



NEW SOUTH WALES ABORIGINAL LAND COUNCIL
ANNUAL REPORT 2010 - 2011



**New South Wales
Aboriginal Land Council**

OFFICE OF THE CHAIRPERSON

31 October 2011

The Hon Victor Dominello
Minister for Aboriginal Affairs
Governor Macquarie Tower
1 Farrer Place
Sydney NSW 2000

Dear Minister

We present to you the New South Wales Aboriginal Land Council Annual Report for the year ended 30 June 2011, in accordance with the provisions of the NSW Aboriginal Land Rights Act 1983, the Public Finance and Audit Act 1983 and the Annual Reports (Statutory Bodies) Act 1984.

In accordance with the Annual Report (Statutory Bodies) Regulation 2010 this report covers the election of a new nine-member NSWALC in August 2011 given its significance to the operations of the organisation in the 2011-12 financial year.

Yours sincerely

Stephen Ryan
Chairman
New South Wales Aboriginal Land Council

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Stephen Ryan

CHAIRMAN'S WELCOME

As you will read in these pages I had the honour and privilege to be elected Chairman of the New South Wales Aboriginal Land Council in August 2011.

This report covers the operational activities of the NSWALC from July 1, 2010 through to June 30, 2011.

This means it covers the activities and operations of the organisation under the leadership of the nine-member Council which was elected in May 2007 for a four year term.

Three of those Councillors, Chairwoman and Mid North Coast Councillor, Bev Manton, North Coast Councillor, Dallas Donnelly, and Western Region Councillor William Murray were unsuccessful in their bids for re-election.

North West Region Councillor Steve Gordon did not seek re-election.

On behalf of all LALC members and staff of the NSWALC I'd like to take this opportunity to sincerely thank them for their dedication, commitment and hard work in progressing our rights and seeking to improve the economic and social well-being of our people.

I'm sure I speak for everyone in the land rights network in extending my sincere appreciation to Bev Manton for her leadership and vision during those four years in the face of tough decisions and operational challenges.

The considerable gains outlined in these pages are

a testimony to her leadership and the work of her fellow Councillors.

I look forward to continuing that work and guiding the NSWALC during my term as Chairman with the able assistance of my eight fellow Councillors.

The land rights system in NSW is not perfect, but it is, without doubt, the best model in the nation.

I look forward to working with my fellow Councillors, my brothers and sisters in the network, and all NSWALC staff, led by Chief Executive Officer, Geoff Scott, to further strengthen our organisation, ensure the land rights model works better for our people, and to form lasting and productive relationships with government, in particular the new O'Farrell Government, and all relevant stakeholders.

We have taken enormous strides in the past four years, and in the past financial year, as this document will show, but there is always much more to do.

As our old people have told me; we have a system, it might not be perfect, but we have to make it work, particularly for our Boories.

My eight fellow Councillors bring a new energy and a wealth of experience to the table. I look forward to working with them to meet the challenges and take advantage of the opportunities which lie ahead.

A handwritten signature in dark ink, appearing to read 'Stephen Ryan'.

Stephen Ryan
Chairman, NSWALC



Bev Manton

CHAIRWOMAN'S REPORT

This report marks my fourth full calendar year and fourth full financial year as the duly elected Chairwoman of the New South Wales Aboriginal Land Council.

It is also my last.

I noted in this space last year that it would be the last report to be published before we went into a caretaker period ahead of the next NSWALC election.

I also noted the report would, in all likelihood, be read by members of the land rights network during a State Election campaign which many predicted would result in our first Liberal-National Coalition Government in 16 years, and the first this century.

The State Election did result in a massive mandate for a Liberal-National Coalition Government led by Premier Barry O'Farrell.

Regrettably, I was not re-elected as Councillor for the Mid-North Coast Region at the subsequent NSWALC election.

The reasons, I suspect, are numerous and a matter for a discussion on another day.

I just want to take this opportunity to extend a special thank you to each and every staff member of the NSWALC for the support given to myself, as Chairwoman, and to fellow Councillors, during the four year term of the outgoing Council.

NSWALC staff display a combination of professionalism, commitment and dedication all too rarely seen in Aboriginal representative organisations.

The election of a nine member Council in 2007 ended a period of more than three years in which the NSWALC was under the control of a State Government-appointed all-functions Administrator.

The induction of Council heralded a new era for the New South Wales Aboriginal Land Council and the land rights network at, possibly, the most crucial point in our history.

Council had to supervise the development and introduction of far reaching changes to the governance and representation structures, and operation, of land rights to further build capacity within our network of Local Aboriginal Land Councils.

We were also required to develop a range of community benefit schemes, oversee the implementation of a new land dealings system, build on the core business of land claims, seek to improve our control over our culture and heritage, and build support both within and outside the land rights network for self-determination.

Council also worked hard to consolidate the NSWALC's reputation as the most independent Aboriginal peak representative body in Australia.

Politics is a fickle business but my deep personal disappointment since August has been tempered by the legacy of the outgoing Council.

We worked throughout our term to ensure strong and effective independent advocacy for Aboriginal people in New South Wales.

The NSWALC's counsel is now increasingly sought, and acted upon, at the parliamentary, political and policy levels both within, and outside, the land rights system.

Council guided the management and performance of the Statutory Investment Fund—the economic engine of our self-determination-- through the worst global financial crisis in history.

In doing so, the fund outperformed comparable State Government-run investment funds.

A number of tough decisions were taken to rein in the NSWALC's expenditures.

A number of strategic decisions were also made to utilise the fund for the benefit of our people through Community Benefit Schemes.

One of the most important was the unanimous decision of Council to establish the \$30 million NSWALC Education Endowment Scholarship Fund.

More than 2000 LALC members and their families have since benefited from a scholarship.

Council also entered into an historic \$200 million partnership with the State Government to provide joint recurrent funding for the operation, maintenance and monitoring of the water and sewerage infrastructure in more than 60 former Aboriginal reserves and missions.

This programme is paramount to protecting the health of the men, women and children who live there by providing them with decent water and sewerage services.

More than four thousand men, women and children now have access to better drinking water and sewerage systems as a direct result of this long term environmental health programme which will improve the assets of more than 50 LALCs.

We have a number of other Community Benefit Schemes now operating or planned but we have never forgotten our core business of land claims.

A total of 15,580 had been lodged by NSW Land Councils since 1983 when the Council came into office, with the bulk lodged by the NSWALC on behalf of LALCs.

A total of more than 35,000 land claims had been lodged by June 30, 2011.

This means more than 20,000 land claims were lodged during the term of the post-administration Council.

That's more than the entire number of land claims lodged between 1983 and when the Council came into office.

We also mounted a number of successful legal appeals against refused claims, including a High Court challenge, which has strengthened the ability of the land rights network to rightfully pursue land claims as the sole form of compensation now available to us for the dispossession of our land, culture and heritage.

Council also worked vigorously on a range of cultural renewal initiatives.

It campaigned for the establishment of the long-promised Aboriginal Heritage Commission and won a number of gains under State culture and heritage laws.

State legislation now acknowledges, for the first time, that freshwater and saltwater fishing is an imperative part of culture for our people without the need for a fishing permit or payment of a fee.

Council also worked with staff, LALC Boards, their staff, and LALC members to continue to build capacity within the LALC network-- the backbone of the land rights movement.

That's why we maintained core funding to all LALCs, despite some severe belt tightening within NSWALC.

NSWALC also worked hard to deliver governance training to all LALC Board members and worked to assist in the development and approval of LALC Community Land and Business Plans.

We also took on the hard issue of the future financial and operational sustainability of the network.

We promised to bring together LALC delegates from across NSW to attend two Statewide Conferences during our term, in addition to our regular Regional Forums.

Both were held.

They provided a much needed opportunity to report on the work NSWALC and to showcase the work of LALCs.

We were also conscious of the need to communicate directly with LALC members.

For the first time ever, Council established a monthly magazine, Tracker.

The rights-based publication is now direct mailed free to every member of a Local Aboriginal Land Council.

Council also consolidated the structure and operations of NSWALC and those across the network; we received unqualified audits for each of the financial years of the term and set a strong rights based agenda in our work at the United Nations, with the new minority Government in Canberra, and the new Liberal Government in NSW.

It will be up to the new Council to continue that work.

Their key challenge is to maintain NSWALC's efforts to use the gains from land rights to continue to create inter-generational wealth and to continue to develop sustainable benefits which contribute to the financial, social and cultural needs and wants of Aboriginal people in NSW.

The post-administration Council set out a comprehensive agenda for all members of the new State Parliament in our election policy document, Our Land Our Rights.

It will be up to the new Council to decide how it wishes to take the policy positions in that document forward.

It is my fervent hope it will do so.

When I look back I'm immensely proud of what has been achieved.

In closing, I'd like to thank all fellow Councillors for their support over the past four years.

I also congratulate all successful candidates from the NSWALC election, particularly the four new Councillors and my successor, Councillor Stephen Ryan.

I wish them all the best in taking the NSWALC forward over the next four years.

They can be safe in the knowledge they will be supported by a thoroughly professional and talented staff at all levels of the organisation and committed LALC members across NSW.



Bev Manton
Chairwoman, NSWALC



Geoff Scott

REPORT BY THE CHIEF EXECUTIVE OFFICER

This report is my fifth as Chief Executive Officer of the New South Wales Aboriginal Land Council.

The end of this reporting period marked my eighth calendar year working in a number of Executive positions within the organisation and a lifetime of work in, and around, the New South Wales land rights network.

The changes, at both the operational and political level, in each of the past eight years, have been immense.

Each year has brought new reforms, new challenges, new directions.

This reporting period has been no different.

A key task, as in previous years, has been to ensure all staff worked closely with the Council elected for a four year term in May 2007, and the Council elected in August 2011, and the ever-evolving land rights network, to seek sustainable outcomes against the strategies outlined in the NSWALC Corporate and Community, Land and Business Plans.

This will continue to be a key task in the new reporting period.

Before I continue I'd like to pay my respects to members of the outgoing Council, particularly Chairwoman Bev Manton, on behalf of all of the staff at the NSWALC.

The election of the Council she led for four consecutive years began a new era for the New South Wales Aboriginal Land Council and the land rights network.

This report covers the operational activities of the NSWALC in the full final operational year of that Council.

Its achievements can be found throughout this report.

However the work of Ms. Manton, her deputy, Councillor Tom Briggs, and their fellow Councillors over the past four years will rightly earn them a proud place in the history of land rights in New South Wales.

The efficiency and effectiveness of the organisation has taken great strides under their leadership.

It is a fact not lost on the new Council.

Again, on behalf of all of the NSWALC staff I welcome the election of the new Council and looking forward to working with them in the new reporting period which holds considerable promise for further development in our work to improve the social and economic well-being of our people.

As outlined later in this report we have a new State Government, a new Minister and a new Council.

The new Government is committed to re-setting the relationship with the Aboriginal people and our peak elected representative organisations to overcome the systemic disadvantage in our communities.

We have made it clear we stand ready to work with the Government to that end.

We face enormous challenges to find a new direction in the wake of the failure of Two Ways Together and the next review of the Aboriginal Land Rights Act during the next reporting period.

I'm confident the changes which have been made at the NSWALC and in the land rights network over the past four years, and in this reporting period, have provided us a solid political and operational foundation from which to do so.

However, we face constant challenges to sustain the land rights network.

The performance of NSWALC's Statutory Investment Fund, and its impact on our ability to fund key initiatives, was again a major focus for Council and management throughout the year.

I have noted in this space in recent years that the core funding of NSWALC and the land rights system remain at the whim of the domestic and international financial markets despite sound management and investment strategies.

This was never more evident than in recent years as the international financial meltdown cut a swathe through investment markets.

It was again evident in this reporting period.

NSWALC recorded a surplus of \$ 5.7 million in the 2010-11 financial year, compared to a surplus of \$ 34.5 million in the previous reporting period.

The surplus included a total gain (including unrealised gain) on the investment fund of \$ 45 million compared to \$63.6 million in the 2009/10 financial year.

The net equity of NSWALC increased by \$ 5.72 million in the 2010/11 financial year to \$ 598.2 million compared to \$40.4 million to \$592.5 million during the previous reporting period.

Write-downs in the value of the fund have been minimised by the prudent, low risk, investment strategy which had been adopted by the previous Council, the former Administrators, and the current Council and a rebound in international stock markets.

However, the outlook for the global financial climate remains uncertain.

The value of the Fund stood at \$563 million at June 30, 2011, compared with a value \$554 million at the same time last year.

The challenge facing NSWALC in this reporting period was again to maintain our efforts to use the gains from land rights to continue to create intergenerational wealth and to continue to develop sustainable benefits which contribute to the financial, social, and cultural needs and wants of Aboriginal people in New South Wales.

The Executive team continued to work closely with Council and the NSWALC's Investment Committee to rise to this challenge. We will do so again in the new reporting period.

As reported last year the establishment of an Investment Unit has also provided the NSWALC with the in-house capacity and expertise to significantly improve its management and control of its key assets, including our Statutory Investment Fund, the economic lifeblood of our self-funded land rights network.

The Unit allows us to take greater control of our investment portfolio and to chart its performance against comparable funds operated by the NSW Treasury as outlined later in this report.

Council's adoption of a Drawdown Rule to peg operational expenditure to growth in the fund has also assisted us to impose internal fiscal discipline on our operations.

As regular readers of this document would be aware NSWALC is currently required under Section 150 of the Aboriginal Land Rights Act (1983) to maintain the value of the Statutory Investment Fund above an arbitrary benchmark of \$485million.

We have long argued the benchmark is artificial.

The relevant section is far from straightforward, and does not allow NSWALC much flexibility in difficult economic times to ensure compliance with this section of the legislation.

As reported last year we had been in discussion with the State Government since late 2008 to repeal this section and replace it with a Drawdown Rule which would seek to maintain the Fund's core worth but allow NSWALC more flexibility in managing its assets in line with its key philosophy to increase the value of the fund for successive generations.

In essence this would impose a limit on expenditure to five per cent of the fund balance.

We were in discussions with the Minister for Aboriginal Affairs, Minister Lynch, on our proposals as the previous reporting period ended.

We had hoped to gain his endorsement for the proposed amendment and have it included in a package of consequential amendments to the ALRA in this reporting period.

The Minister approved our budget for the 2010-11 financial year which incorporated expenditure restraint in line with the Council endorsed Drawdown Rule but the proposed amendment never reached the Parliament.

We submitted our 2011/12 budget to the new Minister for Aboriginal Affairs, Minister Dominello, in May 2011 based on the same principle and anticipate pursuing this matter with the new Government.

Council, in consultation with management, again made considerable cuts to its budget to comply with the constraints imposed by the introduction of the Drawdown Rule.

This provides for sustainable spending whilst allowing NSWALC to fund its core objectives.

Initiatives to reduce expenditure included a freeze on all but essential staff recruitment, a small round of voluntary redundancies and retrenchment, and the reining in of operating costs of the rural properties which were inherited by NSWALC courtesy of legislative fiat ahead of the possible disposal of the properties.

Core funding to the land rights network was maintained during this reporting period and will be so in the next.

As I have stated before the practical philosophy driving stewardship of the Fund is the need to provide for the future as well as the present.

NSWALC is required to adopt a trustee, fiduciary and custodianship role which emphasises sustainability to ensure funds are there for our children and their children's children.

Aboriginal people will never again see the generosity delivered by this legislation.

We must not squander the asset base now at our disposal.

We continue to seek to rein in expenditure despite the increasing transactional costs which are being imposed on the self-funded land rights system from ongoing amendments to the ALRA, including the new land dealings regime and the cost of ongoing litigation to secure our land rights.

The imposition by the Parliament of increasing administrative and procedural costs on the land council system continues to undermine the capacity of the system to progressively increase the real benefits flowing to Aboriginal people and to increase funding levels to LALCs.

This is an issue which is expected to be canvassed in any future review of the legislation.

Council and management have taken the view that NSWALC cannot expect a full and frank debate on the future financial and operational sustainability of the land rights network without demonstrating it is prepared to show political leadership and take its own hard decisions.

I have flagged in this space in recent years that the future financial and operational sustainability of the land rights network would be a major issue for the network.

The combination of the Act and the efforts of many people, both Aboriginal and non-Aboriginal, has delivered a solid foundation for the future but the financial, operational and political sustainability of the system will remain a key issue over the next 25 years.

We must adopt long term plans and strategies to ensure our sustainability.

I remain convinced that my key task as CEO of NSWALC is to ensure, under direction from Council, we have those plans and strategies in place.

The ongoing sustainability of the network is a vexed issue, along with social housing.

Both issues will again dominate much of the work of the Council and the network during the new reporting period.

We must engage in a mature internal and transparent debate on such issues, such as those conducted at our Statewide Conference in April.

Despite the ongoing economic restraint Council has maintained its support for its landmark initiatives, the Education Endowment Fund, and the partnership agreements with the State Government on water and sewerage, and with the Commonwealth Government, during this reporting period.

It will continue to do so in the next.

It also endorsed a number of modest new initiatives given this era of economic restraint.

These included a decision to join a consortium of Australian and international corporate entities to establish Social Enterprise Finance Australia to provide finance to social enterprises on commercial terms together with targeted business advice and support.

Our focus will be on Aboriginal social enterprises.

We have also partnered with the National Australia Bank in a pilot programme, Indigenous Money Mentor, to offer a range of financial literacy services to Local Aboriginal Land Council members.

Council also endorsed, for the first time ever, the development and production of a NSWALC-funded rights based magazine, Tracker with the principal aim of providing timely and accurate information to LALC members across the State.

Details on the operations of these initiatives can be found throughout this report.

As you read this report you will no doubt notice a change in the organisational structure.

I expressed the belief in this space last year that we had now reached a stage which warranted an independent review of our staffing structure.

I foreshadowed my intention to engage consultants to conduct this review early in the new reporting period.

As a result of that review and the welcome appointment of Deputy Chief Executive Officer, Lesley Turner, we moved to refine the structure into two distinct divisions, Strategic and Operational.

The review coincided with a new investment objective endorsed by Council for the NSWALC's Statutory Investment Fund which placed greater fiscal discipline on our operations.

The review of the staff structure and the new investment objective assisted in the decision to move to a flatter and more strategic structure with a clearer separation between strategic/policy and operational areas.

The division is designed to better reflect NSWALC's advocacy and compliance roles and improve our service to our principal clients, the network of Local Aboriginal Land Councils.

I have made it clear to staff since becoming CEO that the structure of our organisation needs to remain flexible to adapt to our ever changing operational landscape.

As regular readers of this report would be aware NSWALC has a merit-based employment strategy.

However, it is pleasing to note the continuing increase in Aboriginal employment within the organisation and the fact that almost half of the senior management team comprises Aboriginal staff.

In conclusion I wish to repeat some observations I made in my introduction last year.

I have witnessed this organisation build from strength to strength in the time I have been here.

We are now fully engaged with all key stakeholders in land rights in NSW, at all levels.

We are now a fully-functioning peak Aboriginal representative organisation.

We are, in fact, the most independent Land Council in the country with a powerful membership base.

We have our governance policies and procedures about right.

As Chairwoman Manton has pointed out, our counsel is increasingly sought, and acted upon, at the parliamentary, political and policy levels both within and outside the land rights system.

All of this is again reflected in these pages.

Next year will bring its own new reforms, new challenges, and new directions.

I look forward to working in the new financial year with our elected representatives and staff at all levels of the land rights system to ensure we continue to build on the rights which have been hard won over the past two decades.

✓ In so doing, I will always be conscious of the fact that what governments can give they can take away.

This realisation, in my view, should be at the forefront of our thinking in everything we do.



Geoff Scott
Chief Executive Officer

NEW SOUTH WALES ABORIGINAL LAND COUNCIL

COUNCIL STRUCTURE AND MEMBERSHIP

The New South Wales Aboriginal Land Council's elected arm consists of nine Councillors democratically elected by registered voting members of Local Aboriginal Land Councils.

They are elected to serve a four year term.

The positions of Councillor are established under the NSW Aboriginal Land Rights Act, 1983 (as amended) with salaries determined by the Statutory and Other Offices Remuneration Tribunal for Public Office Holders.

The Council itself elects its Chairperson and Deputy Chairperson at the first meeting of Council following the election of Councillors.

Both hold office for a term of two years and are eligible (if otherwise qualified) for re-election.

As foreshadowed in this space last year an election for one Councillor to represent each of the nine regions on the New South Wales Aboriginal Land Council was held on August 6, 2011.

The election was conducted by the NSW Electoral Commission.

It was contested by all but two of the Councillors elected in May 2007.

The statewide poll resulted in the re-election of five of those Councillors, together with four first term Councillors.

The positions of Chairperson and Deputy Chairperson were determined by secret ballot under the auspices of the Registrar of the ALRA, Mr. Stephen Wright, on the first day of the first meeting of the newly elected Governing Council on August 18, 2011

The ballot resulted in the election of Central Region Councillor, Mr. Stephen Ryan, as Chairman.

Wiradjuri Region Councillor, Mr. Craig Cromelin, was elected Deputy Chair.

The Role of Councillors

As a member of the governing body of the NSWALC, the role of each Councillor is:

- To direct and control the affairs of the Council in accordance with the Act, 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 Local Aboriginal Land Council members, and
- To facilitate communication between the Local Aboriginal Land Council members and the New South Wales Aboriginal Land Council.

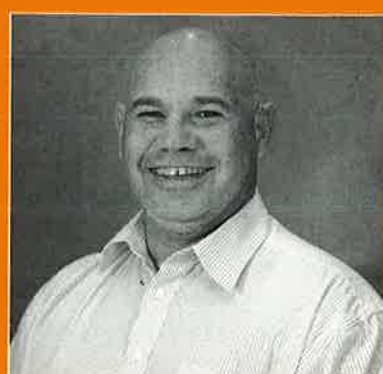
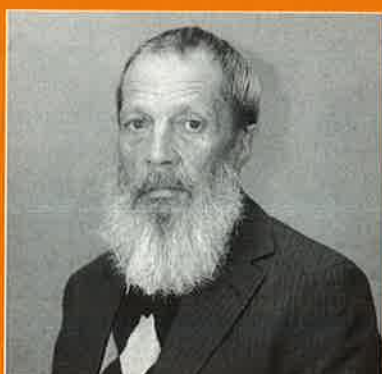
The Council is supported in its work by a Head Office, located in Parramatta, and a Zone office structure established in five regional centres, Dubbo, Queanbeyan, Coffs Harbour, Broken Hill and Gosford

The NSWALC administration is headed by a Chief Executive Officer with the delegated authority of the Council to assume responsibility for all aspects of the day to day operation of the Council's affairs

Councillor Profiles

Following are short profiles of each of the members of the post administration Governing Council.

This is followed by profiles of the four new Councillors elected in August 2011.



Mid North Coast Region

Bev Manton

A member of the Worimi nation, Ms Manton, is a strong and respected advocate for community development, particularly in relation to employment, housing, health and education.

Involved with NSWALC since its inception, Bev is a founding member of the Karuah Local Aboriginal Land Council and worked as the LALC Co-ordinator for four years before being elected to NSWALC.

She represents her people on a number of Boards including the Worimi Conservation Lands, Aboriginal Community Environment Network, and the Northern Alliance. She was unsuccessful in her bid to be re-elected.

Central Region

Stephen Ryan

Stephen is a Wiradjuri man who lives in Dubbo. Stephen has worked in a range of areas such as family violence and land management.

He has held several managerial and elected positions and has worked for NSW NTS in Native Title for 5 years.

He is a former Chairman and current member of the Dubbo Local Aboriginal Land Council. Stephen believes it is important the NSWALC focuses on securing land given its spiritual, social, cultural and economic importance to Aboriginal people. Councillor Ryan was elected Chairman of the NSWALC in August 2011.

Wiradjuri Region

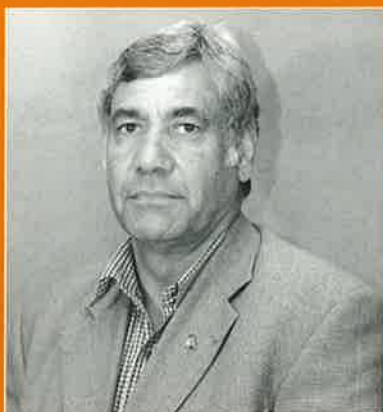
Craig Cromelin

Craig, an artist, is a descendant of the Ngayampaa people of south west New South Wales.

A former cotton picker, carpenter, welder, he describes himself as a "jack of all trades." He is a member of the Murrin Bridge Aboriginal Land Council.

Craig has held several managerial positions, including Chairperson of the Murrin Bridge Aboriginal Advancement Corporation, the Murrin Bridge Local Aboriginal Land Council and the Wiradjuri Regional Land Council. He was re-elected in August 2011 and was subsequently elected to the position of Deputy Chairperson of the NSWALC.

Councillor Profiles



Northern Region

Tom Briggs

Tom is a member of the Gumbainggir nation and has lived and worked in the Armidale District most of his life. He is a member of the Dorrigo Plateau Local Aboriginal Land Council. He previously worked with the Department of Education, Employment and Training for twenty years, gaining extensive experience in human resources and training issues. He is a former councillor with the Aboriginal Torres Strait Islander Commission and the New South Wales Aboriginal Land Council and the Armidale City Council. Councillor Briggs has a degree in administrative leadership. He served as Deputy Chairperson of NSWALC from May 2007 to August 2011. He did not nominate for the position on the new Council



Sydney Newcastle Region

Roy Ah-See

Roy is a Wiradjuri man who was born and bred on Nanima Reserve, near Wellington. He is a member of the Darkinjung Local Aboriginal Land Council.

He has previously worked at the NSW Aboriginal Housing Office and various government departments as a policy officer.

He worked at NSWALC as a policy officer before being elected.

Councillor Ah-See has a Bachelor of Arts Degree (Social Welfare).

He was re-elected as Sydney-Newcastle Region Councillor in August 2011.



North West Region

Steve Gordon

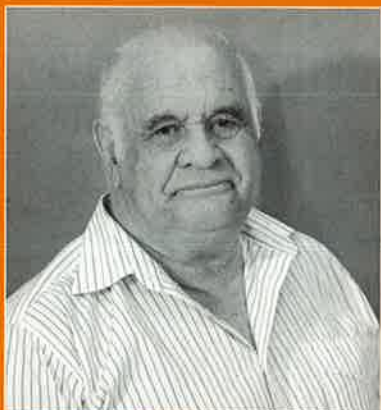
Steve has been involved with Aboriginal affairs for about 35 years both in a voluntary and professional capacity. A member of the Brewarrina Aboriginal Land Council, he was the first Aboriginal Ombudsman in New South Wales and in June 1997, was the first Aboriginal representative to address the NSW State Parliament.

In 2002 he was voted national NAIDOC Person of the Year. He was a former Commissioner with the now defunct Aboriginal and Torres Strait Islander Commission.

He lives in Brewarrina where he has served as a Shire Councillor.

Councillor Gordon did not seek re-election.

Councillor Profiles



SouthCoast Region

Neville "Jack" Hampton

A Yuin man, Jack, has been active in Aboriginal Affairs for more than 40 years. Before his election to NSWALC he was engaged in Aboriginal employment consultancy work at Mission Australia.

He also recently worked with his wife of 46 years, Eileen, to mentor Aboriginal Students in Hostels after more than 30 years work with Jervis Bay National Park.

He has a Bachelor Degree in Adult Education and is a former deputy chair of Wreck Bay Aboriginal Community Council and former Treasurer of Nowra Local Aboriginal Land Council, of which he is still a member. Councillor Hampton was re-elected in August 2011.



NorthCoast Region

Patricia Laurie

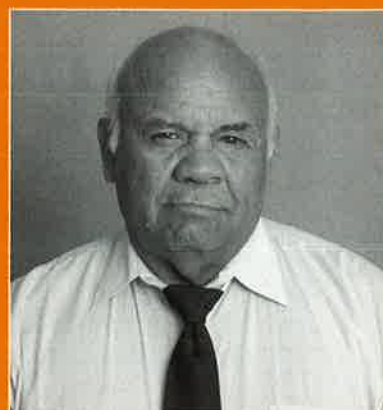
Patricia, a Yaegl woman and member of the Bundjalung nation, has been active in Aboriginal Affairs for more than two decades and has been involved with the NSWALC network since its formation 24 years ago. She is an accredited Community Planning and Trained Mediator.

A member of the Birrigan Gargle Local Aboriginal Land Council at Yamba, Ms Laurie lost office in August 2010.



She was succeeded by Mr. Dallas Donnelly as a result of a by-election in December 2010.

Councillor Donnelly sought re-election in August 2011 but was unsuccessful.



Western Region

William Murray

William is a member of the Nari Nari nation and was born in Balranald.

He has spent most of his life in the Wilcannia area. William has previously held positions on the New South Wales Aboriginal Land Council and the Murdi Paaki Regional Council.

He has enjoyed a long involvement with various Aboriginal organisations.

He is an active member of the Wilcannia Local Aboriginal Land Council. He sought re-election in August 2011 but was unsuccessful.

Councillor Profiles

Following are profiles of the four new Councillors.



Mid NorthCoast

Peter Smith

Peter is a Dungutti man from Kempsey. He has lived and worked in the Taree region for nearly three decades. Peter has a strong connection to the New South Wales land rights system and is passionate about health equality, housing, land rights and culture and heritage.

