

Reference: 2024/002

2 September 2024

Mamoo Jungala
by email: foi+request-11520-8450b163@righttoknow.org.au

Dear Mamoo Jungala

Request under the *Freedom of Information Act 1982 (Cth)*

I refer to your emails dated 16 June, 12 July and 13 August 2024 sent to the National Native Title Tribunal ('NNTT') requesting documents under the *Freedom of Information Act 1982 (Cth)* ('FOI Act').

Authorised decision maker

I am authorised under s 23 of the FOI Act to make decisions on behalf of the NNTT in relation to your request.

Scope of request

In your email dated 16 June 2024, you sought:

all documents pertaining to & generated from the Peramangk Kurna bilateral meeting held 5th May 2001 at Nunkenwarrin Yunti Adelaide

In your email dated 12 July 2024, you clarified the scope as follows:

Any documents would relate to actions prior to the SC2000/001 being formally lodged; & such documents/records would have been generated through/by the NNTT Case Management Officer who attended & gave oral presentations at that meeting

In your email dated 13 August 2024, you referred to the document titled 'Summary of Kurna Bi-Lateral Meetings' and sought:

the whole of [the document titled 'Summary of Kurna Bi-Lateral Meetings'] - thereby allowing context to the single paragraph. This still meets my FOI request parameters

As such, I have interpreted the scope of your request to be for all documents pertaining to the bilateral meeting between the Kurna and Peramangk People in May 2001 ('Kurna Peramangk Bilateral Meeting'), including all documents generated by the NNTT Officer who attended the Kurna Peramangk Bilateral Meeting and all material in the document titled 'Summary of Kurna Bi-Lateral Meetings' that relates to that meeting.

I note that on 12 July 2024 you provided consent under s 15AA for an extension of time in which to respond to your request. On 13 August 2024 this timeframe was further extended under s 15(6) of the FOI Act to allow for consultation with a third party (Kurna Yerta Aboriginal Corporation RNTBC).

Decision

As a result of the searches set out below, four documents have been identified as falling or partially falling within the scope of your request, being documents titled:

1. Rules for meeting with other native title claimants
2. National Native Title Tribunal Assistance Filenote (part containing handwritten note)
3. Peramangk-Kurna Bi-Lateral Meeting Agenda
4. Summary of Kurna Bilateral meetings (part relating to the Kurna Peramangk Meeting)

Document 1 was provided to you on 7 August 2024. I have decided to release document 3, redacted in accordance with s 22 of the FOI Act to remove personal information. I have also decided to release all of the information contained within Documents 2 and 4 that is within the scope of your request. This information is set out below:

2. National Native Title Tribunal Assistance Filenote (handwritten note):

The meeting was the first opportunity for the ALRM to find out who the people are that identify as Peramangk. Although no agreement was reached with Kurna both groups expressed a strong desire to meet again in the future to try to resolve those areas of common interest

4. Summary of Kurna Bilateral meetings (part relating to the Kurna Peramangk Bilateral Meeting):

Bilateral Meetings

The Tribunal was invited as an independent body to chair the ... bilateral meetings. The purpose of the meetings was to attempt to resolve areas of common interest and

avoid a situation where neighbouring groups lodge future native title applications that overlap with Kurna.

Kurna and Peramangk meeting 4th May 2001

Although no agreement was reached there was a strong commitment on both sides to meet again at a future date to discuss areas of common interest. Importantly, the meeting served as an opportunity for Kurna and Peramangk people to become re-acquainted.

Searches

Searches were undertaken by staff of the NNTT to identify any documents falling within the scope of your request. These searches included of the NNTT's electronic document, records management and information systems and searches of hard copy materials that were retrieved from archives. These included searches related to 'Assistance records' and records relating to the Kurna Native Title Claim (NNTT reference SC2000/001).

As a result of these searches, the four documents set out above were identified as falling within the scope of your request.

I am not aware of any other steps that could reasonably be taken to identify documents within the scope of your request. I am satisfied that all reasonable steps have been taken to locate any and all documents within the scope of your request, having regard to the matters contained in para 3.89 of the guidelines issued by the Australian Information Commissioner under s 93A of the FOI Act ('Guidelines').

Charges

You have not been charged for the processing of this request.

Your Review Rights

If you are dissatisfied with my decision you may apply for internal review or to the Information Commissioner for review of the decision. You are encouraged to seek internal review as a first step.

1. Internal review

Under s 54 of the FOI Act, you may apply in writing for an internal review of my decision. The internal review application must be made within 30 days of the date of this letter.

Where possible, attach reasons why you consider a review is necessary. Any internal review will be carried out by another officer within 30 days of receipt of any request for review.

Application for a review of the decision should be addressed to:

The FOI Officer
National Native Title Tribunal
PO Box 12440
BRISBANE QLD 4003
by email: privacyandFOI@nntt.gov.au

2. Information Commissioner review

Under s 54L of the FOI Act you may apply to the Australian Information Commissioner to review the decision. An application under this section must be made in writing within 60 days of the date of this letter using the online form available at <https://www.oaic.gov.au/freedom-of-information/your-freedom-of-information-rights/freedom-of-information-reviews/information-commissioner-review>

If you have any queries, please contact me on the details below.

Yours faithfully



Michael Raine
Manager – Legal & Compliance

Email: privacyandFOI@nntt.gov.au