

Our Dreaming 2001

"NSW Aboriginal Land Council by its leadership commits to upholding the spirit of the NSW Aboriginal Land Rights Act, by working with and on behalf of the NSW land rights movement.

It will work for the return of culturally significant and economically viable land.

It will pursue cultural, social and economic independence of its people by proactive political intervention and by voicing the position of Aboriginal people and their relationships and rights to the land"

Tracks to the Future - 2000 and beyond

NSWALC Letterhead & Logo

30 April 2002

The Hon Dr Andrew Refshauge
Deputy Premier
Minister for Aboriginal Affairs
Level 31
Governor Macquarie Tower
1 Farrer Place
Sydney, NSW 2000

Dear Deputy Premier

I present to you the New South Wales Aboriginal Land Council Annual Report for the year ended 30 October 2001 in accordance with the provisions of the NSW Aboriginal Land Rights Act 1993, the Public Finance and Audit Act 1983 and the Annual Reports (Statutory Bodies) Act 1984.

I regret the delay in submitting this report, compounded by delays in receiving signoff from the Auditor-General's office. On behalf of the Council, I apologise for that delay.

Yours sincerely

(signed)

Rod Towney
Chairperson

A Statement from the Chief Executive Officer



This is my first Annual Report for NSWALC, following my arrival at the helm on 4 June 2001. It is an organisation with an onerous responsibility to discharge on behalf of the Indigenous peoples of the State of New South Wales and I take very seriously the tasks and obligations that the job involves. It was a highlight of my career thus far to have been selected for this challenging position from a competitive field of interested candidates.

My background in the Land Rights Movement extends back to 1985, through a number of Local Aboriginal Land Councils, and I remain actively involved in grass roots Aboriginal community activities. I have maintained my membership of the Darkinjung LALC and hold the office of Secretary of my local Aboriginal Health Service at Wyong. Most recently before my appointment to this job, I was the Manager of Metropolitan LALC, one the State's largest LALCs (in terms of population and asset holdings, if not in terms of geographic spread).

In these first few months, my focus has been on the core issues of Corporate Governance. The NSWALC Council has given me a mandate to pursue reform and I have begun with:

- ❖ A review of operations
- ❖ A staffing and structures Review, and
- ❖ An examination of Corporate Finances

At this time next year, I expect to be able to report on substantial progress with these reforms and detail improved accountability arrangements to both the Parliament of NSW and the Aboriginal people for whom NSWALC exists.

(signed)

Jeffrey Bradford

Chairperson's Welcome

[INSERT PHOTO AND TITLE]

It gives me great pleasure to present the NSW Aboriginal Land Council Annual Report for 2000/2001, although in a far different circumstances to those prevailing last year.

The World Economy

In stark contrast to the excitement and goodwill of the Sydney Olympic Games of September 2000, this year will forever be remembered for the tragedy of the September 11 terrorist attacks on New York. The whole world has felt the impact of this attack and its aftermath. NSWALC is no exception, with our people sharing the world's dismay at the human cost. The calculated impact of those attacks also rippled across the world's financial markets, with NSWALC investments suffering the same fate as those of the rest of the world. Signs of recovery are, however, emerging.

Overview of the NSWALC Investment Strategy

The year ended 30 September 2001 was generally poor for the financial markets caused mainly by a slow down in the United States economy. Other countries were either in recession, or, their economies were slowing down.

The terrorist attacks on the World Trade Centre Buildings and the Pentagon on the 11 September 2001 sent financial markets into a tailspin which showed only slight signs of recovery by 30 September 2001.

In an endeavour to stimulate the United States economy, their Federal Reserve Board lowered official cash rates from 6.5% to 3% during the reporting period. Since 30 September 2001 the US Federal Reserve Board has lowered official cash rates to 2%, the lowest level in more than 40 years. Other countries including Australia, have lowered their official cash rates, but not to the same levels as the United States.

This global environment was very negative for both Australian and International equities, where benchmarks recorded negative returns of 4.36% and 21.32% respectively.

On the positive side the environment was very beneficial to bonds (fixed interest where the interest rate set by the issuer at time of issue is fixed until maturity) for both Australian and International bonds where benchmarks recorded positive returns of 10.68% and 10.64% respectively.

Australian listed property trusts performed well where the benchmark was a positive return of 16.25%. The reason for the positive return was that rental income in times of weakening economic growth is viewed as far more stable than corporate earnings engaged in other industries. Hence investors switched part of their equity holdings into listed property trusts, providing further stability to that sector.

NSWALC's investment portfolio is balanced, with a good spread of funds to protect it in periods of downturn. Cash and short term investments are not subject to market fluctuations to any large extent, but, over the long term, inflation would make serious inroads into the value of these investments. NSWALC is not risk averse, but it maintains a balanced portfolio and conforms to the "prudent persons test" as laid down in the Trustee Act.

The value of NSWALC's portfolio has recovered in just a month from \$499.8 million at 30 September 2001 to \$511.2 million at 31 October 2001, which is a strong sign of recovery.

On a happier note, I am able to report on some achievements which will have a lingering but positive impact on the goals of the NSW land rights movement.

A Valuable Precedent for Future Land Claims

During the reporting year, NSWALC supported successful appeals against two rejected land claims, both of which have the potential for substantial impact on future claims. In essence, one appeal saw through objections based on "likely need for an essential public purpose", with the NSW Court of Appeal determining that the Government would need to establish and document probability (rather than possibility) of public use before being able to reject a claim on those grounds.