He has a great deal of experience working with his local community in different capacities and has served as the Chairperson of the Purfleet-Taree Local Aboriginal Land Council for a total of ten years.

Peter also worked for the NSW police service for ten years, and worked with the Hunter New England Area Health Service for 11 years.



North West Region

Anne Dennis

Anne is a Gamilaraay woman who has lived most of her life in Walgett. She has a strong background in education, having trained as a teacher, and has been heavily involved in the implementation of state Aboriginal education policies over the past three decades.

She has participated in the land rights system in many communities across NSW and has been an active member of Walgett Local Aboriginal Land Council for over ten years. She was CEO of Walgett LALC in 2009.

Anne is passionate about supporting Local Aboriginal Land Councils to be independent and self-sufficient and believes this can be achieved through employment, better educational outcomes and social justice for all Aboriginal people.



Western Region

Des Jones

Des is a Moorawarri man, born in Brewarrina. He spent most of his youth in the Northern Territory before returning to live in western NSW for the past 34 years.

He has been involved in community, regional and state development issues over the past 30 years. He is the Chairperson of the Murdi Paaki Regional Housing Corporation and was Chairperson of Maari Ma Health Aboriginal Corporation for nine years. He was also a Board member of the NSW Aboriginal Housing Office for six years. Des is also an active representative of the Murdi Paaki Regional Assembly.

Des has been a solid supporter of Aboriginal rights and a strong advocate for land rights, economic development and good governance.

Councillor Profiles



North Coast

Tina Williams

Tina is a Bundjalung woman born and raised in Lismore. Tina, a single mother, has been involved in the land council network for over 20 years at both the professional and political levels.

She is a longstanding member of the Ngulingah LALC. She was the elected Secretary before taking on the full time Coordinator's position for some six years.

Tina has also worked in various positions at NSWALC, including more than six years as a LALC support officer in the Northern Zone office.

Tina has a Bachelor Degree in Community Management, a Certificate IV in Frontline Management, and tertiary qualifications in business management.

COUNCILLOR ATTENDANCE AT MEETINGS 2010-2011

Total number of Council meetings - 17

Total number of meeting days - 31

Councillor	No. of days attended	Notes
R. Ah-See	28	Two Days - LOA – Ill Health One Day - LOA - Representing NSWALC
T. Briggs	23	One Day – LOA – Ill Health Three Days – LOA – Sorry Business One Day – LOA – Regional Matters Three Days – LOA – Ill Health
C. Cromelin	29	One Day – LOA – Regional Matters One Day – LOA – Representing NSWALC
S. Gordon	11	Twenty Days – LOA – Ill Health
J. Hampton	31	Nil absences to report
P. Laurie	4	
B. Manton	27	Three Days – LOA – Ill Health One Day – LOA – Representing NSWALC
W. Murray	25	One Day – LOA – Regional Matters One Day – LOA – Personal Two Days – LOA – Ill Health One Day – LOA – Regional Matters One Day – LOA – Regional Matters One Day – LOA – Ill Health
S. Ryan	24	Three Days – LOA – Sorry Business One Day – Absent Two Days – LOA – Ill Health
D. Donnelly Elected to Council on 11/12/10. First meeting attended was 14/12/10 & 15/12/10	21	Nil absences to report

NEW SOUTH WALES ABORIGINAL LAND COUNCIL

This report covers the activities and financial dealings of the New South Wales Aboriginal Land Council for the period 1 July 2010 to 30 June 2011.

As required by the Annual Reports (Statutory Bodies) Regulation 2010 the document reflects the election of the nine-member New South Wales Aboriginal Land Council on August 6, 2011 for a four year term given its significant effect on both the financial and other operations of the organisation in the new reporting period and beyond.

The report includes the financial, and other reports, required under the NSW Government's Annual Reports (Statutory Bodies) Act 1984 and also provides a summary and highlights of our activities and achievements during that period.

The normal functioning of Council is described throughout this report in terms which assume a model of elected representative members collectively setting policy direction, with an experienced CEO, and skilled team of senior managers, administering the support systems to assist local Aboriginal communities to achieve economic and social independence.

For the benefit of new readers, it is important to place in context the way in which the organisation came into being, what the Land Council system in New South Wales is designed to do, and how it goes about doing it.

Who We Are and What We Do

The New South Wales Aboriginal Land Council is the peak Aboriginal representative body in New South Wales.

It was first established in the late 1970's to assist in the fight for land rights.

It is a common misconception that the New South Wales Aboriginal Land Council was established as a direct result of the passage of the Aboriginal Land Rights Act (NSW) in 1983.

This is not the case.

A non-statutory NSW Aboriginal Land Council was established in 1977 as a specialist Aboriginal lobby on land rights.

It was formed when over 200 Aboriginal community representatives and individuals met for three days at the Black Theatre in Redfern to discuss land rights.

The organisation was formally constituted as a statutory corporation with the passage of the New South Wales Aboriginal Land Rights Act in 1983.

The purposes of the Act are as follows:

- To provide land rights for Aboriginal persons in New South Wales.
- To provide for representative Aboriginal Land Councils in New South Wales.
- To vest land in those Councils
- To provide for the acquisition of land, and the management of land and other assets and investments, by or for those Councils and the allocation of funds to and by those Councils.
- To provide for the provision of community benefit schemes by or on behalf of those Councils.

These should be read in conjunction with the preamble to the Act, which states:

- Land in the State of New South Wales was traditionally owned and occupied by Aborigines.
- Land is of spiritual, social, cultural and economic importance to Aborigines.
- It is fitting to acknowledge the importance which land has for Aborigines and the need of Aborigines for land.
- It is accepted that as a result of past Government decisions the amount of land set aside for Aborigines has been progressively reduced without compensation.

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

In essence, these give the New South Wales Aboriginal Land Council (NSWALC) the mandate to provide for the development of land rights for Aboriginal people in NSW, in conjunction with a network of Local Aboriginal Land Councils 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).

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

As the peak Aboriginal representative body in NSW, it is charged with managing a Statutory Investment Fund, valued at \$563 million at June 30, 2011.

It also oversees the development and management of a significant Aboriginal owned land estate.

Added to this are properties acquired by purchase or other transfer of land (such as former missions/reserves) into LALC ownership.

Our Clients

The principal client of NSWALC is a network of Local Aboriginal Land Councils which collectively manage the range of support services delivered at local level to their communities.

These services include housing, legal affairs, employment, training and property acquisition and management.

This reporting period has resulted in ongoing changes to the governance and structure of all LALCs.

Both LALCs and NSWALC have expended substantial time and resources bedding down these changes.

Further miscellaneous amendments are anticipated during the next reporting period.

NSWALC has continued to refine its management structure during this reporting period, and will do so in the next, to accommodate the legislative changes, and to continue to restructure its distributed support for Local Aboriginal Land Councils.

The organisation has worked during this reporting period within the five key objectives of a Council endorsed Community Land and Business Plan.

They commit the NSWALC to:

1. Provide leadership to influence the policy of government and other stakeholders to preserve Aboriginal culture and heritage and create economic, social and cultural improvements for Aboriginal people.
2. Create a network of fully functional, transparent, well governed Local Aboriginal Land Councils.
3. Assist LALCs acquire and develop assets to become financially viable.
4. Improve the internal operations of NSWALC
5. Maximise the return on the investment portfolio while maintaining an acceptable capital risk profile.

Strategies and actions were refined to assist the Purpose, Objectives, and Key Performance Indicator targets in the Plan.

Responsibilities for implementation are assigned at a work unit level.

The NSWALC Community, Land and Business Plan 2009-12 is implemented, in accordance with the requirements of Division 5 of the Aboriginal Land Rights Act 1983 (as amended) under which NSWALC is required to ensure the Plan must contain, amongst other things, the objectives and strategy of the Council for:

- The acquisition, management and development of land and other assets.
- The provision and management of community benefit schemes.
- The carrying out of business enterprises and investment.
- Aboriginal culture and heritage

The Plan also details, as required, the development or acquisition of human resources and skills to implement the proposals and timelines for the achievement of proposed strategies and proposals in the Plan together with particulars of the assets and liabilities of the Council.

NSWALC Corporate Plan

The Plan, which retains the five key operational objectives, was implemented in the new reporting period in conjunction with the NSWALC Corporate Plan 2008-2012.

The Corporate Plan was adopted by Council in March 2008 and released to coincide with the 25th anniversary of the proclamation of land rights in New South Wales in June 2008

The NSWALC's overarching aim is to work in accordance with the key strategies outlined in both plans to provide leadership and guidance to the Aboriginal people of New South Wales in the pursuit of sustainable cultural, political, social and economic rights.

The documents set out in plain English what the NSWALC is, what we do, and what we seek to achieve.

Local Aboriginal Land Councils

Both plans re-emphasise the fact that the principal client of NSWALC is the network of Local Aboriginal Land Councils which are located across nine regions throughout New South Wales.

This structure is designed to achieve the highest degree of representation and participation for Aboriginal people.

Each LALC has elected its own Boards under changes to the ALRA which came into effect on July 1, 2007.

LALC Boards, staff and members are encouraged to access advice, information and support from the NSWALC in relation to all aspects of land rights.

The Act established the land council structure in a way that has sought to achieve a high degree of participation and involvement by every Aboriginal person in the affairs of their local community.

The on-going priority for the NSWALC is to ensure that all Local Aboriginal Land Councils are afforded timely advice and direction on matters relevant to the Aboriginal Land Rights Act, and supported through high level training and development to build their capacity to strategically plan and manage their affairs at their local level.

A total of 119 Local Aboriginal Land Councils were registered across the State during this reporting period.

A complete list of Local Aboriginal Land Councils is located at Appendix 1.

Other Stakeholders

The Plans also acknowledge that the NSWALC deals with a range of government, non-government and private sector stakeholders in carrying out its functions.

The nature and extent of our dealings with relevant stakeholders vary from time to time.

They are often dependent on what function each stakeholder represents and their significance to the operations of NSWALC and Local Aboriginal Land Councils.

The New South Wales Aboriginal Land Council is committed to working with all relevant stakeholders to improve outcomes for our people.

Council has resolved to:

- Maintain and strengthen existing partnerships with our LALC network to optimise performance and maximise potential for economic, social and cultural growth and prosperity at the local level.
- Maintain and strengthen existing partnership arrangements with our government and non-government stakeholders to optimise performance and maximise the potential for economic, social and cultural growth and prosperity across all regions throughout NSW.
- Maintain and strengthen existing partnerships arrangements and develop new partnership arrangements with private sector stakeholders to optimise performance and maximise the potential for economic, social and cultural growth and prosperity across all regions throughout NSW.

Our Values

They also outline the NSWALC's core values.

The NSWALC recognises and respects the diversity of the Aboriginal people of NSW and their communities.

We do, however, share a number of core values. We seek to act in accordance with these values.

These include:

- Returning land to the Aboriginal people of NSW
- Protecting culture and heritage
- Seeking the provision of adequate services and resources for our people and communities
- Seeking to ensure safe communities and social equality through areas such as education and employment
- Upholding the inherent right of all Aboriginal people to freely participate culturally, socially, economically and politically in all sectors of the community
- Ensuring long term opportunities and sustainability are available to all.

The NSWALC seeks to work within these core values to:

- Perform our functions in a culturally appropriate manner and respect community diversity.
- Lead by example in the conduct of all of our operations by seeking to ensure integrity, honesty, respect and transparency in all of our dealings with our communities.
- Be accountable, wherever possible, to our clients and stakeholders.
- Uphold the principles and values of social justice.
- Be responsive to the aspirations and needs of NSW Aboriginal people and continually advocate the need for real and sustainable outcomes.
- Actively pursue the recruitment and professional development of dedicated Aboriginal staff.
- Respect and value the diversity and contributions of all NSWALC staff.

Delivering Outcomes

Both Plans also contain a key commitment to delivering outcomes.

They commit the organisation to take a leading role in improving the lives of our people through sound stewardship, advocacy and economic empowerment.

In accordance with our corporate priorities, our values, and the responsibility that we have been entrusted with by our people and our communities, we seek to:

- Assist in ensuring Aboriginal people in New South Wales enjoy a sustainable social and cultural environment by seeking to close the gap on poverty and improve health and living standards through tightly targeted community benefit schemes and evidence based advocacy;
- Target and increase our advocacy towards relevant State and Federal government bodies or agencies, particularly funding agencies ;
- Assist our people in having access to, and contributing towards, a sustainable economic environment, including appropriate education and training and sustainable employment; and
- Promote safe and secure environments for our people and communities

Corporate Priorities

The Corporate Plan sets out the NSWALC's key corporate priorities along with the outcomes we seek to achieve. They are:

Advocacy and Rights

As the peak representative body, the NSWALC has the responsibility to pursue cultural, social and economic independence for Aboriginal people.

The NSWALC is committed to improving the first nations status for Aboriginal people and ensuring that fundamental human rights are recognised and sustained.

We will continue to work for:

- The return of culturally significant and economically viable land
- Seek to influence policy and reform agendas of the NSW and Commonwealth governments through leadership and reliable evidence-based advice and research.
- Continue to provide advocacy and support in attaining and upholding fundamental human rights for Aboriginal people both nationally and internationally.

Strong Leadership and Governance

The NSWALC is committed to strong leadership, good governance, integrity and accountability in all Aboriginal organisations in NSW.

We will continue to develop, promote and maintain a highly efficient, financially robust and professionally managed organisation.

The NSWALC seeks to lead by example in all sectors of the community focusing on good governance, leadership and accountability.

In this crucial area we seek to:

- Lead by example throughout our organisation and network
- Demonstrate efficient and effective services in day-to-day operations of the organisation.
- Ensure ethical and responsible decision-making practices throughout the organisation and network.
- Maintain efficient and effective policies and procedures applicable to the entire network.
- Provide training and development opportunities to enhance career progression for all NSWALC and LALC staff.
- Be regarded in the wider community as an employer of choice.

Productive and Meaningful Partnerships

The NSWALC is committed to the pursuit of strong, productive and meaningful partnerships with all relevant stakeholders.

We believe this can assist in delivering opportunities for economic, social and cultural growth and prosperity for Aboriginal people across all regions throughout NSW.

In this respect the NSWALC will continue to:

- Identify and develop strategic partnership opportunities for economic, social and cultural growth and sustainability.
- Strengthen existing partnerships and arrangements in both public and private sectors.
- Develop training and development strategies which enhance the capacity of LALCs and their members to effectively engage in successful partnership arrangements with government, non-government and private sector stakeholders at the local community level.

Community Health and Well-Being

The NSWALC is appalled by the poor health, well-being and lack of opportunity in our communities and the gap in life expectancy between our people and the general population, currently estimated to be 8.8 years less for our men and 7.5 years for women.

It will maintain and strengthen its advocacy to ensure meaningful personal and community health outcomes are achieved throughout all regions of NSW.

We will do so by:

- Promoting Aboriginal community health and well-being as a critical priority and vigorously advocate the need for genuine reform.
- Actively contribute to annual Aboriginal community network health and well-being reviews and audits at both the state and national level.
- In collaboration with the LALC network and health providers, facilitate productive health and well-being partnerships to enhance performance outcomes at the local community level.
- Seek to improve access to social services for the LALC network.

Land, Cultural Heritage and Environmental Management

Land claims are core business for NSWALC, particularly given land is the only form of compensation for dispossession now available under the NSW Aboriginal Land Rights Act.

The NSWALC will continue to focus on working with Local Aboriginal Land Councils to acquire cultural and economically viable land and to ensure the prudent management and development of that land.

We will do so by:

- Developing a business case for the return of all Aboriginal sites in NSW.
- Developing guidelines that identify, protect and preserve cultural heritage in accordance with the traditional customs, obligations and responsibilities of individual Traditional Owner groups throughout NSW.
- Establish an effective communications process to monitor all land developments to ensure the culturally proficient identification, protection and preservation of all cultural heritage sites across all regions of NSW.
- Provide advice, support and direction to Local Aboriginal Land Councils in developing a culture and archival centre for NSW.

Community Development and Planning

The NSWALC has a social and statutory obligation to develop and enhance the capacity of Local Aboriginal Land Councils. We will continue to provide guidance and support to all Local Aboriginal Land Councils in their process of identifying specific management, planning and development needs.

We will do so by:

- Conducting annual local network training.
- Establishing community planning and business development partnership arrangements with local governments, industry and businesses.
- Actively promoting Aboriginal home ownership strategies.
- Promoting the need to develop an Aboriginal Housing Loan System to provide affordable and manageable home loans to increase Aboriginal home ownership.

Innovation, Learning and Continuous Improvement

The NSWALC will maintain a proactive approach to learning and continuous improvement. We will continue to research and develop modern and innovative methods in this area to deliver real outcomes which strengthen our communities and the capacity of Aboriginal people.

The NSWALC is committed to:

- Pursuing additional funding from external sources to grow and strengthen the financial capacity of NSWALC's Education Endowment Fund and to advocate for further educational opportunities for Aboriginal people ;
- Monitor performance outcomes linked to NSWALC's Education Endowment Fund, particularly in relation to the provision of scholarships; and
- Seek and retain professional and committed people in our workplace.

Wealth Generation and Commerce

The NSWALC and the land council network is self funded. We are committed to ensuring commercial and financial sustainability by engaging in sound commercial and business opportunities underpinned by independent professional advice.

The NSWALC aims to work in collaboration with all relevant industries to maximise financial, employment and capacity building opportunities for all Aboriginal people and their communities.

We will do so by:

- Seeking to maximise financial returns and growth of NSWALC Statutory Investment Fund through prudent management ;
- Developing community-based Aboriginal Employment Strategies ;
- Promote the development of initiatives to enhance Aboriginal employment and training outcomes ;
- Monitor the business and industry environment to identify suitable and viable commercial enterprise opportunities for Aboriginal people ;
- Pursue partnerships with key industry groups to build commercial and economic sustainability for Aboriginal people.

Commitment and Vision

The Corporate Plan ends with a commitment to ensure Council works with all relevant stakeholders to improve the safety, health and well being of Aboriginal people in NSW.

It says that by 2012, we believe NSWALC will have made a significant contribution to bringing about an inclusive society where Aboriginal people are truly represented and empowered culturally, socially and economically.

The NSWALC will seek to lead by example.

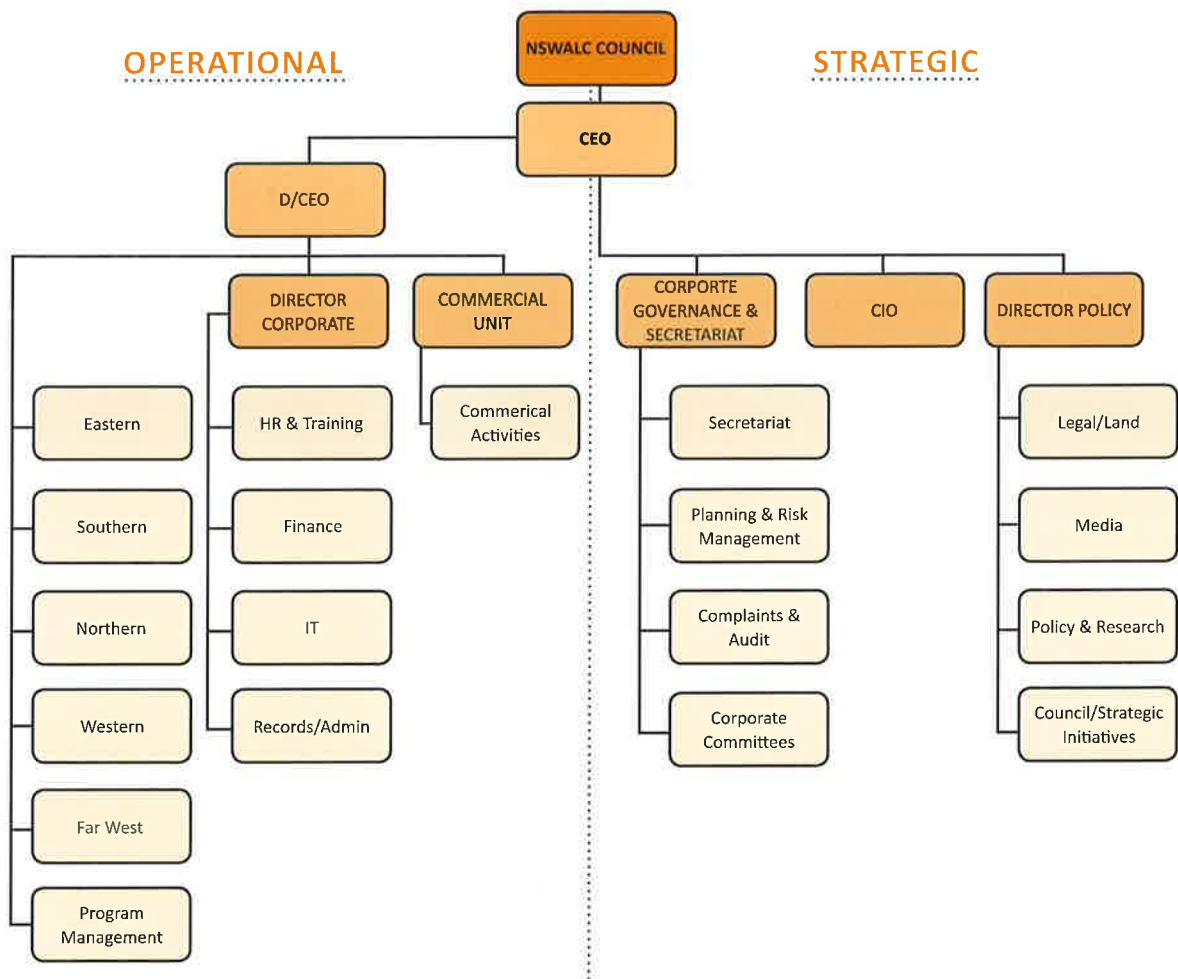
We will do so by demonstrating a professional and unified commitment to working with our communities and stakeholders to develop equitable commercial outcomes and opportunities aimed at addressing past injustices and alleviating the social and economic disadvantage that continue to affect our people.

We aim to ensure:

- Aboriginal people of NSW will be living more sustainable livelihoods through improved access to essential social services.
- The NSWALC will be an effective advocate, actively participating in setting the policy agenda for the Aboriginal people of NSW.
- Aboriginal people of NSW will benefit economically, socially and culturally as a result of productive partnerships established and sustained by NSWALC and our stakeholders.
- The NSWALC will have contributed to significant advances in rights and status.
- We will have contributed to safe and healthy communities.
- There will be an increased Aboriginal people's presence in the commercial and political environment.
- We will have assisted in all Local Aboriginal Land Councils taking full control of, and responsibility for, their economic, social and cultural affairs.

The NSWALC has worked throughout this reporting period to deliver on these commitments. In doing so it has been able to influence a number of major reforms which are reported on in this document.

Organisation Structure



The administrative arm of the NSWALC has been arranged in functional areas relating to the core business of the Council, particularly Land Rights, Investment, support to the Land Council network, and policy and advocacy.

As mentioned earlier, strategic priorities in recent years, as well as structures, have been determined in response to the requirements of ongoing amendments to the ALRA.

These have included the Amendment Act (2001) which was finally proclaimed (with Regulations) on 25 October 2002 and the Aboriginal Land Rights Amendment Act 2006 which passed through both Houses of the NSW Parliament on December 4, 2006.

It was proclaimed (with Regulations) on February 7, 2007.

A further set of Regulations, largely affecting the future operations of Local Aboriginal Land

Councils, were proclaimed in July 2007 and further amendments to the land dealing provisions of the ALRA came into effect in March 2010.

The organisational structure of the administrative arm has undergone significant change in recent years and this work continued during the reporting period.

This entailed simplifying and strengthening the structure to boost support for the Council and LALCs.

As at 30 June 2011, the actual staffing level, including Councillors, was 116 persons with 27 staff members working in the Zone Offices.

This represents a slight decrease on staff numbers at the close of the previous reporting period.

More than 50 per cent of NSWALC staff are Aboriginal.

Executive

During the bulk of the 2010/2011 financial year, the NSWALC had four positions at the Senior Executive Level.

Those positions were Chief Executive Officer, Deputy Chief Executive Officer, Chief Operating Officer and Chief Finance Officer.

The Chief Executive Officer, Mr Geoff Scott, was appointed to the position by NSWALC's Governing Council on November 12, 2007 and retained this position throughout the reporting period.

Former Southern Zone Office Director, Mr. Lesley Turner, was appointed to the position of Deputy Chief Executive Officer on March 14, 2011 following a recruitment process.

The other two senior executive positions were occupied by Ms Margaret Palmer, who was appointed Chief Finance Officer in June 2005, and Mr Malcolm Davis who took up the position of Chief Operating Officer in March 2006.

The appointment of Mr Turner allowed the Chief Executive Officer to complete a number of proposed changes to the structure of the organisation and the reporting lines within the structure.

To meet the requirements of s 142 (1) of the ALRA, NSWALC had engaged the services of the change management consultants, Matrix on Board, to conduct a review of the staff structure. This was completed in December 2010.

This coincided with a new investment objective endorsed by Council for the NSWALC's Statutory Investment Fund which placed greater discipline on the NSWALC's operational expenditure.

The review of the staff structure and the new investment objective assisted in the decision to move to a flatter and more strategic structure with a clearer separation between strategic/policy and operational areas.

The division was designed to better reflect NSWALC's advocacy and compliance roles.

The structure established the new positions of Director of Policy and Director of Corporate Services. These were filled by Mr. Davis and Ms. Palmer

The Director of Policy assumed oversight of the Legal Services Unit, the Land Rights Unit, the Policy and Research Unit, including Council and Strategic Initiatives, and the Media and Marketing Unit.

In turn he reports to the Chief Executive Officer.

The Corporate Governance Unit, Council Secretariat, and the Chief Investment Officer report directly to the CEO.

The Director of Corporate Services assumed responsibility for the Finance, Information Technology, Records Management, Human Resources, and Training and Development Units with a direct report to the Deputy Chief Executive Officer.

The Zone Offices, the Commercial Unit, and Program Management Unit report directly to the Deputy Chief Executive Officer.

The Program Management Unit is responsible for the NSWALC Education Endowment Fund, Community Benefit Schemes, the NSWALC Funeral Fund, the Water and Sewerage programme, Social Housing, Community Land and Business Plans, Compliance, Evaluation and Interventions.

Most of these operational activities had been grouped under Network Services in the previous structure.

The new operational structure became fully operational on July 1, 2011.

For ease of reference the new structure is reflected in this report under the two areas, Strategic and Operational.

STRATEGIC

Legal Services Unit

The work of the Legal Services Unit goes to the core purpose of the NSWALC, the return of land to the Aboriginal people of NSW.

The Unit provides legal advice and assistance to the NSWALC, and the network of Local Aboriginal Land Councils, to further the development of land rights in NSW.

It also provides advice to the nine-member elected Council and staff on a wide range of statutory, administrative and commercial issues to enable the organisation to operate, effectively and consistently, within its obligations under the *Aboriginal Land Rights Act 1983*.

The Unit's work during the reporting period included:

- The management and resolution of a high number of legal matters, including running a number of land claim appeals. This has increased in-house capacity and reduced the NSWALC's reliance upon, and cost of, external solicitors and barristers.
- Close supervision of land claim appeals and other matters briefed out to ensure a co-ordinated and strategic approach and to reduce unnecessary duplication.
- Legal advice to the Council and NSWALC staff about the operation of the *Aboriginal Land Rights Act 1983*, particularly on the new land dealing provisions.
- Legal advice to NSWALC staff on a wide range of commercial and contractual matters and policies and guidelines.
- Providing assistance and advice to LALCs on matters of importance to the operation and effectiveness of the land rights network as a whole
- The delivery of legal training within NSWALC as part of the Unit's risk management strategy. This included training on the *Aboriginal Land Rights Act 1983*, record keeping obligations, conflict of interest, confidentiality, and legal professional privilege.
- Overseeing all of the NSWALC's legal risk management issues.

At the end of this reporting period, the Unit comprised a Principal Legal Officer, two Senior

Legal Officers, one Legal Officer and one administrative assistant.

There were a number of staff changes during the reporting period.

The Unit was managed by Principal Legal Officer, Ms. Lila D'souza through to May 13, 2011 when she began maternity leave.

Her successor, Ms Sally Skyring, was appointed to the position from May 8.

Senior Legal Officer, Ms Anna Harding also commenced maternity leave in December 2010. Ms. Claire Hammerton assumed the role of Acting Senior Legal Officer on January 17, 2011.

Legal Officer, Ms Linda Gibbons, commenced duties in that capacity on January 17, 2011

Legal Officer, Mr. David Goodenough, transferred to the Corporate Governance Unit in November 2010.

Senior Legal Officer, Mr. Mark Dupuis, and Administrative Assistant Madhu Gopal, worked in the Unit throughout the reporting period.

The Unit was assisted by five volunteer legal interns, Ms. Ellen Murphy, Mr. Warren Oakes, Ms. Wanjie Song, Ms. Laura Garland and Ms. Micaela Ash during the reporting period.

They were placed in the Unit as part of the Aurora Project, which is run by the University of New South Wales.

