



**New South Wales
Aboriginal Land Council**

Discussion Paper on the Future of Land Rights

The future financial and operational sustainability of the self-funded land rights network in New South Wales has been the subject of considerable debate in recent years.

NSWALC, and many members of Local Aboriginal Land Councils, have been concerned for some time about the increasing cost burden being transferred onto the self-funded land rights system through structural, operational and governance changes imposed on the network by amendments to the Aboriginal Land Rights Act (NSW) 1983.

While many of these changes have improved the structure and operation of the land rights network, and have introduced best practice governance regimes, little regard has been given to the increasing transactional costs (both financial and administrative) they have imposed on our network.

At the same time, the State Government, its regulatory agencies and the Opposition, continue to pressure NSWALC to rein in its recurrent expenditure and reduce or end its support to underperforming Local Aboriginal Land Councils.

The call from some regulatory agencies on NSWALC to stop funding non-performing LALCs has been constant over the past decade and is often accompanied by ill-informed media comment.

Despite eight rounds of legislative amendments and countless reviews of the ALRA no workable alternative funding formulae have ever been suggested or recommended from these quarters.

Meanwhile, NSWALC has worked with the land rights network to tackle these issues, particularly in response to legislative changes to the governance and representation provisions of the ALRA which flowed from the recommendations of the last Government-appointed review of the Act.

We have also introduced new LALC policies aimed at achieving an improvement in the application of funding procedures alongside a LALC Management Support System to assess and establish the risk level of each LALC in the management of its functions.

This has considerably improved the operational health of the LALC network.

We remain committed to seeking new ways to further develop a strong, workable and representative land council network and effective mechanisms for the delivery of benefits to Aboriginal people through the operation of land rights.

Further sustainable reform will only be accomplished, in our view, from within the land rights network.

History has repeatedly shown top down Government-imposed solutions rarely, if ever, achieve sustainable reform.

NSWALC firmly believes any reforms to our network should flow from a network wide debate on these issues.

This is what the attached Discussion Paper is all about.

Its contents are self-explanatory.

Its release has been timed to coincide as a lead-up to NSWALC's State Conference of LALC delegates in April which will debate a range of sustainability issues.

This Discussion Paper has been prepared on behalf of NSWALC to stimulate informed discussion and debate, primarily within the membership of Local Aboriginal Land Councils, about the future direction of the land rights movement.

It sets out, in detail, a range of financial and political issues which currently impact, and will continue to impact, on the future sustainability of land rights.

It also sets out a series of options, which include:

- That a comprehensive review of funding allocations to LALCs be undertaken, including that a new funding formula takes account of need and rewards better performance by LALCs.
- That NSWALC dispose of non-performing NSWALC assets to raise funds.
- That the Network makes government aware of and pays for the costs of extra demands it places on the Network.
- That NSWALC encourages the sharing of resources between LALCs and explores a range of incentives that could be offered.
- That NSWALC provides incentives for voluntary amalgamations between LALCs.
- That NSWALC only approves benefit schemes that are supported by professionally prepared business plans and /or feasibility tested.
- That NSWALC links benefits to membership such that it encourages eligible people to join their LALC and become active members.

NSWALC's Governing Council hopes the production of the enclosed Discussion Paper will lead to a greater recognition within the land rights network of the issues we face, and lead to careful, and considered analysis of how we can deal with them to ensure the continued growth of the land rights system in New South Wales.

NSWALC's welcomes all constructive feedback on the issues raised.