms Araujo wrote, according to the Fairfax report.

“Apart from my personal observations, I

ASX: “Reward has appointed Azure Capital and its affiliate Indigenous Investment Management (IIM) as advisers to assist in discussions with the Martu Traditional Owners.”

Company documents show at the time of this announcement IIM’s shareholders and directors included former Western Desert Chief Executive, Mr Wolf, senior Azure Capital executives and Warren Mundine, who was last year appointed as the Federal Government’s Chairman of the Indigenous Advisory Council.

Another shareholder at this time was the Western Desert Corporation’s Chief Financial Officer, Mr Wright.

Mr Mundine has confirmed he was not personally involved in the negotiations nor benefited from the deal.

Western Desert Corporation Chief Executive, Noel Whitehead and Mr Wolf said external legal advisers were engaged in 2011 to ensure the deal was done properly and fairly.

Reward has rejected any inference its negotiations over Lake Disappointment were unfair. It said independent legal and financial advisers were involved and great care had been taken to treat the Martu People with respect.

- Richard Baker and Nick McKenzie, Sydney Morning Herald

have also had discussions with a number of others who were also of the view that proper informed consent is or may be lacking.

“Going through the files, it appears Katherine Hill (another legal adviser), on numerous occasions provided advice on proper informed consent and it is noted in a file dated 16.10.2007, that she spoke to Joe Procter and Clinton Wolf about her concern that people did not seem to understand there was a mining proposal over Lake Disappointment.”

Ms Araujo’s March, 2009 email came at the same time the National Native Title Tribunal heard Martu Elders testify about the cultural significance of the Lake Disappointment site. In a historic decision, the Tribunal rejected the mining application on the basis of Lake Disappointment’s cultural importance. As Baker and McKenzie noted it was the first time the Tribunal had refused a mining company’s application. But as Baker and McKenzie reported the process was then revisited.

“Some of us in the Tribunal try to do the right thing, some of us in Native Title got into it for all the right reasons but the odds are stacked against us. Without the backbone in legislation we cannot guarantee the prevention of questionable actions,” the Tribunal source said.

Many across this continent are in support of Mr Ifould’s call for a Royal Commission and for changes to the National Native Title Tribunal. For far too many a Royal Commission into Native Title is long overdue because for the majority of First Peoples, Native Title has failed them.

Nearly 300 Federal determinations have taken place, more than 900 Indigenous Land Use Agreements introduced and yet Native Title claimant communities languish in this worsening poverty and the myriad of social ills.

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## Clinton Wolf resigns from Aboriginal Lands Trust

Chair of the Aboriginal Lands Trust in Western Australia, Clinton Wolf has resigned.

His resignation came days after explosive allegations were published by Fairfax journalists Nick McKenzie and Richard Baker about Native Title controversies in the Western Desert.

No reason was provided for Mr Wolf’s decision to resign and there is no suggestion his resignation from the Lands Trust is related to the allegations raised in the Fairfax publications.

Those allegations include claims tens of millions of dollars have poured through the Western Desert Land



Clinton Wolf

Aboriginal Corporation (WDLAC) and the Martu Trust but have not reached impoverished communities who continue to live in shanty-town like existences.

Mr Wolf, who has been replaced by Shane Hamilton,

has been embroiled in allegations by former WDLAC member, Martu man, Darren Farmer.

The Aboriginal Lands Trust is a significant landholder with responsibility for approximately 24 million hectares or at least 10 per cent of the Western Australian land mass.

Mr Hamilton is the current chair of the Community Housing Coalition of Western Australia. Western Australia has the highest homeless rate in Australia and endures an affordable and public housing shortage crisis, with more than 20,000 applications on a waiting list.

- Gerry Georgatos

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