All provided invaluable assistance on a number of projects and legal matters.

Land Rights Unit

The Land Rights Unit plays a pivotal role in the research, lodgment and monitoring of land claims on behalf of the NSWALC and LALCs.

It works to implement the core principle of the ALRA.

The provision of land rights is fundamental to Aboriginal self-determination and autonomy.

A viable land base is integral to the achievement of those principles.

After more than 25 years of building a land base, the land rights network is now able to use that land for the economic, cultural and environmental benefit of Aboriginal people in NSW.

The NSWALC may make a claim for land on its own behalf, or on behalf of one or more Local Aboriginal Land Councils.

The Unit provides support and assistance to the NSWALC and LALCs in the land claims process.

Many LALCs do not have the resources to make claims on their own behalf.

The Unit provides training for LALC staff to assist them to understand the claims process and then make claims on their own behalf.

NSWALC continued its leadership role in the claims process during the reporting period by lodging over 90% of all claims, while LALCs that had participated in the training took on the responsibility of making claims.

The Unit also maintains a Register of all land held by NSWALC and LALCs, in line with the NSWALC's obligations under section 106(2) (g) of the ALRA.

The Unit was staffed throughout the reporting period by Manager, Mr. Terry Millott, Senior Land Rights Officer, Mr. Troy Lancaster, and Land Rights Officer, Ms. Marie Potts.

Ms. Potts, one of the NSWALC's longest serving officers, retired on June 29, 2011

Corporate Governance Unit

This Unit was established in the 2004/05 financial year.

It provides integral support for NSWALC's governance structure.

The focus of the Unit is to support the Council to achieve its key priorities including 'Strong Leadership and Governance', 'Productive and Meaningful Partnerships' and 'Innovation, Learning and Continuous Improvement'.

The mission of the CGU is to provide the highest level of support to NSWALC's Governing Council to foster an ethical and compliant corporate culture within the organisation.

The key stakeholders of the CGU are the nine-member Council and the Chief Executive Officer.

There are five operational areas within the Unit: Secretariat, Complaints, Corporate Committee's, Internal Audit and Planning and Risk.

Secretariat

The Unit is responsible for maintaining Council records, managing communications between the Council and the administrative arm, and providing advice to the CEO and the Council on governance issues.

The Secretariat also provides administrative support to the Chairperson and CEO through one of NSWALC's longest serving officers, Marianne Linke.

The Secretariat Unit is staffed by Ms. Evelyn Camilleri and Ms. Stevie Hayes. They provide invaluable administrative support to the Council.

Complaints

The NSWALC's complaint handling function was established in 1998 in response to the Independent Commission Against Corruption (ICAC) *Report on an Investigation into Aboriginal Land Councils in New South Wales* (April 1998).

In that report the ICAC recommended that the NSWALC "establish a Dispute Management System for dealing with complaints".

Whilst the NSWALC has no formal powers to investigate complaints, it may in appropriate cases offer to mediate or conciliate disputes relating to the land council network.

The CGU manages the NSWALC's response to complaints concerning the network in conjunction with Zone Offices.

The NSWALC is committed to maintaining an effective complaints handling system that aims to assist with difficulties, grievances and complaints in a prompt, impartial and just manner.

Through the handling of complaints the NSWALC is able to review and improve its own service delivery to support the network of Local Aboriginal Land Councils.

The CGU is also responsible for receiving and managing allegations of corruption, or other serious allegations, and for ensuring allegations are reported to the Registrar of the ALRA, the Independent Commission Against Corruption, and/or Police, as appropriate.

The complaints function was managed by Ms. Florie Beemster during the reporting period.

Corporate Committees

The NSWALC is required by the *Public Finance and Audit Act* 1983 to maintain an effective system of internal control including an effective internal audit function to assist in the identification, evaluation and management of risk.

The NSWALC has delegated certain functions to specialist Committees comprised of Councillors, NSWALC staff and independent members. The Committees are established under Section 118 of the ALRA to complement the operational integrity of the organisation.

They are:

- Audit and Risk Committee
- Finance Committee
- Governance Committee
- Investment Committee.

The work of each is governed by a Committee Charter which sets out its Terms of Reference, composition, roles and responsibilities and its relationship with the NSWALC.

Internal Audit

The NSWALC is required by the Public Audit & Finance Act 1983 to maintain an effective system of internal control including an effective internal audit function.

The NSWALC's internal audit function is an independent and objective assurance system designed to add value by improving NSWALC's operations.

The Internal Audit function assists in the identification, evaluation and management of risk.

The function is independent from operational management and the activities are reviewed by internal audit.

The NSWALC's Internal Audit function was delivered through an outsourced delivery model with independent audit services provided by Pricewaterhouse Coopers.

During the reporting period, the services provided by PricewaterhouseCoopers were project managed by the Planning and Risk Officer, Mr David Goodenough.

Staffing

All staff in the CGU report to the Director of Governance, Ms. Jenny Bedford.

Ms Bedford was appointed to the position in March 2011 following the resignation of the former Director of Corporate Governance, Ms Nicole Courtman, in February 2011.

The Policy and Research Unit

The NSWALC's Policy and Research Unit plays a vital role in supporting the advocacy work of the organisation.

This includes monitoring Government policies which may impact on the Land Council network and Aboriginal people in NSW and the consequent provision of high level strategic advice to the nine-member NSWALC, the Chief Executive Officer, and the Land Council network.

It also undertakes evidence-based research to support the NSWALC's strategic policy priorities, and maintains ongoing dialogue and partnerships with a range of Government and non-Government agencies.

The Unit also co-ordinates the NSWALC's international engagement strategies and working relationships with the United Nations and associated networks.

The work of the Unit continued to focus during this reporting period on culture and heritage, in line with the priority set by the elected Council of NSWALC and the Land Council network.

The Unit also focused on a range of other issues, including human rights, natural resource management, the environment, economic development and joint management of National Parks.

The Policy and Research Unit was also responsible during this period for overseeing NSWALC approval processes for LALC Community Land and Business Plans.

The Unit was staffed by a small team during the reporting period.

It comprised Senior Policy Officer, Mr. Stephen Hynd, Senior Policy Officer – BioBanking, Ms. Kate Aubrey-Poiner, Policy and Research Officers, Ms. Sharon Close and Ms. Haylee Davis and Policy and Research Officer - CLBPs, Ms. Jessica Bamblett.

The team was also assisted with key projects by short-term staff members, and a range of university student interns: Justine Townsend (UQ), SarraGabsi (UTS), Phoebe Martin-Finch (UTS), Jia-Wei Zhu (ANU), Sara Farsad (Macquarie), Petra McNeilly-Rutledge (UTS), Frosanna Kelso (Macquarie).

All reported to the Director of the Unit, Ms Clare McHugh.

Two staff, former Policy Coordinator, Ms. Sylvie Ellsmore, and Policy and Research Officer, Ms. Alexandra Russ, left the Unit during the reporting period.

Media and Marketing Unit

This Unit has an important role in the ongoing development and promotion of the NSWALC and the land rights network.

Its joint aim is to improve the profile of the organisation and to facilitate improved communication within the Land Council network and the broader community by seeking to increase awareness about the importance of land rights and attendant issues.

This underpins the advocacy work of the NSWALC, its staff, and Local Aboriginal Land Councils.

The Unit's formal functions and responsibilities include:

- Providing strategic advice and briefings on media and marketing issues to Councillors, Local Aboriginal Land Councils and senior staff
- Media monitoring.
- Initiating positive stories and responding to inquiries and requests for information from mainstream and independent media, the community and government bodies
- Liaising with media, community and government organisations.
- Organising public and internal events and promotional activities

- Producing NSWALC publications, posters, flyers and online services.

As reported last year, the former and founding editor of the *National Indigenous Times* newspaper, Mr. Chris Graham, was appointed to the position of Director of Media and Marketing in January, 2010.

He retained that position throughout the reporting period and took the Unit in a new direction.

Under his leadership the Unit's staffing was increased during the reporting period to assist with its expansion into publishing and video production.

Mr. Graham recruited two young Aboriginal journalists with experience in print and broadcast journalism to assist in the production of Tracker magazine and to bolster the NSWALC's video production, and to work to converge both through the NSWALC's online facilities.

Former print and television journalist Chris Munro joined the staff in May 2010 to work on the convergence of print and broadcast media.

He was joined by Ms. Amy McQuire in November 2010. She was employed to take up the position of Editor of Tracker.

They were joined by Ms. Shyamla Eswaran in February 2011. Ms. Eswaran was employed as publisher of Tracker with Mr. Graham retaining the role as Managing Editor.

The convergence effort was assisted by Ms Kate Munro who was employed on a temporary basis between November 2010 and June 2011.

The marketing and information effort continued to be conducted by a small team led by NSWALC Aboriginal Resource Centre Co-ordinator, Ms Sarah Puckeridge,

Ms. Puckeridge supervised NSWALC marketing activities, assisted by Mr. Phillip Mundine and Ms Coral See whose primary responsibilities are reception and switchboard duties.

As noted last year, all are long term NSWALC employees.

The Unit continued to be assisted in its strategic focus and initiatives by former Media and Marketing Director, Mr. Brian Johnstone.

Investment

The NSWALC's Chief Investment Officer is Mr. Chadwick Pocock.

He has the overall responsibility for the establishment and oversight of risk management and reviews of the NSWALC'S investments.

Risk management policies are established to identify and analyse the risks faced by the Council, to set risk limits and controls, and to monitor risks.

As noted above, Mr. Pocock reports directly to Council through the Chief Executive Officer.

Compliance with policies is also reviewed by the Internal Auditor on a continuous basis.

OPERATIONAL



Lesley Turner
Deputy Chief Executive Officer

The Operational Division

This division is now responsible for ensuring a comprehensive range of services is provided to the NSWALC and the land rights network with a series of direct and indirect reports by Unit managers to the Deputy Chief Executive Officer, Mr. Lesley Turner.

The division is responsible for the ongoing development and implementation of operational processes and procedures.

These are designed to guide the operations, and seek to fulfill the aspirations, of the network of 119 Local Aboriginal Land Councils.

The division monitors the compliance of Local Aboriginal Land Councils with their statutory reporting obligations to the Government under the ALRA.

This can be a difficult and complex task given the number of LALCs and the number of legislative changes in recent years.

Compliance statistics are outlined later in this report.

Sydney-based Units within the division work hand in hand with the NSWALC's small network of Zone offices on a continuous improvement program in relation to LALC compliance with the legislation while assisting LALCs build their capacity in delivering community benefits from their land base.

The Zone offices are located at Coffs Harbour, Dubbo, Queanbeyan, Gosford and Broken Hill.

The strategic/operational restructure also created a Program Management Unit.

The division is also responsible for the activities of the Commercial Unit.

It also contains Corporate Services (formerly Finance and Administration) a core operational hub within the NSWALC which contains four units integral to the effective and efficient operation of the organisation.

They are Finance, Administration and Records Management, Human Resources and Training and Development, and Information Technology.

These units report directly to Ms. Palmer who, in turn, reports to Mr. Turner.

All other Units, and the Zone Offices, report directly to Mr. Turner.

Details on the structure of each Unit and the Zone Offices follow.

The major activities and achievements of each Unit and Zone Office are reported upon in the Review of Operations section of this document.

Corporate Services

As noted above, Corporate Services houses the Finance, Records and Administration, Human Resources, Training and Development, and Information Technology Units.

They provide a wide range of financial and administrative services to Council, its management and staff, in their dealings with Local Aboriginal Land Councils.

The Unit's have the following functions and responsibilities:

Finance Unit

- Strategic and operational planning and budgeting
- Asset Management
- Financial and management reporting and accounting services
- Statutory and regulatory compliance
- Purchasing

The Unit is also responsible for the ongoing review of financial policies and procedures to ensure they are effective and comply with statutory and regulatory legislation.

The provision of accurate and timely reports is an important part of the Unit's functions to enable the NSWALC to make informed financial decisions.

The Unit has in place a number of important reporting tools to monitor and report on the NSWALC's performance against its key plans, strategies and targets.

The Unit was staffed by five officers during the reporting period.

The Finance and Accounting Manager is Mr. Fred Roxas.

He is assisted by Senior Accountant, Mr. Eddie Song, Accounts Payable Officer, Mr. Luis Navera, Accounts Receivable Officer, Mr. Harry Qu, Accounts Clerk, Ms Urvashi Umaria, Accounts Co-ordinator (part-time) Ms. Jodie Gale.

Human Resources

This Unit, under the management of Mr. Geoff Binns, provides an extensive range of services to the organisation, including the co-ordination of all recruitment and selection processes.

It also undertakes the ongoing review of policies, procedures and practices to ensure the organisation is following best practice and meeting its legislative and industrial relations requirements.

The Unit's additional key responsibilities include:

- All functions in relation to payroll, leave entitlements and conditions of employment
- Advice and counseling on a range of personnel issues.
- Award interpretation and Industrial Relations matters.
- Occupational Health and Safety and Workers Compensation.
- Award interpretation and Industrial Relations matters
- Maintenance of Human Resource and Establishment records.
- Management of the Performance Planning System
- Coordinating Professional Development and study assistance.
- Providing advice and assistance with organisational structural changes.

In addition to Mr. Binns the Unit is also staffed by the Human Resources Coordinator, Ms Diane Lee, and Human Resources Officer, Ms Rose Gordon.

Under the revised organisational structure the Training and Development functions were incorporated into this Unit from the start of the 2011/2012 Financial Year.

Training and Development Unit

This Unit provides an extensive range of training and development services to the broad and diverse network of Aboriginal land councils in NSW. These services are aimed at improving governance and achieving sustained improved efficiency and effectiveness in Land Council operations.

Its roles include:

- Coordinating the creation and implementation of the NSWALC Capacity Development Plan (CDP). The CDP includes training strategies and training plans for the NSWALC Board, NSWALC staff, LALC Boards and LALC staff.
- Ensuring all NSWALC training policies and practices are ethical and comply with the NSWALC Code of Conduct, anti-discrimination and occupational health and safety legislation and promote the establishment of equal employment and access in accordance with agreed Government policy.
- Ensuring the NSWALC meets its Statutory Obligation in relation to the provision of mandatory governance training pursuant to S. 65 and S.107 of the ALRA.
- Ensuring that all written advice provided to the NSWALC Executive and Zone staff complies with probity, statutory and the NSWALC policy and procedures.
- Establishing and maintaining a broad network of Training and Development Providers to ensure the NSWALC has the ability to develop and implement a broad range of training and development activities and meet legislative requirements.
- Identifying and developing strategies to enable the NSWALC to obtain external funding and/or related assistance to support the provision of training initiatives to the Network.
- Managing the NSWALC Cost Centres for Training and Development
- Monitoring, Evaluating and Reporting on the success rate of training and development activities undertaken and to develop and manage improvement strategies as required.

- Providing support to the NSWALC Board, the NSWALC Staff and Local Aboriginal Land Councils in relation to all issues regarding the provision of training and development activities within the Aboriginal Land Council Network.
- Providing the CEO and other senior NSWALC staff with strategic advice on emerging training and development issues within NSWALC and in the external training environment
- Working in collaboration with the Zone Offices, develop and implement data collection and collation methodologies which meet business and reporting requirements in relation to training and development activities across the LALC Network.

The Director of Training and Development, Mr. Wayne Munster resigned late in this reporting period to take up a position in Alice Springs.

He was replaced in an interim capacity by Mr. Christopher Brown to ensure project and work commitments were not disrupted.

Information Technology Unit

Information and Communications Technology (ICT) is vital to enable efficient and effective operations for Council, Management and staff of the organisation and IT applications to support them in their work with the wider land rights network.

The Information Technology Unit provides an ICT environment that supports the operational needs and strategic objectives of the organisation.

The Unit is managed by the Director Information Technology, Lee Netana, assisted by Mr. Glenn Ramsay and Mr. Julio Guli.

The unit is responsible for:

- Business Continuity, Disaster Recovery and Pandemic Response
- ICT Strategy
- Maintenance of Core ICT Infrastructure
- Telecommunications
- Enterprise Applications and Data Warehousing
- Support of Desktop and Laptop environments
- Network Integrity and Security
- Project Management of ICT Projects

The Unit also provides recommendations and

support on emerging technologies and industry best practices.

Records and Administration Unit

The purpose of the Records and Administration Unit is to provide administrative support specifically to the Head Office and provide assistance in a collaborative manner to the Zone Offices, and Councillor Support Officers, and ensure compliance in the following areas:

- Travel
- Procurement
- Corporate Cards
- Motor Vehicle Management
- Tender & Contract Management

It also provides Record Management support to the Head Office and provides assistance to the Zone Offices and Councillor Support Officers to ensure compliance in the following areas:

- Records Management
- Disposal Guidelines
- Use of Electronic Document Management (EDM)
- State Records Legislation

Following the restructure the Records and Administration Unit underwent a shift in roles and responsibilities in relation to staffing.

The Unit consists of five staff members:

Administration and Procurement Manager, Ms. Dianne VanAken, Travel and Administration Officer, Ms. Lesley Smith, Senior Records Officer Mr. John Toth, Archive and Disposal Officer Ms. Pratima Rohan and Receptionist Coral See.

As noted in previous reports, the Records Management Unit was established at the NSWALC in response to a number of Inquiries which found the organisation had a poor history of official record keeping.

The Commercial Unit

The Commercial Unit has been operating since April 2004 providing a broad range of services to the NSWALC and the LALC network.

Since its formation the Commercial Unit has engaged appropriately qualified and experienced personnel with a broad range of skills capable of providing professional and timely advice to the NSWALC and guidance to LALCs.

They have brought to NSWALC extensive experience in property development, commercial and residential management, financial, commercial and strategic management and business and planning skills.

The Unit's core functions and responsibilities include:

- Land dealing issues including the appraisal of all land dealing applications submitted to the NSWALC by LALCs.
- Financial and operational management of the NSWALC's large property portfolio including its Head Office at 33 Argyle Street, Parramatta.
- Operational Management of the NSWALC's rural holdings including cropping and cattle programs.
- Commercial advice and assistance to all areas of the the NSWALC.

The Unit comprised Director, Ms Julie Van Agten, Commercial Analysts, Mr. Jarrod Chapman and Ms. Rita Wilson, Property Officer, Ms Kelly-Ann West and Administrative Assistant, Ms. Brooke Chapman.

Ms Wilson and Ms.Chapman joined the team in a temporary capacity during the reporting period when Commercial Analyst, Ms Vanessa Chau and Administrative Assistant, Ms. Cassandra Potts took maternity leave.

The Commercial Unit continued to engage an experienced Property Consultant, Mr. Terry Wilson, to assist Local Aboriginal Land Councils under the NSWALC Property Development Assistance Program.

Funding was approved during this reporting period for this program to continue for a further year in recognition of the valuable support it is providing to LALCs.

Indigenous Money Mentor

The National Australia Bank and the NSWALC are working together to pilot an Indigenous Money Mentor programme to offer a range of services to NSWALC members.

The role of the IMM is to:

- Provide relevant and ongoing financial literacy information for Aboriginal Land Council members.
- Work with clients to improve their financial wellbeing (including assistance when in financial crisis and helping clients to adopt preventative strategies).
- Provide a supported referral service to help clients obtain assistance from other service providers to address broader issues which may be impacting on their financial wellbeing (e.g. consumer protection agencies, health, housing, employment and education services).
- Provide information that will assist clients to access safe and affordable microfinance products.

These include the No Interest Loans Scheme (NILS), NAB's Step Up Loans and the Adds Up Savings Program in circumstances where the client identifies such products will improve their financial wellbeing.

NAB is piloting the Indigenous Money Mentor network in the belief many Indigenous people on low incomes are often financially marginalised as a result of specific cultural and geographic challenges.

As a result, it is often difficult for Indigenous people to access culturally appropriate financial literacy information and assistance with money management issues.

The NSWALC employed Ms. Narelle Hennessy on a fixed term contract to conduct the project. The position is funded by the NAB.

Program Management Unit

As noted this Unit has been expanded under the strategic/operational restructure.

It retains responsibility for the management of operational reforms which impact on the Local Aboriginal Land Council Network arising from changes to the ALRA, Commonwealth Government projects, and NSWALC's involvement in projects initiated under the NSW State Plan by Aboriginal Affairs NSW.

It also has responsibility for the Compliance and Evaluation and Interventions functions and has primary responsibility for all of the NSWALC's community benefits schemes:

- The Aboriginal Communities Water and Sewerage Programme,
- the NSWALC Education Endowment Scholarship Fund, and
- the NSWALC Funeral Fund,

The Unit also has responsibility for Community Land and Business Plans, Social Housing and the Subdivision of Former Missions and Reserves project.

The Unit also managed the NSWALC's pilot Elders and Youth Advisory Committees during the reporting period along with the Tingha and Mindaribba artefacts collections.

These transferred into the Policy and Research Unit at the beginning of the new financial year.

It was also responsible during this reporting period for the NSWALC's participation with the Local Government and Shires Association and the development of water policy which also transferred into the Policy and Research Unit at the beginning of this reporting period.

NSWALC officer, Mr. Phil Duncan, who is responsible for water policy, transferred into Policy and Research from the first day of the new reporting period.

The NSWALC officer responsible for the Aboriginal Communities Water and Sewerage Program, the Subdivision of Former Lands project, and the Education Endowment Fund is Ms. Julia Strano.

The officer responsible for Community Land and Business Plans, which transferred into this Unit from Policy and Research, and LALC Community Benefits Schemes is Ms. Jessica Bamblett, while the NSWALC Funeral Grants Fund is overseen by Mr. David Dennis.

Compliance and Evaluation

Two NSWALC officers, Mr. Neil Mandal and Ms. Rhodora Toledo provide ongoing support to Council, management and Zone offices in delivering compliance and evaluation services to Local Aboriginal Land Councils.

They are responsible for:

- Quality Assurance on Local Aboriginal Land Council compliance with the statutory regulations and NSWALC funding policies.
- Quality Assurance on evaluations of reports from the Local Aboriginal Land Councils
- Maintenance of an effective and efficient Compliance and Funding Database, which accurately records the compliance history of Local Aboriginal Land Councils.
- Business Intelligence Applications for Local Aboriginal Land Councils to assist them meet their compliance obligations.
- The submission of comprehensive half yearly Breach and Allocation Reports to the Minister of Aboriginal Affairs as prescribed in the ALRA.
- The submission of comprehensive Breach and Allocation Reports to the NSWALC.

Interventions

The NSWALC's obligations under Part 11 of the *Aboriginal Land Rights Act 1983* cover the investigation and administration of Local Aboriginal Land Councils found to be non-compliant with their obligations under the ALRA.

NSWALC officer, Ms. Patricia Brown manages this function. She coordinates comprehensive decision briefs for the NSWALC on the need for the appointment of Investigators or Administrators to LALCs and, if the need arises, on any extension to their terms of appointment.

The NSWALC then considers each recommended appointment based on the information provided. However, the ultimate power to approve such appointments rests with the Minister for Aboriginal Affairs. The NSWALC considers such appointments to be a measure of last resort.

Any such appointees are selected from a Joint List of Investigators and Administrators prepared by Aboriginal Affairs NSW (AANSW) and the NSWALC.

The Program Management Unit along with AANSW are together responsible for managing and monitoring the progress of the appointments, coordinating decision papers, the acquisition of approvals and maintaining the Joint List.

The Unit and AANSW met on a regular basis during the reporting period to produce a new Joint List and to further develop the formal processes for the appointment of investigators and administrators to satisfy the requirements of the ALRA, NSWALC, AANSW, the Registrar and the Minister.

AANSW released a public Request for Tender which closed on 1 February 2011. Seventeen tenders were received and evaluated by AANSW and NSWALC as the reporting period ended.

All staff in the Program Management Unit report to its Director, Mr. Robert Burgess.

Zone Offices of NSWALC

The NSWALC's Zone offices, which were first put in place in 2004, provide a range of field services directly to Local Aboriginal Land Councillors.

The NSWALC had previously provided support to LALCs directly through a network of Branch Offices.

A lack of depth of skilled resources at the Branch level contributed in part to the decision to consolidate the 11 Branch Offices into Zone Offices, each with the resources to adequately service the particular needs of the LALCs in their Zone.

The Eastern, Western, Southern and Northern Region Zone offices all became fully operational in December 2004 and continued to consolidate their operations with the ALC network during this reporting period.

The NSWALC approved the establishment of an additional Zone office late in this reporting period.

A decision was taken in April 2011 to locate a Far Western Zone office in Broken Hill to service eleven of the more remote LALCs in the Western Region.

The former Chief Executive Officer of the Murdi Paaki Regional Housing Corporation (Broken Hill) and Acting Deputy Chief Executive Officer of the NSW Aboriginal Housing Office, Mr. Ross Hampton, was appointed Zone Director.

He will be assisted by two LALC support officers when the office becomes fully operational in the new financial year.

The recruitment of Zone staff with considerable experience in Aboriginal Affairs has complemented the range and depth of skills brought to the organisation in the staff appointments during the reporting period in Head Office.

THE YEAR IN REVIEW

All operational areas of NSWALC conduct regular internal reviews of their operations, as well as being subject to external review by a range of bodies, particularly the NSW Audit Office.

A review of operations and a summary of achievements during the reporting period are outlined in this section of the Report.

The achievement section begins with a report on a number of the major political initiatives of the nine member Council set against the prevailing political and economic climate as this reporting period began and ended.

The reporting period was a particularly hectic one for Council.

The period saw general elections at the Federal and State levels, the organisation of a State wide Conference of all Local Aboriginal Land Councils, the bedding down of internal financial reforms and budget cuts, and the continuing restructure of the administrative arm.

The reporting period ended with the preparation for a NSWALC election in August 2010.

The Council continued to work with the State and Commonwealth Governments on a number of projects to improve the health and wellbeing of Aboriginal people in New South Wales.

It also continued to focus on its core work on land rights and its ongoing advocacy work at the local, national, state, regional and international level.

Council views its partnerships with the State and Commonwealth Governments as historic opportunities to use the limited financial gains from land rights to deliver community benefit schemes to assist in closing a range of economic, social and opportunity gaps.

These include:

- The Aboriginal Communities Water and Sewerage Program, a \$205 million dollar partnership with the NSW Government to improve and maintain the drinking water and sewerage services in many discrete Aboriginal

communities to the same standard as that enjoyed by most of their fellow Australians.

- The NSWALC Education Endowment Fund
- The \$6 million Subdivision of Former Reserve Lands Project, and
- The Walgett LALC Housing Repair and Maintenance Program

Council has expressed the hope its operational and financial involvement in these projects sends a clear message to all other stakeholders that Council is prepared to actively use its financial resources, and political and strategic advocacy functions, to take practical long term steps to increase the health and wellbeing of Aboriginal people.

It has shown a preparedness to do so independently, or in partnership, with Local Aboriginal Land Councils and the Commonwealth Government and the State Government.

Its financial involvement is clearly limited, however, by its self-funded status.

The NSWALC is the biggest self-funded Aboriginal representative organisation in Australia but its financial base is dependent on:

- Movements in global monetary markets,
- Its ability to successfully add to the Aboriginal land bank.
- The call on recurrent expenditure to support the land rights network and
- The transactional costs incurred in ensuring the NSWALC and LALC compliance with the machinery provisions of the ALRA.

However, Council's pursuit of such agreements and initiatives is consistent with the objects of the NSWALC as set out in the ALRA and with major elements of the NSWALC Corporate Plan and its Community, Land and Business Plan.

They commit the NSWALC to work with all relevant stakeholders to improve outcomes for Aboriginal people and to maintain and strengthen existing partnerships with our LALC network to optimise performance and maximise the potential for economic, social and cultural growth at the local level.

They also commit Council to maintain and strengthen existing partnership arrangements with government and non-government stakeholders to optimise performance and maximise the potential for economic, social and cultural growth and prosperity across all regions of NSW.

The core values set out in these documents, as noted earlier, include seeking the provision of adequate services and resources for Aboriginal people and communities and ensuring long term opportunities and sustainability are available to all.

They also state that the NSWALC, as the peak Aboriginal representative organisation in NSW, seeks to take a leading role in improving the lives of Aboriginal people.

It will work to ensure they enjoy a sustainable social and cultural environment by seeking to close the gap on poverty and improve health and living standards through tightly targeted community benefit schemes and evidence-based advocacy.

The organisation has worked within these principles and goals throughout the reporting period in line with the objectives set out in the Community, Land and Business Plan and Corporate Plan.

It has achieved considerable success in all major programs and initiatives.

For example, priority four of the Corporate Plan--Community Health and Well Being--- commits Council to maintain and strengthen its advocacy to ensure meaningful personal and community health outcomes are achieved throughout all regions of NSW by, among other things, promoting Aboriginal community health and wellbeing as a critical priority.

There can be few more critical priorities than the provision of basic safe drinking water and sewerage systems, improved services and facilities, and better education outcomes.

Aboriginal Communities Water and Sewerage Program

As previously reported the Aboriginal Communities Water and Sewerage Program is a joint initiative of the NSW Aboriginal Land Council and the NSW Government to improve the health and well being of Aboriginal People living in discrete communities across the State by improving and maintaining their water and sewerage services.

The NSWALC and the State Government have committed to jointly investing \$205 million (in 2008 dollar terms) over 25 years to provide annual recurrent funding for the program.

