

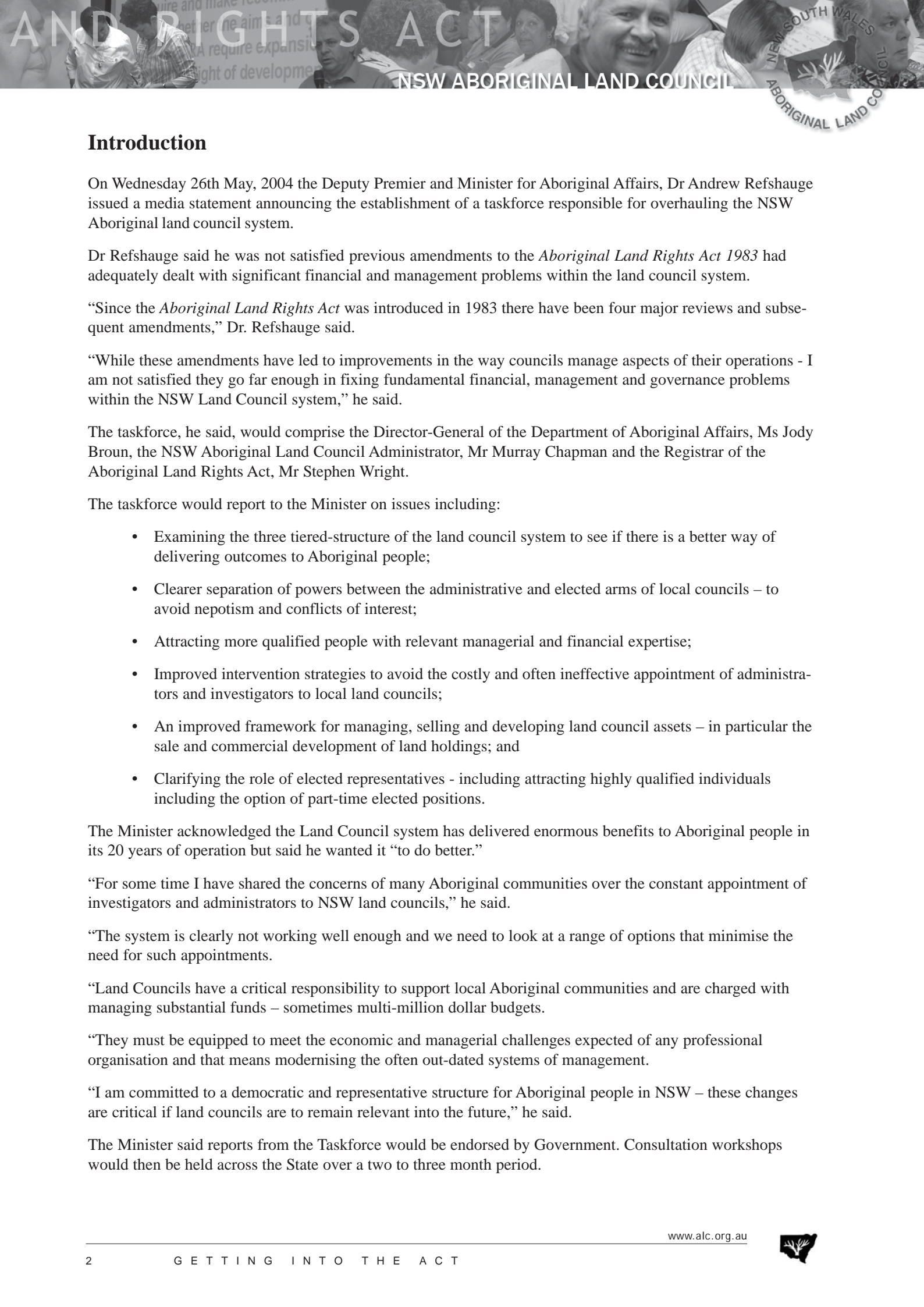


LAND RIGHTS

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Introduction

On Wednesday 26th May, 2004 the Deputy Premier and Minister for Aboriginal Affairs, Dr Andrew Refshauge issued a media statement announcing the establishment of a taskforce responsible for overhauling the NSW Aboriginal land council system.

Dr Refshauge said he was not satisfied previous amendments to the *Aboriginal Land Rights Act 1983* had adequately dealt with significant financial and management problems within the land council system.

“Since the *Aboriginal Land Rights Act* was introduced in 1983 there have been four major reviews and subsequent amendments,” Dr. Refshauge said.

“While these amendments have led to improvements in the way councils manage aspects of their operations - I am not satisfied they go far enough in fixing fundamental financial, management and governance problems within the NSW Land Council system,” he said.

The taskforce, he said, would comprise the Director-General of the Department of Aboriginal Affairs, Ms Jody Broun, the NSW Aboriginal Land Council Administrator, Mr Murray Chapman and the Registrar of the Aboriginal Land Rights Act, Mr Stephen Wright.

The taskforce would report to the Minister on issues including:

- Examining the three tiered-structure of the land council system to see if there is a better way of delivering outcomes to Aboriginal people;
- Clearer separation of powers between the administrative and elected arms of local councils – to avoid nepotism and conflicts of interest;
- Attracting more qualified people with relevant managerial and financial expertise;
- Improved intervention strategies to avoid the costly and often ineffective appointment of administrators and investigators to local land councils;
- An improved framework for managing, selling and developing land council assets – in particular the sale and commercial development of land holdings; and
- Clarifying the role of elected representatives - including attracting highly qualified individuals including the option of part-time elected positions.

The Minister acknowledged the Land Council system has delivered enormous benefits to Aboriginal people in its 20 years of operation but said he wanted it “to do better.”

“For some time I have shared the concerns of many Aboriginal communities over the constant appointment of investigators and administrators to NSW land councils,” he said.

“The system is clearly not working well enough and we need to look at a range of options that minimise the need for such appointments.

“Land Councils have a critical responsibility to support local Aboriginal communities and are charged with managing substantial funds – sometimes multi-million dollar budgets.

“They must be equipped to meet the economic and managerial challenges expected of any professional organisation and that means modernising the often out-dated systems of management.

“I am committed to a democratic and representative structure for Aboriginal people in NSW – these changes are critical if land councils are to remain relevant into the future,” he said.

The Minister said reports from the Taskforce would be endorsed by Government. Consultation workshops would then be held across the State over a two to three month period.





Community Forums

The New South Wales Aboriginal Land Council considered it essential to obtain a range of opinions and comments from Aboriginal people on the Review.

To facilitate discussion on the Review, the NSWALC organised eight community meetings around NSW for people to discuss in open forum the issues raised by the review. The two-day forums also discussed a major administrative restructure of the NSWALC and a range of new policies and procedures.

They were attended by more than 500 participants, including many ALC officer bearers and staff.

The staging of the forums was assisted by a financial grant from the Department of Aboriginal Affairs in New South Wales.

The NSWALC would also like to acknowledge the assistance of Mr Patrick Bradbery and Mr Michael Stewart from Our Place Bathurst Pty Limited for their assistance in facilitating workshops at each of the community forums.

Purpose of this report

This document flows from an undertaking given at each of the forums by the NSWALC Administrator, Mr Murray Chapman, and senior management that the NSWALC would report back to the community on feedback from the forum session of the review of the ALRA.

It is designed to inform Aboriginal communities of the range of views expressed by all forum participants at those sessions

It has been compiled from the discussions recorded by the NSWALC and workshop facilitators at each of the forums

The comments contained in this document are the views of the workshop participants as recorded at each venue.

Editorial and legal considerations have necessitated the editing of some of the proceedings by the New South Wales Aboriginal Land Council.

A companion CD contains the power point presentation presented to each forum on many of the issues raised by the review. This presentation was used to stimulate discussions and debate on major areas of the legislation which are now under review.

William Johnstone
Chief Executive Officer, NSWALC





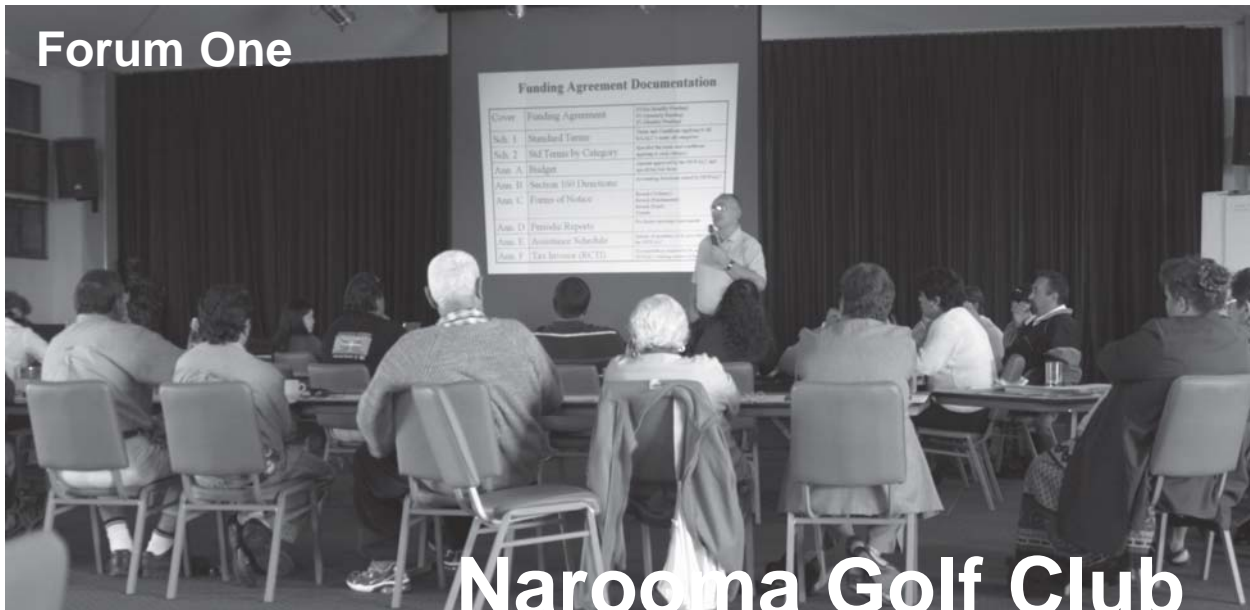
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| Forum Seven | Hornsby RSL Club | 5 November 2004 |
| Forum Eight | Broken Hill Democratic Club | 9 November 2004 |





Forum One



Narooma Golf Club

[8 October 2004]

Introduction

NSWALC Chief Operating Officer, Mr Geoff Scott, welcomed all attendees and introduced former NSWALC Chairperson Pastor Ossie Cruse who gave the Welcome to Country.

A minute's silence was observed in memory of a number of individuals in the region who had recently passed away.

Mr Scott gave a power point presentation on the review of the Act.

An edited version of the presentation was provided in hard copy form to all participants.

Mr Scott took questions from the floor as he worked his way through the presentation.

In response to one question he noted that Section 40 of the ALRA is designed to protect the interests of all Aboriginal people in an area, not just LALC members.

Pastor Cruse spoke about Local Aboriginal Land Councils that have land which is not economic but are obliged to pay rates.

NSWALC CEO, Mr William Johnstone, emphasised that NSWALC had received no recurrent funding from the State Government since 1999 for administrative and operational purposes.

Operational funding was drawn from the NSWALC Statutory Investment Fund.

With all of the functions that NSWALC is supposed to carry out, the land council network is the biggest asset holder in the state in terms of houses and land.

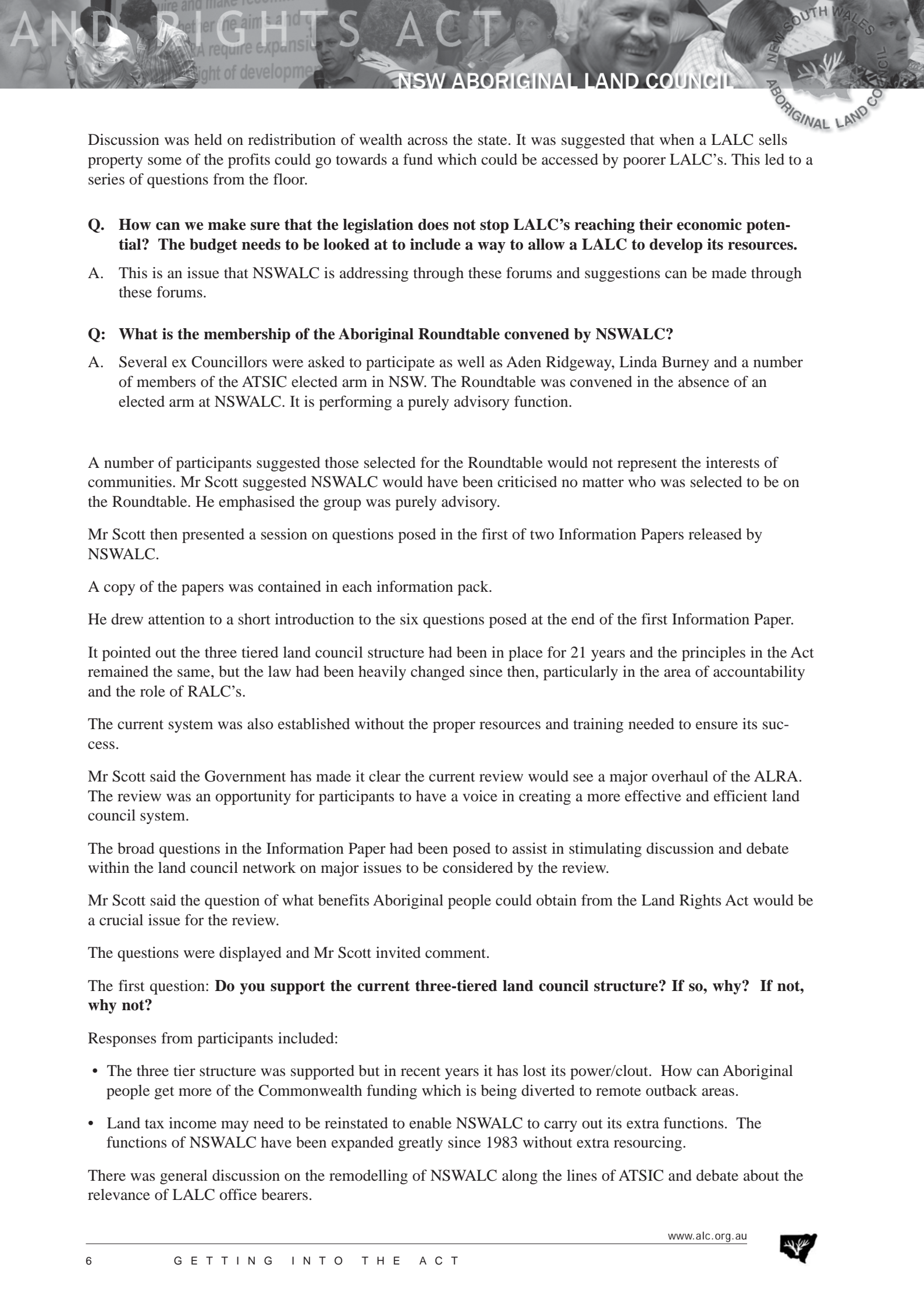
Mr Johnstone said there were fundamental arguments about what NSWALC's money was to be used for. NSWALC was now subsidising services which ought to be delivered by Government agencies.

General discussion followed on the composition of the ALRA Review Taskforce.

It was noted the Minister approved the Terms of Reference for the Review on 4 August 2004.

Mr Scott pointed out that copies of the Terms of Reference were contained in the information folders provided to each participant.





Discussion was held on redistribution of wealth across the state. It was suggested that when a LALC sells property some of the profits could go towards a fund which could be accessed by poorer LALC's. This led to a series of questions from the floor.

Q. How can we make sure that the legislation does not stop LALC's reaching their economic potential? The budget needs to be looked at to include a way to allow a LALC to develop its resources.

A. This is an issue that NSWALC is addressing through these forums and suggestions can be made through these forums.

Q: What is the membership of the Aboriginal Roundtable convened by NSWALC?

A. Several ex Councillors were asked to participate as well as Aden Ridgeway, Linda Burney and a number of members of the ATSIC elected arm in NSW. The Roundtable was convened in the absence of an elected arm at NSWALC. It is performing a purely advisory function.

A number of participants suggested those selected for the Roundtable would not represent the interests of communities. Mr Scott suggested NSWALC would have been criticised no matter who was selected to be on the Roundtable. He emphasised the group was purely advisory.

Mr Scott then presented a session on questions posed in the first of two Information Papers released by NSWALC.

A copy of the papers was contained in each information pack.

He drew attention to a short introduction to the six questions posed at the end of the first Information Paper.

It pointed out the three tiered land council structure had been in place for 21 years and the principles in the Act remained the same, but the law had been heavily changed since then, particularly in the area of accountability and the role of RALC's.

The current system was also established without the proper resources and training needed to ensure its success.

Mr Scott said the Government has made it clear the current review would see a major overhaul of the ALRA. The review was an opportunity for participants to have a voice in creating a more effective and efficient land council system.

The broad questions in the Information Paper had been posed to assist in stimulating discussion and debate within the land council network on major issues to be considered by the review.

Mr Scott said the question of what benefits Aboriginal people could obtain from the Land Rights Act would be a crucial issue for the review.

The questions were displayed and Mr Scott invited comment.

The first question: **Do you support the current three-tiered land council structure? If so, why? If not, why not?**

Responses from participants included:

- The three tier structure was supported but in recent years it has lost its power/clout. How can Aboriginal people get more of the Commonwealth funding which is being diverted to remote outback areas.
- Land tax income may need to be reinstated to enable NSWALC to carry out its extra functions. The functions of NSWALC have been expanded greatly since 1983 without extra resourcing.

There was general discussion on the remodelling of NSWALC along the lines of ATSIC and debate about the relevance of LALC office bearers.



Responses included:

- Each Land Council should receive a million dollars from the investment fund which could be invested at 5% or 6%. This could be used to supplement Locals.
- If NSWALC staff are under an award why aren't LALC Co-ordinators?
(Mr Scott noted this was a valid point. He advised that all payments to fund NSWALC, RALCs and LALCs came from interest generated each year from the Statutory Fund. This cost about \$25m)
- It was pointed out that the State Land Council could not currently invest in Local Aboriginal Land Councils.
- One participant asked what would happen to the Statutory Investment Fund if NSWALC was abolished.
(Mr Scott suggested the money would probably go to the Treasury).
- A participant asked how long it had taken for the Statutory Investment Fund to grow from \$490m to \$545m.

NSWALC Administrator, Mr Murray Chapman, advised it had been 8 or 9 months.

(He further advised that the increase was due, in part, to a revaluation of NSWALC assets and the fact that there had been no additional draw down on the fund for NSWALC operational expenses during the current financial year. He also suggested the better the investment fund performed, and the more prudent its management, the more likely there would be more resources for LALC's.)

- It was suggested the State Government consider re-instating a percentage of the Land Tax to flow into the Fund to ensure fresh money came into the system.
- It was noted the previous Council made a number of decisions that improved the performance of the fund.
General discussion ensued on building up the investment fund and then freeing some of the money up for Local Aboriginal Land Councils.
- One participant asked if anyone could inform him as to how much money LALC's paid in local government rates and charges. The government could have saved LALC's a lot of money through exemption of land rates.

(Mr Chapman pointed out that NSWALC was currently providing legal assistance to LALCs who were challenging the imposition of rates by local government.)

- One attendee said he did not think NSWALC had performed satisfactorily. Councillors on high wages did not worry about their LALC's.
- It was then suggested NSWALC should be training Aboriginal people to replace non-Indigenous people.
- Discussion was held on Councillors only being elected for one term. It was suggested this would give other people the opportunity to be a Councillor. There was also discussion on the possibility of legislative change to change the status of Councillors to be part time.

Attendees were then invited to participate in workshops led by a Facilitator, Mr Michael Stewart.

Mr Stewart explained they would begin with an open forum on what participants considered had been the benefits delivered through the Act and what expectations had not been met.

Smaller groups would then be formed to discuss barriers to further development of the land council system.

The following observations were made during discussions on benefits to date under the Act

- It has allowed Aboriginal people to regain their land.
- It has given a land base and made government departments aware of Aboriginal culture and heritage.



- It has given Land Councils the ability to form partnerships with different groups within their communities.
- It has provided the opportunity for social and economic development.
- The standard of living has been improved through the land council system. Housing and health are better.
- The Crown Land Revocation and Validation Act was passed through Parliament at the same time as the Land Rights Act. The ALRA was used as a decoy which took land rights away from Aboriginal people.
- The Act gave the opportunity to have a say over site clearances on Aboriginal held land.
- The Act gives rights in NSW that have not been given in any other part of the world. These need to be protected. Other Indigenous people around the world are amazed by the Land Rights Act. This review is an opportunity to improve the Act for the benefit of the people.
- One participant said the land council system had to take the opportunity of the Review and speak as “one voice and one people.” It was also suggested the State Government should reinstate the percentage from the Land Tax. If the statutory fund is left untouched for a period it could be built up well but more funding is required from the government to allow the LALC’s to function as they should.
- The Act gave people a sense of ownership.
- There is a need to focus on what land means to the people and how we can benefit from it.

What expectations have not been met?

Responses included:

- The expectation that everyone would end up with a house. It is not happening.
- The Act should give Aboriginal people identity, pride, knowledge and respect for Aboriginal Rights.
- Administrators should be phased out and there should be a mechanism in place in the Land Council system itself to solve administrative problems without disrupting the executive. An example could be a taskforce within NSWALC itself that could assist the LALC.
- Another expectation was the provision of rights to traditional hunting and gathering. It has not happened and people are now being cut off from those areas.
- Could Land Councils co-ordinate health issues and apply for funding?
- Despite the extra functions there have been no increases in funding to LALC’s from NSWALC.
- The Act does not respect the traditional owners and their rights.