In the second appeal, the Land & Environment Court found that land "needed for residential purposes" was not, in fact, needed for that purpose and awarded that part of the land to the Local Aboriginal Land Council.

It has also been our wish to work more closely with Local Government Authorities in NSW to achieve the "full value" of successful land claims. The practice of "opportunistic" levying of Local Government rates on undeveloped former Crown land granted to local Aboriginal communities has been counterproductive and the cause of huge financial hardship for many communities.

A Better Working Relationship with Local Government

The Local Government Association of NSW agreed in August 2000 to admit NSWALC representatives to membership of their organisation and 26 representatives (13 councillors and 13 locally elected Regional representatives) were eligible to attend and to vote at the August 2001 Annual Conference. A highlight of this meeting was the resolution in relation to Planning and Environment issues. Members agreed to consult Aboriginal communities when considering land use issues. In particular, when considering the zoning of former Crown lands that had been granted to a local Aboriginal Land Council, Councils agreed to give consideration to the fact that these are now Aboriginal lands and that no decision regarding restriction of use under local planning laws should be made without prior consultation with the local Aboriginal community.

One of the areas of focus during this last year has been to step up the pace and range of training and development opportunities for our people. To this end, it is indeed gratifying to note that the NSWALC Training Unit received a Certificate of Recognition at the NAIDOC 2001 Awards for its unstinting commitment and contribution to Education, Employment and Training.

This year also saw the re-activation of a campaign for a Treaty as a better way to help enshrine recognition of Aboriginal rights and I am pleased to see that the Aboriginal community is taking the initiative.

Demanding A Voice On Treaty

Aboriginal people from around the State gathered in their hundreds at Australian Hall in Sydney on June 2, 2001, for the launch of "Talking Treaty" by the NSW Aboriginal Land Council.

After a series of regional workshops across NSW, the Land Council was urged by its membership at its State conference in Nowra, to take a leading role in the push for a Treaty, in order to ensure ownership of the debate by Aboriginal communities and not by government agencies.

Launching a statewide community consultation process, NSWALC Chairman Rod Towney said Land Councils across NSW were calling for recognition of their rights. "Not just their rights as people, but their rights as Australia's FIRST people. The Constitution does not recognise or protect Indigenous rights, but a Treaty could."

"Aboriginal people in NSW are desperate to preserve what is left of their culture and heritage and to restore their language, law and traditions."

"They're telling us they want to retain a distinct Aboriginal identity, and to take control of their own destiny."

"Most importantly, they're saying they would not be satisfied with a feel-good document full of platitudes. A Treaty, if that is what it is eventually called, must ensure delivery of those things other Australians take for granted... healthcare, housing, education and employment opportunities."

"These are all issues we will continue to discuss, along with the forms a treaty or treaties could take, and how we might involve the broader community and governments of all levels in the debate," Chairman Towney said.

The launch was held in the historic Australian Hall in central Sydney – the very same place where on Australia Day in 1938, Aboriginal leaders declared a day of mourning and made a list of demands for equal rights. Those demands were ignored by the political leadership of the day. "But I am confident that in this day and age, Governments which ignore the original owners of this country will do so at their peril."

Chairman Towney urged those present to participate in the Treaty debate to ensure today's Indigenous voices could not be ignored. NSWALC has now entered a partnership with ATSIC to facilitate more than 100 community forums across the State, in a bid to access the full range of Indigenous views on a Treaty or Treaties.

[PHOTOS]

I want to again thank my fellow Councillors for their efforts during the year and place on record my appreciation for the work of our Chief Executive Officer, Jeffrey Bradford and his team and commend this report to your attention.

[SIGNATURE Rod Towney]

NEW SOUTH WALES ABORIGINAL LAND COUNCIL

It is important to place in context the way in which this organisation came into being and to make clear for the benefit of the wider community – both indigenous and non-indigenous – what it is that the Land Council system in New South Wales is designed to do and how it goes about doing that.

This report covers the activities and financial dealings of the New South Wales Aboriginal Land Council for the financial year 1 October 2000 to 30 September 2001. It provides a summary and highlights of our activities and achievements during that period, as well as the financial and other reports required under the NSW Government's Annual Reports (Statutory Bodies) Act 1984.

Background

The New South Wales Aboriginal Land Rights Act 1983 gives the New South Wales Aboriginal Land Council (NSWALC) the mandate to provide for the development of Land Rights for Aboriginal people in NSW. The Council is committed to the ongoing provision of high quality support and advice to the Local Aboriginal Land Council network and empowerment of Aboriginal communities through:

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

In addition, NSWALC acts as an advisor to and negotiates with Governments at all levels to ensure the preservation of Aboriginal rights.

Our Clients

The Council consists of 13 democratically elected members who represent the 13 Aboriginal land council regions in New South Wales. The Council is supported in its work by a Head Office, located in Parramatta, headed by a Chief Executive Officer with the delegated authority of the Council to assume responsibility for all aspects of the day to day operation of the Council's affairs.

Most Regions have a Branch office to support the Council's work, with a total of 11 Branch Offices supporting 13 Regions. The principal client of the NSWALC is the network of 118 Local Aboriginal Land Councils which collectively manage the range of support services delivered at local level to their communities. These services include housing, legal, employment, training and property acquisition and management.