Fifty per cent of the recurrent funding is provided by the NSWALC with the other half from Government.

The Aboriginal Communities Water and Sewerage Program, was formalised in an agreement signed by NSWALC Chairwoman, Bev Manton, and the NSW Premier, Nathan Rees, on 18 December 2008.

The program commenced on July 1, 2008

As a result of this program 37 Aboriginal communities with a population in excess of 4,000 people were receiving water and sewerage services at a higher level than prior to the program as this reporting period ended.

At the end of the previous reporting period a total of 27 communities, with a total population of 2,700 people, had benefitted from this programme.

A total of 61 Aboriginal communities have been deemed to meet the criteria and are eligible for funding under this program.

At the end of this reporting period site visits had been held with 60 of the communities and negotiations had commenced to ascertain the current level of service and the works necessary to raise service standards to the appropriate level.

NEED FOR THE PROGRAM

It is important to provide the general reader with a full appreciation of the crucial need for this program.

It was established after a review by the Department of Commerce identified inadequacies in the operation, maintenance and management of water supply and sewerage systems in many Aboriginal communities.

This placed the health of men, women and children in these communities at risk.

The review, which was completed in May 2008, found:

- The drinking water and sewerage services in many discrete Aboriginal communities are poor.
- They do not meet the basic standards expected in the wider community.
- There are inadequate skills and funding available to the communities for the ongoing operation and maintenance of these facilities.
- The operation, maintenance and monitoring of these systems was inadequate.
- The flow of effluent into houses is not uncommon.
- This situation puts the health of these communities at risk.

Many of these communities are former Government missions and reserves.

They were handed back to Aboriginal people with the passage of the Aboriginal Land Rights Act (1983).

The infrastructure on these communities inherited by Local Aboriginal Land Councils, where it existed, was generally sub-standard with no adequate management plans.

Local Aboriginal Land Councils assumed responsibility for the provision of essential and municipal services and infrastructure for those living on the communities.

No provision was made with the passage of the ALRA for any funds for the operation and maintenance of essential health infrastructure, such as water and sewerage services.

Local Aboriginal Land Councils have never possessed the necessary funds or appropriate skills base to adequately operate and maintain this infrastructure.

As a result it has become increasingly rundown, as evidenced by the results of the Department of Commerce review and a subsequent business case for the program.

Council took the view it had to do whatever it could to assist the State and Federal Government in initiatives to close the health gap suffered by Aboriginal people.

Council's decision to commit such long term funding meant the NSW Government would commit similar funds for the first time ever.

HOW THE PROGRAM OPERATES

The following steps are undertaken to ensure all participants are fully informed about the required works and services and their potential responsibilities:

- NSW Office of Water staff visit each eligible Aboriginal community to inspect water supply and sewerage facilities and to discuss what needs to be done
- The Local Aboriginal Land Council, community members, the local government council/local water utility, and other interested stakeholders, are invited to have their say and help develop a plan for operations, maintenance and repairs needed at each eligible Aboriginal community
- Each community visit also involves a site inspection to identify obvious backlog maintenance works required to return the existing infrastructure to its full service capacity
- Notes of the outcomes of each visit are prepared by the Office of Water and made available to the attendees of the community visit for review and additional comment
- Once the meeting notes have received the concurrence of the Local Aboriginal Land Council, the local government council/local water utility are invited to prepare a fee proposal to carry out the required operation and maintenance services and any backlog maintenance required
- Where appropriate, a local government council/local water utility has the opportunity to operate the water supply and sewerage

systems in a community on an interim basis so a full condition assessment of the existing infrastructure and identification of the operational needs of the systems can be made before entering into a formal longer term Service Agreement.

WHAT THE PROGRAM PROVIDES

The Aboriginal Water and Sewerage Program is managed by the NSW Office of Water and provides:

Funding for the full routine operation and maintenance servicing of the water supply and sewerage systems in eligible Aboriginal communities

Funding for repairs or remedial maintenance to existing pipes, pumps, treatment plants and associated facilities to return them to full operational efficiency

Funding for emergency repairs to fix pumps or other equipment or infrastructure if it fails or breaks down

Regular inspection to ensure the water supply and sewerage systems are operating correctly

Regular maintenance, cleaning and servicing of the physical infrastructure, mechanical and electrical equipment, and treatment process units

Regular collection and testing of water samples to verify that the water quality meets the agreed standards

Preparation of management plans to identify any risks to the continued safe operation of the water and sewerage systems and identify what to do if something goes wrong

Limited funding for new capital infrastructure to upgrade systems to meet required standards

SERVICE AGREEMENTS

Service Agreements have been signed between the Local Aboriginal Land Council, local water utility and the NSW Office of Water for the local water utility to provide operations and maintenance services for the water and sewerage services in the following communities for five years.

- Cummeragunja - Murray Shire Council from 15 May 2010.
- Gundurimba - Lismore Council from 9 June 2010.
- Baryulgil Square - Clarence Valley Council from 1 December 2010
- Malabugilmah – Clarence Valley Council from 1 December 2010

Negotiations were well advanced for long term Service Agreements for Brungle, Wamba Wamba, Nanima Reserve and Jubullum as this reporting period ended.

Prior to this program water and sewerage services were provided by the Local Aboriginal Land Councils.

Local water utilities were not familiar with the systems and were not in a position to provide quotations to take responsibility for the long term operations and maintenance until they had undertaken a detailed assessment of the condition of the existing water and sewerage systems.

This is standard due diligence.

This could take many months to complete and would delay the start of improvement to services.

The NSW Office of Water introduced an option for local water utilities to provide a quote for a short period, ideally up to six months, to undertake operations and maintenance on an interim arrangement whilst they also undertook the asset condition assessment.

This short term quote presented less risk and several local water utilities have been prepared to proceed on this basis.

This enabled an earlier start on service improvement to the communities than would otherwise have been possible.

In addition to the four long term agreements listed above, interim arrangements were in place for service providers to take responsibility for the ongoing operation and maintenance of the water supply and sewerage services at a further 26 communities:

- Alice Edwards Village
- Balranald Reserve (Endeavour Drive)
- Barwon 4
- Bellbrook (Thungutti)
- Brewarrina West
- Brungle
- Collarenbri Reserve (The Walli)
- Clara Hart (Enngonia Reserve)
- Gingie Reserve
- Goodooga Reserve
- Jubullum
- Mallee
- Mehi Crescent
- Murrin Bridge
- Namatjira Avenue
- Namoi Village
- Nanima Reserve
- New Merinee
- Stanley Village
- Summervale
- Toomelah
- Wallaga Lake Koori Village
- Wamba Wamba
- Warrali Mission
- Weilmoringle/Wythalbar
- Willow Bend

A further interim arrangement is pending for the community of Erambie.

Approvals had also been given for backlog maintenance, emergency repairs and special purpose works at 33 Aboriginal communities.

MANAGEMENT PLANS

As noted previously the program also includes preparation of risk based water and sewerage management plans for each community.

These plans are designed to improve the understanding of the risks to the water supply and sewerage systems, leading to better management and fewer breakdowns.

Management plans had been developed for 55 communities.

At the end of this reporting period 20 of the communities visited had satisfactory levels of service and it appeared from the visits the only work required was the preparation of water and sewerage management plans for these communities.

All confirmed satisfaction with the level of services being provided by their local water utility.

CAPITAL WORKS

Capital Works to provide improved services have been approved for four communities.

Investigations were continuing at several other communities to ascertain what capital works were required.

The Steering Committee has given approval in principle to undertake capital works at Mallee, Warrali Mission and Namoi.

TRAINEESHIP PROGRAMME

An Aboriginal Traineeship project to ensure Aboriginal people had obtained the necessary skills for employment with local water utilities had been approved by the Steering Committee.

Funding of \$120,000 would be spent over the next two years to train eight Aboriginal people.

Discussions were also being held with local water utilities to identify employment opportunities.

PROGRAMME EXPENDITURE

A total of \$8.9 million had been expended on the programme to the end of this reporting period.

This included \$5.56 million on services that are comprised of operation, maintenance, emergency and backlog repairs.

The NSWALC funded 50% of the \$5.56 million under the Aboriginal Communities Water and Sewerage Program agreement.

The total predicted expenditure for the 2011-12 financial year is \$6.1 million.

STEERING COMMITTEE

As previously reported, the eligibility of communities and implementation of the program is overseen by a Steering Committee comprising representation from:

- NSW Aboriginal Land Council;
- Department of Human Services (incorporating the former Department of Aboriginal Affairs and Aboriginal Housing Office);
- Local Government and Shires Associations;
- NSW Water Directorate;
- NSW Health;
- Department of Premier and Cabinet;
- Treasury; and
- NSW Office of Water.

The Steering Committee provides strategic oversight of the implementation and management of the program.

The NSW Office of Water also works closely with NSWALC, Local Aboriginal Land Councils and local government councils and water utilities.

Close consultation with communities is central to the success of the program.

Education Endowment Fund

Council made a unanimous decision at its 216th meeting on October 24, 2007 to fund a NSWALC Education Endowment Fund.

The NSWALC acknowledged education was the primary responsibility of the New South Wales Government with the Commonwealth Government providing a strategic and funding role with specific Aboriginal education initiatives.

Without detracting from those responsibilities the NSWALC took the view it should carefully consider an investment in the education of Aboriginal people by assisting in the creation of a new generation, and successive generations, who were better educated.

Council took the view this support should not replace existing benefits available to Aboriginal people in NSW but should supplement them through special initiatives and by generating greater community involvement in assisting those who wished to pursue their education.

One way of doing this was to provide scholarships.

The Endowment Fund is aimed at providing on-going support and benefits for Aboriginal people across the entire spectrum of educational opportunities, including mature age students.

Awards under the scheme are open to all Aboriginal people in NSW and provide opportunities for study at primary and secondary schools, higher learning institutions, colleges and universities.

Scholarship monies provided vary with the circumstances of the individual and the financial resources available to the NSWALC.

The eligibility criteria cover financial need, academic performance, connection with the Aboriginal community, including LALC membership, commitment to the field of study and leadership potential.

FUND ADMINISTRATION

The Fund has been administered by Charities Aid Foundation, a not-for-profit organisation which also administers the NSWALC's Freddie Fricke Scholarship, which has been targeted at tertiary students since its launch in 2002.

CAF has been responsible for the full administration of the fund, the application process, and all associated due diligence and legal compliance.

A NSWALC Scholarship Management Committee oversees the implementation of the Scholarship funds.

During this reporting period the Committee comprised: Sydney-Newcastle Regional Councillor, Roy Ah-See, NSWALC's Director of Training and Development, Mr. Wayne Munster, CAF Chief Executive, Mr. Don Willesee and the Scholarships Administrator for CAF Australia, Ms. Margaret Dent.

Scholarships

The inaugural round of scholarships saw nearly \$400,000 in financial assistance distributed to some 119 recipients across the State.

The second round, announced in June 2009, saw 124 scholarships awarded.

The third round, announced in June/July 2010, saw 312 scholarships awarded from 441 applications.

These allowed the recipients to pursue their studies in a range of fields including medicine, teaching, science, health, community services and trade courses.

Demand for the scholarships continued to gather pace during the reporting period.

A total of 2205 applications were received which amounted to an estimated call of more than \$2.7 million on the fund.

Following CAF's assessment of the applications it provided a list of recommended grants to 1,141 applicants with a projected call of more than \$1.6million on the fund.

Demand exceeded the available budget and so it was decided to fund all recommended applicants at a reduced individual amount.

The NSWALC's expenditure on the Education Endowment Fund during the reporting period was \$1,345,828

A total of two Freddie Fricke Scholarships were also awarded during the reporting period.

The Education scholarships are the first major community benefits scheme to be offered by the NSWALC under amended provisions of the Aboriginal Land Rights Act and this reporting period saw all Councillors increase their promotion, particularly through Regional Forums.

Given the increasing demand for scholarships, and the importance placed on education on the Closing the Gap targets adopted by the Commonwealth and NSW Governments, the NSWALC took the opportunity during the reporting period of seeking matching dollar for dollar contributions to the

scholarships from both Governments through the policy document, *Our Land, Our Rights*, which was produced ahead of the NSW State Election in March.

No response had been received from the Federal or NSW governments as this reporting period ended.

The Subdivision of Former Reserve Lands

As reported in previous years the NSWALC also agreed to commit to a 50-50 funding partnership with the Commonwealth Government to survey Aboriginal reserves and former missions.

At present virtually none of these Reserves has a formal town plan or easily accessible records in terms of the layout of essential services infrastructure.

A total of \$6million was committed to this project.

The surveys were designed to enable individual grid plans to be produced which would remove a major impediment to any future proposals to subdivide individual blocks on these communities to allow for home ownership.

This was one of two Program Funding Agreements entered into with the Commonwealth.

The other was a \$2.3m agreement for the repair and maintenance of 70 houses owned by the Walgett Local Aboriginal Land Council.

Considerable progress was made on both of these projects during this reporting period and further details can be found in the year in review contribution from the Program Management Unit.

Briefings To Council

Council received regular briefings on the progress of these vital programs throughout the reporting period.

It will continue to closely monitor their progress in the new financial year.

It considers programs such as the Aboriginal Communities Water and Sewerage Program and the Educational Endowment Fund to be practical measures to assist our communities and State and Federal Government's to close the life and opportunity gaps between Aboriginal people and their fellow Australians.

Work to Close the Gap has become a permanent fixture of daily debate in Aboriginal Affairs since the election of the Rudd Labor Government in November 2007.

It came to power with a promise to use evidence based policy to seek to close the socio-economic opportunity and attainment gap, as well as the life expectancy gap, between Aboriginal and non-Aboriginal people.

It set a number of key objectives to close the gap on Indigenous disadvantage. They are:

- To close the life expectancy gap within a generation.
- To halve the gap in mortality rates for Indigenous children under five within a generation.
- To halve the gap in reading, writing and numeric achievements within a decade.

NSWALC believes every Australian would hope they are achieved.

It remains convinced, however, the targets remain heroic and are yet to be matched by long term Commonwealth and State funding commitments in New South Wales to programs framed in response to evidence based research and policies.

The NSWALC and the land rights network provide a significant employment and evolving participation base for Aboriginal people in New South Wales which, in Council's view, has yet to be fully appreciated in Canberra and Macquarie Street.

Despite this it will continue to pursue effective partnerships with the Gillard and O'Farrell Governments, and other stakeholders in the new reporting period, particularly Local Aboriginal Land Councils.

Federal and State Elections

It was in this context the NSWALC took an unprecedented step during the Federal Election in August 2010 and called on all Aboriginal people in NSW to vote for the Greens to ensure they secured the balance of power in the Senate.

The Australian Greens, Chairwoman Manton said, were the only party at the Federal level to provide clear, concise and comprehensive measures and goals in a rights-based policy agenda.

This sought government compliance with international agreements, such as the UN Declaration on the Rights of Indigenous Peoples and equality of access on all major indicators of living standards, including health, education, housing, employment and training within a generation.

The NSWALC had been publicly critical of the absence of a rights-based approach to Aboriginal Affairs from the Rudd and Gillard Governments and the Tony Abbott-led Opposition at the domestic level, and at the international level, through its status at the United Nations.

The Labor and Liberal/National Party Coalition each won 72 seats in the 150-seat House of Representatives—four seats short of the requirement to form majority government. This resulted in the first hung parliament since the 1940 Federal Election.

A Gillard Minority Government eventually occupied the treasury benches in the Federal Parliament but remained reliant on the support of key Independents, including two from New South Wales, Mr Rob Oakeshott and Tony Windsor, who are generally supportive of the NSW land rights system.

The Australian Greens secured the balance of power in the Australian Senate in their own right. There are a number of major federal issues which can impact on Aboriginal people in NSW, including a lack of Commonwealth funding to Aboriginal specific programs in NSW.

They also include a review of Commonwealth culture and heritage laws, the Northern Territory intervention, the expansion of income management from the Northern Territory to NSW, constitutional reform, and water rights in the Murray Darling Basin

All require an intense lobbying effort by the NSWALC and other key Aboriginal representative organisations.

Given the Greens only assumed the balance of power in the Senate in July 2011 it was considered prudent to await the outcome of the NSWALC election the following month to receive guidance from the incoming Council on the future direction of the NSWALC's federal lobbying efforts.

It should be pointed out that despite its opposition to the Gillard Government's Aboriginal Affairs policies, NSWALC continued to work during this reporting period on the two Program Funding Agreements with the Commonwealth Government which were mentioned earlier.

State Election

With a State Election scheduled for March 2011 the Council held a retreat at Cessnock to determine its political strategy conscious of its constant pledge to work with all Governments, and political parties, to improve outcomes for, and advance the rights and aspirations of, the Aboriginal people of NSW.

The result was a Council-endorsed 39-page policy document entitled: *Our Land, Our Rights* which was distributed to key politicians on all sides of the Parliament and to all Local Aboriginal Land Councils.

Our Land, Our Rights

The document was prepared to clearly articulate the key policy positions of the NSWALC to all major political parties, and all members of the NSW Parliament, ahead of the widely anticipated election of the first Liberal-National Coalition in New South Wales in 16 years.

It noted the land rights system in NSW had developed over a quarter of a century without public controversy, but few people, outside of the Aboriginal community, understood what it was designed to do, and, just as importantly, what it is not.

The document also noted it had been written to assist all members of the NSW Parliament to gain a much clearer understanding of the land rights system and the work of the NSWALC and LALCs.

The policy document sought to ensure the incoming State Government would honour the ongoing statutory recognition of "our rights to land, our culture and our heritage and provide clear and unequivocal support for our rights to real and meaningful self-determination and to ongoing representation by Aboriginal people for Aboriginal people."

The adoption of measures outlined in the document, it said, would further cement the rightful place of the State's First Nations peoples, and their duly elected representative organisations, within the political, economic and social fabric of NSW.

The NSWALC called on the incoming Government, and all current and aspiring politicians, to agree to actively support the measures outlined.

It requested they work with the New South Wales Aboriginal Land Council, the land rights network, and other peak Aboriginal organisations, to implement them during the next term of the New South Wales Parliament.

The document noted the positions outlined sought to build upon the support and commitment publicly expressed by all major and minor political parties during sessions of the 54th NSW Parliament for the recognition of the spiritual, social, cultural and economic significance of land to the First Nations of NSW.

Importantly, it was also designed to assist all members of the NSW Parliament, particularly those first elected, to gain a clear understanding of the land rights system.

It was also designed to clearly flag the "demonstrated will of the NSWALC, and Local Aboriginal Land Councils, to work with all tiers of government in the past, and the future, to improve the health and well-being of Aboriginal people in NSW, mindful of the current political, statutory, and financial constraints upon us."

Statement of First Principles for First Nations'

Conscious of the fact that the land rights system still exists at the whim of the Parliament the NSWALC called for all sides of the new Parliament to support the signing of a Statement of First Principles.

It was proposed this could include written commitments to:

- The purposes of the Aboriginal Land Rights Act 1983 and its core intention as compensation for the dispossession of Aboriginal land.
- Retention of the capital compensation fund, the NSWALC Account, or Statutory Investment Fund, in the care and control of duly elected Aboriginal people subject to normal statutory audit procedures.
- Retention of the New South Wales Aboriginal Land as the State's peak duly elected Aboriginal representative organisation and a network of Local Aboriginal Land Council under their current mandates.
- To work in the next term of Parliament for the establishment of an Aboriginal Heritage Commission as promised during the introduction of the ALRA in 1983.

In short, the NSWALC believed all members of the new Parliament should, at very least, frame all policies affecting Aboriginal people in NSW in concert with the original intent, spirit, and letter of the Aboriginal Land Rights Act 1983 (as amended) and the amended Preamble to the Constitution Act.

Land Claim Determinations

The document called on the incoming State Government, and all parties in the new Parliament, to work with the land rights network, to accelerate the land claim determination process.

It recommended this be done through a negotiated framework to avoid the unnecessary cost of litigation to both the self-funded land rights system and the taxpayers of New South Wales and uphold the legal rights gained by Aboriginal people under the ALRA.

Water and Sewerage

NSWALC sought a commitment the incoming Government would ensure budget constraints did not adversely impact on the continued roll out of the vital Aboriginal Communities Water and Sewerage initiative "under the agreed terms and conditions of the current agreement."

A new political and financial partnership was also sought with the incoming Government based on a genuine partnership rather than simply an advisor. The NSWALC sought to assume the role of 'critical insider.'

Review of the Act

It also called on the incoming Government to observe the current timeline set out in the ALRA for the next review of the Act, continue the Miscellaneous Amendments Group process, and ensure NSWALC representation on any Review Taskforce.

Education

A commitment was also sought that the incoming State Government would match the funding of the NSWALC Education Endowment Scholarship on a matching dollar-for dollar basis.

It was also proposed the State Government work with the NSWALC to secure a similar level of financial support from the Commonwealth Government.

Culture and Heritage

The NSWALC called on the Government, and all sides of the Parliament, to support wide ranging and urgent reform of the Aboriginal culture and heritage system through the development of an Aboriginal Cultural Heritage Bill and an Aboriginal Cultural Heritage Commission.

This should be based on recognition that the ownership of Aboriginal cultural heritage properly lies with Aboriginal people.

The NSWALC also believed an incoming Government should also move to transfer the ownership of further national parks into Aboriginal hands ahead of further joint management opportunities of national parks with Aboriginal communities.

Aboriginal Representation

It was recommended an incoming Government, in partnership with all major parties, agree to schedule a meeting of an Aboriginal Assembly at least once a year in the NSW Parliament. The agenda for such a meeting needed to be determined between the Government of the day, and the NSWALC, with particular emphasis being placed on a progress report from Government ministers and their senior bureaucrats on the success or failure of proposed outcomes designed to close the gap.

Election Result

As predicted, a Liberal/National Coalition Government was elected in a landslide on March 26.

It won the largest proportional number of seats in NSW electoral history, with 63 of the 93 seats in the Legislative Assembly.

Labor won 20 seats, its lowest representation in the NSW Legislative Assembly for over a century.

It had held 52 seats in the previous Parliament.

The Liberal/National Coalition held 35.

The landslide victory assured the O'Farrell Government at least eight years in power under the system of fixed four year parliamentary terms in NSW.

Land Rights and the New Government

While the last NSW Liberal/Coalition government, the Greiner Government, was hostile to the rights agenda pursued by Aboriginal people, and their representative organisations, the political landscape has changed markedly since it lost power in 1995.

The new Government was expected to take a different approach.

The O'Farrell Government came to power with no specific Aboriginal Affairs policies but its election was welcomed by the NSWALC in a letter from Chairwoman, Bev Manton, to the Premier Elect on March 28, 2011.

Ms Manton thanked Mr. O'Farrell for taking the time during the campaign to meet with representatives of the NSWALC.

She noted the NSWALC would not expect Aboriginal Affairs to be particularly high on his Government's immediate agenda given the political problems it had inherited from the Keneally Labor Government.

In the NSWALC's view, she added, it should not be.

Ms Manton reminded him the land council system was self-funded and, largely, self-regulated. It had undergone enormous reform in recent years.

It was now working well within a new representative, fiscal and governance regime and was busily implementing a new land dealings regime to bring the development and rights agenda together along with community benefit schemes.

She drew his attention to the NSWALC's document, *Our Land Our Rights*, which noted previous Labor Governments, from the Carr Administration through to the Keneally Government, had failed to grasp the opportunities the amended Aboriginal Land Rights Act had provided to work to advance the rights and aspirations of Aboriginal people in NSW.

The letter also noted the NSWALC representative structure, and the land rights network would not exist in its current form but for the support of his parliamentary colleagues, Brad Hazzard and Robyn Parker.

The work of the NSWALC over the past three and a half years had vindicated their position in the Parliament during the most recent reforms to the ALRA.

Ms Manton noted the Coalition's policy commitment during the election campaign to return "power to the people through their Parliament."

"I also note your statement that you want to put people back at the centre of the decision making in NSW and allow them to contribute to the agenda of the Parliament," she added.

"I'm sure I speak on behalf of all Aboriginal people in NSW in supporting this."

Ms Manton said the New South Wales Aboriginal Land Council looked forward to working with "you and your Government in the new Parliament to further advance the rights and aspirations of the Aboriginal people of New South Wales."

New Minister

Premier O'Farrell moved quickly to stamp his authority on the new Government.

He announced a 22-member Ministry on April 3.

Political pundits expressed surprise at the appointment of a little known former solicitor and backbencher, Mr. Victor Dominello, as Minister for Aboriginal Affairs.

Mr Dominello, aged 43, was first elected to the Parliament in the Ryde by-election in October 2008.

There had been a general expectation the National MLA for Barwon, Mr. Kevin Humphries, would be elevated from his role as Shadow Minister for Aboriginal Affairs to be the first Minister for Aboriginal Affairs in the O'Farrell Government.

He was appointed Minister for Mental Health, Healthy Lifestyles and Minister for Western New South Wales.

The appointment of Mr. Hazzard and Ms. Parker to key portfolios came as no surprise.

Mr. Hazzard, who was Shadow Minister for Aboriginal Affairs from 1996 until 2007, was appointed to the crucial portfolios of Planning and Infrastructure and Minister Assisting the Premier on Infrastructure NSW.

Ms. Parker, who is widely known in the Aboriginal community, particularly in the Hunter region, was appointed Minister for the Environment. She had been the long standing Opposition Parliamentary Secretary for Education and Aboriginal Affairs in the Legislative Council.

The election result triggered the immediate resignation of former Premier Kristina Keneally as leader of the Parliamentary Labor Party.

Former union leader, Mr. John Robertson, was elected to replace her.

The outgoing Minister for Aboriginal Affairs, Mr. Paul Lynch, retained his seat of Liverpool despite a double digit swing against him.

The Member for Auburn, Mrs. Barbara Perry, was elected as Labor's Shadow Minister for Aboriginal Affairs on April 11.

Balance of Power

The O'Farrell and Gillard Governments have one thing in common.

Neither hold the balance of power in the NSW Legislative Council or the Federal Senate.

In the NSW Legislative Council, which must review and endorse all legislation before it can pass into law, the landslide was not enough to deliver control to the Coalition.

The balance of power will shift in the new Parliament between the Greens, the Shooters and Fishers Party, and the Christian Democratic Party.

With two seats held by both the Shooters and Fishers and the CDP both will need to give their legislative support to the O'Farrell Government if Labor and the Greens oppose legislation.

As noted earlier, the Greens assumed the balance of power in the Federal Senate from July 1. 2011.

State Wide Conference

More than 100 delegates from Local Aboriginal Land Councils attended a three day State Wide Conference at Cessnock in April 2011.

The Conference was organised and funded by the NSWALC. It fulfilled a promise by Council to hold two such events during its four year term.

There was vigorous debate and discussion on a range of topics.

These included:

- The internal financial and operational sustainability of the land rights network,

- Relationships with the incoming O'Farrell Government,
- Economic development,
- Culture and heritage,
- The future of social housing owned and operated by Local Aboriginal Land Councils,
- The forthcoming NSWALC election and
- The international and domestic campaigns for rights.

Chairwoman Manton opened proceedings by noting the attendance of so many delegates confirmed her view the land rights movement was going from strength to strength.

The land rights network had taken huge strides in its governance, at both the State and LALC level, since the previous conference, she said.

"We have taken huge strides in our fiscal responsibility," she added.

"We have taken huge strides in our policy development.

"We are driving legislation and engaging with the political process as never before.

"We are laying down good and solid law through the courts.

"Most importantly, we are starting to deliver real and tangible benefits to our people.

"There is one central message we are sending to all outside of the land rights network who are prepared to listen.

"We are here to claim what is rightfully ours...our land and our rights.

"The land rights network is now self-funded.

"We are largely self-regulated.

"Just let us get on with the job.

"I know self-regulation---or compliance, in the words of the law-- causes tension within the network.

"But the question needs to be asked: do we want to govern ourselves or have someone else do it?

"I know my answer.

"I suspect I know yours."

NSWALC Deputy Chairperson Tom Briggs provided an overview of the Conference agenda and theme—Be Informed, Be Inspired, Be Involved.

Separate reports were then received from the NSWALC's Elders and Youth Advisory Committees in a session introduced by Sydney-Newcastle region Councillor, Roy Ah See.

This was followed by a spirited session on network issues, introduced by Wiradjuri region Councillor Craig Cromelin.

LALC delegates raised a number of operational and policy issues during the session with Councillors and the NSWALC Chief Executive Officer, Mr. Scott.

KEYNOTE SPEAKER

The United Nations Special Rapporteur on the Rights of Indigenous Peoples, Professor James Anaya, provided a lengthy presentation.

He told delegates the Conference was an important opportunity for Aboriginal people in New South Wales, and others, to identify positive developments in the struggle for land and rights.

He outlined his work with the United Nations and emphasised the importance of the United Nations Declaration of the Rights of Indigenous Peoples and the challenges being faced by organisations, such as the NSWALC, in seeking to have its principles enshrined in domestic laws, policies and processes.

"The New South Wales Aboriginal Land Council, and other Aboriginal land councils throughout Australia are carrying out important work in securing land rights and developing Aboriginal lands to provide greater opportunities to Indigenous peoples," he said.

"This work is essential to operationalising the standards set forth in the United Nations Declaration and to move forward in a future in which Indigenous peoples are in control of their development, participating as equal partners in the development process," he added.