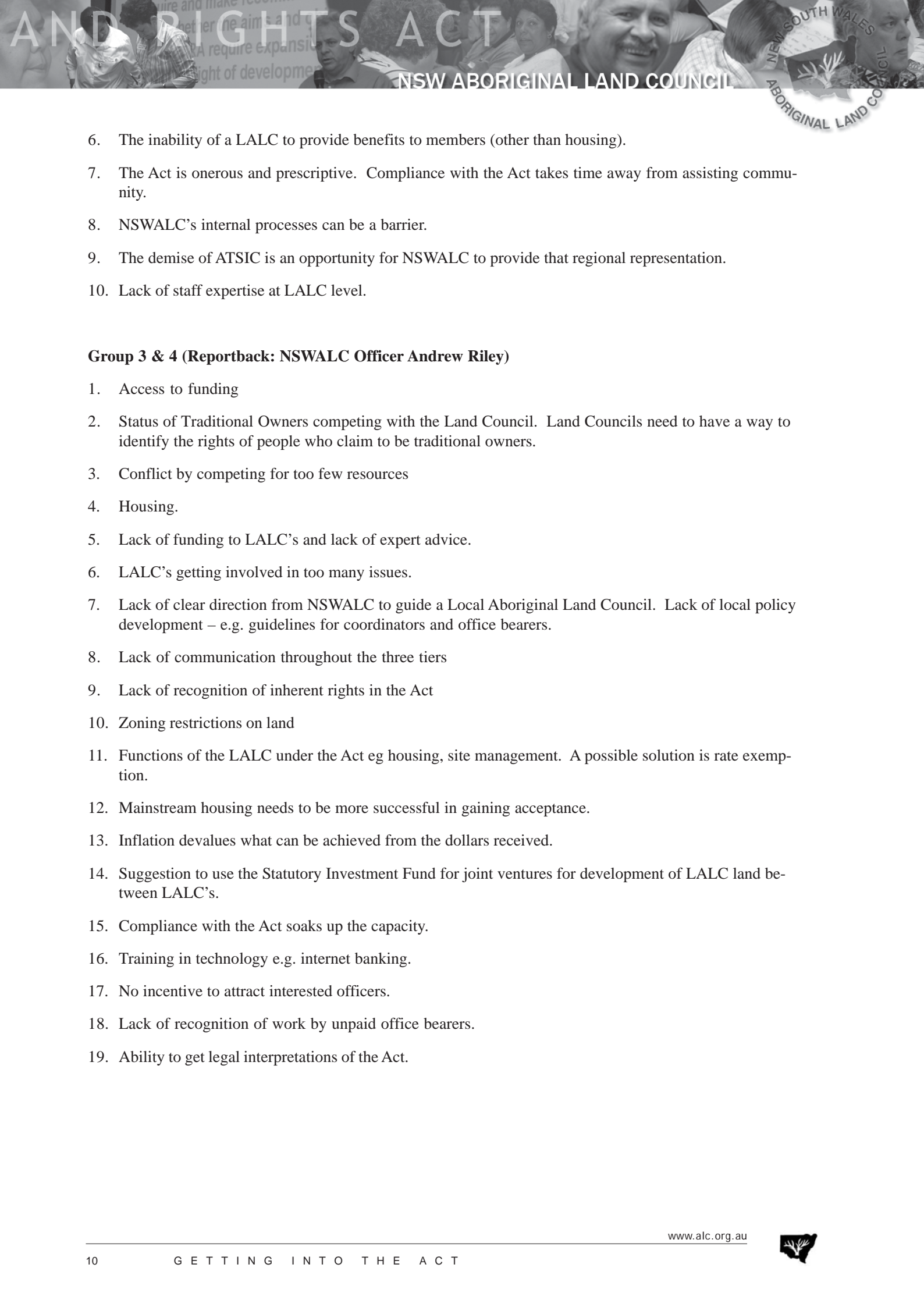
The meeting then broke up into six smaller groups to discuss and identify barriers that prevented expectations under the Act from being met with a report back to all participants.

Groups one and two nominated NSWALC officer, Mr Ken Jurotte, to report back.

He advised the meeting the groups had identified the following barriers:

1. Funding for both RALCs and LALCs – percentage of Land Tax returned to Fund
2. Political barriers – The Act could be a potential bill of rights for people.
3. Land claim processes and zoning of land claims.
4. Native Title is used by Land Titles Office to not process claims.’
5. Home ownership – it was noted Albury has a program where 9 homes are being purchased by members.





6. The inability of a LALC to provide benefits to members (other than housing).
7. The Act is onerous and prescriptive. Compliance with the Act takes time away from assisting community.
8. NSWALC's internal processes can be a barrier.
9. The demise of ATSIC is an opportunity for NSWALC to provide that regional representation.
10. Lack of staff expertise at LALC level.

Group 3 & 4 (Reportback: NSWALC Officer Andrew Riley)

1. Access to funding
2. Status of Traditional Owners competing with the Land Council. Land Councils need to have a way to identify the rights of people who claim to be traditional owners.
3. Conflict by competing for too few resources
4. Housing.
5. Lack of funding to LALC's and lack of expert advice.
6. LALC's getting involved in too many issues.
7. Lack of clear direction from NSWALC to guide a Local Aboriginal Land Council. Lack of local policy development – e.g. guidelines for coordinators and office bearers.
8. Lack of communication throughout the three tiers
9. Lack of recognition of inherent rights in the Act
10. Zoning restrictions on land
11. Functions of the LALC under the Act eg housing, site management. A possible solution is rate exemption.
12. Mainstream housing needs to be more successful in gaining acceptance.
13. Inflation devalues what can be achieved from the dollars received.
14. Suggestion to use the Statutory Investment Fund for joint ventures for development of LALC land between LALC's.
15. Compliance with the Act soaks up the capacity.
16. Training in technology e.g. internet banking.
17. No incentive to attract interested officers.
18. Lack of recognition of work by unpaid office bearers.
19. Ability to get legal interpretations of the Act.





Group 5 & 6 – (Reportback: NSWALC officer Lee Paterson)

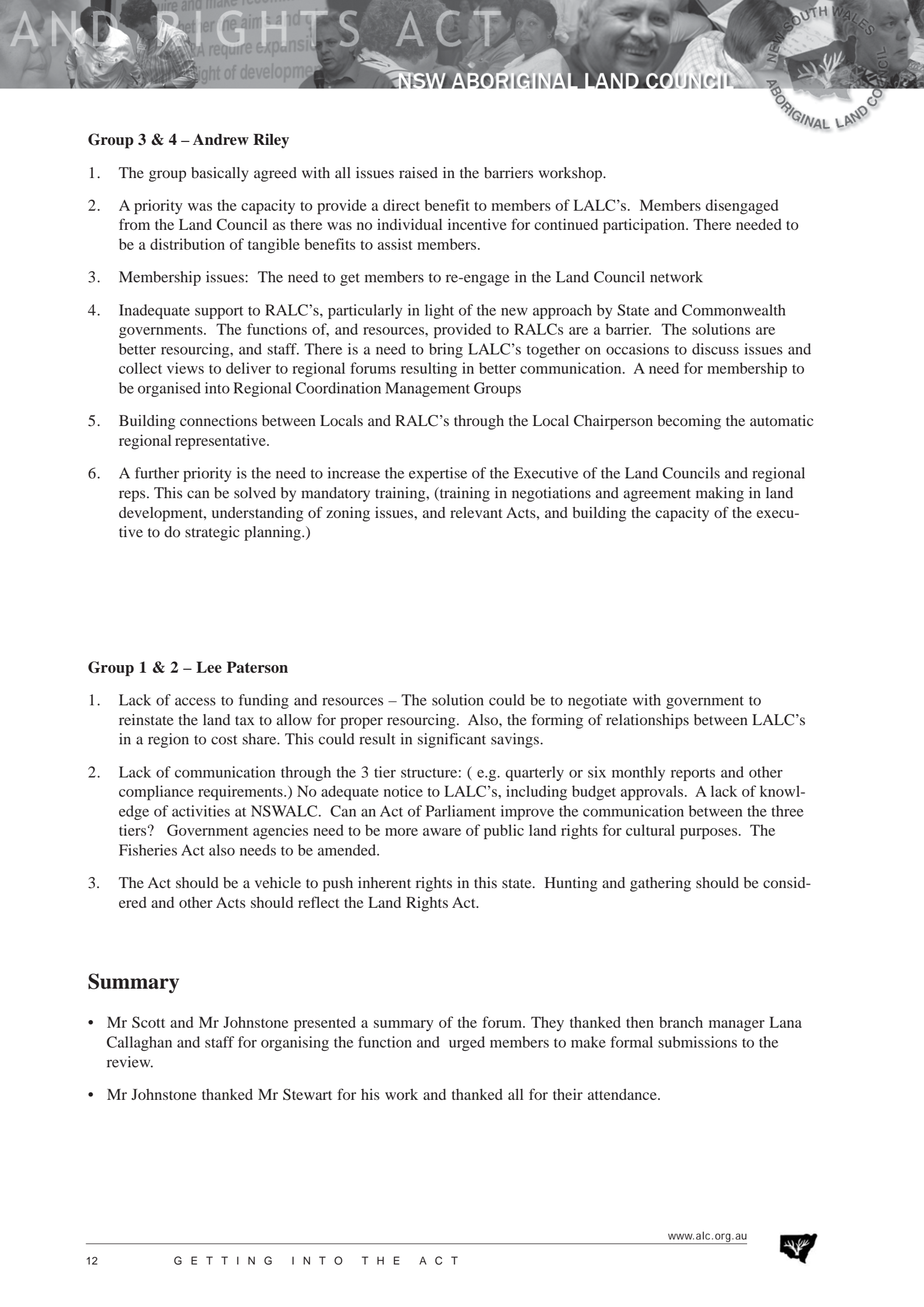
1. Changes in policies
2. Lack of communication and feedback
3. Lack of dollars and training
4. No career path in Locals
5. Unreal expectations of Co-ordinators
6. Blockages within the State Agencies to facilitate land claims. Land Titles Office has no money to process claims. Fisheries has no delegation to negotiate with Land Councils.
7. Land Titles Office does not advise LALCs that there is land available to claim.
8. Shires or Councils lack of knowledge of Act.
9. Payment of rates on Land
10. Rezoning of land or accelerating zoning
11. Strengths / weaknesses of LALCs are not analysed enough.
12. Lack of recognition of officers.
13. Membership is a problem as people come to a meeting for membership then they are never seen again.
14. Powers and responsibilities of administrators. More definition of terms of reference.
15. Who determines the success of the Act?
16. State Land Council as a barrier with change of policy and change of goal posts all the time.
17. Compliance role of NSWALC.

The groups were then asked to identify and prioritise the main barriers and provide suggested solutions.

Group 1 & 2 – Ken Jurotte

1. Blocking of state agencies to the process of land claims – entrenched racist attitudes that go unchallenged and local government rezoning land to prevent land claims.
2. Solutions: during the review process there should be some time frames for the processing of the claims if not met, then provide an explanation and extensions.
3. Legislation should allow RALCs to be part of the approval process.
4. At the LGA Broken Hill conference resolutions were endorsed about the need for consultation with land councils prior to rezoning and other areas of concern. The motions should be extracted from the files and addressed.
5. The accuracy of LALC membership rolls are an ongoing issue.
6. Issues with Administrators: LALCs are being left by some Administrators in a worse state than when the Administrator was appointed. Their Terms of Reference should ensure they are more accountable, and include the need for LALC recovery plans and staff training. NSWALC Zone offices should take a greater role in monitoring the performance of an Administrator. The Administrator, or their representative, should be “on site” at all times. There should be a period of disqualification for office bearers for a period of two years if they mismanage a LALC’s affairs.





Group 3 & 4 – Andrew Riley

1. The group basically agreed with all issues raised in the barriers workshop.
2. A priority was the capacity to provide a direct benefit to members of LALC's. Members disengaged from the Land Council as there was no individual incentive for continued participation. There needed to be a distribution of tangible benefits to assist members.
3. Membership issues: The need to get members to re-engage in the Land Council network
4. Inadequate support to RALC's, particularly in light of the new approach by State and Commonwealth governments. The functions of, and resources, provided to RALCs are a barrier. The solutions are better resourcing, and staff. There is a need to bring LALC's together on occasions to discuss issues and collect views to deliver to regional forums resulting in better communication. A need for membership to be organised into Regional Coordination Management Groups
5. Building connections between Locals and RALC's through the Local Chairperson becoming the automatic regional representative.
6. A further priority is the need to increase the expertise of the Executive of the Land Councils and regional reps. This can be solved by mandatory training, (training in negotiations and agreement making in land development, understanding of zoning issues, and relevant Acts, and building the capacity of the executive to do strategic planning.)

Group 1 & 2 – Lee Paterson

1. Lack of access to funding and resources – The solution could be to negotiate with government to reinstate the land tax to allow for proper resourcing. Also, the forming of relationships between LALC's in a region to cost share. This could result in significant savings.
2. Lack of communication through the 3 tier structure: (e.g. quarterly or six monthly reports and other compliance requirements.) No adequate notice to LALC's, including budget approvals. A lack of knowledge of activities at NSWALC. Can an Act of Parliament improve the communication between the three tiers? Government agencies need to be more aware of public land rights for cultural purposes. The Fisheries Act also needs to be amended.
3. The Act should be a vehicle to push inherent rights in this state. Hunting and gathering should be considered and other Acts should reflect the Land Rights Act.

Summary

- Mr Scott and Mr Johnstone presented a summary of the forum. They thanked then branch manager Lana Callaghan and staff for organising the function and urged members to make formal submissions to the review.
- Mr Johnstone thanked Mr Stewart for his work and thanked all for their attendance.





Forum Two



[12 October 2004]

Introduction

NSWALC Officer, Mr Lee Paterson, welcomed attendees and introduced NSWALC staff.

Ms Ellen Barker, of Red Chief LALC gave the Welcome to Country. One minute's silence was observed.

Apologies were submitted on behalf of former Councillor for the region, Mr. Tom Briggs, and delegates from the Walhallow, Ashford and Nungaroo LALC's. All had to attend funerals.

Mr Geoff Scott, gave an overview of the issues to be discussed and worked his way through the power point presentation.

He was immediately asked if NSWALC was going to "retain the three tier structure, is that law, what about the RALC's?"

Mr Scott pointed out the law "is what is in the Act."

"NSWALC has no power to change the Act," he added.

General discussion was held on the possible rationalisation of RALC's, the possible forced amalgamation of Land Councils, and the abolition of boundaries.

Q: If a member is attending today's meeting does it mean they support the issues discussed, e.g. the halving of the number of RALCs and LALCs?

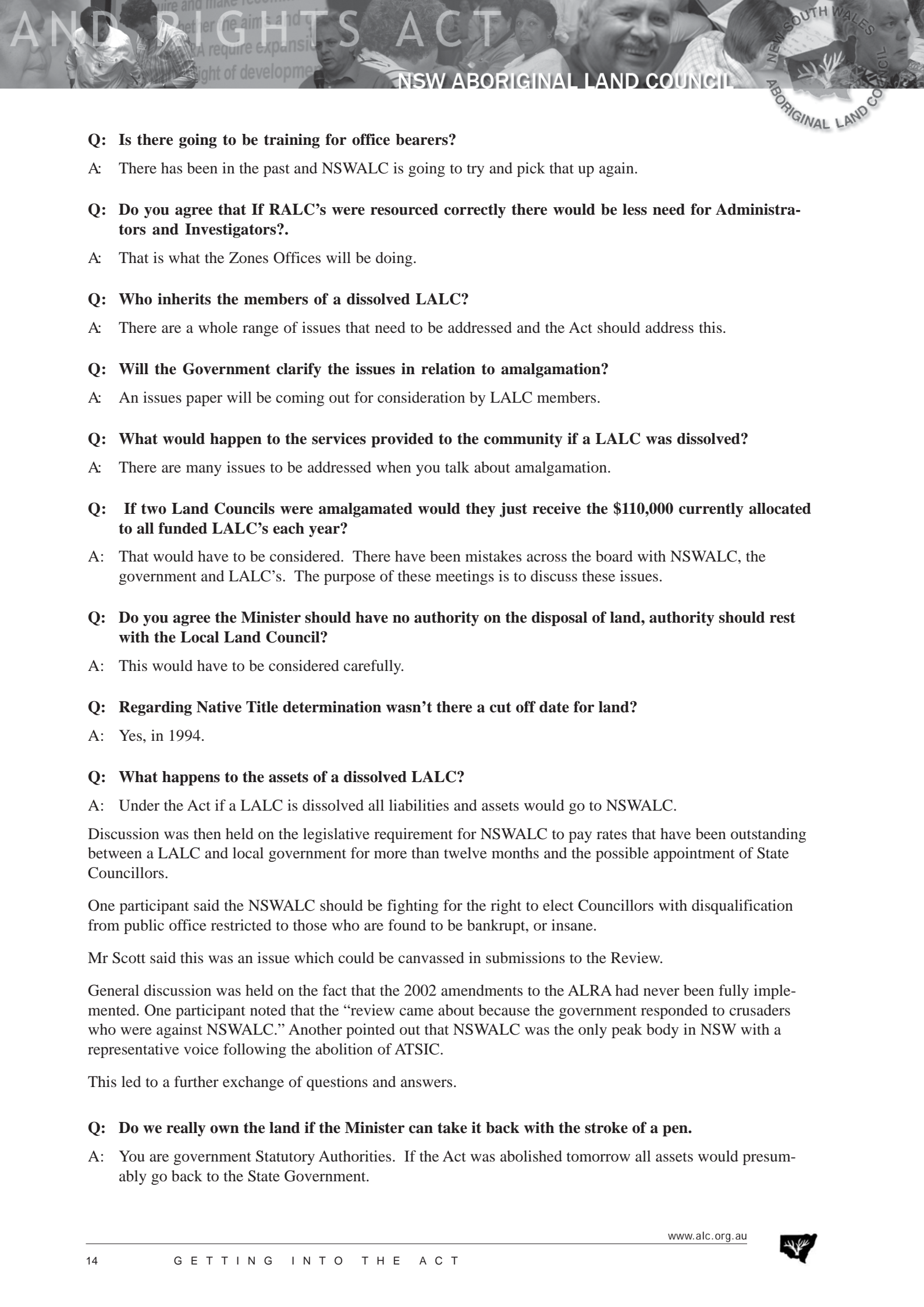
A: Mr Scott informed participants that the meeting was being held "to inform you of what is going on with the review."

Q: Why is the review being done when LALCs are doing OK and work well with their staff.

A: Some are run well, others are not. NSWALC has a separation of power between the Board and the CEO and staff. This may be extended to the LALC's.

It was noted during a general discussion that Co-ordinators wages varied from \$30,000 to \$110,000 and there roles and responsibilities also varied but there was no award for Co-ordinators.





Q: Is there going to be training for office bearers?

A: There has been in the past and NSWALC is going to try and pick that up again.

Q: Do you agree that If RALC's were resourced correctly there would be less need for Administrators and Investigators?.

A: That is what the Zones Offices will be doing.

Q: Who inherits the members of a dissolved LALC?

A: There are a whole range of issues that need to be addressed and the Act should address this.

Q: Will the Government clarify the issues in relation to amalgamation?

A: An issues paper will be coming out for consideration by LALC members.

Q: What would happen to the services provided to the community if a LALC was dissolved?

A: There are many issues to be addressed when you talk about amalgamation.

Q: If two Land Councils were amalgamated would they just receive the \$110,000 currently allocated to all funded LALC's each year?

A: That would have to be considered. There have been mistakes across the board with NSWALC, the government and LALC's. The purpose of these meetings is to discuss these issues.

Q: Do you agree the Minister should have no authority on the disposal of land, authority should rest with the Local Land Council?

A: This would have to be considered carefully.

Q: Regarding Native Title determination wasn't there a cut off date for land?

A: Yes, in 1994.

Q: What happens to the assets of a dissolved LALC?

A: Under the Act if a LALC is dissolved all liabilities and assets would go to NSWALC.

Discussion was then held on the legislative requirement for NSWALC to pay rates that have been outstanding between a LALC and local government for more than twelve months and the possible appointment of State Councillors.

One participant said the NSWALC should be fighting for the right to elect Councillors with disqualification from public office restricted to those who are found to be bankrupt, or insane.

Mr Scott said this was an issue which could be canvassed in submissions to the Review.

General discussion was held on the fact that the 2002 amendments to the ALRA had never been fully implemented. One participant noted that the "review came about because the government responded to crusaders who were against NSWALC." Another pointed out that NSWALC was the only peak body in NSW with a representative voice following the abolition of ATSIC.

This led to a further exchange of questions and answers.

Q: Do we really own the land if the Minister can take it back with the stroke of a pen.

A: You are government Statutory Authorities. If the Act was abolished tomorrow all assets would presumably go back to the State Government.





Q: If Land Councils don't own the land why pay land rates?

A: LALC's have the ability under the Act to seek exemptions for undeveloped land.

Q: Is it true that one LALC could bring all the LALCs down if it was dissolved and had huge debts?

A: Yes, if a LALC is dissolved all the debts would accrue back to NSWALC. That is why we need to gain a full financial picture of each LALC.

Mr Scott reminded the meeting that the purpose of the Forums was to inform the network about the review and to obtain their feedback.

NSWALC did not yet have a view. It would not form one until all views had been collected from the network.

Q: Why didn't NSWALC keep going with the training to the LALC's. They started it and then stopped. This was not fair to the Locals.

A: This is understood. NSWALC is committed to re-introducing training.

Q: Do you agree that cultural significance needs to be considered in relation to any amalgamation of LALCs?

A: Yes, in regard to LALC boundaries.

Mr Scott discussed the Investment Strategy put in place by the previous Council.

He pointed out that it was risk averse and targeted a return of CPI plus 5%.

As at last night the value of the Fund stood at \$550m. The expected interest return for the year is in the vicinity of \$44m. A draw down of \$25m would cover the operational costs of NSWALC and the Aboriginal Land Council network.

Mr Scott then provided a breakdown of the NSWALC budget.

The NSWALC's administrative budget \$9m per year, part of which provided services to the Land Councils.

He said the NSWALC budget would be distributed to all LALC's for their information in the NSWALC Annual Report.

A range of funding scenarios was then discussed.

It was pointed out that some Land Councils in receipt of essential payments are receiving more than the uniform allocation of \$110,000.

This led to a discussion on the possibility of legislative amendments to abolish the statutory positions of Secretary and Treasurer in LALC's. (This would represent the loss of two thirds of elected representation at the local level. The only other elected office bearer of a LALC currently being the Chairperson)

It was suggested the role of Co-ordinator (employee) could be enshrined in legislation who would be the only paid person.

It was suggested the Chairperson should be a paid position as the role would be taking on more responsibilities.

Discussion was held on the composition of the task force. It was suggested membership should have been independent of government and contained some community representation.





Mr Scott pointed out that the power point presentation would later talk about the process for the review.

He then reminded participants the Taskforce comprised The Director General of the Department Aboriginal Affairs, Ms Jody Broun, The Registrar, Mr Steve Wright and NSWALC Administrator, Murray Chapman.

Q: What are (former NSWALC chairperson) Les Trindall and Ossie Cruse on?

