



MEDIA STATEMENT

Under embargo until 7am AWST, 10/10/22

10th October 2022

Kimberley Land Council welcomes findings of Independent Review into Kimberley Sustainable Development Charitable Trust

The Kimberley Land Council has welcomed the findings and recommendations of an independent inquiry and review into Kimberley Sustainable Development Charitable Trust (**KSDCT**) undertaken by leading barrister Anthony Power. The trustee of KSDCT is Kimberley Sustainable Development Pty Ltd (**KSD Pty Ltd**).

The extensive review found the KSDCT had discharged its primary roles and obligations remarkably well, and that its trustee acted independently of the KLC and in the best interests of the KSDCT and its beneficiaries, Kimberley Aboriginal people.

Key findings:

- The KSDCT has since its establishment, and on the whole, discharged its primary roles and obligations remarkably well given the passage of time.
- There is no evidence of any wrongdoing by those associated with the KSDCT.
- The passage of time has meant that some of the functions of the KSDCT are no longer as well suited to the purpose for which it was established and that it needs to evolve.
- Recommendations for improvement in the governance and management of the KSDCT and its communication to beneficiaries.

The findings of Mr. Power's review have been presented to the KLC Board and were reported to KLC members at the KLC AGM in August, with the final report also available on the KLC website today. The review has also been presented to KSD Pty Ltd and other affected parties.

KLC CEO Tyrone Garstone said the review provides important reassurance and clarity about the operations of the KSDCT and its many years of service to Kimberley Aboriginal people.

"Mr. Power's review shows that the KSDCT has been operating effectively and with integrity for the past two decades," Mr. Garstone said.

"It highlights the important role and purpose of the trust, as well as the steps it can take to continuously improve."

Conducted over the course of 14 months, the review looked at more than 24,000 documents and included 78 interviews.

"The review has made recommendations for improvement around how the governance and communication of the trust can be further strengthened, which the KLC has welcomed," Mr. Garstone said.

"An independent feasibility assessment is now underway to assist beneficiaries and the trustee to make informed decisions and move forward with the recommendations."

The KSDCT was established 20 years ago as a low-cost alternative to commercial for-profit trustees. The primary purpose of the trust is to ensure that the funds under management are preserved and where possible grown, and spent on beneficiaries of the trust rather than operating expenses.

KSDCT is administered by a corporate trustee, KSD Pty Ltd, which is a wholly owned subsidiary of the KLC. The trustee is governed by an independent Board.

Mr. Garstone said he hoped the review would address any misunderstandings about the roles and operations of KSDCT.

“The KLC commissioned this review to ensure Kimberley Aboriginal people can have confidence that the KSDCT has been discharging its purpose and functions effectively and in their best interests,” he said.

“The review has shown KSDCT has discharged its primary roles and obligations very well but like all institutions it needs to keep pace with changing times and circumstances.”

“The KLC remains committed to acting with transparency and integrity as we work towards improving the cultural, social and economic well-being of Kimberley Aboriginal people.”

“Commissioning Mr. Power’s review of the KSDCT is consistent with this commitment as it has provided assurance for Kimberley Aboriginal people that the trust is being properly managed.”

Media contact:

Gabrielle Timmins, Media Coordinator

M: 0408 436 987 E: gabrielle.timmins@klc.org.au

P.O. BOX 2145
BROOME WA 6725
Ph: (08) 9194 0100
www.klc.org.au