"I believe it is extremely important for those Indigenous groups that have achieved notable

successes in advancing their rights, such as the New South Wales land councils, to share their experiences with other Indigenous peoples around the world.

"Keeping in line with the theme of this conference, I hope you can inform Indigenous peoples around the world about the lessons you have learned in advancing your rights, that you can continue and enhance your involvement in the international Indigenous rights movement, and that you can help inspire the development of new strategies for meeting the challenges Indigenous peoples continue to face around the globe."

CONSTITUTIONAL CHANGE

North Coast region Councillor, Dallas Donnelly thanked Professor Anaya for his presentation and introduced Mr. Scott to lead a session on constitutional change and NSWALC's participation at the United Nations.

Before doing so he told delegates he had a "few home truths" to deliver about the Australian constitution and the place of Aboriginal peoples in it.

"There are a lot of myths about concerning the 1967 referendum and its changes to the Constitution relating to Aboriginal peoples," he said.

"We all know that 90 per cent of the voters at the time supported changes to the nation's founding document and popular myth has it that the referendum gave voting rights and citizenship rights to our people," he added.

"This is not true.

"These had been achieved federally in 1962 and in all States and Territories by 1965.

"There is also the view that the referendum ended legal discrimination against Aboriginal people.

"This is not true.

"This occurred with the proclamation of the Racial Discrimination Act in 1973.

"The 1967 Referendum changed the Australian Constitution by amending the 'race power' to give the Federal Government authority to make laws for Aboriginal peoples, as well as for other specific races and repealing Section 127 to allow our people to be counted in the Census.

"In other words, it provided formal recognition for our people in the political system.

"Aboriginal peoples could now be counted for the first time in our own country.

"Ironically, it did this by removing any reference in the Australian Constitution to the existence of our peoples.

"The race power in the Constitution grants the Australian government power to enact special legislation for people of any race.

"It was hoped the 1967 amendments to the Constitution would be used only for the benefit of our people but that has not been the case.

"The Australian Government can, and does, enact legislation expressly removing our people from the protection of the Racial Discrimination Act when it suits its political convenience.

"I'd remind you of Hindmarsh Island and the current NT Intervention.

"Both have shown Governments can, and do, pass laws to the detriment of our people.

"NSWALC has used its status at the United Nations to argue that the Constitution should be amended to provide recognition to our people and remove the discriminatory provisions.

"All major political parties committed during the last Federal election to reform the Constitution to formally recognise us as the First Australians in the Constitution.

"But they are only talking about a tiny symbolic change to the Preamble.

"NSWALC is committed to real reform.

"At very least we want to see the race power removed, or amended, so that it is consistent with the accepted international standard for 'special measures' allowed by the UN Convention on the Elimination of Racial Discrimination.

"But the major political parties need to move beyond reform of the Constitution to ensure opportunities are created to remedy the disadvantage experience by so many of us.

"The NSWALC strongly advocates for the Australian Government to move beyond its 'commitment to formally support' the Declaration on the Rights of Indigenous People.

"We want to see it fully implement these principles into laws; policies and, most importantly, practical measures.

"We also want the Australian Government to unreservedly ratify and fully implement the International Labor Organisation convention 169 and the Indigenous Tribal Populations Convention, 1989."

The session again provoked spirited debate on the proposed Constitutional Referendum and NSWALC's continued advocacy work at the United Nations.

This was followed by a free ranging presentation and discussion on economic development.

A major session of the future sustainability of the land rights network, introduced by South Coast Councillor Jack Hampton, and underpinned by a NSWALC discussion paper on the topic, also provoked considerable debate and discussion.

This centred on NSWALC's role as a regulator and advocate, the performance of the Statutory Investment Fund, the resources required to sustain the current number of LALCs, and the need for a full process of consultation with LALCs on options outlined in the discussion paper.

Central Region Councillor, Stephen Ryan, then led a session on the future of social housing and culture and heritage reform.

This was followed by the formal signing of a partnership agreement on the formation of a Coalition of Aboriginal Peak Bodies.

Western Region Councillor William Murray then introduced a session on the forthcoming NSWALC election by the Registrar of the ALRA, Mr. Stephen Wright and his staff.

Aboriginal magistrate, Ms. Pat O'Shane, picked up on the Conference theme in a forceful speech on the importance of self-determination as guest speaker at the official dinner.

The dinner also saw the launch of *Tracker* magazine and individual achievement awards to Local Aboriginal Land Councils.

Individual presentations by Local Aboriginal Land Councils throughout Conference were particularly well received.

They included presentations from the Saltwater/Freshwater Arts Alliance, the Worimi, Metropolitan, Ngulingah, Illawarra, Uladulla, Waaga Wagga and Hay Local Aboriginal Land Councils.

Many delegates agreed that one of the highlights of Conference was the launch of a video, Land Rights Honour Roll, during the opening session.

The video, which had been produced by NSWALC's Media and Marketing Unit, commemorates the contribution to land rights of many of those who have passed away.

It was shown followed the traditional welcome to Wanaruah country from Mindaribba LALC's, Michael Channery.

He and Councillor Ah See both paid moving tributes to the work of Rick Griffiths and Trevor Pattern during this session.

Both were stalwarts of the land rights movement in the Hunter Valley and beyond

Tracker Magazine

As noted earlier, the first issue of a NSWALC-financed monthly magazine, *Tracker* was published to coincide with the Conference.

In a note to readers in the first issue the Council described the publication as the first Aboriginal-rights based magazine to be launched in Australia.

It pointed out Aboriginal people long ago forged their own newspapers to tell our own stories. They did so through publications such as Abo Call, the NT-based *Land Rights News* and the ever popular *Koori Mail*.

They also told their own stories in other mediums such as Aboriginal community radio and the national Indigenous television station, NITV.

But gaps still exist.

One yawning gap has been the absence of an Aboriginal rights magazine which did not shy away from holding government and the mainstream media to account to advance Aboriginal rights.

The New South Wales Aboriginal Land Council had decided to publish *Tracker* to close this gap.

Each monthly edition would be sent, free of charge, to the more than 20-thousand members of the 119 Local Aboriginal Land Councils across New South Wales.

It was Council's view that each LALC member deserved to be informed, to be involved and to be inspired.

Additional copies of *Tracker* would be sold throughout news agencies around the nation, taking the Aboriginal rights message to the wider Aboriginal community and the general public. With a total print run from its first edition of 35,000 copies, *Tracker* would be the nation's largest black publication.

Tracker would campaign for Aboriginal rights through evidence-based advocacy journalism.

An impressive editorial team had been assembled to provide independent news and analysis. The magazine was well received at the Conference and has since established itself within the land rights movement.

Further details on the production and distribution of *Tracker* can be found in the Media and Marketing Unit's review of operations.

A New Direction

Premier O'Farrell and Aboriginal Affairs Minister, Victor Dominello, publicly pledged to set a new direction for Aboriginal Affairs in May 2011.

It followed the tabling in State Parliament of a 40-page performance report from the Auditor General on the Two Ways Together Strategy, the 2003-2012 Aboriginal Affairs Plan originally launched by the Carr Labor Government.

Seven priority areas had been identified to tackle the systemic disadvantage in Aboriginal communities.

All inter-related, they were health, education, economic development, justice, families and young people, culture and heritage and housing and infrastructure

The report was tabled in the Parliament on May 18, 2011.

It was the first performance audit on the Plan, which had been in full operation for eight years.

It found the Plan had substantially failed to narrow the gap in social and economic outcomes between Aboriginal people in New South Wales and the wider community and the promised stronger partnerships between Government and Aboriginal people had not emerged.

"To date," the report concluded, in part, "the Two Ways Together Plan has not delivered the improvement in overall outcomes for Aboriginal people that was intended."

"Stronger partnerships between the government and Aboriginal people are only beginning to emerge," it added.

"The disadvantage still experienced by some of the estimated 160,000 Aboriginal people in NSW is substantial."

Premier O'Farrell and Minister Dominello released a public statement to coincide with the tabling of the report from the Auditor General.

The report, they said, reflected a serious policy failure by the former Labor Government.

Premier O'Farrell said the policy failure had resulted in "significant human and financial costs."

He pledged his Government would talk "openly and honestly with Aboriginal people about the challenges that we jointly face and how to ensure that the mistakes of the previous government are not repeated."

Minister Dominello said Two Ways Together had failed "because it was politically abandoned. It's the politicians who are to blame-not Aboriginal communities or those earnest public officials on the ground."

The Minister said the Government would, in the coming period, frame a new direction for Aboriginal affairs policy in concert with Aboriginal communities and stakeholders.

The NSWALC welcomed the commitment in a public statement.

Chairwoman Manton said the overall findings of the Auditor General's report would come as no surprise "to those who have been working in Aboriginal Affairs over the past eight years."

"But, its public release should trigger a complete rethink on how the O'Farrell Government will now work with peak Aboriginal organisations and communities to build capacity and improve outcomes in the social, economic, cultural and emotional wellbeing of Aboriginal people in New South Wales," she added.

The NSWALC looked forward, she said, to discussing the report in detail with the O'Farrell Government and fellow members of the Coalition of Aboriginal Peak Organisations.

"The sad reality," she added, "is that despite the promise of self-determination, Aboriginal representative organisations, such as the NSWALC, were never given a true partnership opportunity to affect any outcomes within the Two Ways Together plan."

The NSWALC also sent a letter to every Local Aboriginal Land Council in response to the tabling of the report which urged them to make their views known.

Ms. Manton said the release of the report, and the O'Farrell Government's response, was a watershed moment for Aboriginal people in NSW.

It was a chance to work with a new government to re-set a relationship on the "delivery of services to your community, your children and future generations of Aboriginal people."

"We cannot afford to be sitting here again in 10 or 20 years, still discussing the failure of governments to service the desperate needs of our communities," she added.

"We must stand up today and insist that government get it right.

"It is the responsibility of government to properly engage with the Aboriginal community to seek the views of those affected by their policies before they are implemented.

"But we, as Aboriginal people, also have a responsibility in this process.

"We must engage with government—we must provide our views. We must speak up.

"Silence is taken by governments as approval. We must not be silent on the failings of Two Ways Together.

"If we do not engage in this process, then we are forfeiting our rights to determine our future, and the future of our children.

"We are also, in my view, forfeiting your rights to complain if government does not get it right."

International Advocacy and Engagement

The New South Wales Aboriginal Land Council holds special consultative status with the United Nations Economic and Social Council (ECOSOC).

This status allows the NSWALC to advocate on behalf of our people at the United Nations through its various bodies and activities.

The NSWALC's ongoing participation in the work of the United Nations, and more particularly its Permanent Forum on Indigenous Issues (UNPFII) and Expert Mechanism on Indigenous Peoples (EMRIP) is in line with Council's decision to adopt, and maintain a strategy of active engagement in international advocacy as part of its Corporate Plan.

The development of networks through this international engagement also assists the NSWALC in the management of its broader statutory functions and allows it to shine a spotlight on domestic issues in the international arena.

At the same time NSWALC seeks to have international human rights standards, such as the UN Declaration on the Rights of Indigenous Peoples, adopted and applied in Australia for the benefit of Aboriginal people.

In recent years the Council has sent delegations to the UNPFII and EMRIP to represent, and to

advocate on behalf of Aboriginal people in Australia, with particular emphasis on New South Wales.

Participation at these forums also presents a useful platform for capacity-building and networking with other First Nation peoples.

UN Permanent Forum on Indigenous Issues

The NSWALC sent a five person delegation to the tenth session of the United Nations Permanent Forum on Indigenous Issues (UNPFII) from the 16th – 27th May, 2011.

The UNPFII acts as an advisory body to the Economic and Social Council (ECOSOC) on Indigenous issues.

These include economic and social development, culture, the environment, education, health and human rights.

Its work seeks to contribute to the protection, respect and fulfilment of Indigenous peoples rights.

The delegation included – Councillor Ah-See; Councillor Cromelin; the Director of NSWALC's Policy and Research Unit, Ms. McHugh; Policy Officer, Ms. Haylee Davis, and consultant Aden Ridgeway.

The Policy and Research Unit prepared the following interventions and reports for presentation at the Forum.

- Economic and Social Development - Cr Roy Ah-See (supporting report),
- Implementation of the UN Declaration - Cr Roy Ah-See (supporting fact sheet), and
- Rights to Water - Cr Craig Cromelin (supporting report).

Lobbying packages were also prepared by the Unit on the submissions and the recent work of the NSWALC.

The NSWALC has forged a good relationship with Indigenous networks and with the United Nations Special Rapporteur on Indigenous Issues, Professor James Anaya, through its engagement with the UN.

As noted earlier Professor Anaya was the keynote speaker at NSWALC's Statewide Conference in April 2011.

The Special Rapporteur discussed his visit to the Conference in the situational report he delivered to the 10th session of the UNPFII.

Universal Periodic Review (UPR)

NSWALC also sent a three person delegation to the tenth session of the UPR between January 25th and 27th, 2011.

The UPR examined Australia's human rights record for the first time under the new Human Rights Council which succeeded the Human Rights Commission.

NSWALC prepared a list of five key recommendations for Missions and States to consider when addressing the Australian Government's human rights performance.

All were incorporated into questions and recommendations from UN States and Missions during that Review.

Books Behind Bars

As part of its advocacy work Council has publicly expressed its concerns about the alarming incidence of Aboriginal people being jailed in NSW, particularly our youth.

This concern led to the launch of a new initiative during the previous reporting period, the Books Behind Bars Project.

The central aim of the project is to see a lot more books, and a lot less Aboriginal people, behind bars in the State's prison system.

Council's decision to launch Books Behind Bars was informed by a number of facts.

They included the following:

- A report from the Australian Institute of Criminology which showed Aboriginal youth in NSW are nearly 26 times more likely to be jailed than their non-Indigenous peers.
- 4.4 per cent of the State's youth are Aboriginal but account for 54 per cent of juvenile detainees.

- A report from the NSW Bureau of Crime Statistics and Research which showed the Indigenous adult imprisonment rate rose by 37 per cent in Australia between 2001 and 2008.
- The Report noted the increase in NSW was 48 per cent but, with the possible exception of offences against justice procedures, it noted the increase in the imprisonment rate is not due to increased offending.
- There are currently more than 10,000 inmates in full time custody in the 31 prisons and correctional centres.
- There are eight maximum security facilities, 13 medium security, and 10 minimum security facilities in New South Wales.
- Aboriginal men, women and children are over-represented in all of them.

The NSW Government currently spends more than a billion dollars a year maintaining its prison system. Its libraries budget is about \$200,000 a year.

This equates to about \$25 a year for each inmate.... less than the cost of one average paperback.

Constant requests are received from inmates, black and white, for Aboriginal specific books and resources.

Council decided to seek to improve prison conditions and to highlight the increasing incarceration rate by allocating a sum of \$5,000 to launch Books Behind Bars.

The NSWALC now collects new and used books and donates them to the Library Services section of Corrective Services in NSW for use by prisoners in the State's correctional services system.

More than 1,000 books had been sent into the State's prison system by the end of the reporting period.

MATERIALS REQUIRED

Libraries in prisons have traditionally been a repository for old second hand books.

Corrective Services NSW are trying to change this with a number of innovative programs, including the donations program.

They have particular requirements on donated books and educational materials.

The Library will accept book donations if they are:

- Of interest to users.
- In good physical condition.
- Fairly current or, if not, have some historical value.
- Of a subject not already covered by existing materials in the collection.
- Already held in the library and are used sufficiently to warrant other copies.

The major collection point for books donated under the Books Behind Bars campaign is the NSWALC Aboriginal Resource Centre on the ground floor of NSWALC's Parramatta headquarters.

Zone offices also accept donated books and educational materials.

Council believes Books Behind Bars is a small but practical initiative worthy of widespread support from across the land rights network and the wider Aboriginal community and has promoted the project across the network of Local Aboriginal Land Councils.

It will continue to do so in the new reporting period.

Social Enterprise Finance

The outgoing Council made a number of important decisions immediately ahead of the NSWALC election.

One was to join Social Enterprise Finance Australia, a consortium of equity investors and commercial lenders with national and international expertise. Social Enterprise Finance Australia (SEFA) has been established to provide finance to social enterprises on commercial terms together with targeted business advice and support.

An integral component to this objective is a commitment to assist its customers to build their capacity to manage debt and to become financially sustainable over time.

The consortium seeks to create positive social and environmental impacts in addition to financial returns.

ABOUT SEFA

The consortium has brought together Australian and international corporate, and other entities, with proven track records in the social enterprise sector.

Current commercial and enterprise partners are Triodos of the Netherlands, Community Sector Banking (joint venture of Bendigo Bank), the Macquarie Group Foundation, Bush Heritage Australia, The University of Sydney Business School's, Innovation and Entrepreneurship Research Group, Mallesons Stephen Jaques, and the Institute of Strategic Management.

A SEFA Loan Fund, with an initial base of \$10 million, has been established to provide financial services to the Australian social enterprise sector.

SEFA, as trustee of the Loan Fund, will focus on three broad areas of social impact – community, environment and Indigenous – as well as supporting developing social enterprises via an incubator fund.

By concentrating on these areas, the Fund will be addressing some of Australia's largest unmet development finance needs.

The financial products and services provided by each of these funds aim to:

- leverage successful organisations that have a social, ecological and/or cultural remit, and which seek to provide substantial benefits to local communities
- lift capacity and improve sustainability within the sectors they serve
- increase awareness and understanding of the uses of debt and equity finance to service capital requirements
- increase sustainable economic activity that benefit communities and individuals most in need

The Fund will connect investors with social enterprises and entrepreneurs, provide financial products that encourage social enterprises to develop and grown, and aim to catalyse the social impact investment market in Australia.

Education and mentoring are core to the success of enhancing the abilities of social enterprises and SEFA is developing an educational program focused on business management and responsible debt financing.

Together with the Macquarie Group Foundation and other members of corporate Australia, SEFA plans to introduce a mentoring program with experienced business people and entrepreneurs providing guidance and advice to social enterprises.

It had also sought matching funding from the Commonwealth Government through its Social Enterprise and Investment Fund as this reporting period ended.

It planned to begin processing applications from social enterprises for loans and investments from November, 2012.

NSWALC'S INVOLVEMENT

The NSWALC decided to join the consortium in line with one of its key legislative mandates to establish commercial enterprises and community benefit schemes to create a sustainable economic base for Aboriginal communities.

Wealth generation and commerce are also key priorities in the NSWALC Community Land and Business Plan and Corporate Plan.

They commit the organisation to maintain and strengthen existing partnerships arrangements and develop ones with private sector stakeholders to maximise the potential for economic, social and cultural growth and prosperity across all regions throughout NSW.

The organisation is committed to ensuring commercial and financial sustainability by engaging in sound commercial and business opportunities underpinned by independent professional advice.

The NSWALC aims to work in collaboration with all relevant industries to maximise financial, employment and capacity building opportunities for all Aboriginal people and their communities.

It constantly monitors the business and industry environment to identify suitable and viable commercial enterprise opportunities for Aboriginal people and seeks to pursue partnerships with key industry groups to build commercial and economic sustainability for Aboriginal people.

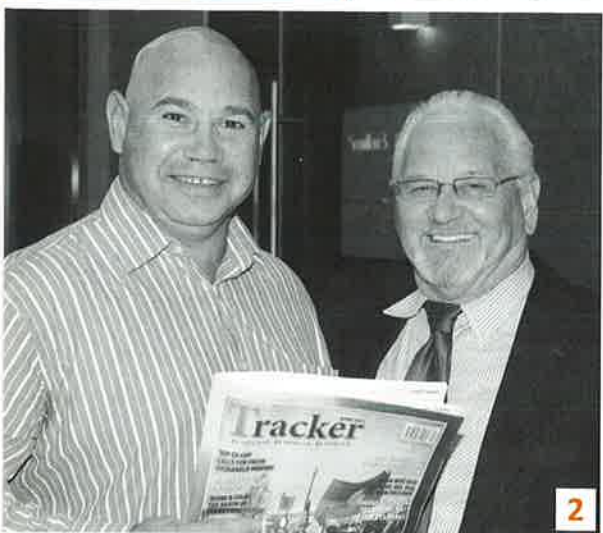
The Council supported the SEFA initiative in the belief the social enterprise sector can provide equitable investment opportunities for Aboriginal businesses in New South Wales and elsewhere.

Further details on the specific activities of Council are contained within the achievements section for the Governance and other Units throughout this report.

Statewide Conference 2011



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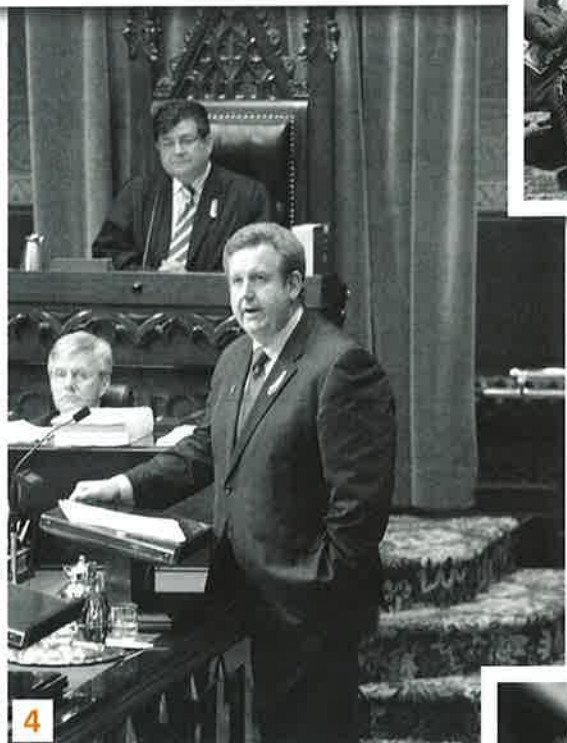
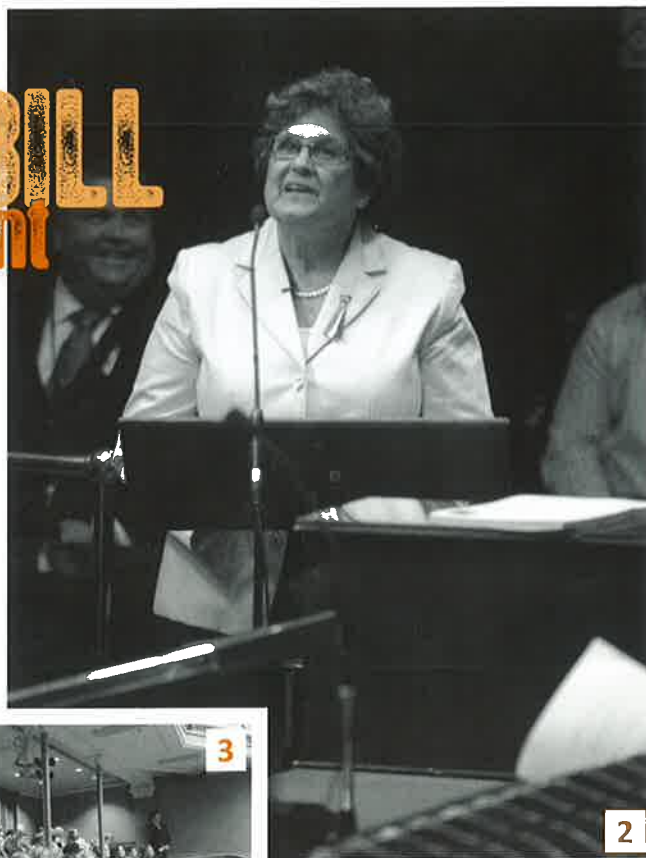
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1. A wide shot taken behind delegates looking towards the stage.
2. Councillor Cromelin with Kevin Manton at the launch of Tracker Magazine.
3. UN Special Rapporteur Professor James Anaya makes a point during his keynote speech.
4. Paulette Whitton from Koori Radio takes a copy of Tracker's first edition.
5. Wiradjuri Region delegates take time out from conference sessions for a group photo.
6. NSWALC Chief Executive Officer, Geoff Scott, addressing delegates.
7. Councillor Dallas Donnelly (right) celebrates Tracker's Launch with Deputy Chairperson Tom Briggs.

Passing of the CONSTITUTION BILL in Parliament



1. Premier Kristina Keneally introduces an historic bill into the NSW Parliament to formally recognise the First Nations in the NSW Constitution.
2. NSWALC Chairwoman Bev Manton addresses the NSW Parliament on the importance of the Bill.
3. The Parliamentary public gallery was full of observers to witness the introduction of the Bill.
4. Opposition Leader Barry O'Farrell speaks in support of the Bill.
5. Ms Manton and former MP, Maurie Keane, one of the MP's responsible for the introduction of the Aboriginal Land Rights Act, on the steps of Parliament House before the introduction of the Bill.
6. Young Aboriginal dancers lined the steps of Parliament House as part of the ceremony held to mark the introduction of the legislation.
7. Aboriginal elder Max Eulo performs a smoking ceremony at Parliament to mark the introduction of the Bill.

REVIEW OF OPERATIONS

We now turn to a review of operations and achievements within the NSWALC and across the network during the reporting period, and look at planned activities in the new financial year.

To reflect the new structure we begin with a review of operations from all Units in what is now the Strategic Division.

Legal Services Unit

The NSWALC Legal Services Unit reported another busy year.

The Unit continued to provide strategic legal advice to the Council, the Chief Executive Officer and managers on a wide range of issues relating to the ALRA and to other commercial and policy matters.

As anticipated in the previous reporting period, the Unit worked closely with the Commercial Unit to develop and implement processes for assessing land dealing applications.

It also provided advice to the Council, executive staff and LALCs about the nature and extent of their respective obligations under new sections 42D and 42G of the Act.

It continued to manage the land claims appeals process in the Land and Environment Court and the Court of Appeal.

It is the Unit's preference, where possible, to advise on all matters internally, to save costs and build in-house expertise, subject to capacity constraints

The number of matters, however, still requires the briefing out of appeals.

The Unit maintains a close working relationship with its external legal advisors to ensure the effective management of costs and to ensure skills transfer can still occur.

Legal services were also provided to Local Aboriginal Land Councils through the Zone Offices where specific advice had been requested on matters which the NSWALC considered to be of particular importance to the LALC Network as a whole.

The Unit anticipates an ongoing role in these types of activities and processes during the next reporting period, leading to an enhanced internal capacity to add value and reduce external costs to the NSWALC.

Land Rights Unit

Given the crucial importance of land rights in the NSWALC's operations, we begin this section with a review of the operations of the Land Rights Unit during this reporting period.

The Unit continued to assist Local Aboriginal Land Councils lodge land claims throughout the year.

The NSWALC does so because many LALCs do not have access to the administrative resources, or the funding, to do so.

This includes researching, lodging and appealing land claims if their refusal is considered to have been unfair.

Before discussing the status of land claims at the end of this reporting period it is instructive to further consider how, and when, lands claims can be lodged, what can be claimed, and why these processes hold such intrinsic importance to Aboriginal people across New South Wales.

Land Claims

The granting of land remains the sole form of compensation for dispossession available to Aboriginal people under the Aboriginal Land Rights Act, 1983.

The land claim process is set out in Section 36 of the Aboriginal Land Rights Act.

LALCs and the NSWALC can claim land under the ALRA.

The land that can be claimed is called 'claimable crown land'.

Claimable crown land is defined as:

- Land able to be lawfully sold or leased, or is reserved or dedicated for any purpose
- Land that is not lawfully used or occupied.
- Lands which are not, in the opinion of the Minister, needed or likely to be needed for

- residential land or an essential public purpose
- Not subject to a native title claim or a native title determination

The NSWALC expressed its frustration in this space last year about the slow pace of the land claims determination process and the hostile attitude of the State Labor Government in that process.

Minor improvements were facilitated by former Labor Premier, Nathan Rees and while there has been some improvement in the working relationship with officers of the Department of Primary Industries and Energy, which is now responsible for investigating claims, the process slowed even further with a change of State Government in March.

There are now two Ministers with responsibility for determining land claims.

The Minister for Primary Industries, Ms Katrina Hodgkinson, and the Minister for Regional Infrastructure and Services, Andrew Stoner, share responsibility for administering the Crown Lands Act. They have the power to decide whether to grant or refuse a land claim.

The Minister(s) can refuse a claim if the land is not 'claimable crown land'.

This involves the Minister(s) looking at the status of the land at the time the claim was made and making a decision about whether the land fits the definition of claimable crown land.

For example, it may be decided the land was needed for an essential public purpose, such as a hospital, or that the land was lawfully used or occupied by a person who had a grazing licence.

Alternatively, it may be decided the land is claimable and a claim granted.

LALCs and NSWALC are notified when a decision is made to either to grant or refuse to grant the land.

All refusals are assessed by the LSU.

Where an appeal is warranted, it is made to the Land and Environment Court.

Unfortunately, no claims had been determined

between the change of Government in March, and the end of this reporting period.

It was expected the new Government would take some time to put its ministerial and administrative arrangements in place after being out of power for 16 years.

The NSWALC was optimistic the new Government would seek to develop a co-operative relationship with the NSWALC in its approach to land rights.

In the meantime, the NSWALC continued to work with the Department of Primary Industry to ensure improvements in the land claims process and to seek a resolution of all issues in a timely and professional manner.

