

## Minister ‘concerned’ as rebel land council directors dismayed by chief’s sacking

By Richard Baker  
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Indigenous Affairs Minister Ken Wyatt has expressed his concern at the recent sacking of the Kimberley Land Council’s chief executive, and eight members of the high-profile Aboriginal organisation’s board have complained about it to the West Australian Attorney-General.

Mr Wyatt said the sacking of Brian Wilkinson last Thursday was a matter for the board, but he added he was concerned “about a lack of control and transparency to native title-holders around use of native title benefits”.



*Brian Wilkinson was stood down as CEO of the Kimberley Land Council.*

Of particular worry to the minister was “where complex structures using multiple entities and trusts to receive and distribute funds appear to have been designed to deliberately minimise scrutiny and accountability”.

*The Age* and *The Sydney Morning Herald* reported at the weekend that Mr Wilkinson had been sacked after pushing for greater transparency in the operations of the land council’s multimillion-dollar charitable organisations, the Kimberley Sustainable

Development Trust and its trustee company the Kimberley Sustainable Development Company Pty Ltd.

Financial records show the trust holds about \$30 million in mostly mining-related payments on behalf of Kimberley Aboriginal communities. The records show about \$25 million in trust funds have been recorded as “allocated” but not yet distributed.



*Indigenous Affairs Minister Ken Wyatt.*

Eight directors from the land council’s 28-person board have expressed “grave concerns” about Mr Wilkinson’s sacking and have written to WA Attorney-General John Quigley to highlight their concerns.

“[Kimberley Land Council] directors, members and broader stakeholders have been left shocked and outraged by this decision,” the eight directors wrote. “Mr Wilkinson had made significant inroads in restoring confidence and trust in the KLC by many disenfranchised members and Aboriginal community. He was responsive to members’ concerns and in particular to requests by members to examine the performance and management of the [Kimberley Sustainable Development Trust].”

The eight Kimberley Land Council directors, who include former police officer Greg Tait and respected academic Anne Poelina, also advised Mr Quigley of their concern that last week’s sacking of Mr Wilkinson may have been done without majority board support.

The Kimberley Land Council is one of Australia’s oldest and best-known Indigenous representative bodies. It receives significant state and federal funding and has won native title recognition for numerous Indigenous groups in the vast Kimberley region in Western Australia’s far north-west.

Mr Wilkinson, a former policeman, was appointed chief executive of the land council in January. Board papers obtained by *The Age* and the *Herald* show Mr Wilkinson sought financial ledgers, disbursement records and investment strategies from the trust’s directors.



*Wayne Bergmann.*

His efforts put him in conflict with some of the Kimberley's most influential Indigenous men, including his predecessors as land council chief executive, Nolan Hunter and Wayne Bergmann.

Mr Hunter is a director of the Kimberley Sustainable Development Trust Company. Mr Bergmann was a former director and trust founder. *The Age* and the *Herald* are not accusing either man of any wrongdoing.

Board documents show land council chairman Anthony Watson requested that Mr Hunter and his two fellow trustee company directors resign from their roles in February. But two months later, none of the three men have complied with Mr Watson's request. Nor have they responded to requests for records of disbursements, correspondence with auditors and financial ledgers.

In March the directors of the Kimberley Sustainable Development Company said they would consider the requests but warned they posed confidentiality problems.

"The board is also considering the extent to which the trustee is able to disclose the material to the KLC, including the fact that it contains personal information of beneficiaries and confidential information," they wrote to Mr Watson.

Despite receiving external legal advice earlier this month recommending he remove Mr Hunter and his two fellow directors from their roles overseeing the trust, Mr Watson instead terminated Mr Wilkinson last Thursday and installed Mr Bergmann as acting land council chief executive.

The legal advice to Mr Watson and land council directors also recommended the trust and trustee company undergo a forensic audit.

In their letter to Mr Quigley, the eight directors state: "We find it concerning that in the space of two weeks since Mr Wilkinson presented the KSDT legal advice that there has been an oppressive campaign for his removal."

A spokeswoman for Mr Quigley said he was taking advice on the land council directors' request for an investigation.

A spokeswoman Mr Wyatt said this was a complex area as states were responsible for regulation of state entities and trusts, and the Commonwealth was responsible for regulation of native title entities and corporations. Moreover, native title funds are private monies.