Dear [Redacted]

Re: Instructions to Act & Proposed Point Torment Development

At a meeting of the [Redacted] Negotiation Committee in Broome on the 20 June 2010, the [Redacted] Negotiation Committee decided that the resolutions passed at the last [Redacted] Native Title Claim Group meeting were not to be followed and the [Redacted] Negotiation Committee provided different instructions to the KLC.

The Negotiation Committee decided that the KLC was not to represent [Redacted] in commercial negotiations in the proposed port development at Point Torment, and instead this would be done by Mr Steve Walker as commercial legal advisor and Azure Capital as commercial investment advisor. The Negotiation Committee has also decided that the KLC should focus solely on the [Redacted] native title claim.

It is KLC’s view that it is not possible to separate these two issues, as the KLC does not have resources to advance the [Redacted] Native Title Claim. The KLC was negotiating to obtain the necessary resources to progress the [Redacted] Native Title Claim from the parties interested in advancing the port development. Given the Negotiation Committee’s instructions, the KLC is no longer able to engage with these parties, and consequently cannot advance the [Redacted] Native Title Claim.

There is also uncertainty over the role that the KLC, and the other external parties, would have, and who would be engaging who. One concern the KLC has with the approach taken is that individual Traditional Owners will have personal liability to external consultants in relation to their fees for the work being done on this matter by the external consultants. It is not clear in this arrangement who is responsible to who.

Given these issues, the KLC is not able to continue to act for the [Redacted] mob, until the issues are resolved in a way that provides certainty to the KLC on its role, and the role of other consultants, and the process does not expose Traditional Owners to undue personal risk.
Please contact Athlea Sullivan if you have any queries.

Yours sincerely

[Signature]

NOLAN HUNTER
Acting Chief Executive Officer