The practice by the previous Government of issuing limited title following successful land claims was a significant on-going concern as the reporting period ended.

Despite all of the above the NSWALC and Local Aboriginal Land Councils continued to exercise their legal rights by lodging land claims throughout the reporting period.

New Land Claims

A total of 8,912 land claims were lodged by Aboriginal Land Councils during this reporting period.

The NSWALC lodged a total of 8,122. This represented 91% of those lodged.

LALCs lodged 790 land claims.

They were:

- | | |
|--------------|-----|
| • Gandangara | 15 |
| • La Perouse | 279 |
| • Walgett | 494 |
| • Moree | 2 |

All land claims by the NSWALC are usually made on behalf of LALCs.

Any land successfully obtained through this process is transferred to LALCs.

Claims Granted and Refused

The Land Rights Unit is notified of all land claims grants and refusals.

A total of 14 claims were granted, in part, or in full, during the reporting period.

This compared with the granting of 69 land claims in the 2009/2010 financial year.

A total of 288 land claims were refused during the reporting period.

This was a substantial decrease from the 1153 refused claims in the previous reporting period.

Claims Withdrawn

A total of 97 Land claims were withdrawn in the reporting period.

All but four were withdrawn following advice from DPI that they covered freehold land.

The Unit constantly seeks to ensure tenure information about land subject to claim is accurate but information is sometimes dated.

While LRU and the LSU continue to work with the DPI to improve our access to inexpensive, accurate and up to date information about the status of crown land, progress has been frustratingly slow

Land Claims Overview

Official figures provided by the Land Claims Investigation Unit of the Department of Primary Industries provide an overview of the number of land claims lodged from the commencement of the ALRA in 1983 until June 30, 2010.

These figures show:

- A total of 35,839 land claims have been lodged since the *Aboriginal Land Rights Act* commenced in 1984
- 10,355 land claims have been determined
- 2,410 of those have been successful, in part, or in full.
- 6,840 had been refused.

The 35,000th land claim was lodged with the Registrar's Office on 23 February 2011.

Outstanding Claims

More than 26,000 land claims awaited determination as this reporting period ended.

The majority of these---25,263 were lodged between 2005 and 30 June 2011.

More than 284 were lodged before the 2000/2001 financial year as outlined below.

• 1984/85	3 claims
• 1988/89	1 claim
• 1990/91	1 claim
• 1993/94	12 claims
• 1994/95	16 claims
• 1995/96	98 claims
• 1996/97	23 claims
• 1997/98	7 claims
• 1998/99	13 claims
• 1999/00	110 claims

The oldest outstanding land claim was lodged on 29 September 1984, with five claims lodged between 1983/84 and 1992/93 yet to be determined.

These are the last of the 166 oldest claims which the former Labor Government promised to finalise by the end of 2010.

Inspections, Appeals and Settlements

The Legal Services Unit continued to fulfil its core function of managing the legal process for land claims, particularly appeals to the Land and Environment Court and the Court of Appeal.

This work is vital to the viability and continued growth of the land base for Aboriginal people in NSW.

Land Claim File Inspections and Appeals

The Unit continued to review DPI files on refused land claims.

The purpose of these reviews was to decide if they should be appealed to the Land and Environment Court.

The review of the DPI files has enabled the NSWALC to make strategic and informed decisions about appeals.

The NSWALC provides support to the land rights network by managing and funding such appeals and by working closely with LALCs to obtain instructions for the conduct of appeals, including settlement.

Its success rate continues to be high – over 50% of the appeals were won in Court or settled.

Of the 288 files inspected, the NSWALC appealed 31 land claim refusals in the reporting period.

The Land and Environment Court upheld two appeals in favour of LALCs, with one appeal discontinued.

The other appeals were either settled in favour of LALCs or remained on foot at the end of this reporting period.

Nine appeals from the previous reporting period also remained on foot.

A total of 40 appeals were before the Land and Environment Court at the end of the financial year.

A highlight of the reporting period was the successful appeal of the Tongarra Gap land claim by the Illawarra LALC.

First lodged in 1986, this claim was refused in 2006.

That decision was successfully appealed in the Land and Environment Court in June 2008.

The Minister took that decision to the Court of Appeal which upheld the appeal and ordered the matter be reconsidered by the Land and Environment Court.

In July 2010, the Land and Environment Court determined in favour of ILALC.

The Minister appealed again to the Court of Appeal in April 2011.

In a unanimous decision the Court dismissed the appeal on May 24, 2011, and awarded costs against the Government.

The decision of the Land and Environment Court in July 2010 to grant the land was upheld.

This matter has illustrated the value of persistence and commitment to land, particularly on the part of the Illawarra LALC members.

They maintained their commitment to their claim for a quarter of a century.

It is also a demonstration of the success of the NSWALC review and appeal policies.

Land Claim Settlements

There was an increase in the number of land claim settlements in this reporting period, along with an increase in the proportion of matters settled.

The NSWALC welcomed this change in the Government's approach on settlements and continued to work with LALCs and the Government to develop mutually acceptable resolutions to outstanding litigation.

Some settlements do not result in all of the land originally claimed being granted.

For example, some LALCs have agreed to the granting of easements or to the exclusion of some land in a claim.

NSWALC has acknowledged the legitimate concerns of LALCs in agreeing to something less than they sought, particularly where claims have been outstanding for decades.

On the other hand, the grants of land that are made as a result of settlement are clearly preferable to an unsuccessful appeal.

Given the cost of a fully contested appeal is approximately \$100,000 (including counsel's fees), the settlement of claims represents a substantial saving to the network while returning land to Aboriginal people.

Since July 2010, the NSWALC successfully settled 17 appeals initially refused by the Minister.

These settlements resulted in substantial tracts of land being vested in Local Aboriginal Land Councils.

These included Moree, Armidale, Dareton, Mindaribba, Merrimans, Grafton Ngerrie, Dubbo, Narrabri, Bogal and Red Chief.

In at least one case, the Minister agreed to pay half of NSWALC's legal costs. This is unusual.

Parties normally fund their own costs.

Settlement discussions in other cases continued as this reporting period ended.

As mentioned earlier, the NSWALC had approximately 40 claims on appeal before the Land and Environment Court as this reporting period ended.

All were being managed by the LSU, some in conjunction with external lawyers and some in-house.

These appeals cover a wide range of cases, from refusals on the grounds of essential public purposes, to lawful use and occupation and residential lands. More appeals were likely to be filed in the new reporting period.

The NSWALC has established important points of law in terms of lawful use and occupation of Crown land, and in relation to the level and type of evidence required to properly establish that land is needed, or likely to be needed as residential lands, or for an essential public purpose.

Success in legal proceedings, including the settlement of claims, is largely a result of the policy of file review and critical assessment of the information revealed during that process.

The Unit anticipates the principles established by this case law, and by settlements achieved to date, will assist in reducing the volume, delay and cost of litigation in this area and pave the way for more negotiated outcomes in the future.

Costs Awarded

In the reporting year, award of legal costs to the NSWALC were made either by the Court or by consent in the following matters:

- Court of Appeal (Tongarra Gap appeal) – the NSWALC was paid \$91,000
- Land and Environment Court (Armidale LALC appeal) – the NSWALC was paid \$27,500 to cover costs as part of the settlement

Limited Title

Since the enactment of the ALRA in 1983 the State Government has always issued unlimited freehold title to land granted through claim or appeal.

As noted in this space last year the State Labor Government began issuing limited titles for granted land in November 2009 without any prior consultation with the NSWALC or LALCs.

The NSWALC expressed its opposition to the decision of the Government during the last reporting period and continued to express its opposition to this practice during the past financial year.

The practice continued despite this.

Of the 152 certificates of title issued in the reporting period, 66 were limited. The NSWALC considers this to be a cost shifting exercise by the State Government.

It transfers the responsibility for conducting and paying for land surveys from the Government to LALCs.

The impact of limited title is minimal while the land is not being used but LALCs are increasingly seeking to develop land.

As soon as they commence this process, they have to pay the survey costs.

While the NSWALC has welcomed advice from DPI that an additional \$3 million had been allocated to surveying relevant land, the rate at which land is being surveyed remains slow. The NSWALC continues to explore resolution of this issue.

In the settlement of appeals, the NSWALC has sought and been granted orders compelling the government to survey land before it is transferred.

Compulsory Acquisition

The Unit worked with the Land Rights Unit throughout the reporting period to review forty three Compulsory Acquisition Notices from Government and Utilities issued under the *Land Acquisition (Just Terms Compensation) Act 1991*.

A total of fifteen of these Notices sought to compulsorily acquire land, and interests in land, already the subject of an Aboriginal land claim.

There is no legislative requirement for a LALC or the NSWALC to be notified of a compulsory acquisition, or to prevent the compulsory acquisition proceeding.

Compulsory acquisition of land which is vested in an Aboriginal Land Council is prohibited under section 42 of the *Aboriginal Land Rights Act 1983*, except where an Act of Parliament is passed to permit this to occur.

However, nothing protects land under claim from being compulsorily acquired between the lodging of a claim and its determination.

As outlined earlier, this can often take many years.

The Legal Services Unit receives Planned Acquisition Notices as a matter of courtesy, but there is no certainty it receives all of them.

The general approach, one largely supported by Government officials, is that the NSWALC will work with a LALC to seek the agreement of all parties to extend the time for objection from 120 days to twelve months to allow a claim to be determined.

Where appropriate, a LALC may agree to the withdrawal of part of a claim subject of a PAN.

This preserves some part of the claim area.

In instances where a claim would clearly not succeed the NSWALC recommends the claim be withdrawn.

This is, however, a decision for affected LALCs.

The NSWALC's view is that all land claims should be determined before any proposed compulsory acquisition proceeds.

Land Claims Strategy

The Legal Services Unit worked with the Media and Marketing Unit during the reporting period to develop a land claims strategy to address ongoing problems with the Government's assessment of claims, the transfer of granted land, the lack of free

title searches, its inability to negotiate prior to an appeal being lodged and the transfers of limited title.

The strategy, which was endorsed by Council, sought to increase pressure on the Government and its officials to meaningfully engage with the NSWALC on these issues.

A formal complaint was also lodged with the State Ombudsman.

The Ombudsman's Office sought to begin a process of conciliation in December 2010 between Government officials and the NSWALC.

Since then, NSWALC officers have met with Government officials approximately every 6 weeks, to seek to resolve a range of issues including evidence in relation to use and occupation of licensed land, limited title, compulsory acquisition notices, settlements and appeals.

The meetings have assisted in building relationships and co-operation on attendant issues and were expected to continue in the next reporting period.

Miscellaneous Amendments Group

The Legal Services Unit worked closely with Aboriginal Affairs NSW and the Registrar of the ALRA during the reporting period on further possible amendments to the ALRA consistent with the recommendations of the 2007 Task Force review and to improve the workability of the Act.

This work was conducted through a process known as the Miscellaneous Amendments Group (MAG).

The group was convened by the Registrar at the request of the Minister of Aboriginal Affairs, Mr. Paul Lynch, before the change of Government in March.

While the work had not resulted in any amendments being introduced in State Parliament during this reporting period, the NSWALC remains committed to this process.

Minister Dominello was briefed by the NSWALC upon assuming office late in this reporting period about the importance of this process.

The NSWALC looked forward to his support of a continuation of this process ahead of another full review of the Act during the next reporting period.

AHO Head Leasing

The Remote Indigenous Housing National Partnership Agreement (RIHNPA), signed by the Council of Australian Governments under its 'Closing the Gap' targets is being implemented by the NSW Aboriginal Housing Office.

It is doing so through a 'Build and Grow' policy.

The AHO is seeking to enter into head leases with LALCs for up to 10 years (5 years with an option to renew for a further 5).

The effect of a head lease is the transfer of a significant interest in LALC land and assets in return for the management of housing stock and tenancy agreements, and, perhaps, most importantly, the allocation of funding to clear a backlog of maintenance on LALC owned houses.

The NSWALC worked closely with the AHO during the reporting period to develop a head lease that is both fair and reasonable to all parties and provides a secure framework to improve the housing of Aboriginal people in NSW.

In particular, the NSWALC has urged the AHO to ensure LALC members are well informed before making any decisions on proposed lease arrangements.

The NSWALC has produced a Fact Sheet and has provided assistance to LALCs through Zone Offices and the Program Management Unit to enable them to comply with the provisions of the ALRA.

Any decision to enter into a Head Lease is classified as a dealing in land under the ALRA.

This requires the approval of the NSWALC under section 42G.

The NSWALC is not involved in any advocacy or endorsement of proposed leasing arrangements.

This is a decision for LALC members to assess in accordance with their particular circumstances.

Woods v Gandangara

The Land and Environment Court handed down a judgment on March 23, 2011 in the case of *Woods v Gandangara LALC; Thatcher v Gandangara LALC* [2011] NSWLEC 42.

This case raised concerns amongst LALCs across the network about the proper procedure to take to ensure tenants in breach of their tenancy agreements were evicted lawfully, both under residential tenancy laws and the ALRA.

Of most relevance was whether notices of termination were dealings with land under s52E of the ALRA for which a members' resolution was required, or whether this function could be delegated.

The Unit answered numerous queries from LALCs on this matter during the reporting period and also distributed an online network message to provide guidance on interpreting the outcome of the case.

It also reviewed a number of draft LALC members' resolutions to seek to ensure best legal practice was followed and drafted suggested resolution templates to the network to assist LALCs with such a process.

The decision in this case also prompted a review during the MAG process of the provisions of the Act on members' delegations.

Carbon Farming Initiative

The Gillard Government introduced a package of legislation on Carbon Farming in the Federal Parliament in March 2011.

The package is designed to promote new economic opportunities for landholders, including Aboriginal landowners, to participate in a new carbon offset scheme to reduce carbon pollution.

The Unit reviewed the provisions of the scheme relating to the possible participation of Aboriginal landholder's.

It had provided initial comments on the draft legislation to the Department of Climate Change and Energy Efficiency in the month before the introduction of the legislation in the parliament.

The provisions on the participation of Aboriginal landholders had changed substantively in the draft legislation tabled in the House of Representatives

The draft legislation raised a number of concerns from a NSW land rights perspective.

These included the proposed exclusion of certain land rights holders from those having an “eligible interest” under the legislation and providing the Crown Lands Minister power in relation to Aboriginal held land in conflict with the *Aboriginal Land Rights Act 1983* (NSW).

The Unit made subsequent submissions on these concerns to Senate and the House of Representatives enquiries on the draft legislation in April.

The Unit received positive feedback on these submissions, which are both available to the public, from the Department of Climate Change and Energy Efficiency.

The Principal Legal Officer, Ms. Skyring, participated in a key stakeholders’ parliamentary roundtable discussion in Canberra in June during which she was able to raise the NSWALC’s concerns with the Minister.

The Unit is hopeful these issues can be addressed in the new reporting period to better protect the rights of NSW land rights holders who wish to participate in the scheme.

Koompahtoo Local Aboriginal Land Council

In the previous reporting period, the Unit noted efforts undertaken to assist the Koompahtoo LALC, at the request of the KLALC administrator, Mr. Terry Lawler, in protecting the LALCs substantial assets following its dissolution

The previous report noted efforts being undertaken to remedy the effect of unauthorised land dealings carried out by KLALC.

This included successful litigation in the High Court of Australia against Sanpine Pty Ltd to set aside a joint venture agreement, as a result of which KLALC was awarded costs of \$215,291.47, and a Supreme Court judgment ordering that

land unlawfully transferred from KLALC to an investment trust be returned to the LALC.

The previous report also noted that in April 2005, the Independent Commission against Corruption (ICAC) released findings of corrupt conduct against eight people, and recommended prosecutions be considered against six of those persons, as a result of its investigation into KLALC.

At the end of the previous reporting period, four prosecutions had been launched.

Two of the prosecutions, against Ms. Debbie Marie Barwick and Mr. Malcolm Smith, ceased when the charges against them were dropped.

During May 2011 further corruption charges against former KLALC members were heard in the Downing Centre Local Court.

The proceedings concerned four charges of corruption, including one against William (Bill) Smith, the former Chairperson of KLALC, and other third parties who were charged with aiding and abetting him.

The charges were dismissed due for lack of evidence.

Litigation between Councillor Patricia Laurie and NSWALC

In the NSWALC’s previous annual report it was noted the Land and Environment Court had found Councillor Patricia Laurie was disqualified from holding office.

Ms Laurie had contested that decision before the Court of Appeal in November 2009 and a decision on that matter was expected during this reporting period.

The Court of Appeal confirmed the disqualification in a decision in August 2010 and ordered a fresh election be held for the position of North Coast regional councillor.

The Attorney-General for NSW sought special leave to appeal to the High Court on the issue of whether a fresh election should be held. That application was dismissed in March 2011.

In the meantime, Mr. Dallas Donnelly had been elected to represent the region in December 2010. As noted earlier, he was unsuccessful in his bid for re-election in August 2011.

External Legal Costs

Expenditure on external legal service providers during the reporting period can generally be broken down into the following categories showing LSU budget expenditure shown as a percentage:

- Legal review of land claim refusals 2.75%
- Land claim litigation (appeals where land claims have been refused) 75.08%
- Compulsory acquisitions affecting land claims 0%
- Legal advice relating to the LALC Network 0.09%
- NSWALC general advice 15.00%
- Other NSWALC litigation 6.61%
- Review of Land Rights Act 0.47%

A STORY OF LALC PERSISTENCE AND COMMITMENT

Aboriginal Land Claim 2673 was filed by Illawarra Local Aboriginal Land Council ('ILALC') on 3 March 1986 over two portions of land north of Budderoo National Park forming part of the Illawarra escarpment.

On 1 April 2005 part of the claimed land is reserved as part of the Macquarie Pass State Conservation Area.

On 22 June 2006 the Minister for Lands refused the claim.

The primary basis for the Minister's refusal was that the land was not claimable as it was needed or likely to be needed for the essential public purpose of nature conservation pursuant to section 36(1)(c) of the Aboriginal Land Rights Act 1983 ('ALRA').

On 25 August 2006 ILALC, with the assistance of the NSWALC, filed an appeal against the Minister's decision in the Land and Environment Court (LEC).

On 6 June 2008 Justice Sheahan of the LEC found that the land was claimable and made orders for the land to be transferred to ILALC.

On 1 September 2008 the Minister for Lands appealed against the decision of the LEC to the Court of Appeal.

1st Court of Appeal's decision

On 11 September 2009 the Court of Appeal, in a 2 to 1 decision, upheld the Minister's appeal and ordered that the matter be sent back to the Land and Environment Court to be reconsidered.

Justices Hodgson and McColl found that the LEC had made errors of law and the prior LEC decision should be set aside.

In dissent Justice Basten found that the Minister's appeal should be dismissed.

The majority of the Court of Appeal held that Justice Sheahan's decision was wrong because:

- (i) His Honour asked the wrong question in determining whether the land was likely to be

needed; and

- (ii) His Honour took into account an irrelevant consideration by putting weight on the fact that the claimed land had not been included in Budderoo National Park in 2003.

Remittal:

In accordance with the Court of Appeals decision, the matter was listed in the LEC for reconsideration before Justice Sheahan on 7 and 8 December 2009.

On 15 July 2010 Justice Sheahan again determined that the claimed land was "claimable Crown land" and that the ILALC's appeal should be upheld. He ordered that the land be transferred in fee simple to ILALC.

2nd Court of Appeal's decision:

The Crown again appealed to the Court of Appeal, and the matter was heard by Justices Basten, Whealy and Sackville (Acting) on 14 April 2011.

On 24 May 2011 the Court of Appeal unanimously dismissed the Crown's appeal with costs as the Crown Lands Minister had not established that the primary Judge's decision was affected by an error of law. The Orders made by Justice Sheahan in the LEC on 15 July 2010 were upheld.

Policy and Research Unit

As noted earlier, the work of the Unit continued to focus during this reporting period on culture and heritage, in line with the priority set by Council and the Land Council network.

Major legal reforms were secured for Aboriginal people in NSW in the last reporting period, including recognition of cultural fishing rights and increased protection for Aboriginal sites under the *National Parks and Wildlife Act 1974 (NSW)*.

The Unit worked during this period to ensure those rights were not diminished as new legislation, regulations, and policies, were developed to support those reforms.

The Unit also continued to assist in Council's advocacy campaign to establish independent Aboriginal heritage legislation and an Aboriginal Heritage Commission for NSW.

The campaign is being conducted under the banner: *'More than Flora and Fauna.'*

It seeks statutory recognition of the rights of Aboriginal people to own and control their culture and heritage – not the State Government or its agencies.

The NSWALC's advocacy campaign led to a commitment from both major political parties during the reporting period for the establishment of separate Aboriginal heritage legislation.

The Policy and Research Unit continued to work closely with Council, the CEO, the Legal and Media and Marketing Units, and partner organisations such as the native title body, NTSCORP Ltd, to ensure these commitments are delivered.

The Unit also worked on a range of constitutional, planning and economic development policy issues.

It also assisted Council prepare submissions and interventions on a range of domestic issues at United Nations forums.

These included:

- The need for greater domestic legislative protections for Aboriginal culture and heritage.

- The need to move beyond the symbolic recognition of Aboriginal peoples in the Australian Constitution;
- The need for Government to provide greater opportunities for Aboriginal peoples to engage in economic and social development opportunities through Aboriginal institutions established, elected and endorsed by Aboriginal peoples.

The reporting period also saw the Unit continue to develop resources and policy advice for the network of Local Aboriginal Land Councils.

These included responses to requests for advice on policy issues from LALCs, regular email notifications to the network on current and upcoming policy changes, and presentations at Regional Forums.

The Unit also expanded on a series of fact sheets, web pages and other information resources following requests from LALCs for information to explain how different laws and policies impact on Aboriginal people's cultural and human rights.

It was also responsible for overseeing the NSWALC approval processes for Community Land and Business Plans developed by Local Aboriginal Land Councils.

The details are outlined below.

More than Flora and Fauna

The Aboriginal peoples of Australia maintain the oldest living cultures in the world.

The protection of our cultural and spiritual landscapes and materials, including sacred and significant sites, and objects, is vital to maintaining our cultures.

These are not given adequate legal protection in NSW.

The NSWALC has a statutory role, pursuant to section 106(7) of the Aboriginal Land Rights Act 1983 (ALRA), on Aboriginal culture and heritage.

The legislation states NSWALC has a statutory duty to:

- (a) to take action to protect the culture and

- heritage of Aboriginal persons in New South Wales, subject to any other law,
- (b) to promote awareness in the community of the culture and heritage of Aboriginal persons in New South Wales.

Local Aboriginal Land Councils have a similar function, as it relates to their area, under section 52 (4) of the ALRA.

However, the NSWALC and LALCs are given no statutory power of protection.

The main law for the protection of Aboriginal culture and heritage in NSW is the National Parks and Wildlife Act, the State's flora and fauna legislation.

This Act provides that all Aboriginal objects are considered, with some exceptions, to be the 'property of the Crown'.

It vests in the Government the power to both protect Aboriginal culture and heritage and to approve its damage or destruction.

In June 2010, the NSW Parliament passed the National Parks and Wildlife Amendment Bill 2010.

The Aboriginal heritage provisions of the *National Parks and Wildlife Amendment Act 2010* and the National Parks and Wildlife Amendment (Aboriginal Objects and Aboriginal Places) Regulation 2010 came into effect on 1 October 2010.

They made significant changes to the Aboriginal heritage provisions of the NPW Act, as well as general administrative changes to parks and the management of threatened species.

The power to protect or destroy Aboriginal culture and heritage remained with the Government.

During work on that Bill the NSW Government announced that a Working Party for Broader Reform would be formed for a two year period to consider the establishment of separate Aboriginal heritage legislation in NSW.

It would report to the Minister for the Environment and the Minister for Aboriginal Affairs.

The State Government invited the NSWALC to participate on the Working Party as a result of its research and advocacy work during the legislative amendment process,

The Working Party was formed in November 2010. It comprises representatives from a range of sectors – Aboriginal, Heritage, Government, Minerals and Conservation.

The NSWALC looks forward to working with the new Government in upholding commitments made by both major political parties for stand-alone legislation for Aboriginal culture and heritage in NSW.

The Policy and Research Unit published two major research reports on culture and heritage during the reporting period. They were developed with the assistance of student interns and a consultant, Ms. Eloise Schnierer.

Our Sites, Our Rights

This research paper provided a summary of key recommendations from past Aboriginal heritage reviews in NSW to inform the current inquiry.

The paper noted that while it would be of interest to those involved in the current reform process it was also hoped the history it contained would have a broader appeal, particularly for the Aboriginal community.

It pointed out five separate reports had resulted from separate inquiries into the management of Aboriginal culture and heritage since 1980.

All had recommended the establishment of an independent Aboriginal Heritage Commission with sufficient and separate funding to manage Aboriginal culture and heritage and to build capacity in Aboriginal communities to manage their culture and heritage.

Our Culture, Our Heritage

This paper considered the perceived strengths and weaknesses of Aboriginal heritage systems in Victoria, Queensland and South Australia.

It was designed to provoke discussion on whether the NSW Government should look to any of the heritage models in those States as it formed its own stand alone legislation.

Both papers can be downloaded from the Culture and Heritage pages on the NSWALC website at www.alc.org.au

The NSWALC has formally recognised the work of Aboriginal peoples in NSW in past enquiries into separate Aboriginal heritage legislation in NSW,

It has done so through Council's formal endorsement of the 'Foundation Principles of Aboriginal Cultural Heritage', as outlined in the most recent enquiry and the 1996 draft Green Paper: 'The Future Management of Aboriginal Culture and Heritage in NSW.'

It has also endorsed a range of international instruments, including the UN Declaration on the Rights of Indigenous Peoples, as the basis for broader reform of Aboriginal culture and heritage management in NSW.

The NSWALC will continue to advocate strongly throughout the new reporting period for a new regime, one which seeks the statutory recognition of Aboriginal control and ownership of Aboriginal culture and heritage in NSW.

Aboriginal Heritage Information Management System

The Unit responded to several requests during the reporting period for advice from LALCs about the operation of the State Government's Aboriginal Heritage Inventory Management System (AHIMS).

The release of information from the system to external organisations, such as local government and developers, was of particular interest.

The Department of Environment, Climate Change and Water (DECCW) administers the NPW Act. Recognised

Aboriginal sites are recorded on AHIMS by DECCW. LALCS, Aboriginal groups and other persons can choose to notify DECCW of the location of Aboriginal sites and can seek protection of particular areas.

The Unit developed and published a Fact Sheet for LALCs outlining how they could access AHIMS through a new online search tool. It also canvassed issues LALCs might wish to consider when asked to endorse the release of information from AHIMS or provide AHIMS services.

The Unit also worked with other agencies, such as the NSW Department of Planning and the NSW Roads and Traffic Authority, to ensure they recognised the functions of LALCs and Traditional Owner Groups in relation to culture and heritage.

Fishing Rights

NSWALC also continued to advocate for greater fishing rights for the state's Aboriginal fishers during this reporting period.

As reported earlier, the *Fisheries Management Amendment Act 2009*, was passed in the State Parliament in December 2009.

It contained formal recognition that fishing for the Aboriginal community is an imperative part of culture, encompassing spiritual, social and customary significance.

Advocacy by NSWALC and NTSCORP was integral to the development and passage of the legislation.

While the Act now provides for Aboriginal cultural fishing, in both freshwater and saltwater, without a permit or the need to pay a fee (within the definition of Aboriginal cultural fishing) those provisions will not be fully realised until appropriate regulations are in place.

The Government has implemented interim compliance measures to ensure Aboriginal people are not unfairly prosecuted until the regulations are finalised.

It is anticipated they will be put into place during the next reporting period.

Aboriginal Fishing Advisory Council

The Act also provides for the establishment of an Aboriginal Fishing Advisory Council (AFAC).

This body will play a key role in advising the NSW Government on all Aboriginal fishing matters.

The Minister responsible for administering the Act cannot make recommendations on the regulations without consultation with AFAC.

In recognition of the role played by the NSWALC and NTSCORP during the legislative amendment process both organisations are now represented on the Council.

As reported earlier, the NSWALC lodged a submission in March 2010 with the Inquiry into Recreational Fishing, which was conducted by a State Parliamentary Select Committee and later provided detailed evidence to the public inquiry process.

It sought practical measures to increase Aboriginal fishing rights, with an emphasis on state-declared Marine Parks.

The Select Committee released its final report, *Recreational Fishing in NSW*, in December 2010.

Its report concluded that any regulation developed to support the new Aboriginal cultural fishing provisions under the *Fisheries Management Act* must be practical and allow Aboriginal people to carry out their traditional cultural practices.

Concern raised by the NSWALC, and other Aboriginal groups, with the Committee were also highlighted in the final report.

These included:

- The onerous permit process which has led to communities being unduly restricted from participating in cultural fishing within Marine Parks.
- The need for a clear single policy for all marine parks in NSW to allow Aboriginal cultural fishing free of a permit system, with certain limits.
- The need for greater Aboriginal representation on Marine Park Advisory Committees.

The continued restrictions on Aboriginal fishing rights in Marine Parks will ensure the NSWALC's ongoing advocacy in this area in the 2011-12 financial year.