Aims & Objectives

The NSWALC is empowered under legislation to:

- i) administer the NSWALC Account and Mining Royalties Account
- ii) grant funds for payment of the administrative costs and expenses of Regional and Local Aboriginal Land Councils

- iii) acquire land on its own behalf or on behalf of, or to be vested in, Local Aboriginal Land Councils
- iv) determine and approve/reject the terms and conditions of agreements proposed by Local Aboriginal Land Councils to allow mining or mineral exploration on Aboriginal land
- v) make claims on Crown lands, either on its own behalf or at the request of Local Aboriginal Land Councils
- vi) with the agreement of the particular LALC, manage any of the affairs of that Council
- vii) conciliate disputes between Aboriginal Land Councils or between Councils and individuals or between individual members of those Councils
- viii) make grants, lend money to or invest money on behalf of Aborigines
- ix) hold, dispose of or otherwise deal with land vested in or acquired by NSWALC
- x) ensure that Regional and Local Aboriginal Land Councils comply with the Act in respect of the establishment and keeping of accounts and the preparation and submission of budgets and financial reports
- xi) ensure that elections for the Chairpersons and other officers of Regional and Local Aboriginal Land Councils are conducted in accordance with the Act
- xii) advise the Minister on matters relating to Aboriginal land rights
- xiii) exercise functions conferred or imposed by the Commonwealth Native Title Act, and
- xiv) exercise such other functions as conferred or imposed on it by or under the Aboriginal Land Rights Act (1983) or any other Act.

The key aims within this framework for NSWALC in 2000/2001 were as follows:

- to further develop the economic management skills of staff and councillors to support NSWALC's investment strategy and healthy financial operation
- to conduct a comprehensive review of staffing and structures to ensure an optimal delivery of services to clients
- to review basic financial arrangements and practices to ensure the most prudent and timely handling of accounts and the avoidance of potential conflicts of interest
- to review Rural Property holdings with a view to establishing more efficient management practices and production techniques to improve productivity
- to establish a number of strategic precedents in land rights claims upon which to build a model for future claims
- to build on a resolution by the Local Government and Shires Association of NSW in August 2000 to admit NSWALC representatives into membership of the LGSA, and
- to continue to provide a comprehensive range of suitable training and development programs for Local Aboriginal Land Councils and our own staff.

Regional Aboriginal Land Councils (RALCs)

There are 13 RALCs located across New South Wales. Each regional Aboriginal land council is made up of representatives elected by the various Local Aboriginal Land Councils. RALCs are designed to play an advisory role in the management of the land council network and do not have direct authority over any Local Aboriginal Land Council (although a RALC can make recommendations for consideration by a LALC or the NSWALC). Importantly, the RALC provides a local support base for LALCs and their elected Councillor.

The RALC is a statutory authority with the responsibility to:

- a. compile and maintain a register of all Local Aboriginal Land Councils within its area
- b. provide assistance to Local Aboriginal Land Councils in the preparation of claims on Crown land or the negotiation of the purchase or sale of land
- c. assist Local Aboriginal Councils in the establishment and keeping of accounts and submission of budgets and financial reports
- d. provide advice and further assistance as required by Local Aboriginal Land Councils in its area
- e. assist the NSWALC to conciliate any disputes between Local Aboriginal Land Councils, or between those councils and individuals, or between individual members of Councils, and
- f. exercise such other functions as are conferred or imposed on it by or under the Aboriginal Land Rights Act (1983) or any other Act.

Regional Aboriginal Land Councils operated during 2000/2001 from the following locations:

| | |
|--------------|-----------------------------|
| Armidale | Northern Tablelands Region |
| Gosford | Sydney/Newcastle Region |
| Lismore | North Coast Region |
| Moama | Murray River Region |
| Nowra | South Coast Region |
| Wagga Wagga | Wiradjuri Region |
| Coonamble | North West Region |
| Kempsey | Central Coast Region |
| Liverpool | Western Metropolitan Region |
| Batemans Bay | Far South Coast Region |
| Quirindi | Northern Region |
| Menindee | Western Region |
| Dubbo | Central Region |

A map setting out the boundaries of each Regional Council may be found at the rear of this report.

Local Aboriginal Land Councils (LALCs)

Local Aboriginal Land Councils are located across New South Wales. The number within each Region varies and ranges from three to 16, and the current total is 118. Each LALC elects its own office bearers (chairperson, secretary and treasurer) and also elects two regional representatives to attend meetings at their RALC. Staff and members are encouraged to access advice, information and support from the NSWALC.

LALCs work for their members and the wider Aboriginal community living in their local area. They assist in matters relating to the areas of housing, legal, employment and other day-to-day matters involving Aboriginal people in accordance with functions detailed under the Act.

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

A complete list of Local Aboriginal Land Councils is located at Appendix 1. [NEED TO PASTE IN LIST CURRENT AS AT 30 SEP 2001 AS APPENDIX PLEASE – PROVIDED BY ???]

Branch Offices of NSWALC

NSWALC provides support to LALCs directly and also through a network of Branch Offices, located in such a way as to ensure that support services are more readily available to all 118 LALCs across NSW.