A: The NSWALC-convened Aboriginal Roundtable.

Q: Will the discussion papers be issued to Locals for them to add inclusions?

A: The Government has determined that community consultation will follow their consideration by Cabinet.

Q: Is NSWALC going to engage their own people in order to make sure and protect what the government will put in.

A: NSWALC wants to ensure it gets the views of the Locals.

Q: Is there going to be a State Conference? Maybe there could be Regional conferences at Zone level?

A: There appears to be little enthusiasm for a State wide conference given the cost. Zone-based regional forums are a worthwhile idea.

Q: What is the Administrator's position?

A: His responsibilities are to ensure the rights of NSWALC are protected.

Q: Who is the Administrator answerable to?

A: Initially the Minister, but he stands in place of the Council and his role is to protect the best interests of the Council.

Q: How do Locals get their messages to State?

A: Staff are responsible to take messages to the NSWALC. There is a sub-site on the NSWALC website to receive feedback.

Q: How do we know that NSWALC doesn't already know what is going to happen?

A: We do not. We can only be honest and tell you what we know. The purpose of these forums is to get your views.





Q: Why don't we have qualifications for the Council instead of blaming the whole of the network for their sins. Who is making decisions for us at the moment?

A: The Administrator.

Q: When are the Councillors coming back? We have no voice now.

A: It is not known when the Councillors are coming back. The Minister will need to make a decision about extending the Administrator in the next month, by 19th November.

Discussion followed on the possibility of an election before the finalisation of the review of the Act. A number of participants said the only thing that "gives a voice to the Locals is having an election for Councilors."

Q: If the amendments are put in the Act who is going to resource it?

A: Yes that needs to be studied for the review.

Mr Scott introduced Mr Michael Stewart, the Facilitator for the workshops on the review.

Benefits of the *Aboriginal Land Rights Act*

1. Capital growth of investment Fund.
2. Return of Mini Mart to Tamworth.
3. Ownership of land.
4. Decision making process at Local level.
5. Local members being able to elect their representative – local voice.
6. Election of LALC officers and extension of term to two years gives continuity.
7. Strengthening accountability of LALC's.
8. Streamlining of the membership.
9. Recognition of connectivity between land and people.
10. Acquisition of 33 Argyle Street Parramatta.
11. Right to deliver services to our people.
12. Recognition of dispossession and compensation of Aboriginal People.
13. Achieved reconciliation.
14. Employment Opportunities.
15. Gives pride and identity back to Aboriginal People.
16. Recognition of Native Title rights.
17. Home Ownership programs.



18. Control over our own affairs.
19. Funeral Fund.
20. LALC's are multi function resource centres. LALC's give a sense of identity to who we are in a community.
21. Setting up of Elders groups, both Wanaruah and Armidale LALCs are setting these up.
22. Political advisory groups.
23. Launching pad for political careers.
24. Has a rich history of leaders.
25. Creates training ground for excellent leaders.
26. Vehicle to provide self determination.

Expectations not met by the *Aboriginal Land Rights Act*

1. Self sufficiency and growth at the local level.
2. Intellectual property rights for language, culture, sites and heritage, main sites are still outside LALC custody.
3. Culture and heritage issues should be funded by NSWALC. It should be handed back to the people.
4. ALRA has not strongly enough asserted rights to ALC Country.
5. Insufficient funding: difficult to meet unrealistic expectations of community
6. Change in Govt policy re \$40m per year for 5 years.
7. Failure to transfer sufficient resources to meet expectations.
8. Failure of government to continue to provide compensation on Land Tax.
9. Act has not sufficient functions and led to betterment of Aboriginal lives.
10. 15% land tax was never going to be enough. It was pointed out that 7.5% of the original allocation went to NSWALC Statutory Investment Fund.
11. 1990 amendments did not deliver expectations.
12. Traditional owners' issues still unresolved. ALRA has not assisted.
13. Has not always united the communities.
14. The Act is amended too often.
15. Initial regulations re. investment fund was too restrictive and limited.
16. Income expected from fund has not been enough.





Barriers to expectations being met.

The Meeting broke up into three groups to workshop “Barriers to Expectations being Met”.

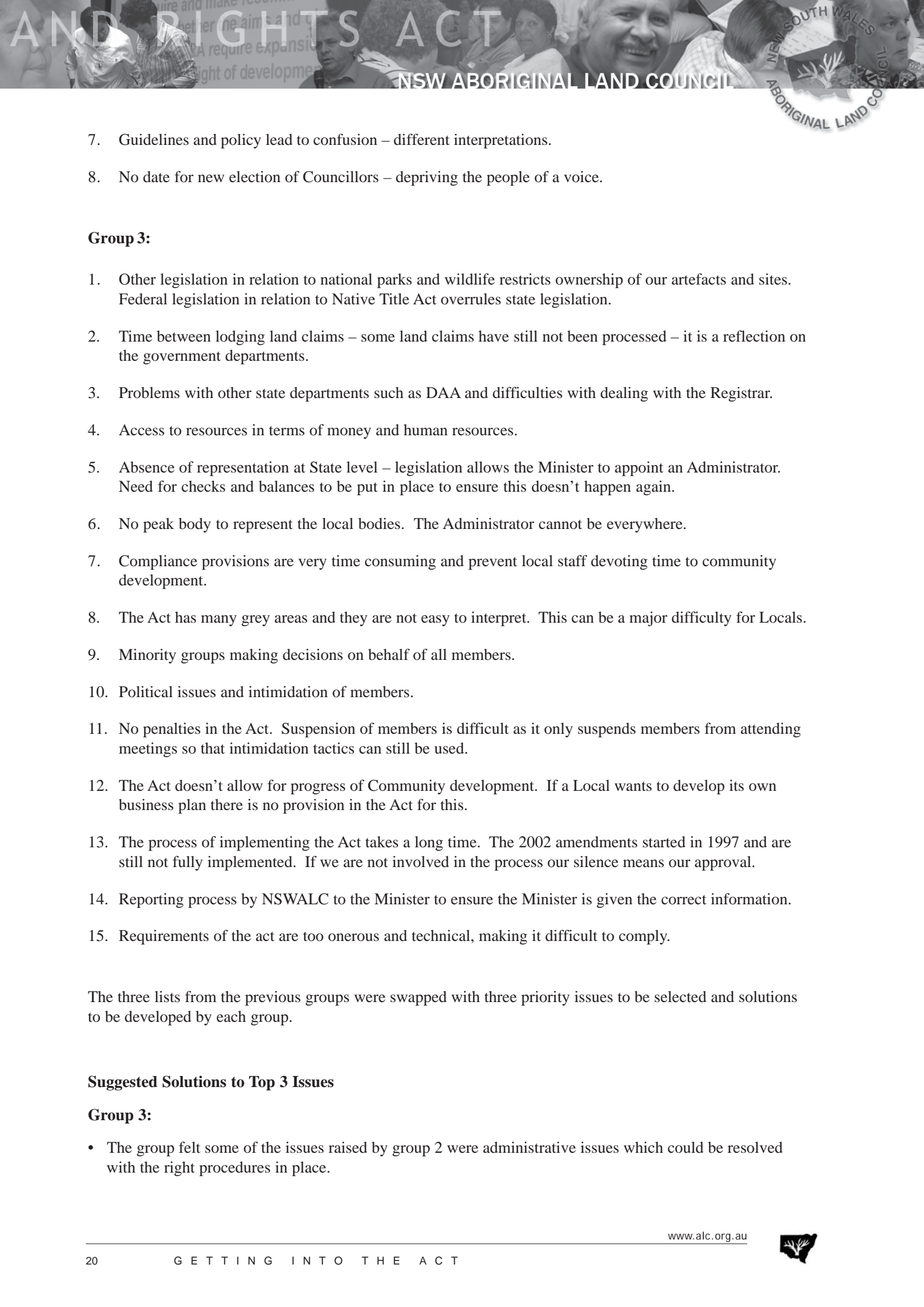
Group 1:

1. Self determination, voice of the people through sacking of Councillors
2. Lack of communication, information from NSWALC
3. Changes to the ALRA impacted on lives of people in community
4. How business is done in LALC’s
5. Lack of consultations with grass roots people.
6. Not enough presentations from members.
7. Members not fulfilling obligations – no quorums.
8. Not enough support for LALC’s finance, training, culture and heritage.
9. Mining royalties – no equality like Qld and WA.
10. Water Rights – 10 year plan implemented by Commonwealth.
11. Paid office bearers would give better input and service delivery.
12. Co-ordinators not being able to take holidays.
13. Wealth sharing with members – clarification required.
14. Self sufficiency – home ownership.
15. LALC’s need a chance to implement awards, needs to attract a skills base.
16. Geography of locations not being taken into account – distribution of funds – resource sharing.
17. Reps from this forum to ensure these responses are being seriously taken into account.

Group 2:

1. Lack of leadership and guidance. Still dealing with same issues as at the start of the Act.
2. Not enough resources. Lack of knowledge is a barrier to change so training is required.
3. Legal advice needed.
4. Poor communication – not enough lead time given.
5. Power struggles – lack of community spirit.
6. Lack of autonomy – inability to act in its own right e.g. applying for budget changes and waiting for approval before it can be implemented.





7. Guidelines and policy lead to confusion – different interpretations.
8. No date for new election of Councillors – depriving the people of a voice.

Group 3:

1. Other legislation in relation to national parks and wildlife restricts ownership of our artefacts and sites. Federal legislation in relation to Native Title Act overrules state legislation.
2. Time between lodging land claims – some land claims have still not been processed – it is a reflection on the government departments.
3. Problems with other state departments such as DAA and difficulties with dealing with the Registrar.
4. Access to resources in terms of money and human resources.
5. Absence of representation at State level – legislation allows the Minister to appoint an Administrator. Need for checks and balances to be put in place to ensure this doesn't happen again.
6. No peak body to represent the local bodies. The Administrator cannot be everywhere.
7. Compliance provisions are very time consuming and prevent local staff devoting time to community development.
8. The Act has many grey areas and they are not easy to interpret. This can be a major difficulty for Locals.
9. Minority groups making decisions on behalf of all members.
10. Political issues and intimidation of members.
11. No penalties in the Act. Suspension of members is difficult as it only suspends members from attending meetings so that intimidation tactics can still be used.
12. The Act doesn't allow for progress of Community development. If a Local wants to develop its own business plan there is no provision in the Act for this.
13. The process of implementing the Act takes a long time. The 2002 amendments started in 1997 and are still not fully implemented. If we are not involved in the process our silence means our approval.
14. Reporting process by NSWALC to the Minister to ensure the Minister is given the correct information.
15. Requirements of the act are too onerous and technical, making it difficult to comply.

The three lists from the previous groups were swapped with three priority issues to be selected and solutions to be developed by each group.

Suggested Solutions to Top 3 Issues

Group 3:

- The group felt some of the issues raised by group 2 were administrative issues which could be resolved with the right procedures in place.





- The three issues were:

1. Concerns in regard to funding and no information/feedback going to the LALCs:

The solution was to get other agencies to meet their responsibilities to ensure service deliveries were provided to the communities e.g. by DAA. Special issues were for example, training, an additional 2% from Land Tax to fund the areas. NSWALC to develop its own land development and pass the funds on to the network and NSWALC to joint venture with LALCs.

2. Power Struggles:

The solution could be to change the quorum requirements. A larger land council may have its quorum elevated when handling land dealings with the advertisement for the land including the percentage of members required for a quorum. Some of the members join to become non voting members. If the membership has a lot of non voting members the quorum would need to be addressed accordingly. Non voting members have the right to attend and speak at a meeting but cannot vote at any meeting.

3 No date for new elections:

Solution: With autonomy comes responsibility. When the Administrator is extended for the additional six months the Minister should include in the reappointment of the Administrator that there must be an election.

Group 1:

This group identified two major issues.

1. The absence of representatives at State Council means the voice of the people is lost: There is a need for elected Councillors.
2. The impact of other legislation on Aboriginal Affairs. The solution was to look at other cultural issues including water and the environment from an Aboriginal viewpoint. A 10 year water plan must be developed around these issues so that LALC's can generate revenue.

The Group also discussed a number of other issues. These included;

- The Act does not look at developing communities.
- The potential of the 2002 amendments has not been tested.
- Equal opportunity comparable with that enjoyed by Indigenous people overseas. We should not pay land rates.





Group 2

1. Lack of training and resources. A possible solution is to link funding agreements to business plans and community plans.
2. Access to better legal and technical advice. There is a need for LALC's to obtain external professional advice.
3. The need to improve communication. There is a clear need to have more forums so that people understand issues. Better guidelines are needed to overcome confusion in the grey areas of the Act. Better procedures in the LALC's will assist with compliance.

Summary

Mr Stewart thanked attendees for their strong participation.

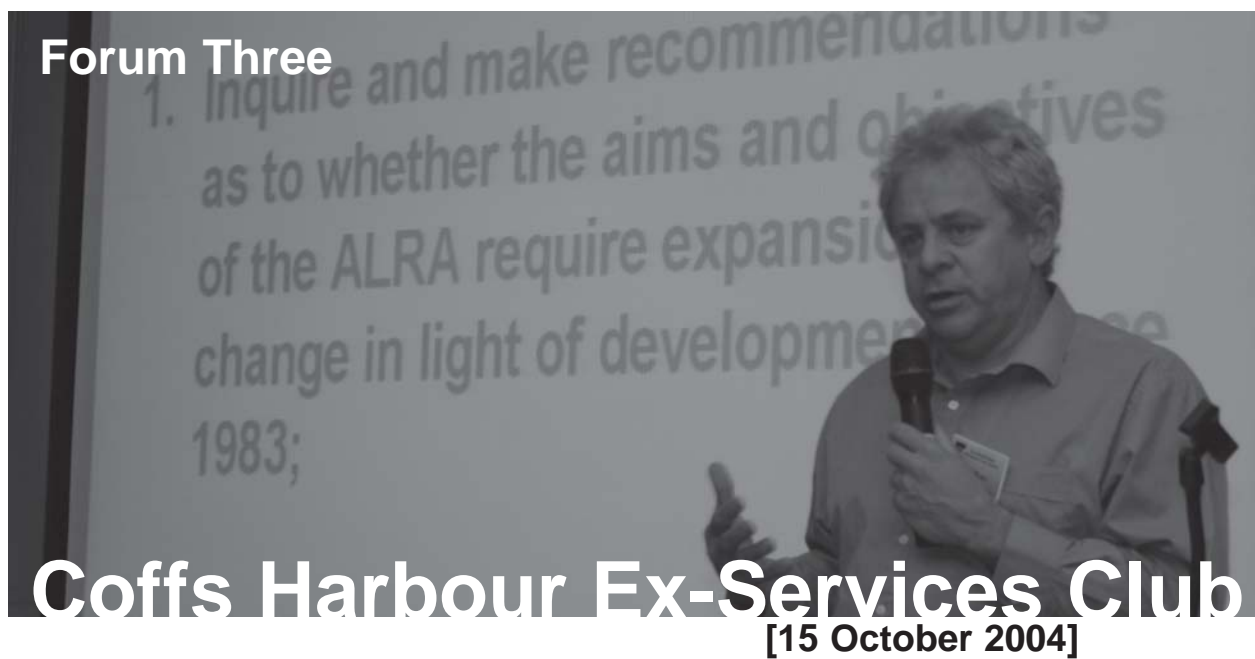
NSWALC Officer, Andrew Riley, also thanked everyone for the participation and reminded the meeting that these forums are a NSWALC initiative. A consultative report would be prepared at the end of the forums and distributed to attendees.

The NSWALC website could be accessed for source documents and each LALC and RALC has the opportunity to make submissions on the Review to NSWALC, the Taskforce or the Minister.





Forum Three



Introduction

The Chairperson of Coffs Harbour LALC, Ms Sue Hoskins, gave the Welcome to Country. One minute silence was observed.

Mr Geoff Scott welcomed everyone on behalf of NSWALC and introduced workshop facilitator Michael Stewart.

Mr Scott began his electronic presentation on the Review of the *Aboriginal Land Rights Act 1983* and took questions from the floor.

Q: Are they going to amalgamate some of the Land Councils?

A: Yes. That is what we have been given to understand. The only formal information received from the government is the Terms of Reference and the Ministerial media release in the forum information folders which have been distributed.

Q: This is going against the wishes of the Land Councils?

A: That is the feedback we are receiving.

Q: Where the TOR's refer to better working environments, does that refer to new offices?

A: It refers to having contracts for staff in place.

Q: If you pay greater salary packages, Land Councils will not survive. Is it correct that the Minister is considering that some of the profit raised by LALC developments in the east will be redistributed to poorer LALCs in the west?

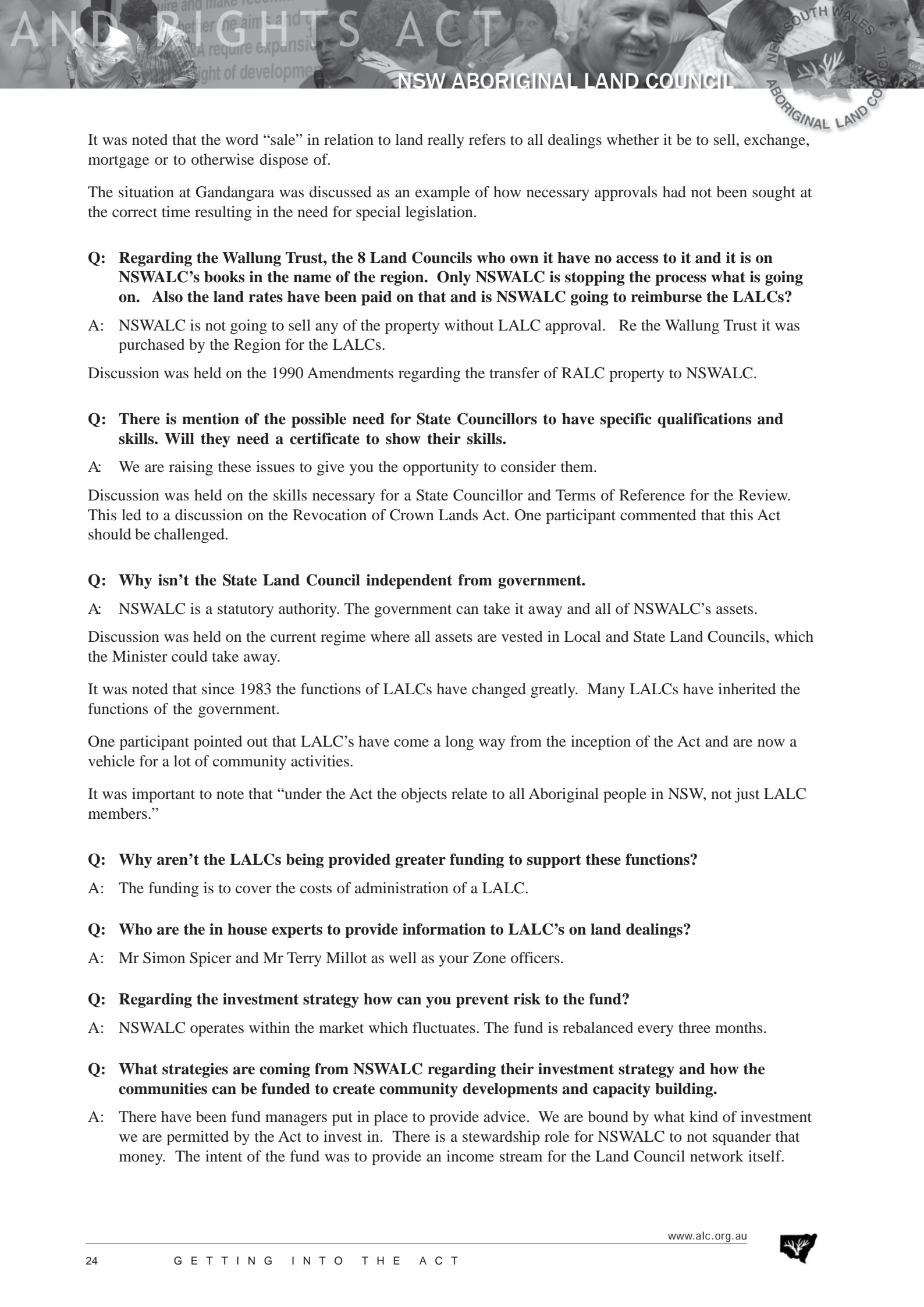
A: This is one option being looked at. It could be similar to Mining Royalties.

Discussion was held on Mining Royalties and sand mining and the disparity in value of LALC owned land in the east and west of the state.

Q: Will the Zone Offices be ensuring Administrators do their job?

A: The Zones will be monitoring the Administrators very closely.





It was noted that the word “sale” in relation to land really refers to all dealings whether it be to sell, exchange, mortgage or to otherwise dispose of.

The situation at Gandangara was discussed as an example of how necessary approvals had not been sought at the correct time resulting in the need for special legislation.

Q: Regarding the Wallung Trust, the 8 Land Councils who own it have no access to it and it is on NSWALC’s books in the name of the region. Only NSWALC is stopping the process what is going on. Also the land rates have been paid on that and is NSWALC going to reimburse the LALCs?

A: NSWALC is not going to sell any of the property without LALC approval. Re the Wallung Trust it was purchased by the Region for the LALCs.

Discussion was held on the 1990 Amendments regarding the transfer of RALC property to NSWALC.

Q: There is mention of the possible need for State Councillors to have specific qualifications and skills. Will they need a certificate to show their skills.

A: We are raising these issues to give you the opportunity to consider them.

Discussion was held on the skills necessary for a State Councillor and Terms of Reference for the Review. This led to a discussion on the Revocation of Crown Lands Act. One participant commented that this Act should be challenged.

Q: Why isn’t the State Land Council independent from government.

A: NSWALC is a statutory authority. The government can take it away and all of NSWALC’s assets.

Discussion was held on the current regime where all assets are vested in Local and State Land Councils, which the Minister could take away.

It was noted that since 1983 the functions of LALCs have changed greatly. Many LALCs have inherited the functions of the government.

One participant pointed out that LALC’s have come a long way from the inception of the Act and are now a vehicle for a lot of community activities.

It was important to note that “under the Act the objects relate to all Aboriginal people in NSW, not just LALC members.”

Q: Why aren’t the LALCs being provided greater funding to support these functions?

A: The funding is to cover the costs of administration of a LALC.

Q: Who are the in house experts to provide information to LALC’s on land dealings?

A: Mr Simon Spicer and Mr Terry Millot as well as your Zone officers.

Q: Regarding the investment strategy how can you prevent risk to the fund?