Commonwealth Heritage Laws

The NSWALC prepared a detailed submission to the Federal Government's review of the Aboriginal and Torres Strait Islander Heritage Protection Act 1984 (Cth) (ATSIHP Act) in 2009.

This Act gives the Federal Minister for the Environment and Heritage the power to make declarations for the protection of Aboriginal objects and areas.

The Federal Government made no formal announcement about the outcome of the Review during this reporting period.

Planning Laws

State Planning laws and Local Government regulations play a crucial role in land management and heritage protection.

The monitoring of these planning issues, and the provision of advice to LALCs in this area, was a major focus for the Unit.

The Unit provided regular notices and updates to LALCs on Aboriginal heritage issues and when Local Government Councils made announcements in relation to new Local Environmental Plans (LEPs).

It also updated a series of six Planning Fact Sheets to explain relevant laws and policies.

They included step-by-step information on how Aboriginal voices could be heard on major developments proposals under Part 3A of the *Environmental Planning and Assessment Act*; at each stage in the development of Local Environment Plans, and how Local Councils could be encouraged to work with Aboriginal groups to protect culture and heritage.

The Environmental Defenders Office assisted the NSWALC in the development of the Fact Sheets.

The Unit also prepared a comprehensive submission in March 2010, titled *Zoning in on Aboriginal Land and Heritage Protection*, to the NSW Department of Planning.

It recommended better ways to protect Aboriginal heritage at the local level.

The Department had yet to release comprehensive advice on any changes in this area as the reporting period ended.

Policy and Research staff also participated in separate consultations coordinated by the Environmental Defenders Office on reform of the planning system.

These consultations resulted in the publication of a report by the Environmental Defenders Office in August 2010, *Reconnecting the Community with the Planning System*, which made a number of recommendations to the NSW Government.

The NSWALC also made submissions to the NSW Department of Planning and the Productivity Commission on various proposed reforms.

It submitted planning laws should provide clear rights for Aboriginal people to be consulted and involved in decision making processes to provide better protection for their culture and heritage.

The Unit also participated during the reported period as a non-voting member of the Aboriginal Heritage Advisory Panel (AHAP), which provides advice to the Heritage Council.

Unit staff also attended a Local Government Aboriginal Network Conference in September 2010, hosting a stall in conjunction with the Media and Marketing Unit.

It also worked with the Operational Policy Unit to support a NSWALC delegation to a Local Government and Shires Association Conference held in October 2010.

Staff assisted Councillors to develop a number of motions which sought to improve the protection of Aboriginal culture and heritage at the local government level.

Economic Development

The Unit responded to a number of State and Commonwealth government initiatives and strategies which are intended to provide economic development outcomes for Aboriginal peoples in NSW.

This policy work underpins the NSWALC's own commercial activities and initiatives to generate economic development within the network of Local Aboriginal Land Councils.

In October 2010, the Unit responded to the Economic Development Chapter of the NSW Government's Two Ways Together program.

The NSWALC recommended that:

- a) Any economic development strategies receive appropriate resourcing.
- b) The NSW Government formally commit to work with the NSWALC and the network of Local Aboriginal Land Councils to deliver community based economic development.
- c) Appropriate funding be provided for TAFE positions.
- d) Greater recognition be given to the socio-economic disparity between urban Aboriginal and non-Aboriginal communities.
- e) An industry analysis be conducted to ensure successful pathways to employment are established.
- f) Strategies aimed at engaging Aboriginal people with the Local Government sector be strengthened.
- g) The introduction of mandatory Government procurement policies to increase Aboriginal employment.

In November 2010, the Policy and Research Unit provided a submission on the Commonwealth Government's draft Indigenous Economic Development Strategy.

It recommended:

- a) The Commonwealth Government work with Aboriginal land councils to deliver community based economic development and that it genuinely consult and engage with Aboriginal peoples and communities on policies that affect them.

- b) Measures to alleviate economic disadvantage must not discriminate against Aboriginal peoples, and must not undermine the rights Aboriginal people in the way the government's income management policy now does.
- c) Existing educational structures must be assessed before they can be relied upon to deliver outcomes.
- d) Training and development programs must be linked with geo-specific analysis of industry needs.
- e) Mentoring and other support programs must be considered for the long-term unemployed.
- f) The strategy must address the dual need for creating more mainstream employment for Aboriginal people whilst developing the capacity of Aboriginal communities to support that goal.
- g) Commonwealth Government procurement policies be amended to provide opportunities for Aboriginal owned businesses.

Water Policy and Reform

In addition to its work on land rights the New South Wales Aboriginal Land Council also seeks to advance the water rights of Aboriginal people in NSW.

In 2008 the Commonwealth Government commenced the most significant water reforms in the nation's history.

It did so through amendments to the Commonwealth's Water Act 2007 with the agreement of State and Territory governments of the Murray Darling Basin.

The reforms are designed to manage all waters in the Murray Darling Basin through a new plan to optimise environmental, social and economic outcomes.

The proposed reforms present a real opportunity to incorporate Aboriginal values and needs into water planning, and in so doing go some way toward redressing the ongoing inequities in water resource distribution.

However, they also pose a significant socio-economic risk to the Murray-Darling Basin, and to the Aboriginal peoples, and communities, resident within it.

The Murray-Darling Basin Authority released a *Guide to the Proposed (Murray Darling) Basin Plan* in October 2010 for community consultation.

In response, the Policy and Research Unit provided a submission to the Murray-Darling Basin Authority in November 2010.

The submission noted the majority of the 119 Local Aboriginal Land Councils in the land rights network in NSW are located within the Murray Darling Basin.

Despite the traditional occupation and ownership of all lands and waters of the Basin area and beyond, the legal entitlements of Aboriginal peoples to their water in NSW remained at just 0.2 per cent of the state's licensed allocations—an under-representation by population.

This had resulted from a decoupling of land and water rights.

The gains in land rights under the statutory mechanisms of the Aboriginal Land Rights Act, 1983 (NSW) had not been met with comparable gains in rights to water.

The submission noted that it was common for the full diversity of Aboriginal peoples' interests in natural resources to be dismissed as merely 'cultural.'

Commendably, the Aboriginal Land Rights Act, recognised that such interests are of "spiritual, social, cultural and economic importance," to Aboriginal peoples.

The submission noted the Guide to the Basin Plan had acknowledged the definition of 'cultural flows' provided by the Murray Lower Darling Rivers Indigenous Nations (MLDRIN) and the Northern-Murray Darling Basin Aboriginal Nations (NMBAN)

However, the Guide acknowledged that "critical data gaps" remain in respect to the understanding of Aboriginal water use and values.

The NSWALC submitted that the current lack of data on Aboriginal values and interests in water must not be used to exclude Aboriginal peoples from their rightful entitlements to water.

The submission noted the Commonwealth's Water Act 2007 and Water Regulations 2008 both failed to include the resource rights enshrined in the United Nations Declaration on the Rights of Indigenous Peoples.

The Declaration, which had been endorsed by the Australian Government in April 2009, was a relevant international agreement which could be drawn upon in the preparation of the Murray Darling Basin Plan.

The submission also noted the *Intergovernmental Agreement on a National Water Initiative*, adopted by the Council of Australian Government's in 2004, contained some recognition of Aboriginal peoples inherent right to water.

Despite this, and the increasing recognition of both the ongoing injustices of Aboriginal dispossession, and the importance of Aboriginal knowledge to land and water management, the National Water Commission had admitted little improvement had been made in incorporating Aboriginal values and needs into water planning since the adoption of the National Water Initiative.

The NSWALC submitted the Basin Plan was a real opportunity to incorporate Aboriginal water values and needs into water planning.

In so doing, it was hoped the Basin Plan would go some way to redressing the ongoing inequities of water resource distribution in Australia.

The submission noted a scoping study conducted by the Murray Darling Basin Commission in 2003 had predicted the recognition of native title, "to the extent it eventually occurs at all in the Basin, will be undoubtedly confined to very small parcels of land and to requirements that native title holders be informed or consulted about 'mainstream' natural resource management decisions."

The NSWALC submitted that equitable access to water resource for Aboriginal peoples of the Murray-Darling Basin could not be left to depend on legal recognition of native title.

It also recommended the economic and administrative impediments for accessing Aboriginal Water Allocations must be reconsidered.

It pointed out the Nari Nari Tribal Council's water allocation, the first and only cultural access licence issued in NSW, can cost up to \$10,000 a year. In addition applications must be lodged every three months with representatives of the Council forced to travel from the Hay region to Sydney to lodge the licence.

It recommended adequate funds should be placed in an Aboriginal Water Trust to purchase access to water for the Aboriginal peoples of the Basin area.

It pointed out the NSWALC had proposed an Aboriginal Water Trust be established to provide the financial basis for Aboriginal access to water in the emerging market in 2000.

The NSW Government was considering water reforms at the time which led to the Water Management Act 2000 (NSW).

The NSW Government established the Water Trust in 2000 with a greatly reduced agenda from the one proposed. It provided limited funding had been exhausted by 2009.

However, the submission noted, the underlying principles of the initiative and the mechanisms and objectives of the Trust, as first proposed, remain commendable.

The severe lack of quantitative data on Aboriginal water use, interest and values and the underdevelopment of specific socio-economic assessment methodologies for Aboriginal related water requirements made it difficult to predict the impact the Basin Plan's water reforms would have on Aboriginal peoples and communities of the region.

Serious concerns were held in the Aboriginal communities of the Basin Area about indirect job losses, increased competition for employment, and greater strain being placed on the increasingly scarce provision of public services.

Census data indicated there were approximately 70,000 Aboriginal people living in the Basin region in 2006, comprising 3.3 per cent of the

Basin population and 15 per cent of the national Indigenous population.

It had been conservatively estimated the Aboriginal population of working age would increase by 44 per cent from just over 40-thousand in 2001 to just over 58-thousand in 2016.

An additional six thousand plus jobs would need to be created by 2016 just to maintain the current employment rate in step with the 15,216 employed in 2001.

More than 34-thousand Aboriginal people would need to be employed by 2016 if the Commonwealth Government's 'Closing The Gap' targets were to be met.

The current employment rates for Aboriginal males and females across the Basin area was 40 per cent and 30 per cent. This compared with 70 per cent and 60 per cent for non- Aboriginal males and females.

The NSWALC submitted there was an urgent need for further research into the socio-economic impacts of the proposed Basin Plan reforms for Aboriginal communities.

Government programs and strategies to mitigate the socio-economic impacts of the Basin Plan reforms must include specific measures to target Aboriginal disadvantage and vulnerability.

The NSWALC submission pointed out the network of Local Aboriginal Land Councils across the NSW portion of the Basin Area play a key role in providing employment and facilitating economic development in their communities.

Local Aboriginal Land Councils were required to develop Community Land and Business Plans which included objectives and strategies on investment of their assets and the conduct of business enterprises.

Strategies being developed by Government on mitigation measures should recognise and support the role Local Aboriginal Land Councils play in delivering economic development opportunities to their communities.

In summary, the submission's recommended:

- a) Recognition of the inherent rights Aboriginal peoples have to water.
- b) At least a 5% allocation from each water resource plan to be developed under the Murray-Darling Basin Plan for Aboriginal peoples, for the cultural, spiritual, environmental, social & economic purposes of those peoples' choosing.
- c) Government policies and assistance to overcome economic and administrative impediments that will prevent Aboriginal peoples from accessing such rightful entitlements.
- d) An Aboriginal Water Trust to purchase access to water for Aboriginal peoples of the Murray-Darling Basin.
- e) The incorporation of traditional ecological knowledge at all levels of water management planning across the entire Murray-Darling Basin.
- f) Special measures in Government programs and strategies to mitigate the socio-economic impacts of the Basin Plan reforms that specifically target Aboriginal socio-economic disadvantage and vulnerability.

Federal Inquiry

In February 2011, the NSWALC provided a submission to the House of Representatives Standing Committee on Regional Australia *Inquiry into the impact of the Murray-Darling Basin Plan in Regional Australia*.

It focused on the socio-economic vulnerability of Aboriginal peoples of the Murray-Darling Basin to the predicted impacts of the proposed reforms, and again advocated for:

- a) Specific and special measures in government programs and strategies to mitigate the socio-economic impacts of the Basin Plan reforms, that address the particular socio-economic disadvantage and vulnerability of Aboriginal peoples.

The Inquiry Report found that "given the proportionally high Aboriginal population in the Basin, and corresponding levels of disadvantage, any structural adjustment packages needed because of job losses...must take into account the

specific needs of Aboriginal peoples". The report also recommended the following:

- a) that the Murray-Darling Basin Authority in developing the Proposed Basin Plan "recognise the social and cultural needs of Aboriginal people"; and
- b) "that the Commonwealth Government develop separate community basin planning that provides [amongst other things] recognition of the specific needs and economic circumstances of Aboriginal communities living in the Basin".

The Murray Darling Basin Authority plans to release the Proposed Basin Plan, and the final Plan, by the end of 2011.

The NSWALC will continue to monitor the progress of these reforms.

It is anticipated the organisation will provide a further written submission to the MDBA once the Proposed Basin Plan is released and may need to lobby the Federal and State government and other parties as, and when required, given the importance of these issues to Aboriginal peoples and communities in the Basin.

The NSWALC is also engaged in a research project with the NSW Office of Water funded by the National Water Commission. The key focus of the project is to obtain credible evidence to demonstrate Aboriginal people have always, and continue to have, a spiritual, cultural and economic association with water.

As noted last year, NSWALC officer, Mr. Phil Duncan, was appointed to the National Water Commission's First Peoples Water Engagement Council.

He was elected Chairperson of the Council in September 2010.

Aboriginal Tourism Action Plan for NSW

The Unit provided a submission to Tourism NSW in November 2010 on its Draft Aboriginal Tourism Action Plan for NSW.

The NSWALC advocated for a genuine commitment of additional State Government funding for initiatives, including strategies of the Aboriginal Tourism Action Plan, to close the gap on Aboriginal disadvantage.

It also promoted the unique position of Local Aboriginal Land Councils to partner with Tourism NSW to deliver beneficial outcomes from the Aboriginal Tourism Action Plan.

The submission also sought a commitment from Tourism NSW to promote the establishment of an Aboriginal Keeping Place and Cultural Centre for NSW.

Roads and Traffic Authority: Aboriginal Cultural Heritage Procedures

The Unit provided written comments during the reporting period on a draft *Procedure for Aboriginal Cultural Heritage Consultation* from the NSW Roads and Traffic Authority.

They were the culmination of lengthy but unsuccessful discussions with the Roads and Traffic Authority on the procedures.

They stressed the importance of the RTA ensuring the early identification of Aboriginal culture and heritage, sites and values, in the life of road projects.

This would ensure minimal impact on invaluable Aboriginal culture and heritage from such projects.

It was also recommended the RTA engage in broad and genuine consultation with Aboriginal peoples, communities and stakeholders, in the initial planning stages of projects

This was preferred over any reliance upon the NSW Government Aboriginal Heritage Information Management System.

Two Ways Together

The Unit also provided policy advice to the Council and the NSW Government on the Two Ways Together Plan (2003-12).

As noted earlier this is the former State Government's key policy for addressing the socio-economic disadvantage experienced by Aboriginal peoples in NSW and is administered by Aboriginal Affairs NSW.

The NSW Government sought to review the TWT Plan in late 2010 given its timeline.

The NSW Government appeared committed to realigning the Plan with the objectives of the Closing the Gap strategy endorsed by the Council of Australian Governments.

The NSW Audit Office released its findings in May 2011 on a performance audit of the TWT Plan.

The Policy and Research Unit will continue to provide policy advice in this area during the new reporting period, particularly when the O'Farrell Government provides its official response to the audit.

Biodiversity Banking and Offsets Scheme (BioBanking)

The Biodiversity Banking and Offsets Scheme (BioBanking) is a way in which Local Aboriginal Land Councils can conserve existing biodiversity and protect threatened animals, plants and ecosystems within their land.

As reported previously the NSWALC signed a grant agreement in 2009 with DECCW, now the Office of the Environment and Heritage, to support the network of Local Aboriginal Land Councils to make informed decisions and build capacity on the NSW BioBanking Scheme and other sustainable land use options.

The Unit conducted considerable research into the scheme during this reporting period.

This included research into the environmental, legal and economic implications of the scheme.

It also produced a number of resources on the subject for Local Aboriginal Land Councils.

This included the development of website content, an information sheet and a comprehensive seven-page guide to the BioBanking Scheme for Aboriginal landowners.

This provides an overview of the BioBanking Scheme, discussion on how the *Aboriginal Land Rights Act 1983 (NSW)* relates to BioBanking legislation, potential risks and benefits of the Scheme, possible taxation implications of the Scheme, and links to further resources and information.

The guide can be downloaded from the NSWALC website.

Other Environmental Issues

The Unit also monitored changes in programs and initiatives and provided responses to a number of inquiries and reviews relating to environmental issues in NSW during the period.

Two substantial submissions were developed in response to the NSW Draft Biodiversity Strategy 2010-2015 and the Caring for our Country review.

These submissions outlined key issues relating to environmental and biodiversity conservation activities.

They included the crucial importance of acknowledging Aboriginal rights and connections to Country, the importance of genuinely incorporating Traditional Ecological Knowledge into land, natural resource and biodiversity initiatives, and the importance of sustained funding for Aboriginal organisations to undertake biodiversity and conservation initiatives.

International Engagement

As reported earlier NSWALC engages in, and supports representation at the international level to progress basic human rights in Australia.

Its principal overseas engagement is with the United Nations.

The Policy and Research Unit prepared a number of interventions for Councillors to present to the United Nations during the reporting period.

It also developed a series of lobbying packages on these submissions and other recent work by the NSWALC which is detailed in the International Advocacy and Engagement Section in this report.

Constitutional Reform - NSW

The NSWALC sought a commitment from the Local Government sector for Constitutional recognition of Australia's First Peoples at the Annual Conference of the Local Government Association of NSW in 2009.

The Conference adopted a resolution of support.

As a result, the NSW Government announced it would move to provide a recognition of Australia's First Peoples in the preamble to the NSW Constitution.

The Keneally Government introduced the *Constitutional Amendment (Recognition of Aboriginal Peoples) Bill* on 8 September 2010 and released the draft amendments with a call for written submissions.

NSWALC provided a response which encouraged the NSW Government to undertake proper consultation and negotiation with Aboriginal peoples on the proposed reforms and to endorse principles within the United Nations Declaration on the Rights of Indigenous Peoples.

The NSWALC supported the amendment with proposed additional wording to the proposed section 2A(b).

The proposed additional wording read:

*The People and Parliament of New South Wales recognise that Aboriginal people **are the traditional custodians and occupiers of the land in the State of NSW and have a continuing** spiritual, social, cultural and **economic** relationship with their traditional lands and waters and have made a unique and lasting contribution to the identity of New South Wales.*

The Unit developed speech notes for Chairwoman Manton for the special sitting of the NSW Parliament which considered the amendments.

The Bill passed on 21 October 2010 and incorporated the NSWALC's proposed amendments.

The Preamble to the State's Constitution now reads:

- (1) Parliament, on behalf of the people of New South Wales, acknowledges and honours the Aboriginal people as the State's first people and nations.*
- (2) Parliament, on behalf of the people of New South Wales, recognises that Aboriginal people, as the traditional custodians and occupants of the land in New South Wales:*
 - (a) have a spiritual, social, cultural and economic relationship with their traditional lands and waters, and*
 - (b) have made and continue to make a unique and lasting contribution to the identity of the State.*
- (3) Nothing in this section creates any legal right or liability, or gives rise to or affects any civil cause of action or right to review an administrative action, or affects the interpretation of any Act or law in force in New South Wales.*

Chairperson Manton urged the Government to take the next step on the path towards full recognition of Australia's First Peoples by implementing the principles enshrined in the United Nations Declaration on the Rights of Indigenous Peoples into law, policy and service provisions for Aboriginal people in NSW.

AUSTRALIAN CONSTITUTIONAL REFORM

The Australian Government committed in December 2010 to reform of the Australian Constitution at the next federal election to amend the Preamble to recognise Aboriginal and Torres Strait Islander peoples.

The Policy and Research Unit will monitor developments in this area in the new reporting period in line with the NSWALC's position on these issues.

Community, Land and Business Plans

As reported earlier each Local Aboriginal Land Council must prepare and adopt a Community Land and Business Plan.

The provisions for the plans are set out in Division 6 of Part 5 of the ALRA.

The Act sets out a consultation and approval process to be adopted in developing and implementing the plans and the matters to be covered by them.

They must contain objectives and strategies for:

- The acquisition, management and development of LALC land and other assets;
- The management of community benefits schemes, including social housing schemes;
- The conduct of business enterprises and investment of assets; and
- Aboriginal culture and heritage matters

A LALC CLBP can be for a period not exceeding five years.

The plan must be approved by the members of a LALC and by the NSWALC.

The NSWALC must not approve a plan unless it is satisfied it complies with the ALRA and the Regulations, and is consistent with any applicable policy of the Council.

Once approved, a substantial failure by a LALC to comply with its plan is considered a substantial breach of the requirements of the ALRA.

Such a situation can result in administration.

If a LALC does not have an approved CLBP by the due date stipulated by the Act or the expiry date of its previous plan, the NSWALC may extend the period of time within which the LALC is to prepare and adopt its plan.

At the end of the reporting period the NSWALC had approved 96 plans. Nineteen plans had yet to be approved.

Four Local Aboriginal Land Councils had been granted exemptions.

The NSWALC will be working closely with the LALCs to ensure ongoing compliance with the provisions of the ALRA.

As noted earlier the responsibility for CLBP's within NSWALC transferred from the Policy and Research Unit to the Program Management Unit from July 1, 2011.

Submissions

Formal submissions represent an important part of the work of the Policy and Research Unit. NSWALC has produced a significant number of high quality research and submissions in 2010-2011.

Following is a comprehensive list of submissions, including a number mentioned earlier in this report:

- Joint NSWALC and NTSCORP submission on the *Draft National Parks and Wildlife Regulation 2010(NSW)*, provided to the then NSW Department of Environment, Climate Change and Water (**DECCW**), in July 2010.
- Submission on the NSW Government draft *Leases and Licences Consultation Policy and Procedures*, provided to DECCW, in September 2010.
- Submissions on the *NSW Closing the Gap Strategy – Culture and Heritage and Economic Development Chapters*, provided to DECCW and Aboriginal Affairs NSW respectively, provided in October 2010.
- Submission to the NSW Parliament Select Committee on Recreational Fishing *Inquiry into Recreational Fishing*, in October 2010.
- Submission on the Guide to the proposed *Murray Darling Basin Plan*, provided to the Murray Darling Basin Authority, in November 2010.
- Submission on the Draft *Aboriginal Tourism Action Plan for NSW*, provided to Tourism NSW in November 2010.
- Submission on the draft *Environmental Planning and Assessment Regulation(NSW)*, provided to NSW Department of Planning, in November 2010.
- Submission to the Commonwealth Government *Indigenous Economic Development Strategy (consultation draft)*, provided to the Commonwealth Department of Families, Housing, Community Services and Indigenous Affairs, in December 2010.

- Submission on the NSW Government draft *Guides on Aboriginal cultural heritage regulation*, provided to DECCW, in December 2010.
- Submission to the Review of the *Noxious Weeds Act 1993*(NSW), to Industry and Investment NSW, in January 2011.
- Submission on the *NSW Draft Biodiversity Strategy 2010-2015*, provided to DECCW, in February 2011.
- Submission to the Parliament of Australia, House of Representatives Standing Committee on Regional Australia *Inquiry into the impact of the Murray-Darling Basin Plan in Regional Australia*, provided in February 2011.
- Submission to the *Our Cities* consultation, provided to the Commonwealth Department of Infrastructure and Transport, in February 2011.
- Submission on the *Strengthening Community Wellbeing Toolkit*, provided to DECCW, in March 2011.
- Submission on the draft *Guide to National Heritage Listings for Indigenous Communities*, provided to the Commonwealth Department of Sustainability, Environment, Water, Population and Communities, in April 2011.
- Submission to the review of *Caring for our Country*, provided to the Commonwealth Government Land and Coast Team, in May 2011.
- Submission on the draft *Procedure for Aboriginal Cultural Heritage Consultation and Investigation*, provided to the NSW Roads and Traffic Authority in June 2011.

Educational Resources

The Unit also produced a large number of educational resources during the reporting period.

The range of materials for the LALC network included nine new Fact Sheets on 'Site Protection' with others on Marine Parks, AHIMS and Mining.

All finalised Fact Sheets are available on the NSWALC website.

Email Bulletin

The Unit also introduced a new bi-monthly 'e-bulletin' or email newsletter during the reporting period. They followed a number of requests from interested members of the broader public for more information about the advocacy and policy work of NSWALC.

The E-bulletin is designed to keep interested parties up to date on current and emerging issues relevant to our network and provides updates on the Unit's activities including submissions, events and publications.

The E-bulletin, first produced in March 2011, is distributed to internal and external stakeholders.

Partnerships

Following on from the signing of a Memorandum of Understanding between NSWALC and NTSCORP in 2009, NSWALC continued to work with the native title body, on major reforms which impact on Aboriginal people across NSW, including culture and heritage reforms.

The MOU has provided a framework within which both organisations have been able to find common ground to advocate for improved protections for Aboriginal people in NSW.

Coalition of Aboriginal Peak Organisations

A Memorandum of Understanding was also signed at the NSWALC State-wide conference in April 2011 to form a Coalition of Aboriginal Peak Organisations.

The signatories were: the NSW Aboriginal Land Council, Aboriginal Legal Service (NSW/ACT) Limited, NSW AECG, Aboriginal Health & Medical Research Council of NSW, Link-Up (NSW) and NSW Aboriginal Child, Family & Community Care State Secretariat.

The signing of the MOU signalled a new era of co-operation and understanding between peak Aboriginal organisations in NSW in their dealings with Government.

The Memorandum of Understanding commits each of the six member organisations to support and foster the social, economic and cultural well-being of Aboriginal peoples in NSW.

Workshops, Events and Meetings

This reporting period also saw the Policy and Research Unit attend a number of Workshops and events.

The staff received invitations to attend a number of the Councillor's Regional Forums to present on Culture and Heritage issues.

The Unit also coordinated the organisation and running of the 2011 NSWALC State Wide Conference.

The Unit's Director, Ms McHugh, presented a Conference session on the broader reform process involved in Aboriginal culture and heritage laws.

The Unit also ran an information stand from which members and other participants were provided information and resources on a variety of policy issues affecting Aboriginal peoples in NSW.

Surveys related to Aboriginal culture and heritage and the NSW BioBanking Scheme were conducted during the conference.

The information and views gathered from participants is being used to help guide the Unit's activities on these issues.

The culture and heritage survey prompted important discussions and highlighted the urgent need for broad reform.

More than 97% of respondents indicated the current laws in NSW are either failing to protect Aboriginal culture and heritage or are only protecting some Aboriginal culture and heritage.

Other events attended by Policy and Research Unit staff included:

- Parks Leadership Conference, Luna Park, 26 Aug 2010
- Local Government Aboriginal Network Conference (LGAN), Parramatta, 14-16 Sept 2010
- 22 July Presentation to Sydney/ Newcastle Forum at Mooney Mooney.
- 24 Aug CLBP and C + H presentation to Moree LALC.

- 9 Sept 2010 Lecture to Masters Social Policy students, Macquarie University, about the history of land rights and land Councils.
- History Council
- National Indigenous Radio
- 2nd Session of the Expert Mechanism on the Rights of Indigenous Peoples, Geneva, July 2010
- Universal Periodic Review, Geneva, February 2011
- 10th Session of the United Nations Permanent Forum on Indigenous Issues, New York, May 2011
- Official Reception at the Australian Permanent Mission to the United Nations, New York, May 2011
- Bushfires in the landscape conference, Nature Conservation Council, 23-24 June 2011

Media and Marketing

The NSWALC's increased advocacy effort through the Council increased the Unit's workload throughout the reporting period, particularly with the decision to publish the rights-based magazine Tracker.

The Unit dealt with a constant stream of inquiries from Aboriginal and mainstream media on the national, state, local and international political activities of the Council, legislative change, and LALC matters.

It also dealt with a stream of email traffic from the NSWALC website seeking a wide array of information on Aboriginal Affairs issues.

Major activities included:

- Informing Local Aboriginal Land Council Boards, their members and staff, as well as NSWALC staff, on a range of issues by drafting and issuing a series of network messages in consultation with the Chairperson and the Chief Executive Officer.
- The preparation of a range of media statements, speeches, and background briefing and decision papers for Councillors and the Chief Executive Officer on a wide range of issues.
- The development, design and production of Tracker magazine.
- The production of a range of videos.

- The production and distribution of the NSWALC's 2009/10 Annual Report.
- The marketing and media element of the NSWALC State Conference in April 2011.
- The continuing development and promotion of NSWALC's *Books Behind Bars* campaign.
- The upgrade and maintenance of the NSWALC's Intranet and Internet sites.
- The design, production and distribution of a wide range of marketing materials.
- Maintaining a close liaison with relevant stakeholders.

The Unit also assisted the Council and the Chief Executive Officer with a range of strategic public affairs issues throughout the year.

It continued to work closely with the Policy and Research and Legal Services Units on specific key public awareness campaigns.