Council Structure & Membership

The New South Wales Aboriginal Land Council's elected arm consists of 13 Councillors, democratically elected by Local Aboriginal Land Council members to serve four year terms. The Council itself elects office bearers. During 2000 -2001, these positions were filled as follows:

Chairperson

Rod Towney

Secretary

Veronica Graf

Treasurer

Robert Lester - until September 2001

Ivern Ardler - from September 2001

Councillor Profiles

Chairman
Councillor Rod Towney
Central Region

[INSERT PHOTO]

Rod has served as Chairman of NSWALC since his election in December 1999 and sees an independent economic base that sustains cultural and financial independence as the key priority for NSWALC. Rod maintains a keen interest in Council portfolios including International Issues, Native Title, Heritage and Culture and Employment and Training. Rod has an extensive involvement with Aboriginal Land Councils, dating back to 1985. He was motivated to take on a leadership role in the community from his early years when he saw the poor treatment of Aboriginal people by the police and in schools.

Rod is a member of the Wiradjuri Nation as was his mother and father and lives in Dubbo. Rod is a qualified teacher and has taught all levels - infants, primary, secondary and tertiary education. He went to university as a mature age student, graduating with a Bachelor of Education. He later went on to gain his Graduate Certificate in Adult Education.

Secretary
Councillor Veronica Graf
Sydney Newcastle Region

[INSERT PHOTO]

Veronica has involved in Aboriginal Affairs for 25 years, is a strong believer in Land Rights, and is a staunch supporter of Aboriginal art, encouraging Aboriginal artists in her region.

Veronica was elected to NSWALC in 1999 and currently serves as State Secretary as well as Councillor for the Sydney Newcastle region. Prior to her election, Veronica served 11 years with the Sydney Newcastle Office in Gosford.

In addition to her work with the Land Council Network, Veronica established the first Aboriginal Homework Centre in Gosford and founded the first medical service at Wyong, for which she is now Chairperson.

She secured funding for Darkinjung Local Aboriginal Land Council's Community Development Enterprise Project (CDEP) and currently serves as the CDEP Project Chairperson.

Treasurer (from September 2001)
Councillor Ivern Ardler
South Coast Region

[INSERT PHOTO]

Ivern has served NSWALC in various capacities since 1983, joining the Nowra LALC as Secretary, and progressing through election to the job of Councillor in 1996, culminating in election as Secretary for 1998/99. He currently serves NSWALC as Treasurer. Whilst he has had a long involvement in Aboriginal affairs at state level, Ivern's strongest commitment is to his local area. During his term of office Ivern achieved increased funding arrangements for LALCs and funding for improved housing for south coast land councils.

Ivern has spent most of his life on the NSW south coast, father of six children to Maureen Ardler. Born in Berry, Ivern spent his childhood at Wreck Bay, moving to Nowra in 1997. Ivern believes that land is central to the functions of all land councils and created the first land needs strategy for NSWALC.

Treasurer (until September 2001)
Councillor Robert Lester
Western Metropolitan Region

[INSERT PHOTO]

As Aboriginal Community Development Officer with the Department of Education, Employment and Training, Robert learned about the workings of government. He sees the experience as invaluable preparation for negotiations with government bodies and political parties on major issues such as cultural

heritage protection and native title. Robert says work during his term on NSWALC has given him extensive involvement with isolated Aboriginal communities, especially in the areas of cultural heritage protection. Robert is positive about forging the independent future of NSWALC

Councillor Robert Lester is a member of the Wanaruah nation, the area known as the Hunter Valley. Robert was raised in Redfern, later moving to live and work in Sydney's western suburbs where he resides with wife, Carol. Robert has four children and three grandchildren.

Councillor David Clark
Murray River Region

[INSERT PHOTO]

David has maintained active involvement in Aboriginal Affairs since the age of 18. David's strong belief in improving options for Aboriginal families guides his decisions at the Council level. David was part of the push in 1990 for changes to the Aboriginal Land Rights Act 1983 to include flexible provisions for local land council property and served as NSWALC Chairman during the early 1990s.

David's long-held vision of private home ownership for Aboriginal people resulted in the 'First Homes for the First People' housing scheme, established in 1999. David also sees youth-police relations as an important issue in rural Australia. David lives in Albury with wife, Justine, and is the proud parent of five children.

Councillor Ossie Cruse
South East Coast Region

[INSERT PHOTO]

Ossie has served NSWALC in various capacities since 1983, culminating in his term as Chairman during 1998/1999. He oversaw the difficult period of transition where the Sunset Clause took effect, ending the land tax income stream and placing NSWALC on the path to financial independence. Ossie now maintains active portfolio interests in International Issues, ICAC and Housing, having represented Indigenous issues at a number of international forums, such as the United Nations, as well as at the grass roots local level.

Ossie Cruse is a veteran of Aboriginal affairs. A member of the Monaro people of the far south coast, Ossie has spent most of his life on his traditional country in and around the small town of Eden. Ossie and wife Beryl have three children and numerous grandchildren.

Councillor Tom Briggs
Northern Tablelands Region

[INSERT PHOTO]

A member of the Gumbaynggirr people, Councillor Tom Briggs has spent most of his life in the Armidale district and was elected for his first term in 1996. Tom holds a degree in administration and leadership. He previously worked with the Department of Education, Employment and Training for twenty years which has enabled him to gain extensive experience in human resources and training issues.

Tom's community involvement includes roles within local government, the Northern Regional Aboriginal and Torres Strait Islander Commission (ATSIC) and the Armidale Community Development Employment Program (CDEP), one of the largest and most successful in NSW. Tom believes training and career development opportunities are a main priority for land councils in the new independent phase.