A: NSWALC operates within the market which fluctuates. The fund is rebalanced every three months.

Q: What strategies are coming from NSWALC regarding their investment strategy and how the communities can be funded to create community developments and capacity building.

A: There have been fund managers put in place to provide advice. We are bound by what kind of investment we are permitted by the Act to invest in. There is a stewardship role for NSWALC to not squander that money. The intent of the fund was to provide an income stream for the Land Council network itself.





Q: What is the breakdown of the \$550m?

A: That is provided in the NSWALC Annual Report.

Discussion was then held on NSWALC's decision to invest in ownership of its Parramatta office building at 33 Argyle Street.

It was pointed out that the building had accrued considerable value and was now nearly fully tenanted.

Discussion then turned to the need for a state conference as a vehicle to share information and the legal challenge by individual Councillors against their dismissal. It was pointed out each Councillor paid their own legal costs.

Q: Is the change in NSWALC's administrative structure about centering power back in Sydney or about Locals developing their own communities. How do you empower the people on the ground through education, business advice etc?

A: It is not about centering power in Sydney but to have the Local people do the work.

The Registrar of the Aboriginal Land Rights Act, Mr Steve Wright, spoke on the issue of land dealings. He began by reminding participants of the ICAC investigation into the land dealings at Koombahtoo LALC which would result in a substantial report.

He said there had been massive land acquisition by Local Land Councils in the 1990s, which had created the current land management issues.

It was important the current Review of the Act preserve land rights and ensure benefits flowed to Land Council members, not to people sitting in board rooms in other countries.

Land Councils were becoming the most powerful land holders in regional areas. The primary concern was who was going to get the benefit. This was a huge challenge for the review. He then took questions from the floor.

Q: What is the monetary value of Aboriginal land around NSW?

A: The government conservatively values the land secured by claim at \$750m. The potential value is up to \$3billion.

Q: What is an emolument?

A: This means someone receiving remuneration which is not a wage or salary or director's fees. There is nothing in the Act to stop executives receiving emoluments but this needs careful consideration. Mr Wright recommended LALC's be extremely cautious in this area.

Mr Wright also spoke on the work of the Taskforce.

He told the meeting the Minister wanted change.

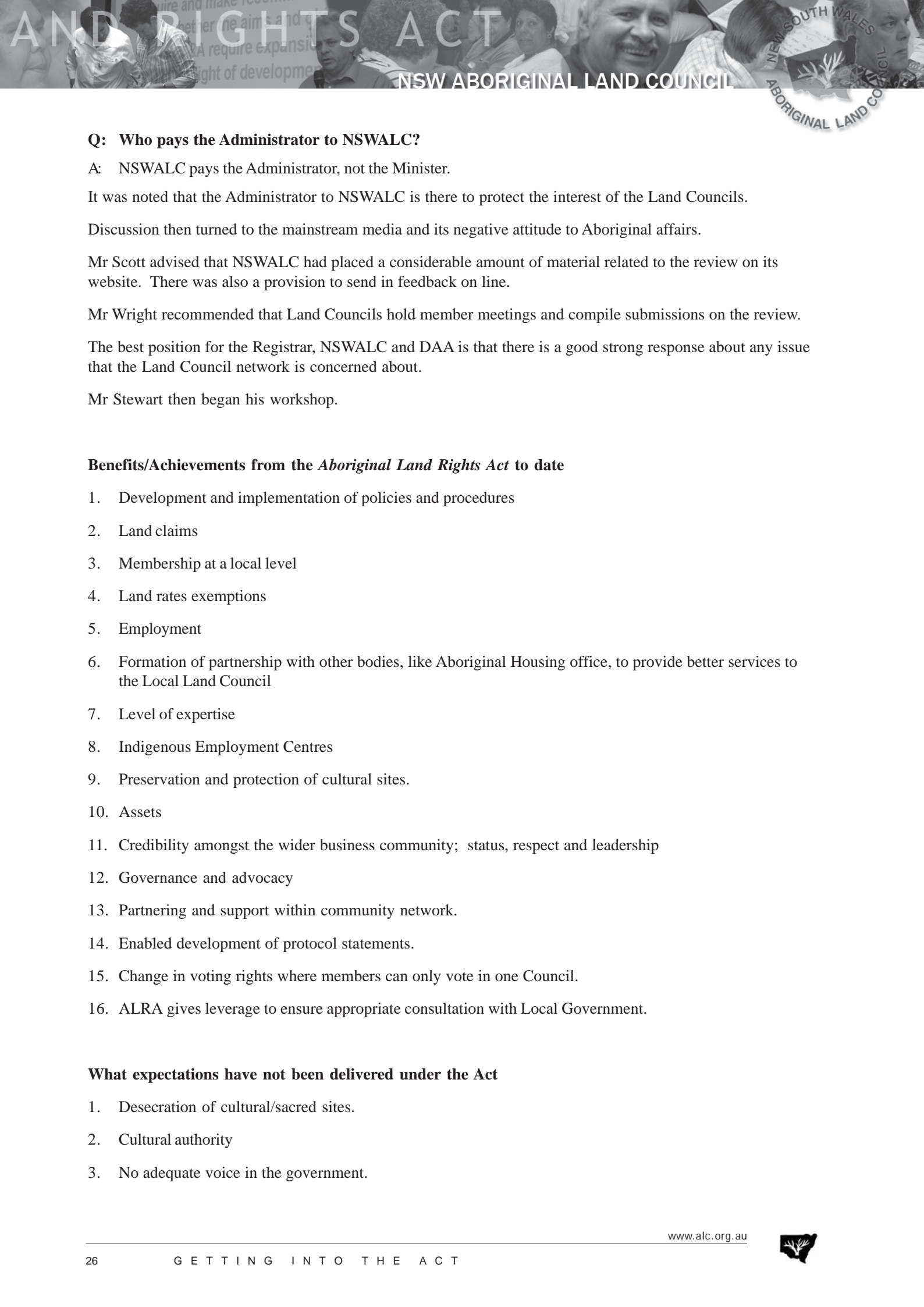
There was a need to stimulate discussion and debate on the major issues using forums such as that being held today.

The government, not the taskforce, would make the decision on any changes to the Act.

Issues papers would be published and widely distributed, the first being on land dealings. Recommendations will be made in the Issues Papers.

Discussion was then held on the Minister extending the appointment of the Administrator to NSWALC.





Q: Who pays the Administrator to NSWALC?

A: NSWALC pays the Administrator, not the Minister.

It was noted that the Administrator to NSWALC is there to protect the interest of the Land Councils.

Discussion then turned to the mainstream media and its negative attitude to Aboriginal affairs.

Mr Scott advised that NSWALC had placed a considerable amount of material related to the review on its website. There was also a provision to send in feedback on line.

Mr Wright recommended that Land Councils hold member meetings and compile submissions on the review.

The best position for the Registrar, NSWALC and DAA is that there is a good strong response about any issue that the Land Council network is concerned about.

Mr Stewart then began his workshop.

Benefits/Achievements from the *Aboriginal Land Rights Act* to date

1. Development and implementation of policies and procedures
2. Land claims
3. Membership at a local level
4. Land rates exemptions
5. Employment
6. Formation of partnership with other bodies, like Aboriginal Housing office, to provide better services to the Local Land Council
7. Level of expertise
8. Indigenous Employment Centres
9. Preservation and protection of cultural sites.
10. Assets
11. Credibility amongst the wider business community; status, respect and leadership
12. Governance and advocacy
13. Partnering and support within community network.
14. Enabled development of protocol statements.
15. Change in voting rights where members can only vote in one Council.
16. ALRA gives leverage to ensure appropriate consultation with Local Government.

What expectations have not been delivered under the Act

1. Desecration of cultural/sacred sites.
2. Cultural authority
3. No adequate voice in the government.





5. Lack of compensation and benefits from Stuart Island.
6. Support and services from NSWALC.
7. User friendly system to interpret and understand the ALRA.
8. Slowness in processing and finalising land claims. (Mr Wright advised the forum that there had been 300 claims determined and granted but not surveyed nor title issued to the Land Council. There are about 1,000 claims not determined)
9. Lack of succession planning and support for young people to enter “the system”.
10. Level of resources to access youth issues etc. wages for services/youth works.
11. Lack of rates exemptions.
12. Lack of resources to ensure all LALC’s own assets
13. Lack of dollars
14. Self sufficiency and enterprise development.
15. Legislative conflict between ALRA and other Acts
16. Limits on economic development
17. Lack of funds for enterprise development that creates “real jobs”.
18. Poor support in culture and heritage issues from NSWALC.
19. Problems with NP & WS.
20. Tensions with other Acts.
21. Lack of response to DAA “Two Ways Together” Plan.
22. Intellectual property right.
23. Lack of adequate and ongoing compensation.
24. Restrictions under section 40 AA of the *Aboriginal Land Rights Act*
25. Access to waterways and other areas consistent with Aboriginal culture and heritage and recreation.
26. Approvals for such things as budgets slow down the LALC’s operations.



Barriers

Group 1:

1. Changes to the Legislative requirements
2. Lack of sufficient funds
3. No Consultation
4. Breakdown in communications with NSWALC
5. Major decisions not being made due to lack of LALC quorum
6. Release of NSWALC allocations
7. Delayed process in land disposal and other functions requiring NSWALC approval
8. Lack of support from NSWALC (Parramatta Office)
9. LALCs not complying with the Act.
10. Legislation – decision making changes to the three tier structure
11. RALCs not being able to have assets
12. Strengthening the RALC functions.

Group 2:

1. Consultation with the Act
2. Loss of use of Assets
3. Native title with land claims
4. Independence of LALCs
5. Process of allocations too slow
6. Home ownership
7. Communication
8. Lack of equity
9. Family disputes – MOU's
10. Lack of information and education
11. Employment CDEP
12. Ongoing training of Officers
13. Realistic budgets in line with CPI with Act changing in 2 years –biannual funding
14. Lack of economic empowerment
15. Relationship to Country



Group 3:

1. Who represents Aborigines with waterways?
2. Blocking of inherent rights to take seafood
3. No consistency in the elected office bearers
4. Executives
5. Barriers to having skilled people
6. Youth scholarships and funding
7. Purchasing of equipment
8. No incentives
9. Exemption of rates
10. Slow processing of NSWALC allocation
11. Legislative conflict
12. Cultural heritage vs threatened species
13. Too many grey areas in the ALRA. Govt Departments should introduce EEO policies and principles
14. Natural resources not invested in Indigenous people
15. Need a treaty for NSW Aboriginal people
16. Strategically placed enterprises in NSW.
17. Local Government councils, RTA, Forestry do not have consultations on developments and should have a cultural officer to discuss these matters with LALCs.
18. Home ownership – where does the Act provide equity for the children. If the parents have their own home the equity can be shared with the children.

Solutions to Barriers.

Group 1:

1. Re Scholarships: Funding information be forwarded to all LALC's annually
2. To overcome the grey areas of the Act, it should be made simpler for people to understand. Then NSWALC should provide software packages free to all LALC's.
3. There is a need to develop strategic policies to evaluate natural resources and appropriate penalties be included in agreements. Business opportunities could be developed around such agreements. A unified approach should be taken on this issue.





Group 2:

1. Regarding lack of funds: LALC's should state the requirements of what they want in their budget instead of NSWALC stipulating the requirements.
2. The grey areas of the Act: The opportunity is here for everyone today to have a say in the Act to include the LALCs requirements. There is a need for people to write in submissions from the Land Councils.
3. Consultation and lack of support from NSWALC: NSWALC should be frequently consulting with every LALC on how it can assist and to offer training for office bearers. Office bearers could be supported by sub committees.

Group 3:

1. Barrier to consultations: there should be community and regional workshops, seminars and conferences.
2. Loss of assets: changes to the ALRA are required to ensure consultation with the community.
3. Realistic budget: Increase the annual administrative allocation to LALC's and revamp the 4% annual profit from the investment fund.

Summary

Mr Scott thanked all attendees for their attendance and participation. Feedback from all the forums would be distributed to attendees.

Ms Christine Ferguson thanked the team from NSWALC for coming to the region and "being honest with the people."





Introduction

NSWALC Officer, Mr. Jim Sturgeon, acknowledged the traditional elders and introduced NSWALC staff.

NSWALC CEO, Mr William Johnstone, made a number of brief introductory remarks and introduced Mr Geoff Scott and workshop facilitator, Mr Patrick Bradbery.

Mr Scott provided a brief overview of the agenda, described the contents of the information folders provided to participants, and began his electronic presentation on the ALRA Review. He also took questions from the floor.

Q: LALC's are not allowed to give sponsorship grants with monies allocated from NSWALC. Can they do so if they generate other income?

A: No. The Act dictates that a LALC cannot give a grant.

Q: How would any reduction of LALC's be achieved? Are dysfunctional LALCs being targeted?

A: There are some LALC's that have not operated for some time. There are other LALCs that have only 10 members. All currently receive the \$110,000 annual allocation for administration from NSWALC.

Q: There appears to be no incentive under the legislation to do the right thing. Do you agree that LALC's that are doing the right thing are penalised?

A: This is agreed.

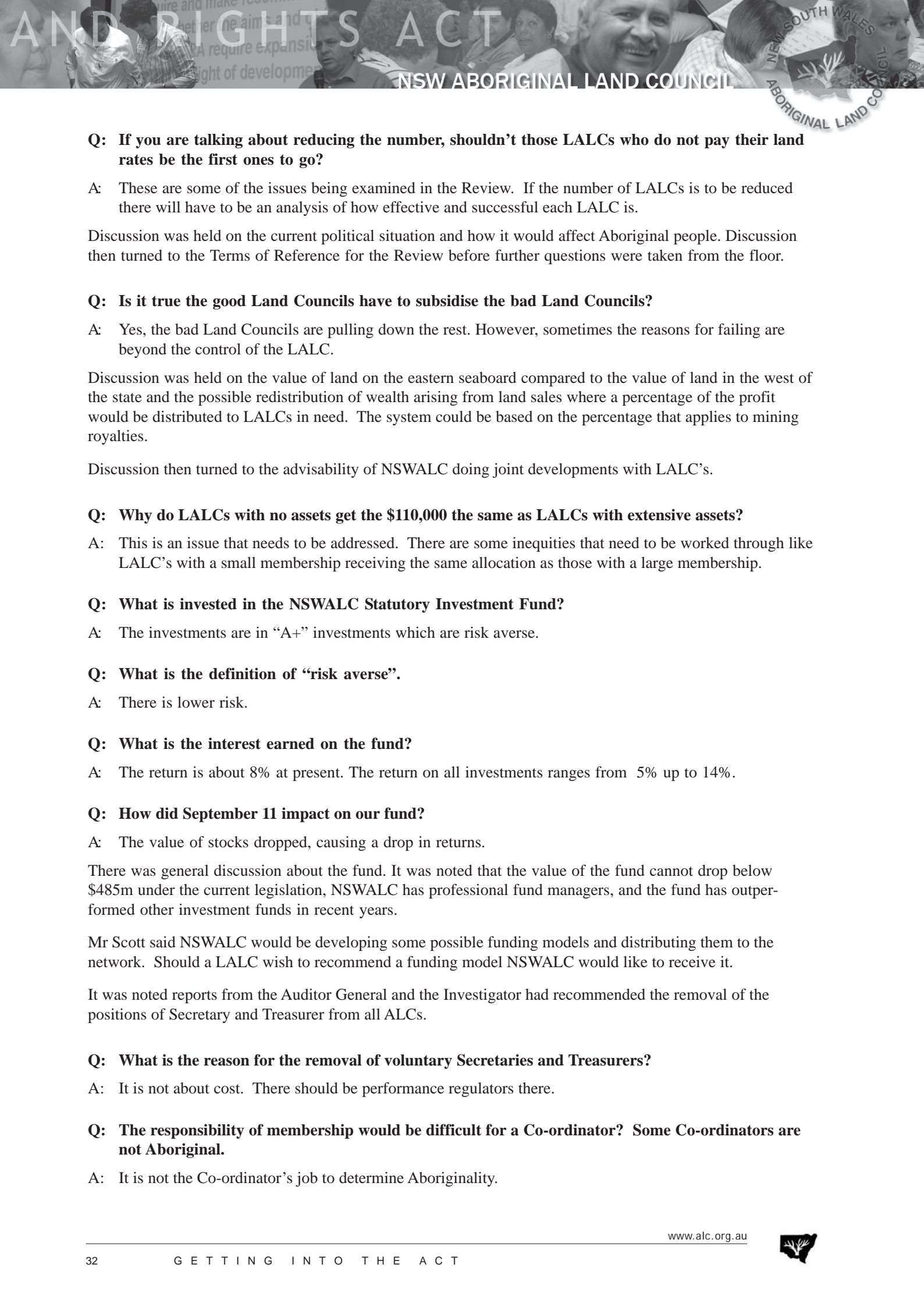
Q: How can some executives run a LALC without knowing anything about the legislation. Do you agree that NSWALC doesn't help?

A: It is recognised that this has happened. One issue being looked at for the review is for the elected people to have the necessary skills for the positions.

Q: Do you agree that if LALC's are required to have a CEO it will not leave much money to run the LALC?

A: This will be dealt with under the funding allocation. It should also be noted that Co-ordinators salaries also vary considerably. This is an area that needs to be reviewed.





Q: If you are talking about reducing the number, shouldn't those LALCs who do not pay their land rates be the first ones to go?

A: These are some of the issues being examined in the Review. If the number of LALCs is to be reduced there will have to be an analysis of how effective and successful each LALC is.

Discussion was held on the current political situation and how it would affect Aboriginal people. Discussion then turned to the Terms of Reference for the Review before further questions were taken from the floor.

Q: Is it true the good Land Councils have to subsidise the bad Land Councils?

A: Yes, the bad Land Councils are pulling down the rest. However, sometimes the reasons for failing are beyond the control of the LALC.

Discussion was held on the value of land on the eastern seaboard compared to the value of land in the west of the state and the possible redistribution of wealth arising from land sales where a percentage of the profit would be distributed to LALCs in need. The system could be based on the percentage that applies to mining royalties.

Discussion then turned to the advisability of NSWALC doing joint developments with LALC's.

Q: Why do LALCs with no assets get the \$110,000 the same as LALCs with extensive assets?

A: This is an issue that needs to be addressed. There are some inequities that need to be worked through like LALC's with a small membership receiving the same allocation as those with a large membership.

Q: What is invested in the NSWALC Statutory Investment Fund?

A: The investments are in "A+" investments which are risk averse.

Q: What is the definition of "risk averse".

A: There is lower risk.

Q: What is the interest earned on the fund?

A: The return is about 8% at present. The return on all investments ranges from 5% up to 14%.

Q: How did September 11 impact on our fund?

A: The value of stocks dropped, causing a drop in returns.

There was general discussion about the fund. It was noted that the value of the fund cannot drop below \$485m under the current legislation, NSWALC has professional fund managers, and the fund has outperformed other investment funds in recent years.

Mr Scott said NSWALC would be developing some possible funding models and distributing them to the network. Should a LALC wish to recommend a funding model NSWALC would like to receive it.

It was noted reports from the Auditor General and the Investigator had recommended the removal of the positions of Secretary and Treasurer from all ALCs.

Q: What is the reason for the removal of voluntary Secretaries and Treasurers?

A: It is not about cost. There should be performance regulators there.

Q: The responsibility of membership would be difficult for a Co-ordinator? Some Co-ordinators are not Aboriginal.

A: It is not the Co-ordinator's job to determine Aboriginality.





Q: The Co-ordinator in some LALCs are already doing the job of the Treasurer and Secretary. That is correct, is it not?

A: Yes. This is about acknowledging how things sometimes work. There is another issue and that is that the positions of office bearers should be paid.

Q: Was the original structure (pre 1990) more cost effective or not?

A: This is certainly one aspect that needs to be considered in the review.

Mr Scott gave a brief overview on the federal political situation. It was noted that since the proposed abolition of ATSIC the only elected body left in the federal sphere is the Torres Strait Regional Authority. Discussion was held on various possible models for the NSWALC structure and the process of the ALRA Review.

It was noted that the first Issues Paper would be on Land Dealings.

Each Issues Paper would contain recommendations for legislative change, not options and each would be considered by State Cabinet before going out to the network.

Mr Scott emphasised that no change was not an option. The main purpose of the community forums was to ensure as much information as possible was given to the network to allow for informed community feedback.

Q: What does a submission need to look like?

A: It may need only be one paragraph saying that you do not agree with a section of the Act. NSWALC will log every submission it receives. The website also contains the facility to receive feedback from the land council network and the general community. The Registrar has also announced that he will accept any submission addressed to him

Mr Scott emphasised that the Land Council system was a creation of Parliament and could be taken away. An important issue for consideration in the review was the ownership of assets.