These included land rights, particularly the slow determination of land claims, and a culture and heritage campaign designed to secure the establishment of a long-promised Aboriginal Heritage Commission.

New Products

Two major highlights during the reporting period were the development and production of Tracker Magazine and the roll out of the first material from Media and Marketing's Video Production Unit.

While they resulted in a significant increase in the workload of the Unit both are considered essential tools in the NSWALC's advocacy work and the decision of Media and Marketing Director, Mr. Graham, to move the production of the Unit to multi-media platforms, in line with the rapidly changing nature of media in Australia.

Tracker Magazine

The first edition of Tracker magazine was produced for, and officially launched at, the NSWALC's Statewide Conference in April 2011.

The publication grew out of a request from Councillors in late 2010 for the Media and Marketing Unit to consider the creation of a Council newsletter to solve the problem of providing direct information to LALC members across NSW.

The inability to provide direct, timely and factual information to LALC members has constantly plagued the organisation given the prohibitive cost of direct mail to more than 20,000 members.

Many have no access to the internet.

After much consideration Mr. Graham, and Strategic Initiatives Officer, Mr. Johnstone, took a proposal to Council to eliminate that cost and generate revenue by producing a news magazine which would operate like a normal business and be cost-neutral to the NSW Aboriginal Land Council.

The magazine, to be called Tracker, would be a rights-based monthly magazine, owned and produced by Aboriginal people which would campaign for the interests of Australia's First Peoples.

Tracker would also:

- (a) promote key NSWALC messages to Aboriginal land council members;
- (b) Key messages from LALCs to the land rights network.
- (c) promote key NSWALC messages to other Aboriginal and non-Aboriginal people across NSW, nationally and internationally;
- (d) advocate strongly for the rights and interests of Aboriginal people in NSW, and beyond.

It was proposed each LALC member would receive a free copy of Tracker by direct mail to their home.

In addition, the publication would be available to the general public through commercial sales in news agencies around the nation and by subscription.

It was pointed out the proposed circulation for Tracker would be at least three times larger than its nearest competitor from its first edition, due to the direct mail to LALC members.

The Registrar of the ALRA had agreed to release a confidential membership mailing list to the NSWALC for direct mail purposes, subject to the NSWALC agreeing to use the list strictly for that purpose.

It was proposed Council provide seed funding for the magazine ahead of the generation of revenue from advertising and a subscription base.

Tracker would eventually be operated as a company limited by guarantee.

An editorial charter would be adopted to guide the editorial content of the newspaper.

The publication would seek to:

- Advance the inherent rights of all Aboriginal and Torres Strait Islander peoples through evidence-based, balanced and culturally appropriate journalism.
- Promote the recognition of those rights, particularly as they apply to Aboriginal people as the First Nations of NSW through fair and accurate reporting and opinion.
- Would not subscribe to any given mainstream political viewpoint.
- Would seek to expose the use of mainstream media as anti-rights propaganda or to promote intolerance and conflict.
- Would express its opposition to discrimination of all kinds and seek to combat racism by promoting debate within all sectors of the community.

Council approved the development, production and launch of the magazine at a meeting in February 2011.

It was warmly received by delegates at the NSWALC's State Conference in April 2011, immediately after the NSW State Election.

The edition contained a major feature canvassing the views of Aboriginal leaders in South Australia, Queensland and Tasmania on the need for national land rights legislation and a host of opinion columns from prominent Aboriginal and non-Aboriginal political and legal commentators.

It also contained an analysis of the NSW State Election result from an Aboriginal land rights perspective along with an edited version of Mr O'Farrell's last words to the NSW Parliament on Aboriginal Affairs as Opposition Leader before becoming Premier.

In the absence of any election campaign documents his speech on the Constitution Amendment (Recognition of Aboriginal People) Bill provided a telling insight into his core political values and how he could approach Aboriginal Affairs in Government.

The edition also contained a letter from Premier O'Farrell congratulating the NSWALC on the publication.

A special section, LALC Land, was devoted to stories about the activities of Local Aboriginal Land Councils across the State.

This became a permanent feature in the three subsequent editions published to the end of this reporting period.

These editions promoted voter participation in the NSWALC election and provided detailed coverage on a range of rights issues not found in the mainstream media.

As the reporting period ended a Tracker website was in the final stages of development along with a range of Tracker marketing material. This website was launched in August 2011.

Subscriptions and advertising revenue were beginning to reach early projections.

The magazine was being well received across the LALC network and with the general public.

Resource Centre

Established in early 2008, the NSWALC Aboriginal Resource Centre has proved to be an increasingly valuable facility.

The Centre, on the ground floor of Head Office, incorporates the Unit's work areas, NSWALC reception facilities, and a steadily growing reference library on Aboriginal Affairs issues.

The Unit produces and distributes a range of marketing materials to the ALC network, Aboriginal communities, and the wider public.

All are produced in-house.

The design and desktop publishing activities continued to produce a significant cost saving to

the organisation during the reporting period. The production and distribution of these materials is co-ordinated through the Resource Centre.

The management and operation of the Books Behind Bars program is also conducted from the Centre.

Media Releases, Speeches and Network Messages

The Unit drafted a constant stream of media statements, speeches, speaking notes and network messages for members of Council, and the Chief Executive Officer, during the reporting period.

The material provides a valuable insight into the public advocacy work of Council, and individual Councillors, throughout the reporting period.

They focused on the contemporary and historical importance of land rights and the many challenges which lie ahead to build on the gains achieved over the past 28 years.

Key speeches and media statements were drafted for a series of events which ranged from Regional Forums to NSWALC interventions at the United Nations.

A number of Local Aboriginal Land Councils were also assisted with media inquiries and the drafting of public statements.

All media statements, network messages and speeches are normally lodged on the NSWALC website.

They provide a useful historical reference point for those interested in charting the progress and challenges of land rights in NSW.

They also provide an opportunity to mark the passing of Aboriginal elders during the reporting period.

Such was the case with the passing of renowned author, poet and rights campaigner, Doctor Roberta Sykes, in November 2010.

Speaking on behalf of the NSWALC, Chairwoman Manton said Doctor Sykes passing was a sad day for the Aboriginal rights movement.

Doctor Sykes was the first executive secretary of the Aboriginal Tent Embassy in 1972 and also worked as an adviser in Aboriginal health and education.

She became the first black Australian to attend Harvard University in the 1980s, and went on to win awards for a series of autobiographies which, in part, charted her involvement with the protest movement. She was awarded the Australian Human Rights Medal in 1994.

Councillor Ah-See issued a statement the following month expressing the NSWALC's sadness at the passing of land rights and Mindaribba LALC stalwart Rick Griffiths.

The sudden passing of Mr. Griffiths, he said, had sent shock waves through the entire Aboriginal land rights movement of New South Wales, and in particular, the Newcastle region.

Aboriginal NSW had lost a true soldier, he added. "Rick will certainly be missed by the many that regarded him as a brother and a true friend," Councillor Ah See said.

"Rick's work in our region over the years literally has no equal, and his memory will live in the hearts of those he's touched," he added.

"I want to send my deepest condolences to the Griffiths family who've lost a brave Aboriginal warrior."

He pointed out Mr. Griffiths had achieved many advancements and improvements for Aboriginal people in the Newcastle region.

His work in establishing the Aboriginal Home Care Pilot Program, important reform within the Mindaribba LALC and the lasting change he implemented during his time spent at ATSIC were "just a few on a long list of achievements."

"If I could achieve even half of what Rick has over the years, I'd leave black politics a very happy man," he added.

"He was an inspirational speaker, someone I looked up to and respected and I'll always remember his impassioned and hardline activism."

The NSWALC also noted the passing in the same month of Mrs. Rose Chown, the founder of the Wiradjuri Wellington Town Common Group.

They were the first Traditional Owners, all women, in mainland Australia to make a claim for Native Title of their Wellington homelands, located at the base of Mount Arthur.

Mrs. Chown fought hard to claim native title.

It covered the Wellington Homelands to ensure a future for the youth that would lead to pride in their culture, identity and connection to country.

She and the community were given the title deeds to Wellington Common, her ancestral home near Macquarie River, thirteen years later.

Councillor Ah-See, a relative of Mrs Chown, said she was a cherished elder of the community.

"She leaves an unrelenting legacy for her people, especially our youth; she's our equivalent to Mabo, to Perkins, to the Pattens, and the Dixons," he added.

Network messages were also issued to note the passing of Munro family matriarch, Carmine May Munro. She and husband Lyall Munro Senior fought long and hard for equal rights in the Moree region and in the protection of the Gamilaraay language.

The NSWALC also expressed its deepest sympathy to the Scott and Ingram families following the passing of Sylvie Scott, a Wiradjuri woman who became a respected elder and icon in Redfern.

A further message was issued to note the passing of Gamilaroi land rights icon, Uncle Jack Smith who devoted his life to the fight for land rights, particularly on the Central Coast.

Uncle Jack worked relentlessly to ensure the Darkinjung Aboriginal Land Council became one of the most successful in New South Wales.

Chairwoman Manton also paid tribute to world champion boxer Lionel Rose, who passed away in May, 2011.

"Lionel Rose was a great champion. He inspired a lot of Aboriginal people - myself included - at a time when we were barely even considered citizens of this country," she said.

"He showed a great fighting spirit, the same spirit that has sustained my people for generations," she added.

"You've still got a lot of living left to do at 62, but for Aboriginal people that's often not the case.

"But I believe Lionel would want us to remember him for his life, not his passing. And it was an amazing life. He was a trail blazer in so many respects.

"Our deepest condolences go to Lionel's family. He was a very special man and he will be greatly missed by the Aboriginal community of NSW, and beyond."

A Vote for Rights

Media statements were issued to state the NSWALC's position on a range of local, regional, state, national and international issues.

Council issued a public statement in mid-August, 2010 with urging all Aboriginal residents of NSW to cast their vote in the Federal Election.

"By exercising your voting right, you're refusing to remain silent on the issues that matter most in your community - both in the cities and out bush," she said.

Ms. Manton noted the NSWALC had written to all the major parties during the election campaign seeking any fresh policy proposals and a working dialogue.

"It's fair to say, that for the most part, we received very little in return," she said.

An eight-page National-Liberal Coalition policy document had been received just days before the election.

"It supports the Australian Employment Covenant, blindly backs the philosophies of Cape York man Noel Pearson and continues its bipartisan support for the (NT) intervention and nation-wide income quarantining," she said.

All of these measures are devoid of any independent evidence to back their effectiveness," she added.

"Meanwhile, Labor re-committed to recognising Aboriginal people in the Constitution. It also stands by its own contested interpretation of restoring the suspended Racial Discrimination Act unconditionally - and will continue and strengthen key intervention measures such as welfare quarantining if re-elected," she added.

"For our people both here in NSW and across the country, the best outcome we can hope for is that the Australian Greens emerge holding the balance of power in the Senate.

"The Greens have sought to consult meaningfully with Aboriginal people all over Australia. They have produced the most comprehensive and considered Indigenous policy of any party on Capital Hill.

"They are the only party to oppose the intervention, and provide clear, concise and comprehensive measures and goals outlined in a rights-based policy agenda.

"The Greens want compliance with international agreements and obligations that recognise the rights of Aboriginal people.

"They want equality of access to essential services and development opportunities for our people within a decade.

"They want equality on all major indicators of health, education, training, housing, employment and living standards within a generation.

"These are exactly the outcomes peak organisations, such as the NSWALC, continue to fight for.

"NSWALC urges all Aboriginal and Torres Strait Islander people - and those many non-Indigenous Australians who care about our shared future - to vote for the Greens on Saturday in both the House of Representatives and in the Senate.

"A vote for the Greens is a vote for Aboriginal rights."

The result of the August 21 election was welcomed in a subsequent media statement.

Independents and the Greens won the balance of power in the House of Representatives and the Senate.

It was a victory for democracy, Ms. Manton said in a statement.

"The situation will ensure the voice of the Independents and the Greens, in both policy and parliamentary procedure, can no longer be marginalised or ignored by the vested interests in both major parties," she added.

"The interests and aspirations of our people have, to date, suffered a similar fate.

"We believe the makeup of the new Federal Parliament holds the promise of a timely advance in the rights and aspirations of Aboriginal and Torres Strait Islander peoples.

"We would certainly hope that, if nothing else, the voice of the Independents, and others, in the new Parliament will assist in ensuring both major parties stop painting all the voices of the Aboriginal population of Australia, as the Member for Lyne, Rob Oakeshott, has repeatedly said with the 'one brush of Noel Pearson'."

"The land rights movement in New South Wales shares his concern and frustration about the inordinate attention given to the Northern Territory and Cape York in the current Closing the Gap strategies and related issues.

"We believe our most populous communities along the Eastern seaboard and their leaders have been, and continue to be, ignored in the policy settings from both major political parties.

"We note Mr. Pearson's call in *The Australian* today for Mr. Oakeshott to back Tony Abbott to form a minority Coalition Government while describing him as a 'once in a generation conservative who could lead the way on reconciliation.'

"Mr. Oakeshott's decision is a matter for him but Mr. Pearson's experience of Mr. Abbott is certainly not ours.

"He has consistently ignored the work of the land rights movement in NSW, and the well-being of the most populous Aboriginal communities in our state, despite the fact they are in his own backyard.

"This is a matter of public record."

Wild Rivers and Rights

The NSWALC later called on the minority Gillard Government and the Federal Opposition to strengthen all land rights and native title laws across Australia on the back of debate on the Queensland Government's Wild Rivers legislation.

The statement urged them to concentrate on the crucial resource rights and free, prior and informed consent issues which had been raised by debate in Federal Parliament on Opposition Leader Abbott's Private Members Bill to overturn the Queensland legislation.

"The Federal Native Title regime, and state land rights laws, should all recognise the resource rights of Aboriginal land owners and the need for Government's and industry to gain free, prior and informed consent on proposed developments from Aboriginal owners," Ms. Manton said.

"If this was the case, there would be no need for the Commonwealth Parliament to be considering overturning State laws as Mr. Abbott's Private Members Bill now seeks to do," she added.

Ms. Manton pointed out that members of Cape York Land Council had met with the NSWALC to seek its support for the Abbott Bill.

NSWALC had closely examined the Wild Rivers (Environmental Management) Bill 2010 and the report of the Inquiry into it by the Senate Legal and Constitutional Affairs Committee.

"It is obvious from the public and parliamentary debate the Wild Rivers issue, and a Abbott Bill, excite great passion on both sides of the argument and great suspicion about the political motives of Mr. Abbott," Ms. Manton said

"Many Aboriginal people, particularly in Mr. Abbott's home state of New South Wales, are entitled to be surprised and suspicious that the leader of the Liberal Party, which sought significant reductions in the rights of our people under the Native Title Act while in Government, is now proposing legislation which expands the resource rights of native title holders," she added.

"They are also entitled to be surprised and suspicious that he, and the Federal Opposition, publicly invoke the principles enshrined in the Universal Declaration on the Rights of Indigenous Peoples in seeking support for the passage of the Bill, particularly the rights to free, prior and informed consent and our right to own, use, develop and control our lands.

"However, NSWALC welcomes the Liberal Party's commitment to increasing the resource rights of Aboriginal people and its support for the principles enshrined in the UN Declaration.

"We are conscious of the Cape York Land Council's full support of the Abbott Bill and utter opposition to the Queensland Government's Wild Rivers Act.

"Equally we are conscious that organisations, such as the Carpentaria Land Council Aboriginal Corporation, are opposed to the Abbott Bill and fully support the Queensland state legislation.

"NSWALC welcomes the fact that both organisations have made it clear they respect the opinions of the other and seek only to speak for those living on their country.

"This is NSWALC's position. We do not seek to speak for the people of Cape York or those in the lower gulf region.

"However, we believe it is important that all parliamentarians take a close look at the principles underlying the debate the Abbott Bill has triggered in the Federal Parliament.

"From an Aboriginal perspective, the importance of the principles of resource rights and free, prior and informed consent contained in the Federal Opposition's Bill cannot be underestimated.

"Legislative provisions for free, prior and informed consent only now exist under the Aboriginal Land Rights (Northern Territory) Act.

"The Wild Rivers Bill only seeks to extend such provisions to Cape York.

"NSWALC believes the same provisions could be written into amendments to the Native Title Act, and relevant State land rights law, to confer such legal recognition and entitlements to Aboriginal and Torres Strait Islander people across the nation.

"The Senate Committee majority report found that objections to the Queensland laws based on non-compliance with Article 19 of the UN Declaration (free, prior and informed consent) were not 'well founded' because the UN DRIP is not binding in Australian law.

"The Australian Government endorsed the UN Declaration back in April 2009.

"This raises an obvious question: Why would the Government endorse these principles unless it is prepared to implement them into our domestic legislation and administrative procedures?

"The Abbott Bill has triggered the need for the Federal and State Parliaments to address the need for all native title and land rights laws to be reviewed to ensure Aboriginal people control economic development on their land through resource rights and the need for the UN Declaration to be reflected in domestic laws.

"If you accept the Federal Opposition's sincerity in pursuing the principles enshrined in its Private Members Bill, and its support for the UN Declaration, then a bi-partisan climate has surely been created to now look at strengthening our rights across the nation.

"This is where debate on this Bill should now go and Ms. Gillard and Mr. Abbott are perfectly positioned to lead such a debate."

Act On Findings

The NSWALC also called for the Federal Government to accelerate the process of rejecting or accepting findings made by the United Nations Human Rights Council's periodic review.

Chairwoman Manton pointed out the Gillard Government had indicated they would take up to six months to make a decision on the review, despite having extended notice of the ongoing, well-known issues.

The review evaluates outstanding issues on the rights of Aboriginal and Torres Strait Islander Peoples and makes recommendations for future action.

Some of these included the full reinstatement of the Racial Discrimination Act in the NT, and the implementation of the UN Declaration on the Rights of Indigenous Peoples into Australian law.

Chairwoman Manton said the NSWALC would like to see a more "genuine response" to the recommendations in the review.

"Some of these touched on some very important issues facing Australia's first peoples such as incarceration rates, economic disadvantage and a Reparations Tribunal for the Stolen Generations," she added

"If these issues, and Australia's standing internationally, are of such scant concern to the Gillard administration, they should have decency to be up-front with Aboriginal people and say as much," she added.

"Our rights as human beings, and as the First Peoples of this country, need to be supported and strengthened. They should not be taken lightly as 'impractical' or lacking in urgency.

"Time and time again governments have preached the notion that symbolism and practical measures can exist side-by-side.

"Perhaps it's time to put that concept into practice.

“Without getting Australia’s human rights issues back on track first, the underlying issues facing Aboriginal disadvantage will continue to exist.”

Supporting the Committee System

NSWALC also called for the establishment of a Joint Standing Committee on Aboriginal and Torres Strait Islander Affairs in the new term of Federal Parliament following the Federal Election.

There was a clear need for the establishment of the Committee to build on the recommendations of the Senate Select Committee on Regional and Remote Communities, and others, from the 42nd Parliament.

The statement pointed out a recommendation for the Joint Standing Committee, which would comprise MP’s from both the House of Representatives and the Senate, was contained in the fifth and final report of the Senate Select Committee on Regional and Remote Indigenous Communities.

This was publicly released in September 2010.

The all-party Committee’s report said the crisis facing Aboriginal and Torres Strait Islander Australians in health, education, living standards and justice “are of such significance they warrant formation of such a Committee to ensure the coordinated attention of the new Parliament as a whole.”

The Committee further recommended a Senate Select Committee on Aboriginal and Torres Strait Islander Affairs be established in the new (43rd) Parliament until such a Joint Standing Committee be established. This Committee would be dissolved upon the establishment of a Joint Standing Committee.

The NSWALC supported both recommendations.

The Senate Select Committee’s final report demonstrated a clear need for improved Parliamentary scrutiny on a wide range of issues affecting Aboriginal and Torres Strait Islander Australians.

It recommended five inquiries be referred to Committees in the new parliament.

They were:

- The potential for justice reinvestment in regional and remote Indigenous communities.
- The effectiveness of government programs in providing housing in regional and remote Indigenous communities
- The extent of Foetal Alcohol Spectrum Disorder and ramifications of government policy.
- Barriers to Aboriginal and Torres Strait Islander education; and
- Aboriginal and Torres Strait Islander employment programs including business development and microfinance solutions.

The NSWALC believed all had relevance to the ongoing development of evidence-based policy and programs for Aboriginal people in New South Wales, particularly in education, employment and justice.

The NSWALC agreed with the Committee, for instance, that the Indigenous incarceration rate remained a national disgrace two decades on from the Royal Commission into Aboriginal Deaths In Custody. There needed to be greater use of non-custodial sentences incorporating programs aimed at rehabilitation.

The Committee’s first four reports, tabled between September 2008 and May 2010, made a total of 36 recommendations.

The reports, submissions received by the Committee, and the record of its public hearings represent a substantial body of evidence from hundreds of people living and working in regional and remote Indigenous communities.

The NSWALC said this represented a unique and substantial body of evidence from people involved in the day to day life of communities that statistics and reports alone could not provide to assist those working to improve the well-being of Aboriginal and Torres Strait Islander people.

The NSWALC shared the Committee’s concern that the Federal Government had “so far failed to provide a response to all its recommendations.”

Recognition of First Peoples

As noted earlier in this report there was some good news out of the NSW Parliament in the same month when legislation was passed to formally recognise Aboriginal Australians as the state's first peoples. In her address to a special sitting of the parliament, Ms. Manton said the symbolic constitutional gesture was well overdue.

In a public statement the following day she expressed the hope "it was the first of many symbolic and practical steps in a positive and industrious new dialogue."

"As significant as it is, we mustn't be satisfied that yesterday's event was the destination. The building of bridges between black and white Australians is an ongoing journey," she added.

"My people have taken a huge step forward in the recognition of their rights as the first and true owners of the State of NSW, but the work ahead of us all remains immense.

"I want to also commend parliament for affording this important step its due bipartisan support.

"Indeed, Opposition leader Barry O'Farrell's address to parliament was spoken not only from a position of understanding, but with clear empathy and respect for Aboriginal people. This is encouraging."

NSW Person of the Year

A public statement was issued in November, 2010 to congratulate human rights lawyer, advocate and author Larissa Behrendt on being named NSW Australian of the Year 2011.

Ms. Behrendt, a proud Eualeyai and Kamillaroi woman, was "a passionate and articulate advocate for our people," Ms. Manton said.

"A Professor of Law and Indigenous Studies at the University of Technology, she has worked closely with the New South Wales Aboriginal Land Council to advance our right to self-determination through ongoing constitutional change," she added.

"This is, perhaps, best illustrated by her work for NSWALC on a draft Charter of Aboriginal Rights which was presented to the land rights network at our State conference last year.

"She has been particularly outspoken in recent years about the denial of rights inherent in the so-called emergency intervention in the Northern Territory.

"It is well known in political circles that her fearless public advocacy in this regard, and her work on a Charter of Aboriginal Rights, cost her an appointment as Australia's Aboriginal and Torres Strait Islander Social Justice Commissioner when Tom Calma's five year term ended last year.

"She was clearly the stand out candidate.

"There is no doubt she was considered too controversial an appointment by a Federal Labor Government which has continued the Howard Government's intervention in the face of mounting evidence it is doing more harm than good."

Deaths in Custody

The NSWALC also used a media statement in April, 2011 to mark the 20th anniversary of the release of the report of the Royal Commission into Aboriginal Deaths in Custody

It presented an opportunity to draw attention to the alarmingly high rate of Aboriginal incarceration and the fact the majority of the Royal Commission's recommendations had not been implemented.

"Aboriginal people are 14 times more likely to be incarcerated and represent nearly 30 percent of our prison population, despite representing less than 3 per cent of our total population," Chairwoman Manton said.

"That's simply not acceptable," she added.

"As a nation we must re-focus on this important issue. Specifically, the high rates of Aboriginal deaths in custody," she said.

"It's a harrowing statistic that 269 Aboriginal deaths in custody have occurred since the report was released back in 1991."

Ms Manton urged the Federal Government to re-visit the recommendations of the Royal Commission.

"As a bare minimum the Gillard Government needs to take a renewed approach to the recommendations as a matter of urgency," she added.

"After two decades, it's painfully clear that the approach currently in place is broken.

"The answers don't lie in mandatory sentencing, or in increased jail sentences.

"Research from abroad, particularly from the US, tells us of great success in the areas of diversion, preventative measures, rehabilitation and education programs as well as culturally appropriate counselling for our people.

"These solutions, along with others, need to be considered and reviewed.

"Our criminal justice system is at a crossroads, and after twenty years of abject failure, a fresh approach is not only needed, it's long overdue."

Public statements were also issued on a wide range of other issues.

These included the release of NSWALC's election policy document, *Our Land, Our Rights*, the election of the O'Farrell Government, the release of the Audit Office performance report on *Two Ways Together*, the formation of the Coalition of Aboriginal Peak Bodies and the signing of a Heads of Agreement by fourteen Local Aboriginal Land Councils in the Northern Zone.

A constant flow of network messages kept the Local Aboriginal Land Council network informed of policy and program developments.

They also sought important feedback from the network.

Issues covered included changes to Aboriginal Heritage Protection legislation and regulations, the land claims campaign, proposed federal constitutional recognition, the transfer of LALC assets into companies or trusts, the availability of State Government grant monies to deter and clean up illegal dumping on Aboriginal land, the NSWALC

Statewide Conference and a Caretaker Convention to guide staff and Councillors during the campaign leading up to the NSWALC election in August 2011. In addition, Chairwoman Manton and the Chief Executive Officer, Mr. Scott, were assisted in drafting a number of opinion pieces for newspapers and online opinion sites such as *The Drum*, which is hosted on the Australian Broadcasting Corporation's website.

Video Production

Despite a series of delivery delays in equipment and technological problems the in-house video production unit foreshadowed in last year's report was established.

One of its first productions was an electronic honour roll which pays tribute to those who fought for land rights, at State and LALC levels, who have passed away.

Video's were also produced during the reporting period on the *Books Behind Bars* programme, the Indigenous Money Mentor program, the story behind the development and production of *Tracker* magazine, and the fight against the Brighton Bypass in Tasmania.

The move to ensure the NSWALC's media and marketing effort moved to a multi-media platform during the reporting period was, perhaps, best illustrated by the production of *A Video Message to Oprah*.

The video was presented by Chairwoman Manton to US talk show host Oprah Winfrey during her visit to Australia. It highlighted the appalling living conditions of Aboriginal people in rural and remote Australia and aspects of the Northern Territory intervention.

"Aboriginal people in rural and remote Australia continue to suffer third world conditions because they are basically out of the sight and out of the minds of most Australians," Ms Manton explained in a media statement.

Ms. Manton welcomed Ms. Winfrey's visit and the "publicity avalanche it will inevitably generate to a world-wide audience."

"I understand the importance of tourism to the Australian economy and the importance of our culture and heritage to it," she added.

"But I want Ms. Winfrey and her audience to fully appreciate the plight of our people.

"I do not want her visit to come and go with a white bread portrayal of our country....and given Oprah's history and charity work I am sure it will not.

"I will simply ask Oprah to take a few minutes out of her time to have a look at the video and appreciate the continuing socio-economic and life opportunity gaps suffered by our people in relation to the general well-being of most of their fellow Australians.

"I acknowledge we have come a long way since our original dispossession but the sad reality is that we still have a long, long way to go to improve the social and economic well-being of our people. "I'm sure the video will be received in the spirit in which it is being given.

"Oprah is clearly a person who uses her power and resources to help those in need.

"I have a lot of respect for the work done by Oprah in relation to civil rights and racism in America and the work done by the Oprah Winfrey Foundation, her Angel network and associated charities, particularly in building schools and providing educational materials for underprivileged children in Africa and books for underprivileged children in rural China.

"We can give no greater gift than access to education."

Works in Progress

As this reporting period ended work continued on a Legends of Land Rights video featuring interviews with those who fought for, and shaped, the land rights legislation and subsequent reforms.

Many of those who fought for Aboriginal rights, particularly during the 60's, 70's and 80's, are now passing on, as illustrated above. All too often, they do so before their histories can be recorded.

The video is designed to ensure much of that history is not lost, particularly in light of the fact that 40 per cent of the Aboriginal population in NSW is under 15.

A video was also being planned to celebrate the 40th anniversary of the annual Aboriginal Rugby League Knockout competition.

All of NSWALC's video are streamed on its website and via You Tube.

All of the organisation's news releases, network messages, speeches and background briefing papers can also be found on the website at www.alc.org.au.

Media Protocol

One of the earliest decisions taken by the outgoing Council was to officially adopt a protocol for NSWALC's dealings with all media.

The protocol sets out the procedure to be observed by NSWALC Councillors and all staff in dealing with media requests about NSWALC policy and its operations.

Councillors and staff are requested to ensure that all media inquiries on NSWALC policy and operations are referred, in the first instance, to the Media and Marketing Unit.

This ensures the proper and appropriate preparation of co-ordinated responses for consideration and clearance by the Chairperson, and relevant Councillors, in consultation with the CEO.

The protocol does not impinge on the ability of individual Councillors to discuss issues of local or regional relevance to their duties and responsibilities as elected representatives with local and regional media.

It continued to remain in place throughout this reporting period and was expected to be endorsed by the incoming Council in August 2011.