Councillor James Morgan
Wiradjuri Region

[INSERT PHOTO]

Born in Sydney and raised in Leeton, James Morgan has been actively involved in the Land Council Network in NSW since its early years. James was elected to NSWALC as Councillor of the Wiradjuri Region at the 1999 election. Before his term as a Councillor he was Branch Manager at Wagga Wagga, supporting Wiradjuri's numerous Local Aboriginal Land Councils. Prior to that, James served for eight years as Chairperson of the Tumut Local Aboriginal Land Council.

Councillor Manul Ritchie
Central Coast Region

[INSERT PHOTO]

Manul Ritchie is a long serving Councillor having been elected to the first Council in 1984. A member of the Dunghutti and Birpai nations, Manul was born in Coffs Harbour and grew up in Taree. Manul became involved in Aboriginal affairs in 1965, actively lobbying Australian governments throughout the 60s and 70s. Alongside Faith Bandler and the late Oodgeroo Noonuccal (Kath Walker), Manul was a member of the Federal Council of Aborigines and Torres Strait Islanders (FCAATSI), a key organisation in national Aboriginal affairs.

Manul believes the NSW Land Rights Act and the Native Title Act can be used together to extend Aboriginal rights and to increase the amount of land claimable in NSW. He believes native title can also revive culture in the Aboriginal communities and restore pride to the Elders in each area. Manul has served NSWALC previously as both Treasurer and Interim Chairman during the early 1990s.

Councillor Wayne Griffiths
Northern Region

The son of veteran land rights activist, George Griffiths, and a member of the Corben clan (Namoi River) of the Kamilaroi nation, Councillor Wayne Griffiths has lived and worked in the Gunnedah region all his life. He and wife, Michelle, have four children. Wayne became committed to taking a leadership role during his young life - vowing that his children would never be treated as he was as a youngster.

One of the key areas for Wayne during his term on Council is home ownership, and he cites the success of the mortgage fund in the Northern Region. Wayne's top priorities for NSWALC include the continued growth of the investment fund and development of and amendments to the NSW Aboriginal Land Rights Act.

Councillor William Murray
Western Region

William Murray was born in Balranald, of the Nari Nari people. He has spent most of his life in the Wilcannia area. Currently serving his second term as Councillor to NSWALC, William is also into his fourth term as Aboriginal and Torres Strait Islander Commission (ATSIC) Councillor for the Murdi Paaki Region. William has enjoyed a long involvement with various Aboriginal organisations. After joining Wilcannia Local Aboriginal Land Council he went on to be Chair of the Western Regional Aboriginal Land Council when it formed in 1985.

William's priorities are a commitment to his local area and the good running of rural properties and heritage and cultural protection. He has been active in the Ancestral Remains program based at NSWALC.

Councillor Les Trindall
North West Region

Les Trindall was elected NSWALC Councillor for the North West Region at the 1999 election. While a first term Councillor, his association with the region and the Land Council network dates back another 11 years, during which time Les served as North West Region Branch Manager at Coonamble, offering support to a large number of Local Aboriginal Land Councils. Prior to his Land Council career, Les worked as a drover and fencing contractor.

Councillor David Brown
Far North Coast Region

Councillor David Brown belongs to two of the north coast's largest language nations, through his mother's Gumbaynggirr people and the Bundjalung people of his father. David has spent all his life on his traditional country. He has been involved with Land Councils since 1989.

David intends to further LALC independence and develop community plans. He says that land and cultural heritage combined with responsible economic development and Aboriginal involvement in local business enterprises are critical for Aboriginal communities. He also plans to secure better resources for land councils and maintain links with local industry groups for the further success of land councils in the Far North Coast.

COUNCILLOR ATTENDANCE AT MEETINGS – 2000 / 2001.

| Councillor | No. Meeting Days Eligible to Attend | No. Attended | Notes |
|-------------------|--|---------------------|--------------------------------------|
| I. Ardler | 56 | 53 | |
| T. Briggs | 56 | 47 | |
| D. Brown | 56 | 47 | |
| D. Clark | 56 | 48 | |
| O. Cruse | 56 | 40 | |
| V. Graf | 56 | 53 | |
| W. Griffiths | 56 | 54 | |
| R. Lester | 56 | 51 | |
| J. Morgan | 56 | 44 | |
| W. Murray | 56 | 27 | Medical leave of absence - 4 months. |
| M. Ritchie | 56 | 53 | |
| R. Towney | 56 | 54 | |
| L. Trindall | 56 | 40 | |

Organisation Structure

[2001 STRUCTURE CHART]

The NSWALC is arranged in functional areas relating to the core business of the Council - namely, Land Rights, Native Title, and Investment. There is a range of management and support areas including Executive, Human Resources, Training & Development, Accounts, Purchasing, Fleet Management, Field Liaison and Internal Audit.

During the reporting period, a major review of staffing structures was undertaken, with detail provided later in this report.

During the year, staffing averaged 110 persons with 32 of these functioning in 13 Branch Offices.

Executive

During 2000/2001, the NSWALC had only one position at a level of Executive Officer. That position, Chief Executive Officer (originally Executive Director) was created in 1994 and although not part of the NSW Public Sector Senior Executive Service, was established at a level equivalent to SES Level 2.

The position was occupied by Ms Kerri Wilkinson until June 2001 in an acting capacity until the appointment of Mr Jeffrey Bradford who commenced with the NSWALC on 4 June 2001.