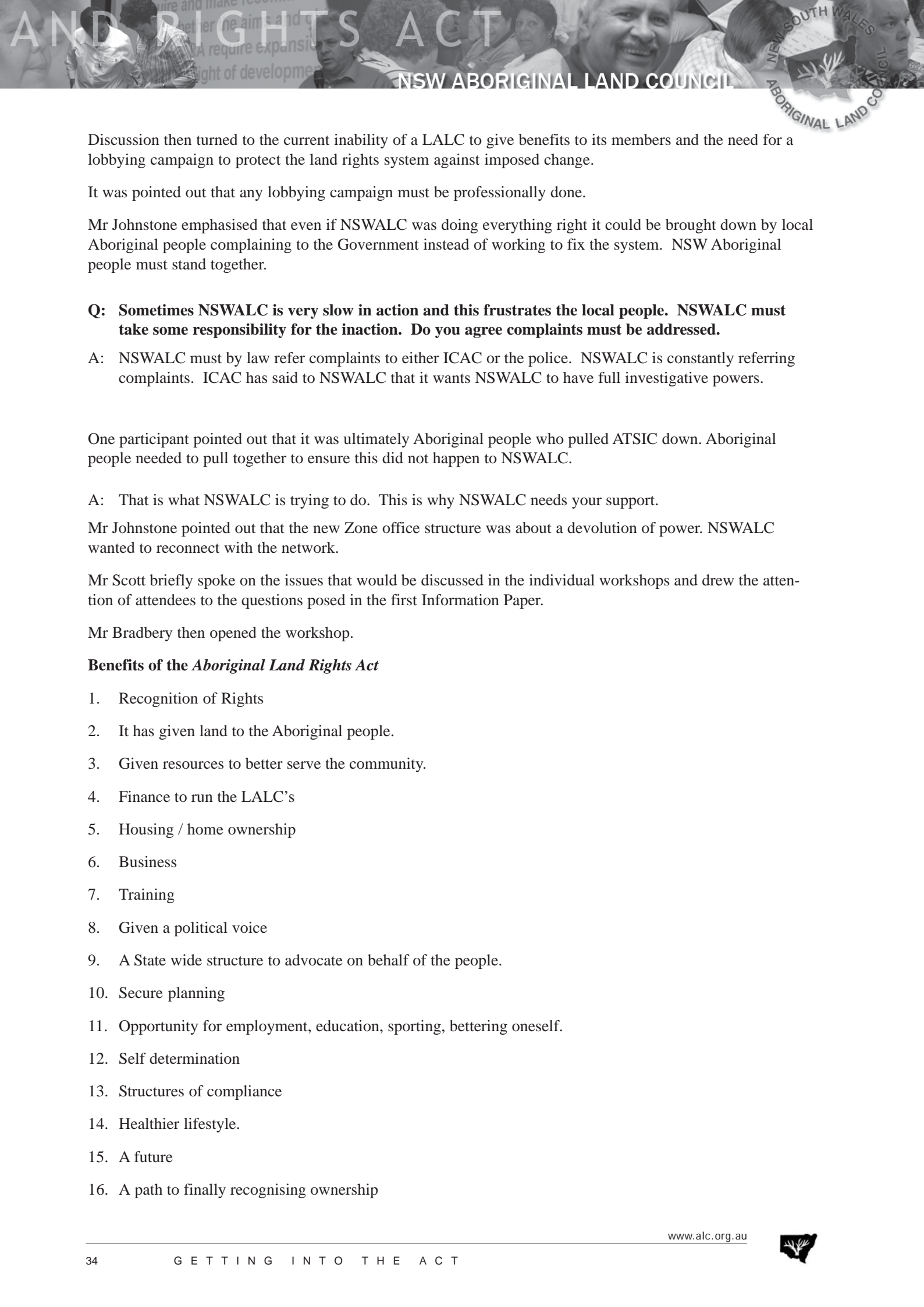
Q: Regarding ALC assets is there a way to protect them?

A: There are ways you can go about doing it.

Q: Can a trust or co-operative be set up?

A: That is the kind of thing a LALC would need to look at.





Discussion then turned to the current inability of a LALC to give benefits to its members and the need for a lobbying campaign to protect the land rights system against imposed change.

It was pointed out that any lobbying campaign must be professionally done.

Mr Johnstone emphasised that even if NSWALC was doing everything right it could be brought down by local Aboriginal people complaining to the Government instead of working to fix the system. NSW Aboriginal people must stand together.

Q: Sometimes NSWALC is very slow in action and this frustrates the local people. NSWALC must take some responsibility for the inaction. Do you agree complaints must be addressed.

A: NSWALC must by law refer complaints to either ICAC or the police. NSWALC is constantly referring complaints. ICAC has said to NSWALC that it wants NSWALC to have full investigative powers.

One participant pointed out that it was ultimately Aboriginal people who pulled ATSIC down. Aboriginal people needed to pull together to ensure this did not happen to NSWALC.

A: That is what NSWALC is trying to do. This is why NSWALC needs your support.

Mr Johnstone pointed out that the new Zone office structure was about a devolution of power. NSWALC wanted to reconnect with the network.

Mr Scott briefly spoke on the issues that would be discussed in the individual workshops and drew the attention of attendees to the questions posed in the first Information Paper.

Mr Bradbery then opened the workshop.

Benefits of the *Aboriginal Land Rights Act*

1. Recognition of Rights
2. It has given land to the Aboriginal people.
3. Given resources to better serve the community.
4. Finance to run the LALC's
5. Housing / home ownership
6. Business
7. Training
8. Given a political voice
9. A State wide structure to advocate on behalf of the people.
10. Secure planning
11. Opportunity for employment, education, sporting, bettering oneself.
12. Self determination
13. Structures of compliance
14. Healthier lifestyle.
15. A future
16. A path to finally recognising ownership



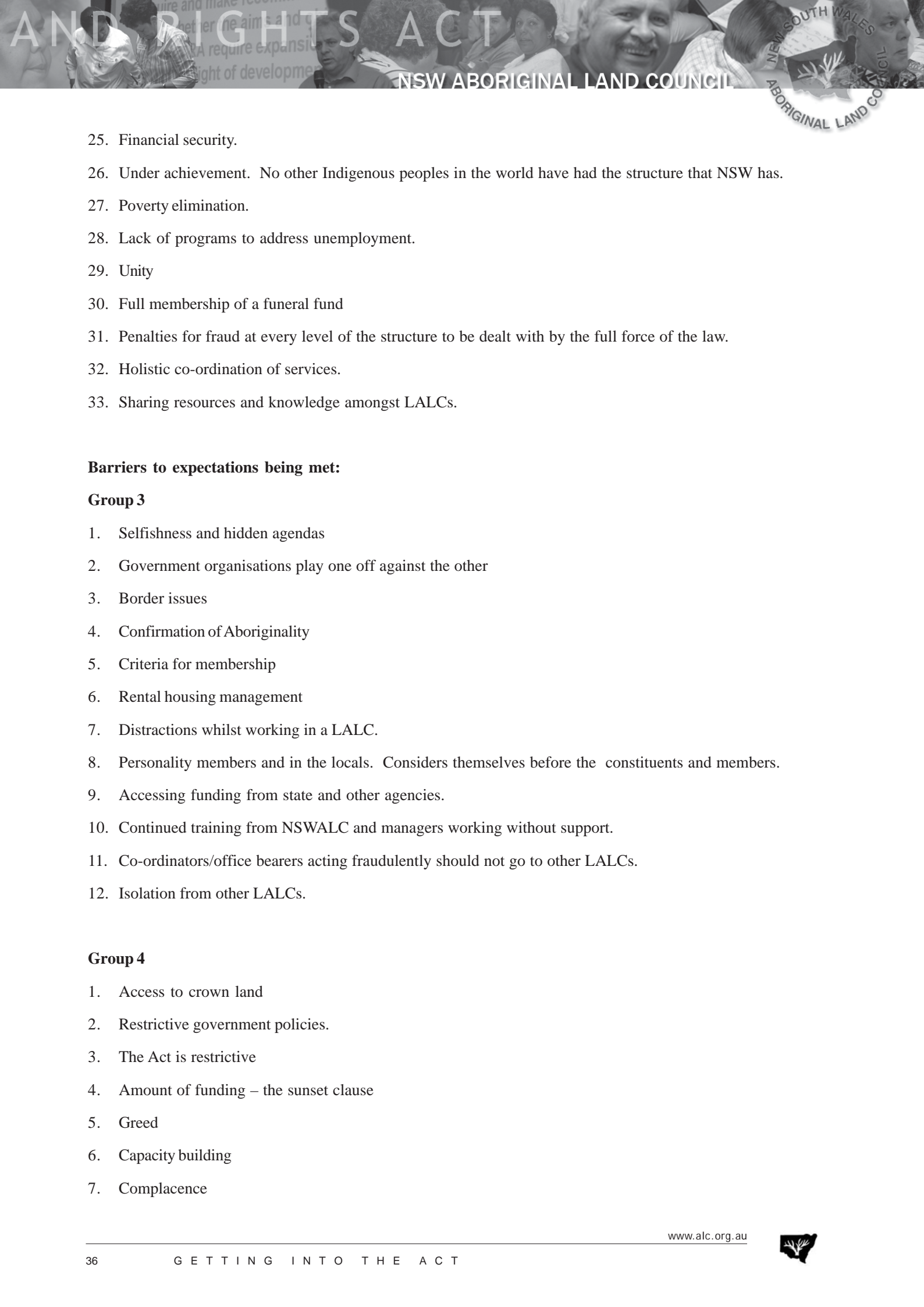


17. Pride in our organisation
18. Cultural awareness
19. Direction
20. Community involvement
21. Access to money
22. Local autonomy

Unmet Expectations

1. Political clout not realised
2. Economics not realised, combined purchasing power not realised. Asset base not used properly
3. Limited benefits to individual members
4. Freedom to choose
5. Land - not as much as expected
6. Misunderstanding of the Act by the wider community.
7. Self determination not achieved
8. Involvement for all
9. Everybody not housed
10. Members of a LALC living in another state and making decisions for the local members. (Border-hoppers).
11. Definition of jurisdiction – membership clarification.
12. Clear voting rights
13. Access to services
14. Future for our children.
15. Unity not realised.
16. Clear Aboriginality status.
17. Sovereignty of traditional people.
18. Land Council system being all things to all people.
19. Lack of government training and support
20. Caring and sharing
21. Accountability
22. Leadership
23. Integrity of representatives of the people.
24. That NSWALC will exist for ever.





- 25. Financial security.
- 26. Under achievement. No other Indigenous peoples in the world have had the structure that NSW has.
- 27. Poverty elimination.
- 28. Lack of programs to address unemployment.
- 29. Unity
- 30. Full membership of a funeral fund
- 31. Penalties for fraud at every level of the structure to be dealt with by the full force of the law.
- 32. Holistic co-ordination of services.
- 33. Sharing resources and knowledge amongst LALCs.

Barriers to expectations being met:

Group 3

- 1. Selfishness and hidden agendas
- 2. Government organisations play one off against the other
- 3. Border issues
- 4. Confirmation of Aboriginality
- 5. Criteria for membership
- 6. Rental housing management
- 7. Distractions whilst working in a LALC.
- 8. Personality members and in the locals. Considers themselves before the constituents and members.
- 9. Accessing funding from state and other agencies.
- 10. Continued training from NSWALC and managers working without support.
- 11. Co-ordinators/office bearers acting fraudulently should not go to other LALCs.
- 12. Isolation from other LALCs.

Group 4

- 1. Access to crown land
- 2. Restrictive government policies.
- 3. The Act is restrictive
- 4. Amount of funding – the sunset clause
- 5. Greed
- 6. Capacity building
- 7. Complacency





8. Lack of funding to develop skills.
9. Not tapping into other resources.
10. Making other agencies accountable.
11. Not nurturing the young. 48% of the people in one region are 15 years and younger.
12. Skill building.
13. Membership – nepotism, cronyism.
14. Lack of positive role models
15. NSWALC failing in delivery service
16. Uniformity in information
17. Number of members in LALCs
18. Boundaries

Group 1

1. Government restrictions
2. Misconception of Aboriginal people in the wider community
3. Lack of business capacity, lack of knowledge
4. Poor communication within own community. Lack of uniformity.
5. Not being transparent, better communication.
6. ALRA contradictory.
7. Over emphasis on regulations rather than development.
8. Internal conflict, nepotism and greed.
9. Poor community participation.
10. Irresponsible attitude to payment of rents and rates.
11. Absence of useable economic base.
12. Over riding political agendas.
13. No representation of Aboriginal people in parliament.
14. Lack of support from local councils themselves.
15. Time of processing of Land Claims.
16. Lack of communication from NSWALC on political issues until the damage is done. Similarly LALCs should support NSWALC.
17. Quicker response to fraudulent behaviour.
18. More knowledge needed on the Act.





Group 2

1. Corruption and theft taking the self esteem from people.
2. Skills of workers and board members
3. Disunity of community
4. Ignorance
5. Individual family focus.
6. Being reactive, not proactive.
7. Lack of funds and expertise
8. Intimidation
9. There must be faith and trust
10. Lack of confidence
11. Misconceptions
12. Lack of support by staff, board members or members.
13. Lack of transparency; truth and integrity are important in decision making.
14. Restrictive nature of the *Aboriginal Land Rights Act*
15. Local politics as well as state politics
16. Mainstream racism
17. NSWALC did not give members enough reports
18. Stereotyping
19. Aboriginality
20. Kooris fighting Kooris – not working together
21. Training throughout the system
22. Transport – a lot of members don't have vehicles so this limits participation
23. Negative publicity
24. Not enough young people coming forward. More mentoring is needed.
25. Legal compliance of the Act.
26. Welfare mentality.
27. Lack of networking.





Mr Bradbery explained that the next session was designed to determine the three most important barriers from each group's list of barriers and to develop solutions.

Group 1:

1. The Act is unclear and full of impediments. This could be remedied by understanding and interpretation of the legislation. This should be provided by the Registrar. Legal understanding is important – a legally trained person should assist LALC's. NSWALC should also provide interpretations on the Act.
2. "Internal conflict nepotism and greed." This can be overcome by having common goals, compliance and better training. Youth need more focus. Adequate skills, transparency and cultural programs are also needed along with independent mediation.

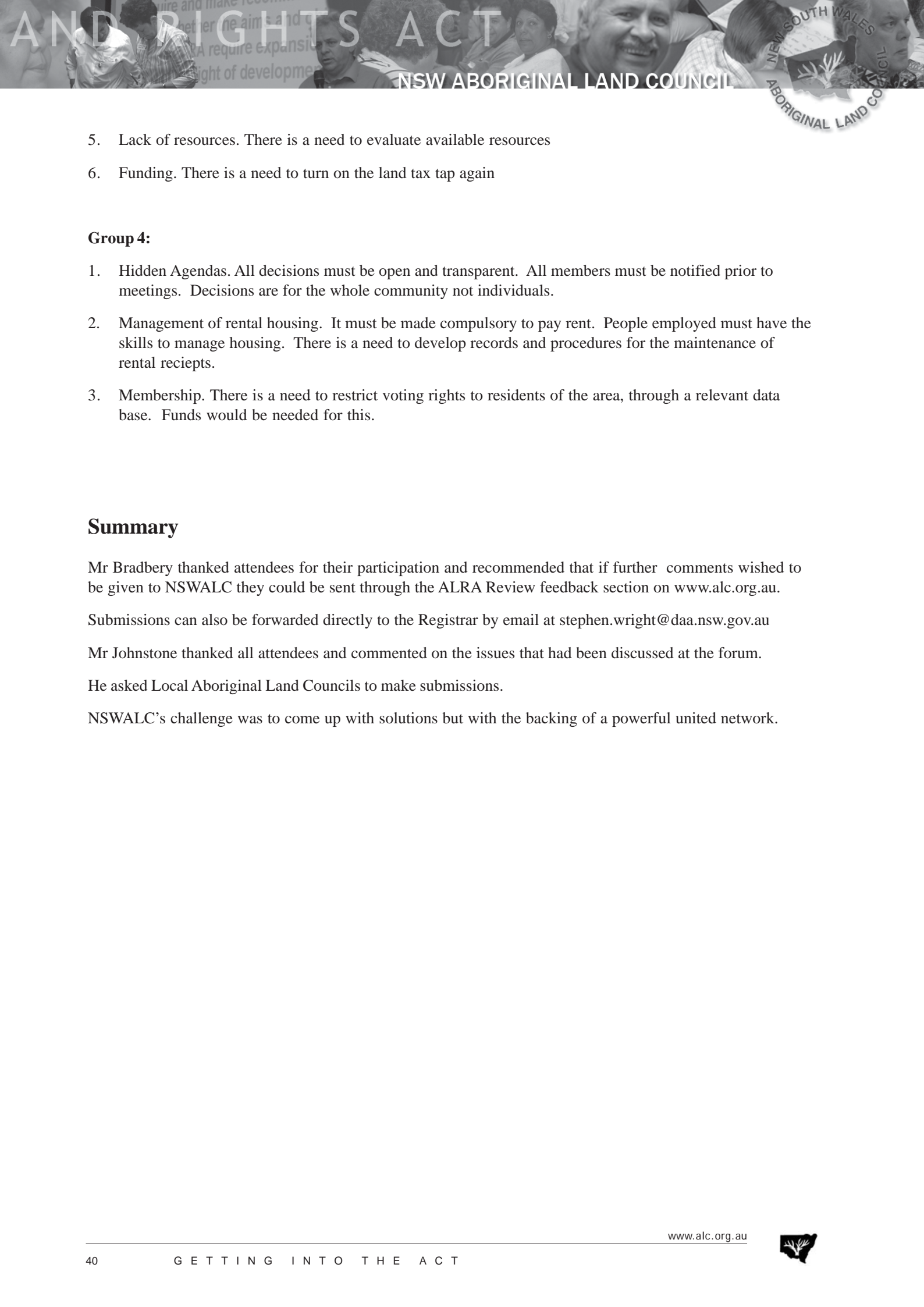
Group 2:

1. Access to land: There is a need to streamline the process with better to funds for land purchases. Immediate data is needed from the Land Titles Office on available land
2. Nepotism and greed – The Registrar should provide realistic penalties for fraud etc. There is a clear need to make people accountable for their actions.
3. Develop methods to resolve conflicts. There is a need to take emotion out of the process. Capacity building. There is a need for partnerships between LALC's of resources and knowledge. There is a need to build on successful models elsewhere. This could include mentoring of people at all levels – NSWALC could provide people to mentor LALC members.

Group 3:

1. Lack of skills. This can be overcome by new Zones providing training workshops.
2. Public and private sectors should provide agreements to share knowledge and skills.
3. Lack of membership involvement. There is a need for Zones to hold workshops for members.
4. Intimidation. The Act could be amended so that there are youth advisory groups. There could be junior LALC membership.





- 5. Lack of resources. There is a need to evaluate available resources
- 6. Funding. There is a need to turn on the land tax tap again

Group 4:

- 1. Hidden Agendas. All decisions must be open and transparent. All members must be notified prior to meetings. Decisions are for the whole community not individuals.
- 2. Management of rental housing. It must be made compulsory to pay rent. People employed must have the skills to manage housing. There is a need to develop records and procedures for the maintenance of rental receipts.
- 3. Membership. There is a need to restrict voting rights to residents of the area, through a relevant data base. Funds would be needed for this.

Summary

Mr Bradbery thanked attendees for their participation and recommended that if further comments wished to be given to NSWALC they could be sent through the ALRA Review feedback section on www.alc.org.au.

Submissions can also be forwarded directly to the Registrar by email at stephen.wright@daa.nsw.gov.au

Mr Johnstone thanked all attendees and commented on the issues that had been discussed at the forum.

He asked Local Aboriginal Land Councils to make submissions.

NSWALC’s challenge was to come up with solutions but with the backing of a powerful united network.





LAND RIGHTS



Forum Five

- WANTS TO MEETING EXPECTATIONS
- ACT IN SUFFICIENT FUNDING TO GET LALCs
 - RECOMMEND FOR LAND TAX
 - POLITICAL - TO MAKE THE ACT
 - LOCAL GOVERNMENTS - LOCAL GOVERNMENTS TO BILL OF RIGHTS
 - RESPONSIBILITY OF CHANGING THE ACT TO MAKE DUBBO EXISTING DUBBO
 - HOME OWNERSHIP (NON)
 - LALC'S ABILITY TO PROVIDE BENEFIT TO Aboriginal People.
 - OBLIGATIONS - OVER REGULATION OF LALC'S UNDER THE ALRA PREVENTS APPROPRIATE COMMUNITY DEVELOPMENTS & PLANNING AND INTERNAL PROCESSES

Dubbo Bowling Club

[22 October 2004]

Introduction

Mr Sturgeon welcomed all attendees, and acknowledged the traditional elders.

Aunty Ruth Naden was introduced and gave the Welcome to Country.

Apologies were tendered for Mr William Johnstone and Mr Murray Chapman.

Geoff Scott introduced himself and proceeded to work his way through the NSWALC power point presentation on the review, while taking questions from the floor.

He noted Minister Refshauge had made it clear in his published statement announcing the review that it was designed to result in an overhaul of the current system.

Q: In the previous review LALCs were asked what they wanted but it was not taken into consideration because it was the government's preferred option that got up?

A: It is always the government's preferred option.

Q: Why waste time going around when LALCs were not going to get what they wanted?

A: It was about governance, the membership rolls were changed, the objects of NSWALC and some of the functions of the LALCs.

Q: If a Local has land they own and that LALC becomes defunct what happens to the land, do they hold it or dispose of it?

A: All assets and liabilities go to NSWALC.

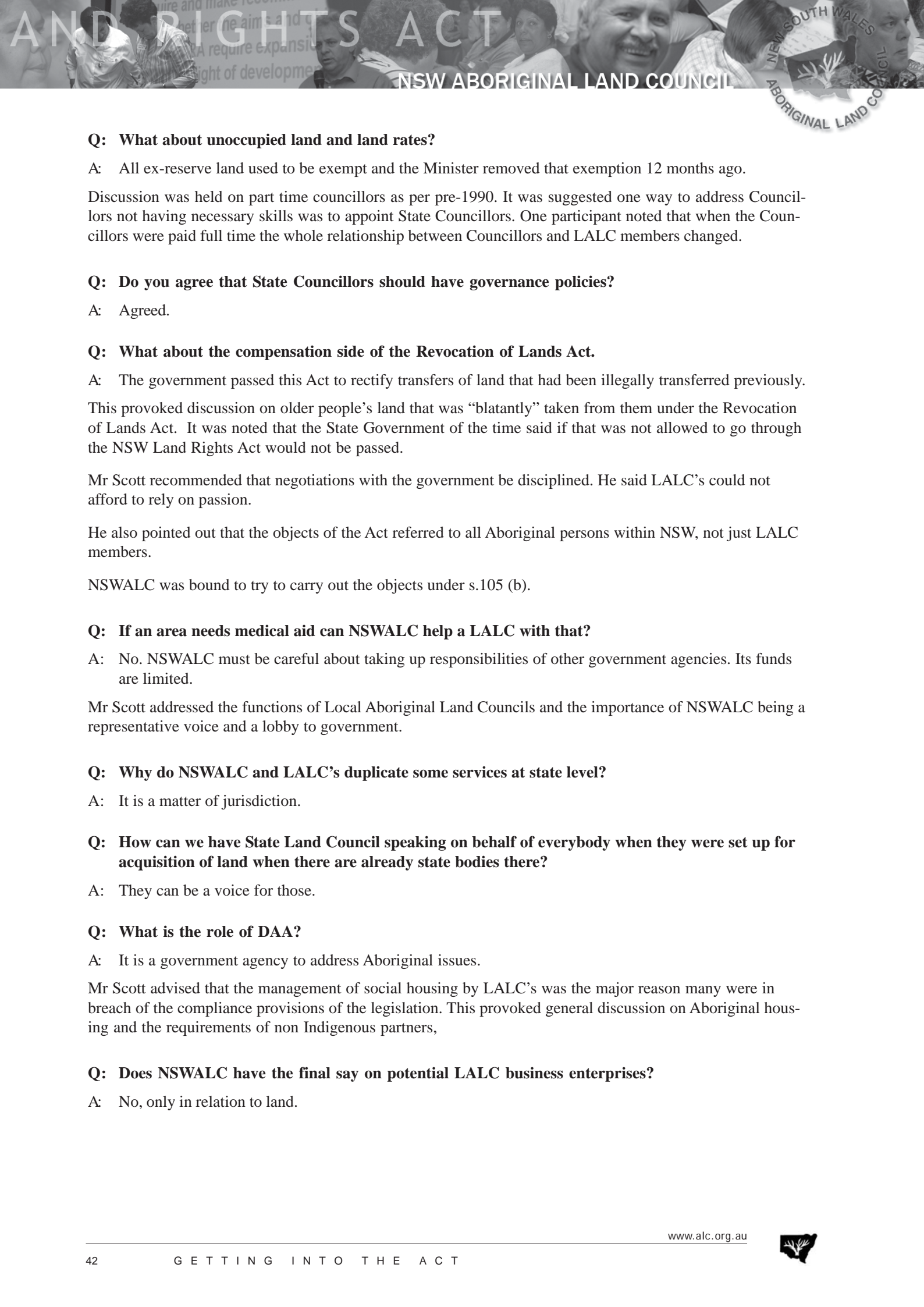
Q: Is there some clause in legislation that NSWALC cannot sell? If NSWALC sold the land the money would go back into its coffers?

