

Publication Guide – New South Wales Aboriginal Land Council

Table of Contents

Introduction	2
About NSWALC.....	2
NSWALC’s Structure - Council	2
NSWALC’s Structure - Administration.....	3
NSWALC’s Functions	4
Information held by NSWALC	5
Informal access to NSWALC information	5
How to formally access NSWALC information	6
Contacting the Office of the Information Commissioner	6

Introduction

Pursuant to section 248 of the *Aboriginal Land Council Act 1983* ("ALRA"), an Aboriginal Land Council is required to comply with the *Government Information (Public Access) Act 2009* ("GIPA Act"). Section 20 of the GIPA Act requires the New South Wales Aboriginal Land Council ("NSWALC") to publish this publication guide as part of the mandatory open access information.

About NSWALC

As the State's peak representative body in Aboriginal affairs, NSWALC aims to protect the interests and further the aspirations of its members and the broader Aboriginal community.

NSWALC is committed to ensuring a better future for Aboriginal people by working for the return of culturally significant and economically viable land, pursuing cultural, social and economic independence for its people and being politically pro-active and voicing the position of Aboriginal people on issues that affect them.

NSWALC's Structure - Council

NSWALC's elected arm consists of nine Councillors democratically elected by registered voting members of Local Aboriginal Land Councils ("LALCs"). They are elected to serve a four year term. The position of Councillor is established under the ALRA with salaries determined by the Statutory and Other Offices Remuneration Tribunal for Public Office Holders.

NSWALC's Councillors represent nine regions in NSW: Mid-North Coast Region, Central Region, Northern Region, North Coast Region, North Western Region, South Coast Region, Sydney and Newcastle Region, Western Region and Wiradjuri Region.

Under section 130 of the ALRA, the role of a Councillor is, as a member of the governing body of the NSWALC:

- To direct and control the affairs of the Council in accordance with the ALRA, and
- To participate in the allocation of the Council's resources for the benefit of Aboriginal people, and
- To participate in the creation and review of the Council's policies and objectives, and
- To review the performance of the Council in the exercise of its functions and the achievement of its objectives.

In addition, the role of a Councillor is:

- To represent the interests and respond to the concerns of LALC members, and
- To facilitate communication between the LALC members and the NSWALC.

NSWALC's Structure - Administration

To support the elected representatives at NSWALC and administer the State land council network, NSWALC has an administrative arm headed by a Chief Executive Officer ("CEO"). NSWALC's administrative arm operates from a Head office at Parramatta and four Zone offices (Dubbo, Queanbeyan, Coffs Harbour and Gosford). NSWALC's administrative arm provides support to 119 LALCs, which are governed by their elected Boards.

The role and responsibilities of the NSWALC CEO are set out in section 139 of the ALRA. The CEO is appointed by the Council and is responsible for:

- the efficient and effective operation of the organisation, and for ensuring the implementation, without undue delay, of the decisions of the Council.

The CEO has the following functions:

- the day-to-day management of the Council's affairs,
- the exercise of such of the functions of the Council as are delegated by the Council to the CEO,
- the appointment of members of staff in accordance with the staff organisation structure and resources approved by the Council,
- the direction and dismissal of members of staff.

The NSWALC administrative arm assists the CEO to implement Council's decisions and our functions under the ALRA. The CEO has the power to appoint staff in accordance with the organisational structure and resources approved by the Council pursuant to section 142 of the ALRA.

The CEO has the power under section 141A of the ALRA to:

- delegate any of his functions to staff of NSWALC; and
- sub-delegate any functions delegated to him by the Council to staff of NSWALC.

In the interests of efficiency and effectiveness, the CEO has delegated to NSWALC staff a number of his functions, powers and duties as well as those functions, powers and duties sub-delegated to him by the Council.

Full details about NSWALC's organisation structure are available in our 2010-2011 annual report located at the following link:

<http://www.alc.org.au/publications/annual-reports.aspx>

NSWALC's Functions

The Objects and Functions of NSWALC are set out in Part 7 of ALRA.