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

Media Unit

In April 2001, NSWALC appointed a full time Media Manager to perform publicity and promotional tasks. This move was made in response to an identified need to better manage media issues - both positive and negative. With the joint aims of improving the organisation's profile as well as facilitating improved communication with the broader community and also within the Land Council network, the Media Unit has an important role in the ongoing development of NSWALC.

The Media Unit's functions include:

- Monitoring of Indigenous issues in the media
- Responding to daily media inquiries
- Responding to requests for information from community and government bodies
- Liaising with community and government organisations
- Providing media advice and briefings for Councillors and key staff
- Initiating positive stories
- Responding to negative reports
- Organising events and promotional activities

Human Resources Unit

The Human Resources Unit exists to provide an extensive range of services to internal staff and Councillors and to Regional & Local Aboriginal Land Councils.

Within NSWALC, the Unit is responsible for all matters relating to all payroll functions including meeting legislative requirements in respect of taxation and superannuation. Occupational Health & Safety is another key responsibility with constant legislative changes requiring the Unit's continued awareness and capacity to adapt to new requirements.

Recruitment and selection of staff is a critical function of the Unit as is the accurate maintenance of all staff and establishment records, the conduct of performance appraisals, counselling and the processing of all conditions of employment.

The Unit provides advice to management and council on new and emerging issues to ensure NSWALC is informed and is proactive in dealing with change particularly in the area of industrial and employee relations.

One of the major responsibilities of the Unit is the provision of an extensive range of Training and Development opportunities to staff and management of NSWALC and to Local and Regional Aboriginal Land Councils. Training & Development needs are constantly analysed and reviewed to ensure client needs are being met with the introduction of new and modified courses and programs.

Internal Audit Section

The Internal Audit Section was established by the Council in May 1991 to conduct regular appraisals of the adequacy of and compliance with the system of internal control, to review operations and programs and to ascertain whether results are consistent with established objectives and goals. Internal Audit Section reports to the Audit Committee, which is made up of Council members and senior NSWALC staff representatives. The Audit Committee met 7 times during the year.

Undertakings by the Internal Audit Section in this reporting period included:

- Audits, reviews and projects conducted by the Section

During the year the Internal Audit Section issued detailed recommendations to Council and management in audit reports. This is the principal function of the Section. The aim of the recommendations is to improve internal controls, systems, procedures and the efficiency and effectiveness of operations of the state, regional and local land councils. The audits included investigations into possible fraud and corruption issues, systems performance evaluations and the provision of advice to Local Aboriginal Land Councils. Internal Audit advice assisted managers solve accounting and audit problems.

- Preparation of the approved annual Internal Audit Plan

The plan included consideration of requests by Aboriginal Land Councils to conduct audits or investigations. The plan for the 2002 year is to include the audits of Branches, Head Office Sections, Regional and Local Aboriginal Land Councils and special projects.

- The further development of the Section's audit procedures and reporting and the training and development of audit staff

The Internal Audit Section is committed to the continuing development of staff in both their understanding of the Land Council System and skills in technical auditing. Technical development is an ongoing task undertaken to better assist management to improve procedures.

- Support of the complaints officer and the complaints process

The Complaints Officer, an officer of the Field Section, processes complaints with the assistance of the applicable Branch or Section to which they relate. The complaints officer gives the community a formal avenue to lodge grievances on matters relating to the management of Aboriginal Land Councils, including fraud or public misconduct, directly to NSWALC in the first instance. Internal Audit monitors progress in relation to the complaints and acts as a reviewer of the action undertaken. Many of the complaints were directed through the Independent Commission Against Corruption (ICAC) and are referred in some cases to Internal Audit for investigation or advice or are referred from NSWALC to ICAC as a result of audits conducted. The manager of Internal Audit also acts as the Coordinator under the Protected Disclosures Act.

- Information and audit advice to the Audit Committee

The Section provides on an ongoing basis information and audit advice to both the Council Members and Management on issues relating to the audit and operations of NSWALC and Regional and Local Aboriginal Land Councils. This is either in the form of formal written reports or discussions or interviews during or after the audits. Issues include the improvement of the presentation of financial reports and other Council records and advice on how to prevent errors or fraud.

- The Audit Committee

The Audit Committee meetings consider and action reports prepared and submitted to management on all audits undertaken in accordance with the audit plan. The Audit Committee provides a means of attention being focused on recurring problems and believes that emphasis should be placed on working with Management to improve management systems and procedures. The Audit Committee also seeks to encourage positive and open relationships with other authorities that have responsibilities in relation to the complaints process or legal compliance. It has encouraged dialogue and cooperation with organisations such as the Ombudsman, the ICAC, the Department of Aboriginal Affairs and the Minister's Office, the Police and the Audit Office of NSW. The Committee has the continuing positive support of Council in the promotion of accountability and transparency within the Land Council System.

The Accounts Unit

The Accounts Unit deals with all financial reports to management and also looks after the debtors and creditors of NSWALC. The Unit also assists branches and locals with accounts queries and allocations to LALCs. Accounts section also deals with grants including funeral assistance to the Aboriginal community in NSW as per council approval.

Land Rights Unit

At the centre of NSWALC's operations is the issue of Land Rights and the Unit has worked tirelessly during 1999/2000 to support LALCs in their pursuit of claims wherever there are reasonable grounds and at every stage to seek to have the large number of unresolved claims determined by Government.