A: Under Section 40 C (1) (a) NSWALC cannot dispose of any land without the approval of the Local Aboriginal Land Council in whose area the land is.

Q: What about Zones going across ALC boundaries?

A: The NSWALC Zone Offices do not affect the boundaries of LALCs and RALCs.





Q: What about unoccupied land and land rates?

A: All ex-reserve land used to be exempt and the Minister removed that exemption 12 months ago.

Discussion was held on part time councillors as per pre-1990. It was suggested one way to address Councilors not having necessary skills was to appoint State Councilors. One participant noted that when the Councilors were paid full time the whole relationship between Councilors and LALC members changed.

Q: Do you agree that State Councilors should have governance policies?

A: Agreed.

Q: What about the compensation side of the Revocation of Lands Act.

A: The government passed this Act to rectify transfers of land that had been illegally transferred previously. This provoked discussion on older people’s land that was “blatantly” taken from them under the Revocation of Lands Act. It was noted that the State Government of the time said if that was not allowed to go through the NSW Land Rights Act would not be passed.

Mr Scott recommended that negotiations with the government be disciplined. He said LALC’s could not afford to rely on passion.

He also pointed out that the objects of the Act referred to all Aboriginal persons within NSW, not just LALC members.

NSWALC was bound to try to carry out the objects under s.105 (b).

Q: If an area needs medical aid can NSWALC help a LALC with that?

A: No. NSWALC must be careful about taking up responsibilities of other government agencies. Its funds are limited.

Mr Scott addressed the functions of Local Aboriginal Land Councils and the importance of NSWALC being a representative voice and a lobby to government.

Q: Why do NSWALC and LALC’s duplicate some services at state level?

A: It is a matter of jurisdiction.

Q: How can we have State Land Council speaking on behalf of everybody when they were set up for acquisition of land when there are already state bodies there?

A: They can be a voice for those.

Q: What is the role of DAA?

A: It is a government agency to address Aboriginal issues.

Mr Scott advised that the management of social housing by LALC’s was the major reason many were in breach of the compliance provisions of the legislation. This provoked general discussion on Aboriginal housing and the requirements of non Indigenous partners,

Q: Does NSWALC have the final say on potential LALC business enterprises?

A: No, only in relation to land.





Q: Can NSWALC provide funding to see if a business enterprise is viable?

A: At the moment that funding is available from other agencies. There is a real debate on priorities. That is a task for the Board/Administrator.

Q: Is NSWALC going to continue funding the rural properties?

A: The properties are costly and are a burden to NSWALC. They cannot be disposed of without LALC approval. These can be operated by NSWALC as they were transferred from RALC's. One option is to set up a Trust of the LALC's to run them. That would need to be debated and considered.

Q: Who makes employment decisions on those properties?

A: Riverina FARM.

Q: Are they making a profit?

A: Some are, but the deficit overall is about \$500,000.

Discussion then turned to the functions of NSWALC and land dealings.

Mr Scott explained that NSWALC's role was to oversight land, be a regulator, financier and to provide support to the land council network, e.g. by training, assisting with membership rolls and underwriting the administrative operations of LALCs.

Mr Scott advised that documentation would be provided to all LALC's on NSWALC's Statutory Investment Fund so they are kept up to date with its performance.

He advised that the fund was currently performing well.

It was noted that the mining royalties account has never been used.

Q: How much money is coming back into NSWALC from the Eastern LALC's.

A: The distribution of wealth across LALC's is being considered for the review.

Mr Scott noted it had cost \$134,709,000 to run NSWALC, LALC's and RALC's since 1998.

Discussion was held on the comparative allocations between NSWALC and RALC's and LALC's.

Q: What about NSWALC bad investments and court cases?

A: In 1998 when the Land Tax income stream was stopped the Council invested in slightly risky funds but this did not work. There was also a dip as a result of September 11. The current investment strategy is risk averse and based on CPI plus 5% return on investment.

Q: Have you got anything about the bad investments, the money paid out in court costs etc?

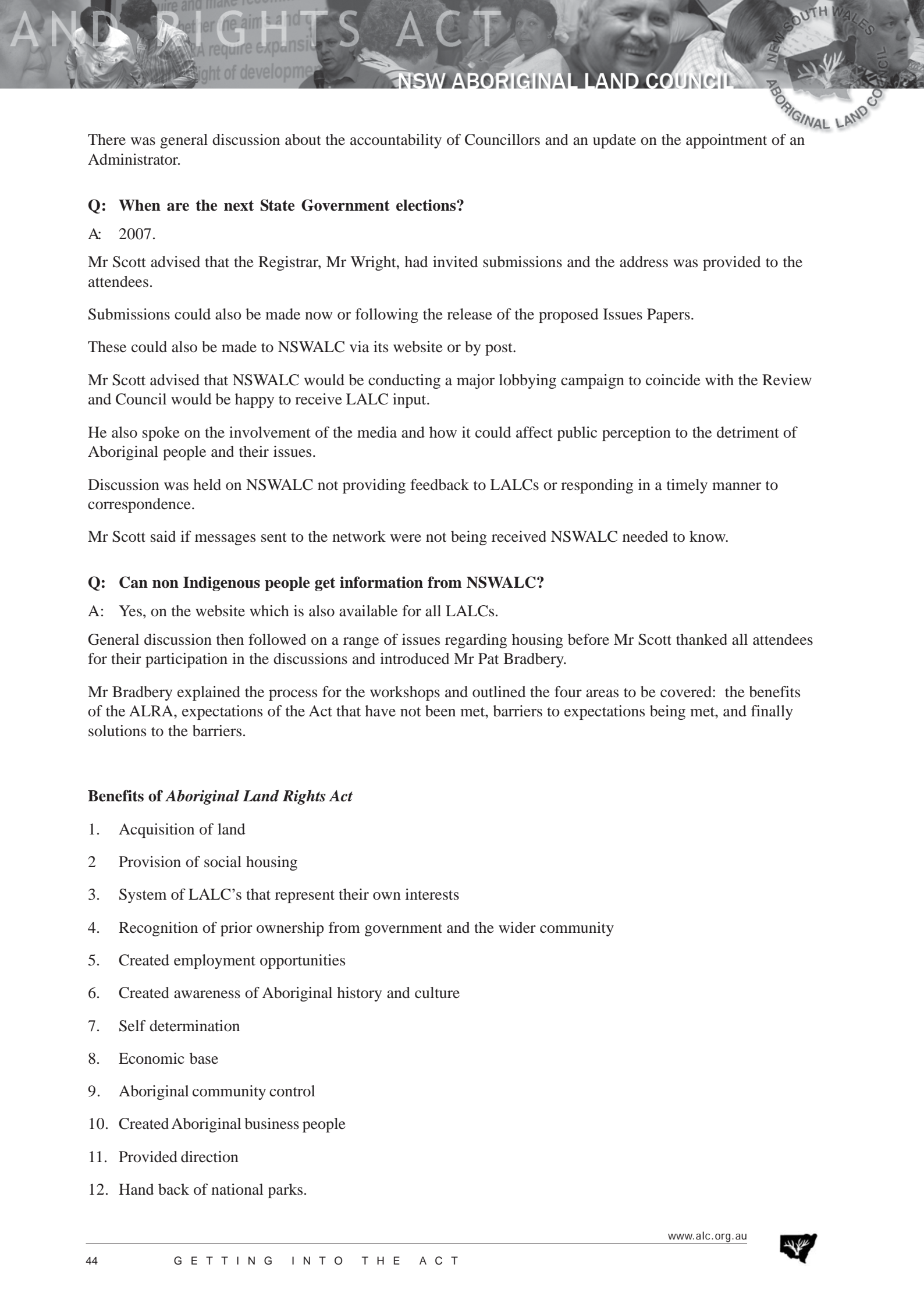
A: The details of the bad debts are in NSWALC's Annual Report.

Q: Are you going to continue funding the RALCs?

A: RALCs have functions to assist LALCs, cultural and heritage responsibilities and to advise NSWALC. It costs \$500,000 a year to fund them.

It was noted that some Local Aboriginal Land Councils have a bigger asset base than NSWALC. Mr Scott then presented several possible funding models and noted there were currently 118 functioning LALCs. Winbar, Mootawinji and Stuart Island did not currently function.





There was general discussion about the accountability of Councillors and an update on the appointment of an Administrator.

Q: When are the next State Government elections?

A: 2007.

Mr Scott advised that the Registrar, Mr Wright, had invited submissions and the address was provided to the attendees.

Submissions could also be made now or following the release of the proposed Issues Papers.

These could also be made to NSWALC via its website or by post.

Mr Scott advised that NSWALC would be conducting a major lobbying campaign to coincide with the Review and Council would be happy to receive LALC input.

He also spoke on the involvement of the media and how it could affect public perception to the detriment of Aboriginal people and their issues.

Discussion was held on NSWALC not providing feedback to LALCs or responding in a timely manner to correspondence.

Mr Scott said if messages sent to the network were not being received NSWALC needed to know.

Q: Can non Indigenous people get information from NSWALC?

A: Yes, on the website which is also available for all LALCs.

General discussion then followed on a range of issues regarding housing before Mr Scott thanked all attendees for their participation in the discussions and introduced Mr Pat Bradbery.

Mr Bradbery explained the process for the workshops and outlined the four areas to be covered: the benefits of the ALRA, expectations of the Act that have not been met, barriers to expectations being met, and finally solutions to the barriers.

Benefits of Aboriginal Land Rights Act

1. Acquisition of land
2. Provision of social housing
3. System of LALC's that represent their own interests
4. Recognition of prior ownership from government and the wider community
5. Created employment opportunities
6. Created awareness of Aboriginal history and culture
7. Self determination
8. Economic base
9. Aboriginal community control
10. Created Aboriginal business people
11. Provided direction
12. Hand back of national parks.





13. Part of a consultative process, supposedly.
14. Developing our community
15. Education
16. Language
17. Rates exemptions
18. Good political lobbying tool
19. Preservation of sites
20. Land claims on Crown land.
21. Greater awareness of Aboriginal rights.
22. Native Title
23. Better understanding of political processes
24. Enterprises
25. Identity

Unmet Expectations

1. Sustainability
2. Unity
3. Unsuccessful in native title claims
4. Unable to claim back traditional land
5. Economic independence
6. Communication within the community from top to bottom.
7. Feedback – knowing what is going on
8. Lack of total support from governments.
9. Ongoing training and governance training for board members
10. Accountability
11. Outcomes – well being of the community
12. Sovereignty
13. Insufficient recognition of traditional owners
14. Recognition of cultural and custodial rights
15. Acceptance by the wider community – less backlash.
16. Improvements in employment, education, housing and health
17. Better resourcing



Barriers

The meeting was divided into three groups to work on the barriers to expectations being met. The following were identified.

Group A:

1. Lack of training and experience
2. Stacking meetings where the right people are not put in for the job - nepotism
3. Lack of resources/funding
4. Prejudices
5. Lack of communication, from NSWALC to LALCs
6. No transparency.
7. Lack of accountability
8. Corruption
9. Government erect barrier after barrier
10. Once stand alone Act and now under many other Acts as well.
11. Not enough priority given to the right issues like housing.
12. Not enough consultation with the grass roots people.

Group B:

1. The ALRA should be in plain English.
2. Consultation process is missing at grassroots level.
3. Lack of awareness of contents and provisions in the Act.
4. Limitation of economic growth for future generations.
5. Lack of reconciliation.
6. Land Tax limited. What is going to happen now for Aboriginal people as the income will not match the expenditure that is needed.
7. Need for something on a national basis. A federal fund should be established for Aboriginal people in perpetuity based on the requirements for each state.
8. Lack of resources to facilitate quality training.
9. Lack of accountability in the Act from the top down.

Group C:

1. Sustainability with lack of understanding by the three tiers of government. Throwing money at issues is not the solution but training is.
2. Lack of good governance.



3. Community factions and lack of unity.
4. Roles and responsibilities at a local level. Lack of understanding of membership rolls.
5. Aboriginality – not being able to sign forms for people who come into the LALC offices. Clarification is needed on this issue. A form should be developed for use by LALC's. Government agencies also need to know the process. A suggestion is an identification process of the LALC's.
6. Communication is inconsistent, lack of information causes problems in the community.
7. Media – negative reporting of Aboriginal issues. A solution could be to become more involved and let the press know of positive issues.
8. Lack of funds to achieve goals or lack of administrative skills could be applied to the available funds.
9. Lack of incentive for housing organisations that are performing well.
10. Lack of training and back filling positions. Mentoring programs could be implemented.
11. Out of date technology.

Solutions

Group A:

1. ALRA in plain English, can be put into language that Aboriginal people can understand. Proper communication.
2. Limiting of growth – training and better investments to develop greater economic benefits. Unity and trust are essential
3. Lack of resources for quality training – provide suitable training packages. Skills audits can also be performed.

Group B:

1. Unity – needs a commonality of understanding with common goals and purposes. Go back to culture and respect for self and others.
2. Accountability – be transparent. Consultations should go in all directions and everyone should be involved in the process of change. Honesty is vital. Policies should be in place to identify where potential dangers are and address the issues.
3. Training – expert people, resources all require money. The leaders must have a willingness to have people changed. Policies also need to be changed to achieve better training.

Group C:

1. Lack of communication – outdated computers being used. Possibility of a uniform flow of consistent information from top to bottom. Regular meetings to be held between Zones and LALC's and of LALC Chairs.
2. Accountability – uniform accounting system with training. People taking responsibility for their own actions.
3. Unity – have a common vision with all heading in the same direction. Respect needs to be for everybody.





Summary

Mr Bradbery advised that comments from the Forums and hard copies of the electronic presentations would be made available to all participants.

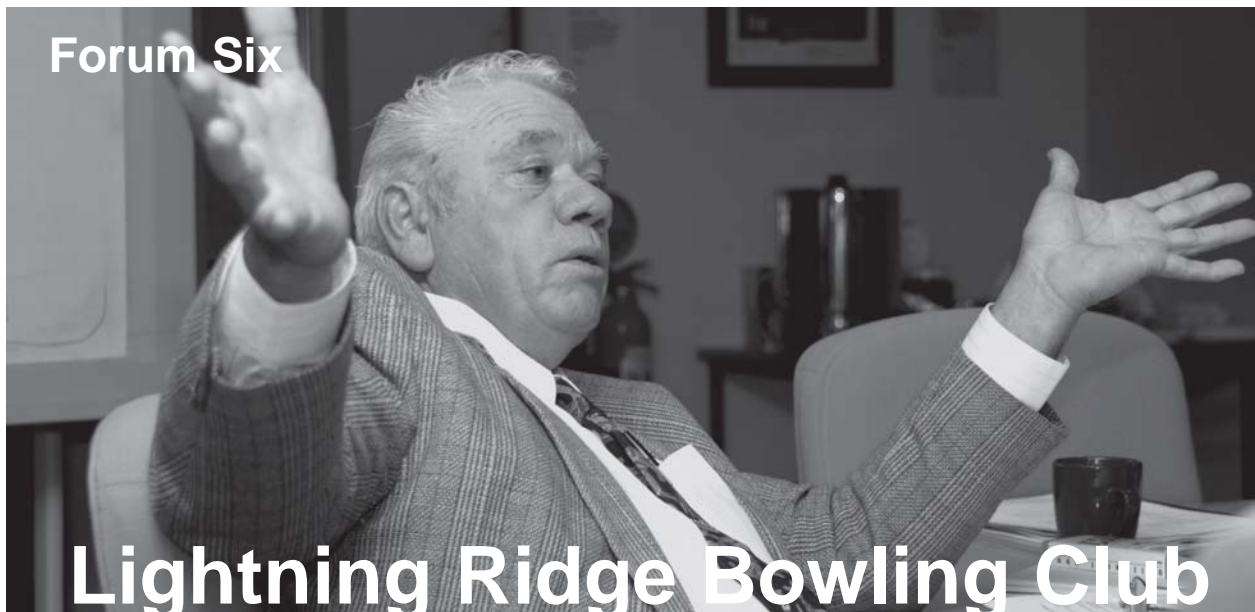
Mr Sturgeon advised that further workshops would be held next year at different locations. All comments would be considered when compiling NSWALC's viewpoint.

NSWALC would feed into the Taskforce. Submissions could be made through NSWALC, the DAA or the Registrar. Mr Bradbery thanked all attendees for their participation.





Forum Six



Lightning Ridge Bowling Club

[26 and 27 October 2004]

Introduction

Mr Sturgeon welcomed all attendees.

He tendered an apology on behalf of the Registrar, Mr Wright, and acknowledged the attendance of Ms Lisa Braid, a policy officer from DAA.

Ms June Barker gave the Welcome to Country.

Former NSWALC Chairperson, Mr Les Trindall, was introduced and spoke in remembrance of the late Mr. Tombo Winters.

NSWALC Administrator, Mr. Murray Chapman, advised that the purpose of the community forums was to ascertain the views of the communities and ensure they were reflected in submissions going to Government. Mr Scott began the NSWALC electronic presentation and questions were taken from the floor.

Q: During the last amendment process concerns that were raised were ignored. Why bother to go through a similar exercise?

Mr Chapman advised that if the government had the amendments already prepared he would publicly walk away from the process.

Q: If a LALC has a genuine concern would Mr Chapman listen?

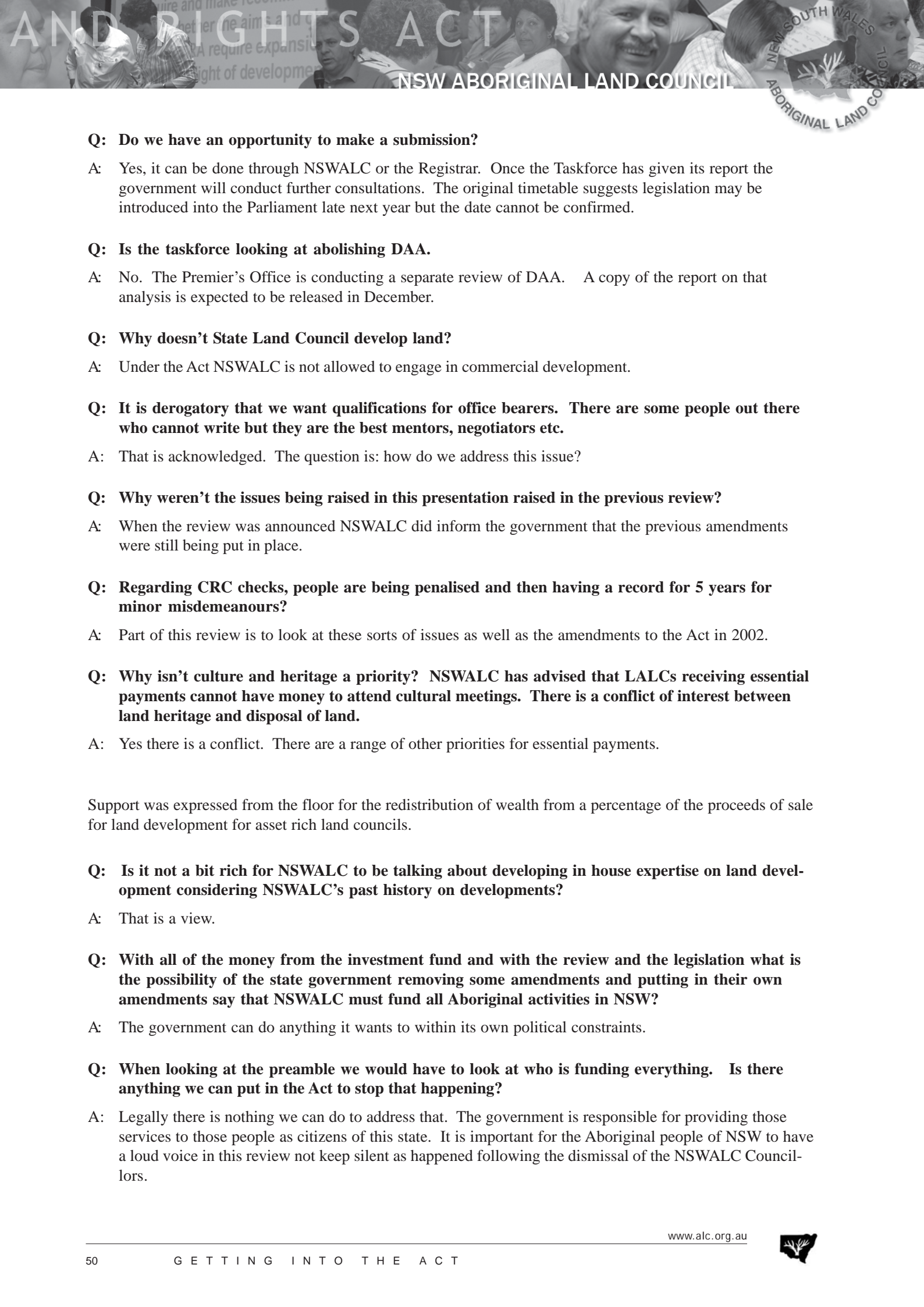
A: Yes.

Discussion followed on the opportunity the review offers to the Aboriginal people of NSW.

Mr Scott advised that the Minister had stated publicly that he wanted the review to result in an overhaul of the legislation.

The Minister had identified his priority reform issues as land dealings then governance issues, including the three tier structure.





Q: Do we have an opportunity to make a submission?

