

# NTSCORP OUT

The current Gomeri Applicant was authorised at a meeting convened by NTSCORP on 11th to 13<sup>th</sup> May 2013 and without providing any alternatives, NTSCORP attempted to permanently lock in their position as legal advisers to the Gomeri Applicants. No other options were offered to the claimants at that May 2013 meeting.

Since May 2013, NTSCORP has acted inappropriately, incompetently and not in the best interest of the Gomeri claimants. This incompetence includes the following conduct:

- Failure by NTSCORP to hold sufficient Applicants' meetings;
- Failure by NTSCORP to record minutes and resolutions arising from the few Applicant meetings that they held;
- Failure by NTSCORP to provide consistent legal services by experienced native title solicitors;
- Failure by NTSCORP solicitors and staff to pass all relevant information to the Applicants about the Gomeri native title claim and Third Party negotiations that they were conducting on behalf of the Applicants;
- Failure by NTSCORP to follow the Applicants direct instructions in respect of negotiations with Third Parties (mining companies) and the Gomeri claim in QLD;
- NTSCORP refusing to provide the Gomeri files to the Gomeri Applicants;
- NTSCORP refusing to provide correspondence addressed to the Applicants by Third Parties;
- Failure by NTSCORP to advance the Gomeri native title claim in NSW with no work undertaken by NTSCORP over the past 18 months;
- Repeated breaches by NTSCORP of the Applicants' confidentiality requirements and unauthorised disclosures of claimant material by NTSCORP;
- Conflict of interest by NTSCORP when acting for other claimant groups who were opposed to the Gomeri native title claim;
- NTSCORP continually threatened the Applicants with their removal if they did not follow the directions of NTSCORP;
- NTSCORP have repeatedly instigated Federal Court actions to stop the Gomeri Applicants from advancing the Gomeri claim and undertaking the work necessary to complete Third Party negotiations and to commence the Gomeri claim in QLD.

All of these points show just how lazy, obstructive and incompetent that NTSCORP has been in dealing with the Gomeri native title claim and all of the Gomeri native title claim business. NTSCORP has betrayed the Gomeri claimants and the Gomeri Applicant has acted appropriately to terminate NTSCORP's involvement in all Gomeri claim matters.

# GOMEROI APPLICANTS FOR GOMEROI

NTSCORP have called for yet another authorisation meeting as they hope to persuade the Gomeri claim group to replace the current Gomeri Applicant (elected in May 2013 by an overwhelming majority of claimants) with Applicants who they hope will be compliant and will only follow NTSCORP's directions and mismanagement.

As a result of NTSCORP's conduct as described over the page, the current Gomeri Applicants replaced NTSCORP with new solicitors, Mr Sam Hegney (a solicitor who is a well known and experienced solicitor in the Gomeri claim area) and Mr Philip Teitzel (with in excess of 20 years of successful native title experience acting for claimants). As a result of those appointments and on the clear instructions of the current Applicants, the following has been achieved:

- NTSCORP's application for their reinstatement as the Gomeri solicitor was defeated in the Federal Court by our new solicitors;
- NTSCORP's application for a court authorised claimant meeting was defeated by in the Full Federal Court by our new solicitors;
- On 20<sup>th</sup> June 2016 Mr Teitzel informed the Federal Court that the Applicants would be in a position to advise the Federal Court of progression in the Gomeri native title claim within two weeks of receiving the Gomeri files from NTSCORP;
- Similarly our new solicitors will expedite the commencement of the Gomeri native title claim in Qld within 4 to 6 weeks of delivery of Gomeri files by NTSCORP and subject to approved funding by the Commonwealth Government;
- As instructed by the Applicants, our new solicitors have placed the NSW Government on notice concerning the loss of Crown Land in the Gomeri claim area and have sought compensation for such losses;
- As instructed by the Applicants, our new solicitors have completed negotiations and registration of a compensation agreement with Whitehaven Coal, which will provide at least 75 new full time employment opportunities for Gomeri people exclusively;
- As instructed by the Applicants, our new solicitors have prepared Trust Deeds for Charitable and Discretionary Trusts so that all Gomeri people may obtain financial benefits from the establishment of Gomeri's own commercial enterprise known as Gomeri Country Services Pty Ltd;
- As instructed by the Applicants, our new solicitors have undertaken preliminary environmental work with SANTOS to ensure the preservation and integrity of the water security in the Gomeri claim area;
- As instructed by the Applicants and through the Gomeri administration, our new solicitors have provided formal notice to the NSW Government and the Murray Darling Authority of the claimants' native title rights and interests in relation to all waters in the Gomeri claim area.

Despite obstruction, harassment and legal action by NTSCORP, the current Applicants and the new solicitors have achieved major outcomes and progress directly benefiting all Gomeri claimants.