The Unit not only provides technical support and assistance to LALCs in lodging claims under the ALRA, but is responsible for overseeing the Ancestral Remains Project whereby research is conducted and proper procedures put in place to repatriate ancient skeletal remains and cultural material currently held in museums, private collections and other institutions. When invited, NSWALC negotiates on behalf of and alongside of LALCs to achieve a return of remains for reburial and handover of artefacts to the Aboriginal communities from which they were taken.

In addition, the Land Rights Unit is a resource to LALCs in relation to land management, providing both policy and legal advice to LALCs concerning a wide range of land management issues.

Native Title Unit

The functions and obligations placed on NSWALC as a Native Title Representative Body under the former Native Title Act were open to interpretation. However, since the commencement of the new Native Title Amendment Act (1998), these functions and obligations have been made compulsory and now include:

Facilitation and Assistance

- research for the preparation of native title claims and applications for compensation for acts affecting native title
- facilitating and assisting native title bodies corporate and native title holders in consultations
- mediation, negotiations and proceedings in regard to any native title process
- consulting and seeking the agreement of native title holders and the broader Aboriginal community in claimant strategies and actions, and
- seeking the agreement of claimants to minimise the number of native title applications covering the one area

Certification

The formal certification of claims for determinations of native title by Courts, and for the registration of Indigenous Land Use Agreements. This means that NSWALC tells the National Native Title Tribunal (NNTT) or the Federal Court that all the requirements under the Act have been "in order" that the right traditional owners are properly authorised to make agreements. NSWALC validates decisions made by a group of native title claimants in relation to their claim or agreement by ensuring that "all reasonable efforts" to contact and identify traditional owners have been made.

This will have been done by a legitimate process of notification, representative meetings and the documents resulting from that process, which in turn certify the authorisation of any decisions.

Dispute Resolution

This includes mediation between Aboriginal and non-Aboriginal parties in claims and mediation between Aboriginal parties involved in claims. The Native Title Unit assists with agreements between parties to native title processes in making applications, engaging consultants, mediation and negotiations for proceedings, on 'Future Acts', 'Indigenous Land Use Agreements', 'Right of Access', or any other native title process.

Notification

Ensuring proper notification is given to parties in regard to various notification requirements under the Act.

Agreement Making

Including being a party to Indigenous Land Use Agreements made under the Act; negotiating 'Alternate Procedure Agreements' with government, assisting native title parties to negotiate 'Area Agreements' and/or 'Body Corporate Agreements' under the Act, and

Internal Review

Including responding to complaints by native title claimants about particular Native Title Representative Bodies. Funding for NSWALC to fulfil its functions as NTRB is provided through an annual grant from the Aboriginal and Torres Strait Islander Commission (ATSIC), on a 1 July to 30 June financial year basis.

Review of Operations

The various operational areas of the Council conduct regular internal reviews of their operations, as well as being subject to external review by a range of bodies. The following is a summary of major business items transacted during the reporting period.

Achievements in Media

Since the appointment of the Media Manager, NSWALC has achieved a higher profile, receiving widespread coverage in metropolitan and regional press, television and radio outlets on issues including:

- Mining and Exploration Protocol with the NSW Minerals Council
- NSWALC membership of Local Government Association
- Nowra State Conference
- NSWALC's "Talking Treaty" community consultations
- Announcement of joint Treaty workshops with ATSIC
- Dual Naming Policy (English/Aboriginal) for NSW landmarks [PHOTOS]
- Land Clearing near Narromine
- Amendments to Aboriginal Land Rights Act, 1983
- Grant to the Far West Children's Health Scheme for work with Aboriginal children
- Armidale Assault Case
- Auditor General's Report
- Indigenous Fishing Strategy
- National Parks issues

Media events conducted during the reporting period included :

- "Talking Treaty" Launch - Australian Hall 2 June 2001
- Protocol Signing - NSWALC Offices 26 June 2001
- NAIDOC Week "Building Partnerships" Awards - Powerhouse Museum 12 July 2001
(Joint Awards - NSWALC, DAA, ATSIC and DEET)

At the completion of the reporting period, the Media Unit was in the process of recruiting an additional Media/Information Officer and a Web Master. Projects now in train include

- the development of a quarterly newsletter
- education and information packs for students, educators, media and community groups and
- the development and launch of a NSWALC web site.

Achievements in Human Resources

There were several major achievements by the Human Relations Unit during the reporting period:

Salary Sacrifice

In 2001 the Human Resources Unit implemented Policy & Procedures for Salary Sacrifice for Superannuation Purposes for staff of the NSWALC. This provided staff with the opportunity to make additional Superannuation contributions at the gross salary rate resulting in short-term taxation benefits and, more particularly, improved long-term individual financial security for many employees in their future retirement.

Chief Executive Officer

The Unit was responsible for coordinating an extensive national recruitment program that attracted a wide field of highly qualified indigenous applicants for the position of Chief Executive Officer. As a result of this action and the subsequent selection process, Mr Jeffrey Bradford was appointed as Chief Executive Officer of NSWALC effective from 4 June 2001 for an initial 5 year term.

Position Evaluation

During the 2001 year the Unit coordinated and participated in a program involving consultation with external consultants that enabled the creation and evaluation of a significant number of new positions within the NSWALC. The positions were of a diverse and complex nature requiring research and negotiation.

As a result of this process, detailed position descriptions were established, positions evaluated, and recruitment action implemented resulting in the appointment of a number of highly qualified and experienced employees.