A: Yes, it can be done through NSWALC or the Registrar. Once the Taskforce has given its report the government will conduct further consultations. The original timetable suggests legislation may be introduced into the Parliament late next year but the date cannot be confirmed.

Q: Is the taskforce looking at abolishing DAA.

A: No. The Premier's Office is conducting a separate review of DAA. A copy of the report on that analysis is expected to be released in December.

Q: Why doesn't State Land Council develop land?

A: Under the Act NSWALC is not allowed to engage in commercial development.

Q: It is derogatory that we want qualifications for office bearers. There are some people out there who cannot write but they are the best mentors, negotiators etc.

A: That is acknowledged. The question is: how do we address this issue?

Q: Why weren't the issues being raised in this presentation raised in the previous review?

A: When the review was announced NSWALC did inform the government that the previous amendments were still being put in place.

Q: Regarding CRC checks, people are being penalised and then having a record for 5 years for minor misdemeanours?

A: Part of this review is to look at these sorts of issues as well as the amendments to the Act in 2002.

Q: Why isn't culture and heritage a priority? NSWALC has advised that LALCs receiving essential payments cannot have money to attend cultural meetings. There is a conflict of interest between land heritage and disposal of land.

A: Yes there is a conflict. There are a range of other priorities for essential payments.

Support was expressed from the floor for the redistribution of wealth from a percentage of the proceeds of sale for land development for asset rich land councils.

Q: Is it not a bit rich for NSWALC to be talking about developing in house expertise on land development considering NSWALC's past history on developments?

A: That is a view.

Q: With all of the money from the investment fund and with the review and the legislation what is the possibility of the state government removing some amendments and putting in their own amendments say that NSWALC must fund all Aboriginal activities in NSW?

A: The government can do anything it wants to within its own political constraints.

Q: When looking at the preamble we would have to look at who is funding everything. Is there anything we can put in the Act to stop that happening?

A: Legally there is nothing we can do to address that. The government is responsible for providing those services to those people as citizens of this state. It is important for the Aboriginal people of NSW to have a loud voice in this review not keep silent as happened following the dismissal of the NSWALC Councilors.





Q: Does State Council factor in CPI to run the Land Council.

A: Up to a point it does. The CPI is maintained in the fund.

Q: If State Land Council is factoring in CPI State's budget must go up so what about the allocation to LALCs?

A: No, NSWALC's budget does not necessarily go up each year.

Mr Scott spoke on the investment strategy being risk averse and Mr Chapman acknowledged that as a direct result of the decisions of the former Council the fund outperformed many other funds like the State Super Fund.

In this current year NSWALC was able to operate entirely on the interest without drawing down from the capital. He noted that the only money NSWALC can draw down is from realised capital gains and income stream.

Q: The LALC puts in a budget and we want to start an enterprise, do we have to mortgage our land etc?

A: Just because it was done in the past, does not mean we have to continue to do it that way. There are other ways to raise money, e.g. share of profits. Some merchant banks are prepared to handle things differently.

Q: Is there any penalty for a LALC that develops land once they get approval from NSWALC but does not stick to their Business Plan?

A: The members have the right to go back to the Executive if the Executive does not stick to the business plan. At the moment there is no penalty.

Q: Regarding Co-ordinator's wages, don't NSWALC staff have an award?

A: Yes they do.

This provoked general discussion on possible models for LALC budgets. It was noted that there is a great difference between the responsibilities and roles of a Co-ordinator for a LALC with a membership of 10 compared to a LALC with a large membership. This led to the inevitable question: should all LALCs be funded at the same rate?

Q: Do you agree that if the functions of LALC Secretary and Treasurer are removed it will need a complete new section of the Act? The functions of these positions would need to be diverted, correct?

A: They could be performed by staff or a company secretary.

Q: This places a lot of responsibility on the Co-ordinator who could take advantage of the situation.

A: If the staff cannot be trusted they should be dismissed.

Q: This places more responsibility on the Co-ordinator, shouldn't that mean more salary?

A: This is not a simple process and should be looked at. It would be a major change in the way a LALC would work.

Q: Do you agree the review timetable is going to be too tight to allow the job to be done properly?

A: We believe it is tight.





Mr Trindall commented that only three people would see the recommendations going to Government. The communities had to place their faith in the Taskforce members.

Mr Chapman responded. He said the timetable was not set by NSWALC. He agreed it was very tight.

The best he could do was to put the communities' views to the Taskforce.

If there was any prospect of his name being associated with something that was not in the best interests of his countrymen he would walk away.

He said he was not a government stooge or dictated to by other members of the Taskforce.

The purpose of the current exercise was to hear the views of the community and ensure they got to government.

The facilitator of the workshops, Mr Michael Stewart, was introduced and presented the agenda.

He emphasised the importance of active participation in the process.

Benefits of the *Aboriginal Land Rights Act* to Date

Each attendee was asked to write down at least one significant achievement of the Act.

1. Land Claims
2. Housing
3. Funeral Fund
4. Close community
5. Community Centre
6. Resource Centre
7. Provides administration
8. Local representative body
9. Employment
10. Communication
11. Provides a building
12. Health Services
13. Youth centre
14. Conference meetings
15. Training and TAFE
16. Transport
17. Home Care
18. Social functions
19. Sports and recreation





Unmet Expectations of the *Aboriginal Land Rights Act*

1. Preserving Aboriginal culture
2. Hand back of Aboriginal property
3. Self determination
4. Rate exemptions on Reserves/Missions
5. Houses for everyone
6. Smooth running LALC on full funding
7. State wide conferences – expectation of united network
8. ALRA Act for the people not government
9. Removal of Minister
10. No government interference
11. LALC capacity building
12. Policy representation
13. Decentralised policies, local input to NSWALC policies
14. Respect for cultural boundaries
15. Land granted – has not been granted
16. Satisfaction of all service needs.

Barriers

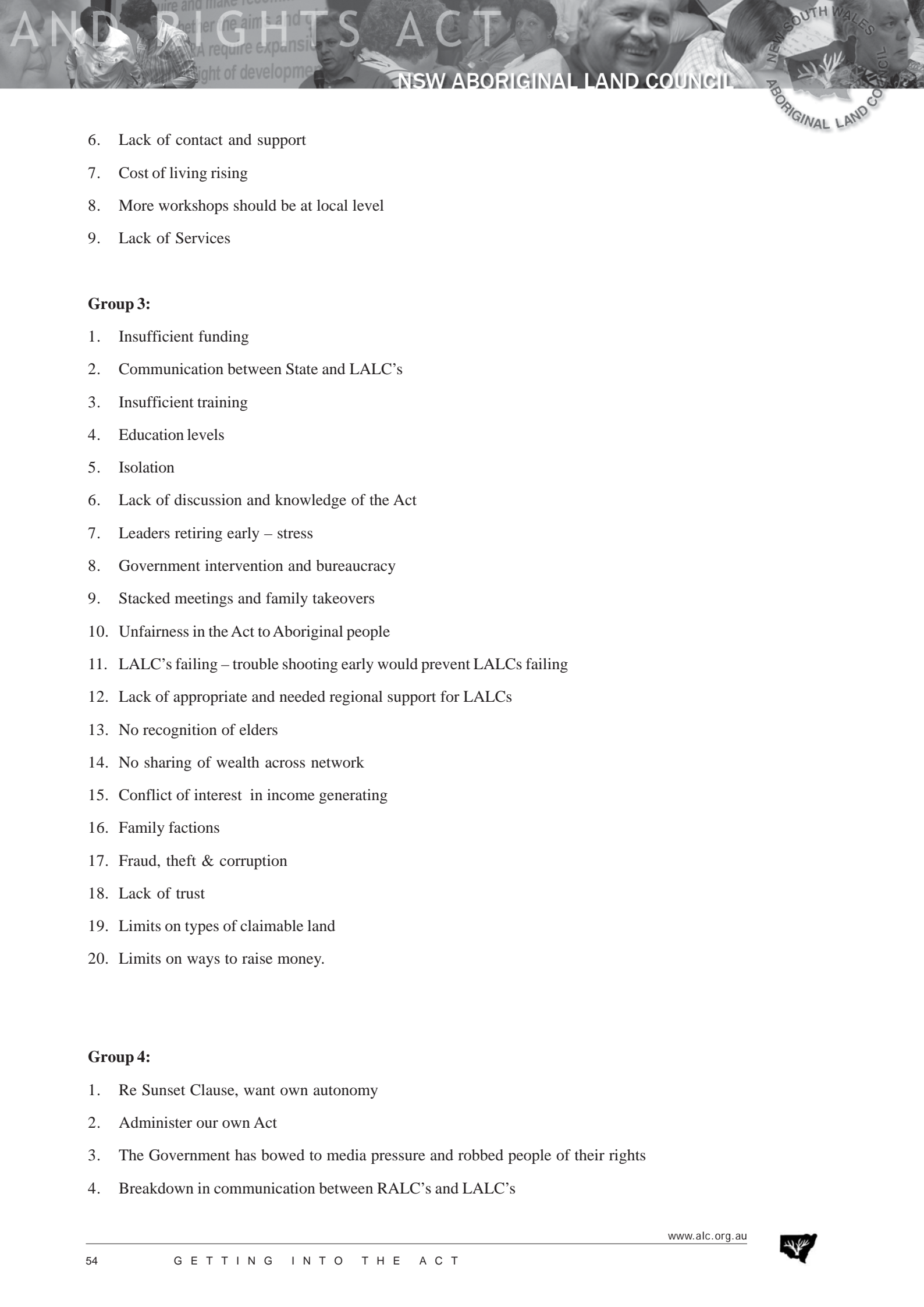
Group 1:

1. Ownership – will never have ownership
2. Government interference with removal of Councillors
3. Removal of three tier structure
4. Aboriginality through the Act – LALC's cannot pass Aboriginality forms.
5. Land Claims – still not processed
6. Cannot apply for funds for enterprises or budgets – allocation is for administration only.

Group 2:

1. Promises broken from Day 1
2. Government driven amendments
3. More input into the Act and other issues
4. Criminal checkups
5. New changes





- 6. Lack of contact and support
- 7. Cost of living rising
- 8. More workshops should be at local level
- 9. Lack of Services

Group 3:

- 1. Insufficient funding
- 2. Communication between State and LALC's
- 3. Insufficient training
- 4. Education levels
- 5. Isolation
- 6. Lack of discussion and knowledge of the Act
- 7. Leaders retiring early – stress
- 8. Government intervention and bureaucracy
- 9. Stacked meetings and family takeovers
- 10. Unfairness in the Act to Aboriginal people
- 11. LALC's failing – trouble shooting early would prevent LALCs failing
- 12. Lack of appropriate and needed regional support for LALCs
- 13. No recognition of elders
- 14. No sharing of wealth across network
- 15. Conflict of interest in income generating
- 16. Family factions
- 17. Fraud, theft & corruption
- 18. Lack of trust
- 19. Limits on types of claimable land
- 20. Limits on ways to raise money.

Group 4:

- 1. Re Sunset Clause, want own autonomy
- 2. Administer our own Act
- 3. The Government has bowed to media pressure and robbed people of their rights
- 4. Breakdown in communication between RALC's and LALC's





5. LALC's not receiving training for executives from NSWALC
6. With good foundation through good training LALC's could develop functions within the Act
7. Administration – allocations unsuitable to manage their assets and affairs.

Solutions

Group 4:

1. Government intervention – remove the Minister from Act
2. Corruption – lifetime bans for people committing fraud
3. Claimable Land – NSWALC will identify all claimable lands and advise the relevant LALC.

Group 3:

1. Re Sunset Clause – Get all LALC's fully functioning through better communication, training for all concerned. This would show media & government that LALC's are functioning well. Funding could be from return of land tax. Policies be developed by LALC's and supported by network to protect rights and self determination.
2. With a good knowledge and training LALC's could capacity build. - Solution is to provide more training for all jobs within the network.
3. Allocations unsuitable – apply for more funding - this would mean a lot of training and communication. More professional proposals could be submitted by the LALC's. Better communication between State and Regions could be solved by increasing funds to network. Consideration should only be given to LALC's with a good history of accountability.

Group 1:

1. Criminal checks – people found guilty be permanently banned from membership
2. Lack of control and support – there should be more workshops and a lot more training and a lot more input from Locals.
3. All barriers – should increase income stream by reinstating the land tax.,

Group 2:

1. Three tier structure – should not have been taken out
2. Councillors – put back Councillors at next election
3. Land Claims – give back ownership to the right people.

Summary

Mr Stewart congratulated the attendees for their participation. Mr Sturgeon thanked the branch Staff who organised this venue and thanked the elders for their participation.





Introduction

Mr Alan Madden of Metropolitan LALC gave the Welcome to Country.

Geoff Scott led discussion on the NSWALC electronic presentation and took questions from the floor.

Q: When this was first mooted to happen 2 years ago we requested from the floor that elected members be on the Task Force. That has not happened. It is still driven from the top down, why can't it involve grass roots people?

A: The Task Force was appointed by the Minister.

Q: This was after the horse had bolted and the gate was shut. I want a letter sent to the Minister regarding no LALC representation on that Task Force. How can they understand what is impinging on the Locals? A regional Chair or someone like that should have been on the Task Force.

A: I understand your point of view.

Q: Is this Task Force seeking advice from LALCs?

Mr Scott explained the process outlined by the Government regarding the timetable for the release of Issues Papers.

Q: Are the Issues Papers being developed in isolation of the LALCs?

A: Partly yes, but one of the reasons for these forums is to involve the communities.

Mr Scott spoke on common duty statements. He said the responsibilities of Co-ordinators varied from LALC to LALC with remunerations ranging from \$30,000 to \$100,000.





Q: A question regarding the policy to recover the costs of Administrators from respective LALC's. It says in the Act that NSWALC is to pay these costs and may recover the costs from the LALC. Should NSWALC not cover the costs and not attempt to recover them from the LALC?

Mr Scott said he did not agree.

Q: Why should a LALC have to pay the costs of an Administrator they don't want?

A: No one wants an Administrator. They are put in place because the LALC cannot comply.

Further discussion was held on the costs of Administrators and how they impact on LALC's.

Q: What does it mean in the long term for Aborigines having an Administrator in some LALCs for most of their lives. What is the outcome going to be for Aborigines?

A: There is a staged approach to trying to fix the problems. Administrators are the last resort.

Q: There needs to be some conditions on the Administrators. They need to keep members informed and not keep their Terms of Appointment longer than they need to?

A: We are monitoring the 9 administrators more closely now especially through the new Zone offices.

Q: What about Administrators who have the assets of a Land Council to dispose of at their discretion?

A: We cannot say that all Administrators have been good. They must get the approval of LALC members before they can dispose of assets.

Q: They are taking the power of the local people away. One person is making the decisions and taking the money from the LALC. Why can't we go to the Minister and have a review and request the removal of an Administrator? Why can an Administrator sell land to cover a debt and not make the best deal for the Land Council? The LALC does not have a process to appeal that?

A: There is a process now in place.

Discussion was held on what has happened in the past.

Q: Under the Act there should be a repeal process for the LALC who believes the Administrator is doing the wrong thing rather than going to the Land and Environment Court. There should be a process so Locals can appeal a Minister's decision which is against the Local.

A: That is a good idea.

Q: When an administrator is appointed to Local Govt the cost is paid for by State Government. Why should LALCs be treated differently when an administrator is appointed from the outside?

A: That is true.

Q: Is it true that DAA has an annual budget of \$5m for Aboriginal services and why don't they bear the cost of the Administrator they appoint? Can't we change it?

A: This is what these forums are for, to record these ideas and to include them in the Review.





Q: There is only one surveyor servicing NSW, which is a major issue for proper land management, and this is outside the power of the Locals?

A: That is right.

Q: In future can NSWALC claim for unspecified land for future development?

A: There is still a lot of Crown Land out there. NSWALC is trying to put people in place to handle this.

Discussion was held on land disposals by LALC's and the 5% variation from valuation.

Q: When non-Aboriginal people in an area make application for extension of land title they should bear the cost, not the Land Council.

A: This is being looked at.

Q: Why should LALC's pay for claims?

A: That is why it is being raised for consideration in the Review

Q: In relation to land being leased or sold, why can't we have access to the Trust money to lease the land?

A: This has been suggested before.

Q: What protection do we have from Native Title groups making claims after 1994? There is no avenue of appeal. The land was given to the LALC but Native Title groups claim it. Where in the legislation does it say a LALC can appeal a decision by Native Title?

A: It doesn't.

Group discussion ensued on the difficulties being experienced between LALC members and Native Title claimants.

One participant noted the discussion was about "them and us, now LALCs are against Native Title claimants, where is your respect?"

Another participant: "It happens. "We are trying to straighten up governance, it should not be a reason to annoy someone."

"All people here have the right to express their view."

The forum returned to questions centred on the presentation.

Q: Regarding missions, if they were villages they could apply under the Commonwealth Grants Commission to meet their running costs on a day to day basis? They would get their rates paid by the Commonwealth Grants Commission. Should that not be considered?

A: This is something that could be pursued.

Q Who is going to tell an elder that because they don't have a university diploma they are not fit to be on the Executive when they have been voted in by the members?

A: I don't think anyone is talking about university degrees. The point is to develop your views. The Executive should have some knowledge of the Act and its requirements. NSWALC could provide training for this.





Mr Scott advised the forum that the SBS Living Black program had requested permission to film the proceedings.

Group discussion followed on concerns that the proceedings not be taken out of context.

The representative from Living Black assured the meeting the resultant coverage would be balanced. Permission was given for filming to proceed.

General discussion then followed about the objects of LALC's.

Q: Are we going to be funded for non-core business?

A: This is under debate. We need to determine the range of responsibilities for LALCs.

Q: When an Administrator is appointed to a LALC, does its assets pass to NSWALC?

A: No.

Q: Who gets the assets if a LALC is dissolved?

A: Assets and liabilities come back to NSWALC.

Q: Aren't we getting away from being the custodians of the land?

A: Yes

Q: Regarding culture and heritage, why have we got the total responsibility, what about National Parks and Wildlife, and what happened with the Aboriginal Heritage Act that was supposed to come in?

A: This is a major issue.

Q: A LALC must make its best efforts to protect its assets but we cannot do anything about the huge public liability and rates problems

A: You own the land and you are responsible for it. It is a concern.

Q: What about social housing, why is it our responsibility when there is the AHO and when are the deeds going to be handed to the Land Councils?

A: Housing was part of the Act when it came across.

Q: Regarding LALC Functions under s 52 (1) (n). What about the role of LALCs regarding housing members, is it a breach of the Act? We cannot even set up our own building company under that provision. Are we being forced to become part of the white man's system.

A: The short answer is yes.

Q: If the NSWALC can't do anything about the members or people what is the good of them being there?

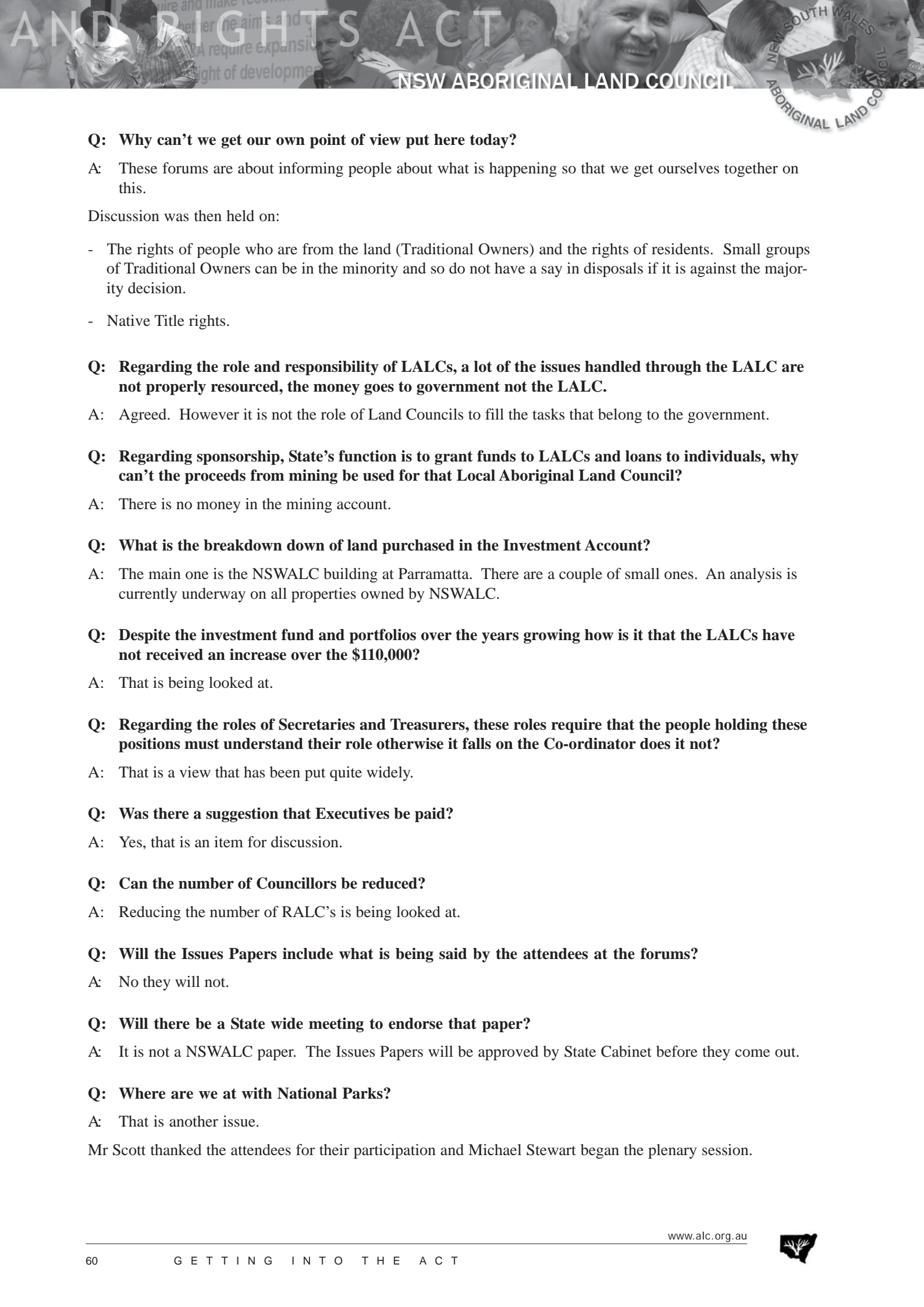
A: NSWALC can make grants but LALC's cannot. State's role is to be your voice.

Discussion was held on the words of the Act seeking to demean Aboriginal culture.