These essentially give NSWALC the mandate to provide for the development of land rights for Aboriginal people in NSW, in conjunction with a network of LALCs through:

- Land acquisition either by land claim or purchase,
- Establishment of commercial enterprises and community benefit schemes to create a sustainable economic base for Aboriginal communities,
- Maintenance and enhancement of Aboriginal culture, identity and heritage (including the management of traditional sites and cultural materials within NSW).

NSWALC also acts as an advisor to, and negotiates with Government, and other stakeholders, to ensure the preservation of Aboriginal land rights.

Under the ALRA, NSWALC is empowered to do the following:

- administer the NSWALC Account and Mining Royalties Account;
- grant funds for payment of the costs and expenses of LALCs;
- acquire land on its own behalf or on behalf of, or to be vested in, LALCs;
- determine and approve/reject the terms and conditions of agreements proposed by LALCs to allow mining or mineral exploration on Aboriginal land;
- make claims on Crown lands, either on its own behalf or at the request of LALCs;
- with the agreement of the particular LALC, manage any of the affairs of that Council;
- conciliate disputes between Aboriginal Land Councils or between Councils and individuals or between individual members of those Councils;
- make grants, lend money or invest money on behalf of Aboriginal persons;
- hold, dispose of or otherwise deal with land vested in or acquired by NSWALC;
- ensure LALCs comply with the ALRA in respect of the establishment and keeping of accounts and the preparation and submission of budgets and financial reports;
- advise the Minister on matters relating to Aboriginal land rights;
- exercise such other functions as conferred or imposed on it by or under the ALRA or any other Act.

NSWALC's functions and policies as prescribed under the ALRA generally only affect the public if they are members of a LALC. Pursuant to s 114(1)(a) of the ALRA, before a NSWALC policy can be approved by the Minister and published in the Gazette, it must be referred to each LALC for comment. LALC members are able to participate in the formulation of NSWALC's policies and the exercise of its functions through the s 114(1)(a) process.

Information held by NSWALC

The information held by NSWALC is diverse and concerns the operation of the State land council network. NSWALC's right to information policy provides you with open access to information under the GIPA Act.

The major categories of information available at NSWALC are:

- General Publications (<http://www.alc.org.au/publications.aspx>);
- Policy Documents;
- Fact Sheets (<http://www.alc.org.au/publications/fact-sheets.aspx>);
- Network Messages/Speeches/Media Releases (<http://www.alc.org.au/newsroom.aspx>);
- Financial and administration records relating to NSWALC and LALCs as required by the ALRA;
- Land claims information.

Physical files are stored in a variety of locations throughout NSWALC. Older documents are stored in our archives off site. Electronic files are managed through our TRIM records management database.

As far as possible, NSWALC maintains publicly available documents on its website.

Informal access to NSWALC information

If you require information about NSWALC that you cannot find on our website or have any questions in relation to any the information release of information, you may contact the NSWALC Director of Governance on 9689 4444.

NSWALC information is available free of charge if we provide you informal access to the information.

NSWALC may ask you to lodge a formal access application if your informal request for information requires significant processing time. Significant processing time may include NSWALC conducting extensive searches for the information and may include third party consultation.

NSWALC's right to information policy is available at the following link:

http://www.alc.org.au/media/48671/200710_nswalc%20right%20to%20information%20policy_approved%20190710.docm

How to formally access NSWALC information

If you are unable to access the information you seek from our website or informally from NSWALC, you have a legal right under the GIPA Act to lodge a formal access application for information. A formal application (together with any applicable fees) may be made to the:

Director of Governance,
New South Wales Aboriginal Land Council,
PO Box 1125
PARRAMATTA NSW 2124
Telephone: 9689 4444
Fascimile: 9689 4501

There may be circumstances where information will not be released to you if there is an overriding public interest against disclosure or if it is excluded by the GIPA Act.

Contacting the Office of the Information Commissioner

Further information about the GIPA Act is also available from the Office of the Information Commissioner at www.oic.nsw.gov.au. The Office of the Information Commissioner can be contacted as follows:

Free call telephone: 1800 INFOCOM (1800 463 626)
Email: oinfo@oic.nsw.gov.au
Postal address: GPO Box 7011 Sydney NSW 2001

or visit their office at Level 11, 1 Castlereagh Street, Sydney.