Q: Will you look at some of the wording so that it is able to be understood in our language?

A: It is time that is done.





Q: Why can't we get our own point of view put here today?

A: These forums are about informing people about what is happening so that we get ourselves together on this.

Discussion was then held on:

- The rights of people who are from the land (Traditional Owners) and the rights of residents. Small groups of Traditional Owners can be in the minority and so do not have a say in disposals if it is against the majority decision.
- Native Title rights.

Q: Regarding the role and responsibility of LALCs, a lot of the issues handled through the LALC are not properly resourced, the money goes to government not the LALC.

A: Agreed. However it is not the role of Land Councils to fill the tasks that belong to the government.

Q: Regarding sponsorship, State's function is to grant funds to LALCs and loans to individuals, why can't the proceeds from mining be used for that Local Aboriginal Land Council?

A: There is no money in the mining account.

Q: What is the breakdown down of land purchased in the Investment Account?

A: The main one is the NSWALC building at Parramatta. There are a couple of small ones. An analysis is currently underway on all properties owned by NSWALC.

Q: Despite the investment fund and portfolios over the years growing how is it that the LALCs have not received an increase over the \$110,000?

A: That is being looked at.

Q: Regarding the roles of Secretaries and Treasurers, these roles require that the people holding these positions must understand their role otherwise it falls on the Co-ordinator does it not?

A: That is a view that has been put quite widely.

Q: Was there a suggestion that Executives be paid?

A: Yes, that is an item for discussion.

Q: Can the number of Councillors be reduced?

A: Reducing the number of RALC's is being looked at.

Q: Will the Issues Papers include what is being said by the attendees at the forums?

A: No they will not.

Q: Will there be a State wide meeting to endorse that paper?

A: It is not a NSWALC paper. The Issues Papers will be approved by State Cabinet before they come out.

Q: Where are we at with National Parks?

A: That is another issue.

Mr Scott thanked the attendees for their participation and Michael Stewart began the plenary session.





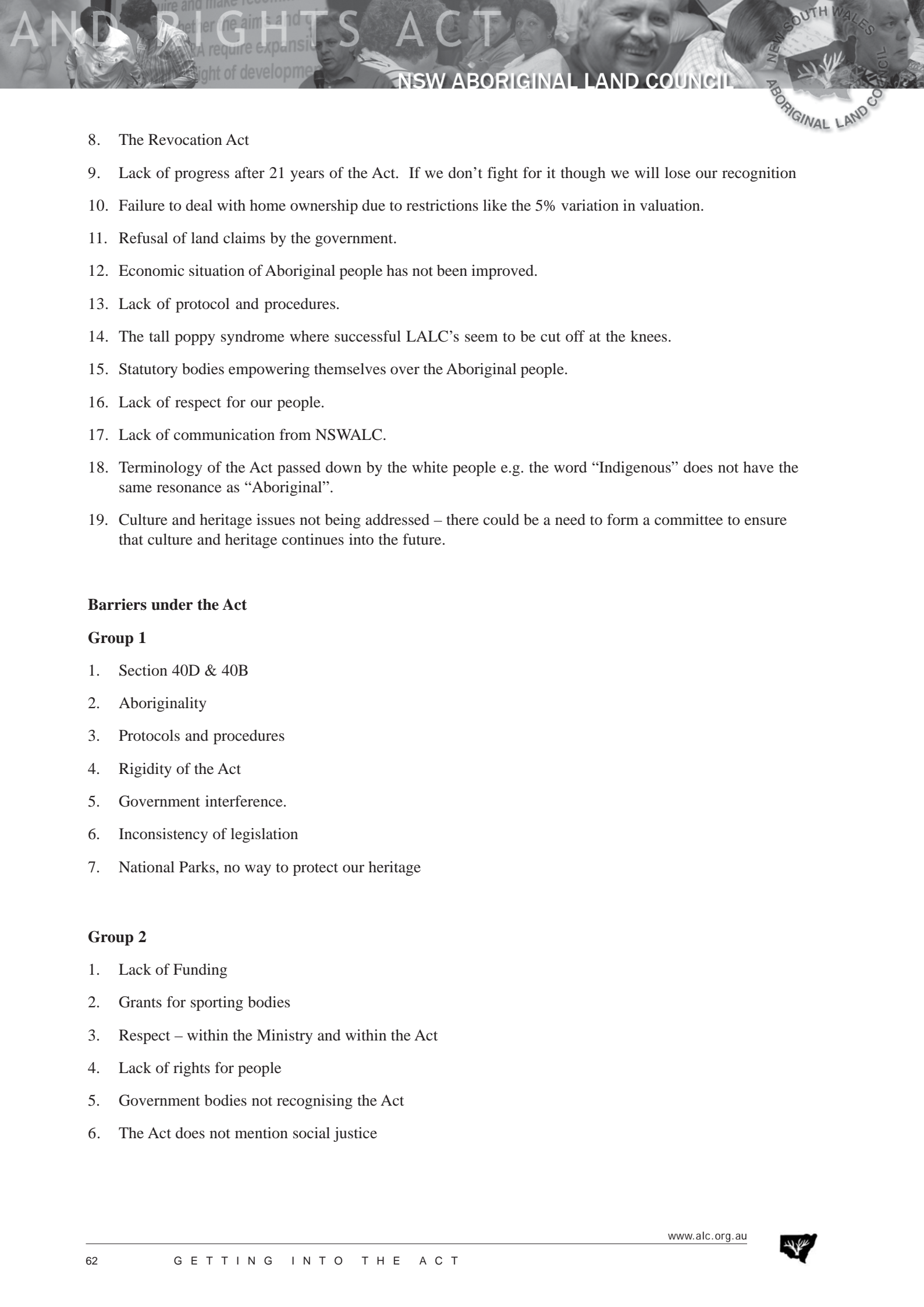
Achievements & Benefits under the ALRA.

1. Cultural Centre
2. Running of successful conference
3. Provide education, employment, training and housing by forming own construction company, employing own people and having apprentices
4. Good administrators
5. Policies and procedures
6. Identification of land and property portfolio, community and member participation
7. Land acquisition
8. Building asset base
9. Being fully funded, good membership participation through management committee, successful land claims
10. Successful sale of land to provide employment opportunities, sustainable housing, exporting beef to Japan and an aged strategy
11. Successfully claiming land
12. Forward management plan for 10 years, home ownership, aged strategy
13. Becoming politicised and understanding legislation, MOUs with 3 local governments, putting in place policies and procedures, employment opportunities for the community.
14. Utilisation of land claims, and claims for sea areas.
15. Partnership with health agency, medical system established, partnership with councils so LALC members can be elected to local government.
16. Achieving autonomy and self determination
17. Awareness and recognition of Aboriginality within NSW in governments and having a voice and a future for Aboriginal children.
18. Decision making in relation to local areas.

Unmet expectations

1. Being able to mortgage and sell land to support self sufficiency.
2. Heritage Act not coming down.
3. Land claims not being handled quickly enough
4. AHO hand back of title deeds to LALCs is very slow
5. No clarity or transparency in the three tier structure.
6. The Act does not give recognition
7. Non return of land and non return of missions





8. The Revocation Act
9. Lack of progress after 21 years of the Act. If we don't fight for it though we will lose our recognition
10. Failure to deal with home ownership due to restrictions like the 5% variation in valuation.
11. Refusal of land claims by the government.
12. Economic situation of Aboriginal people has not been improved.
13. Lack of protocol and procedures.
14. The tall poppy syndrome where successful LALC's seem to be cut off at the knees.
15. Statutory bodies empowering themselves over the Aboriginal people.
16. Lack of respect for our people.
17. Lack of communication from NSWALC.
18. Terminology of the Act passed down by the white people e.g. the word "Indigenous" does not have the same resonance as "Aboriginal".
19. Culture and heritage issues not being addressed – there could be a need to form a committee to ensure that culture and heritage continues into the future.

Barriers under the Act

Group 1

1. Section 40D & 40B
2. Aboriginality
3. Protocols and procedures
4. Rigidity of the Act
5. Government interference.
6. Inconsistency of legislation
7. National Parks, no way to protect our heritage

Group 2

1. Lack of Funding
2. Grants for sporting bodies
3. Respect – within the Ministry and within the Act
4. Lack of rights for people
5. Government bodies not recognising the Act
6. The Act does not mention social justice





Solutions

Group 2

1. Confirmation of Aboriginality – you must become a member of a LALC. It is up to the Secretary of the LALC to make that determination. Confirmation should come from an Aboriginal person. All the authority should come from the Local people. However, under the Act only LALC's can confirm members, not non-members.
2. Membership – Be recognised at a local level
3. Protocol & procedures – set up a constitution as the Act does not address this issue. There are model rules in the Act but LALC's can develop their own constitutions.
4. Heritage – give the responsibility back to the Land Councils.

Group 1

1. Education – educate children on history, what the current needs are, and what are their rights. This will allow the younger people to know their history. Enter the education system and request Aboriginal languages are taught in schools.

Governments and Funding – educate them in what they should be doing. If funding is provided to the Land Councils then assistance to the community would be more direct.

University studies – some of the material being utilised has not been verified through Elders in the communities.

2. The Act is not working. Remove proscriptive dates. Self determination is not provided – it binds Aboriginal people. This can be solved by using the good ideas of local people. A statement on Social Justice must be included.
3. Respect from the Minister and government. Ensure there are effective Aboriginal role models.
4. Funding – LALCs do not receive sufficient funding given the diversity of their roles, especially when compared to government agencies like DOCs.

Mr Stewart thanked the attendees for their lively participation





Introduction

Mr Jim Sturgeon introduced NSWALC staff and attended to housekeeping matters.

Mr William Johnstone gave a brief overview of the agenda. A considerable amount of discussion occurred on the first of the two day forum on issues related to the ALRA Review.

Discussion was initiated when one participant asked if the Government could “just wipe out the Land Council system and seize the money and leave LALCs out in the cold?”

Mr Johnstone told the meeting this could be done with the “stroke of a pen.”

The Parliament had created the Land Rights system and it could take it away.

Q: Are they going to close down State Land Council?

A: We do not know. We would like to think not.

NSWALC Administrator Murray Chapman suggested that in order to dissuade the government taking this action it would be necessary to:

1. Have NSWALC successful over the next 12 months
2. Have popular support for NSWALC.

Q: Are there going to be Councillors in the new structure?

A: The Minister is committed to elections, but it is unlikely there will be 13 Councillors. Councillors may also be elected or appointed and part time. All options are open.

Mr Geoff Scott introduced himself at the beginning of the second day and gave a brief overview of the agenda. He referred attendees to the information folders provided by NSWALC.

One participant asked for clarification on the reason for the meeting: “I thought it was so we could have a say.”





A: It is to make you aware of the situation and to give you a say. This presentation is about how the Act reads now and a copy of the current Act will be supplied to all the LALC's. The new amendments will not be in force until after the review process has been completed.

Q: Regarding CEO and Co-ordinators' salaries, will funding be annual or require a 3 year contract?

A: Various funding models are being developed and will be looked at later in the presentation.

Discussion was held on the importance of the Common Seal for a Secretary and how that would compare to the responsibilities of a Justice of the Peace.

The Registrar, Mr Wright, advised that the responsibility differed.

It was recommended that a Co-ordinator could look after the common seal and make it available to the Secretary on request.

Discussion was held on the cost of Administrator's being recovered from a LALC.

It was pointed out that there had been instances where this was not pursued.

NSWALC management pointed out that the current policy was to recover from the LALC's and Administrators were only appointed as a last resort.

It was also noted that the new Zone Offices would be handling LALC's on a case management basis.

Mr Chapman advised that there would be a clear relationship between the LALC's and Zone offices in regard to funding agreements, so that everyone understood what was required of the other party.

Discussion was held on a LALC having old and new debts.

Mr Scott asked participants why the Land Council system should be expected to subsidise the costs and debts incurred by poorly functioning LALC's.

Q: Why can't it just be made easier and everyone look after each other? We are all Aboriginal people? Why does it have to be done this way?

A: NSWALC has a responsibility to look at how best to help the whole network. Administrators are not appointed lightly.

Mr Chapman commented on a particular LALC. He told the meeting Administrators had been appointed to the LALC for all but nine months since 1983. It was the rest of the network which had subsidised that LALC in all of that time.

Q: Surely it is the State's fault for not checking on the LALC's and helping them in a timely manner. All the smaller LALC's get is the allocation?

A: What you say is understood and respected, however with that particular LALC it is sitting on hundreds of millions of dollars of real estate which is where they generate their wealth. However in the western region the land does not have the same value. With the LALC in question the members have not taken sufficient interest in their LALC over 20 years.

The forum agreed that members and office bearers should be made aware of their roles and responsibilities and rights. NSWALC should provide training through workshops so that executives have the skills to run a LALC effectively



Q: Why are administrators appointed?

A: It usually arises through a LALC's involvement in non core functions such as housing.

Q: What about LALCs having to go back to their core functions and give up their housing?

A: One of the major issues facing LALC's is that of housing. The issue for NSWALC is how best to handle that.

Mr Wright noted that one question which would be asked in the review was if LALC's wanted to be housing providers?

It was noted also that NSWALC cannot dictate to LALC's. It could offer advice and assistance but ultimately LALC's were autonomous.

Discussion later turned to land dealings and rural properties.

Q: What is NSWALC going to do about section 44A?

A: NSWALC is looking to have it repealed.

Q: Regarding rural properties, NSWALC is putting people in them to look after the properties when they belong to the LALCs. Isn't that correct?

A: The properties were transferred to NSWALC in 1990 but NSWALC cannot dispose of those properties without the approval of the LALC.

Further discussion was held on land disposals and investments before it turned to the objects of NSWALC.

Q: How many functions does NSWALC have under the Act?

A: It has 21 functions.

Q: Are we reviewing NSWALC's functions?

A: Everyone's functions are up for review...NSWALC, LALC's and RALC's

Q: Where does the money from developments go? Is it to the LALCs?

A: Yes it goes to the LALC. NSWALC is now asking for business plans to show where the proceeds from development are going and how they would benefit the members.

Q: Is it correct that NSWALC cannot block the disposal of land if the correct procedures are followed by a LALC?

A: It must be done using the correct processes and procedures, but in the end all NSWALC can do is approve what the LALC has decided to do. If NSWALC believes there is something wrong, it will not give approval for the disposal.

Q: Don't a percentage of the membership have to approve a disposal?

A: Yes. 80 per cent of a quorum of ten. That means that it needs 10 people turning up and only 8 people voting.



Discussion was held on the possibility of a redistribution of funds arising from land developments which occur on the eastern coast to poor LALC's in other parts of the State. Discussion then turned to the NSWALC Statutory Investment Fund.

Q: What is the lowest amount the fund can go to and can money over and above that be taken out to be used for the LALC's?

A: The threshold under the Act is \$485m. Money can be taken out to be used for the LALC's.

Q: What is the criteria for increasing the skills of office bearers?

A: There are a lot of issues to be talked through, that is why it is being raised in this review.

Mr Scott emphasised the importance of the LALC's providing feedback to NSWALC as the review progressed before introducing Michael Stewart ahead of the group workshops.

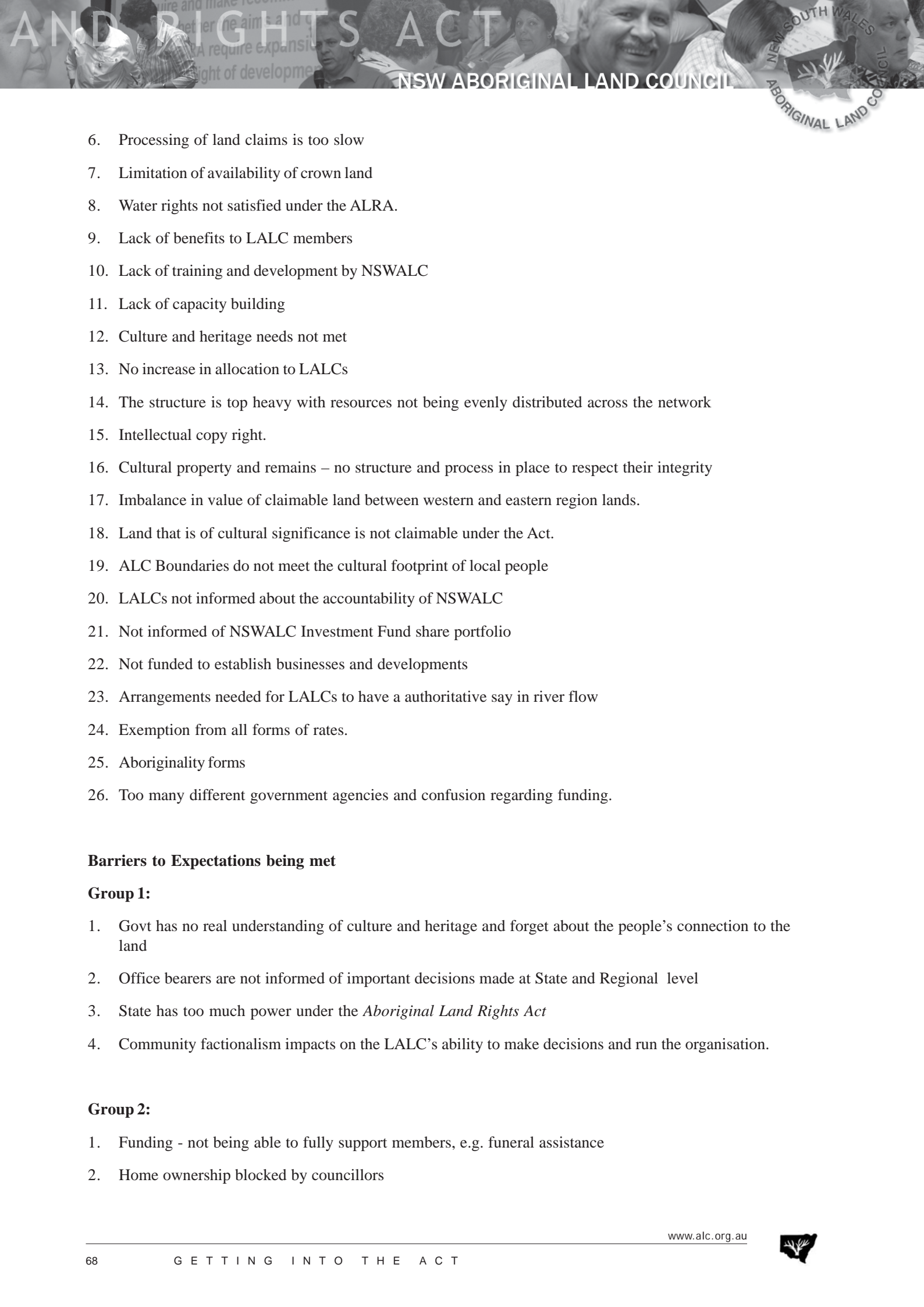
Benefits under the *Aboriginal Land Rights Act*

1. Appin Station
2. Culture & Heritage
3. Housing
4. Home ownership
5. Hand back of property to traditional owners
6. Aboriginal Elders Council
7. Networking with natural resource agencies
8. Hand back of Mt Grenfell station
9. LALC open 24 hours – resource centre for community members
10. Employment
11. Secured businesses
12. Tourism
13. Having an operational Land Council
14. Membership

Unmet Expectations under the *Aboriginal Land Rights Act*

1. Finance and provisions are not compensation.
2. The government dictates to us so the government does not provide autonomy or independence
3. Lack of support from NSWALC
4. Lack of communication
5. Reporting lines and information flow is not two ways





6. Processing of land claims is too slow
7. Limitation of availability of crown land
8. Water rights not satisfied under the ALRA.
9. Lack of benefits to LALC members
10. Lack of training and development by NSWALC
11. Lack of capacity building
12. Culture and heritage needs not met
13. No increase in allocation to LALCs
14. The structure is top heavy with resources not being evenly distributed across the network
15. Intellectual copy right.
16. Cultural property and remains – no structure and process in place to respect their integrity
17. Imbalance in value of claimable land between western and eastern region lands.
18. Land that is of cultural significance is not claimable under the Act.
19. ALC Boundaries do not meet the cultural footprint of local people
20. LALCs not informed about the accountability of NSWALC
21. Not informed of NSWALC Investment Fund share portfolio
22. Not funded to establish businesses and developments
23. Arrangements needed for LALCs to have a authoritative say in river flow
24. Exemption from all forms of rates.
25. Aboriginality forms
26. Too many different government agencies and confusion regarding funding.

Barriers to Expectations being met

Group 1:

1. Govt has no real understanding of culture and heritage and forget about the people’s connection to the land
2. Office bearers are not informed of important decisions made at State and Regional level
3. State has too much power under the *Aboriginal Land Rights Act*
4. Community factionalism impacts on the LALC’s ability to make decisions and run the organisation.

Group 2:

1. Funding - not being able to fully support members, e.g. funeral assistance
2. Home ownership blocked by councillors





3. Cultural and heritage – no funding
4. Attracting qualified Co-ordinator with inadequate funding
5. Caveats on land and property restrict free trade and enterprise bargaining
6. Proper wage not available for hard work
7. Self sufficiency not achievable
8. Outdated IT systems impacting on submitting reports on time.

Solutions to Barriers

Group 1:

1. There needs to be more training for Office bearers.
2. Resources – more computers, cars, equipment needed
3. Cultural issues- need to understand traditional boundaries and values and access to sites – knowledge to be given to next generation after consultation with Elders
4. Re factionalism – share info evenly in the community
5. Impact of NSWALC decisions on LALC's – stacking meetings needs addressing, local policies are needed with State consulting with communities. Everyone needs to work together.

Group 2:

1. Attracting qualified Co-ordinator's – need to increase salary, supply appropriate equipment, Opportunities to receive training on policies and define responsibilities, and need support from officers and staff. Recruitment process needs to be equitable and fair
2. Outdated IT – supply appropriate quantity of equipment and training and update software regularly
3. Culture and Heritage – should be a site/cultural office to guide the LALC and be responsible for culture camps education and sustainability of culture for LALCs, assisting with delivery of educational policy for staff like teachers in community. LALCs to handle their own affairs.

Discussion was held on the government needing to hold workshops to come down to the grass roots level.

Mr Stewart thanked all attendees for their participation.

Mr Sturgeon thanked all attendees for their involvement on behalf of NSWALC and explained that Zone officers will be liaising with LALC's on a regular basis.

He said the success of the Zone structure would depend on the partnerships formed with the LALC's in the region.





AND RIGHTS ACT

NSW ABORIGINAL LAND COUNCIL