Achievements In Occupational Health & Safety, Workers Compensation & Rehabilitation

Policies, procedures and programs which had been developed and approved in the previous reporting period, continued to be implemented. A program of visits to Branch Offices and properties was commenced by the Occupational Health Safety & Rehabilitation Co-ordinator (Laurie Coleman) to give a presentation to managers & staff about the new initiatives and to discuss and advise on particular OH&S and Workers' Compensation issues. This will continue into the next reporting period.

The new Occupational Health & Safety Act 2000 and the Occupational Health & Safety Regulation 2001 were introduced in NSW effective from 1 September 2001. There are significant changes which will impact on all employers. However a period of 12 months is allowed for NSWALC to implement changes for compliance as a larger employer, and 2 years for LALCs as small employers.

Changes to the Workers' Compensation legislation have also been introduced. Strategies will need to be developed and implemented in 2001/2002 for NSWALC to comply with the legislative changes.

In fact, so great is the rate of change that in order to keep abreast of the latest developments, Laurie Coleman attended five OH&S/Workers Compensation seminars or conferences during the reporting period.

Organising accredited First Aid training for NSWALC staff and members of LALCs continued in 2000/2001. Courses were conducted at Parramatta, Far North Coast and Northern Tablelands. There were 18 NSWALC staff who were successful in gaining the Senior First Aid certificate. It is intended to encourage further participation in First Aid courses in 2002.

The Parramatta OH&S Committee had been inactive since 1999. A new Committee was appointed in 2001 after nominations were called. The members are Ruth Andrew, Diane Lee, Diane Van Aken & Jason Watts. The management representative is Kerri Wilkinson and Laurie Coleman will be a member of the committee in an advisory capacity.

Achievements in Staff Development

The Training Unit had a very busy year with the delivery of a large number of training programs for Local Aboriginal Land Councils across the State.

Community Planning Program

The Community Planning Program involves 6 one week workshops over a 12 to 18 month period. Throughout the reporting period, the training unit continued with the Community Planning Programs that were already in operation. The workshops during 2000/2001 were held in Albury, Dubbo, Mollymook, Queanbeyan, Rooty Hill and Cobar.

A total of seventeen (17) ALC participants completed the Statement of Attainment in Community Management and were awarded NSWALC certificates of Achievement from Chairman Rod Towney and Secretary Veronica Graf at a formal presentation ceremony on 22 June 2001. By way of proof of the application of their skills, participants presented NSWALC with a copy of a LALC Community Plan developed over the life of the program.

The participants were:

- Christine Ferguson (Birrigan Gargle)
- Cynthia Coxon (Northern Branch)
- Erica Mercy (Purfleet/Taree)
- Graham Purcell (Yaegl)
- Lois Towney (Gilgandra)
- Loma Paulson (Forster)
- Marie Mohamed (Gilgandra)
- Michael Randall (Yaegl)
- Natasha Davis (Purfleet/Taree)
- Norma Freeman (Young)
- Patricia Laurie (Birrigan Gargle)
- Phillip Wright (Coonamble)
- Rena Clements (Cobar)
- Robert Carroll (Griffith)
- Stephen Oxley (Forster)
- Warren Ingram (Leeton)
- Wayne Fernando (Coonamble)

[PHOTO]

Property Management Program

The Property Management Program conducted during the reporting period involved 4 one week workshops to be completed over a 12 month period. Two programs were delivered with support funding from the Department of Education Training and Youth Affairs (DETYA), under the Workplace English Language Literacy (WELL) program.

The Property Management Program workshops this year were held in Dubbo, Murrumbidgee, Coffs Harbour, Orange, Warwick Farm, Tamworth & Ballina to enable participants to visit different communities to see how they manage their housing,

A total of thirty five (35) participants completed the Certificate II Property Management (Aboriginal Communities) and Real Estate Practice.

The participants were:

- Christopher Allan (Northern Branch)
- Lennie Anderson (Worimi)
- Val Beer (Tiboburra)
- Lana Callaghan (South East Coast Branch) [PHOTO]
- Lindsay Connolly (Tumut Brungle)
- Sylvia Connolly (Jerringa)
- Judy Eamens (Birrigan Gargle)
- David Feeney (Karuah)
- Cheryl Fensom (Young)
- Gina Field (Red Chief)
- Teresa French (Forster) [PHOTO]
- Albert Hartnett (Central Coast)
- Christine Kelly (Nambucca)
- Patricia King (Ngulingah)
- Kellie Longbottom (Jerringa)
- Charles Lynch (Northern Branch)
- Norman Parsons (Cobowra)
- Sharon Powell (Dubbo)
- Carl Simms (Karuah)
- Henry Simms (Nowra)
- Mary Slater (Wallhollow)
- Debra Stead (Balranald)
- Dorothy Whitton (Batemans Bay)
- Angela Fernando (North West)
- Anthony Smith (Wanaruah)
- Cherylann Darcy (Dubbo)
- Graig Britt (Central Branch)
- Kim Dundas (Coonabarabaran)
- Kristie Pearson (Brewarrina)
- Leeanne McGrady (Narrabri)
- Maria Dennis (Walgett)
- Neville Sampson (Tamworth)
- Robert Barnes (Central Branch)
- Sue Lawrence (Cobar)
- Violet Allan (Nungaroo)

Aboriginal Cultural Sites Conservation Program

A pilot program in Aboriginal Cultural Sites Conservation (Certificate II) commenced in October 2000. Workshops were held in Glen Innes, Grafton, Forster, Tweed Heads/Byron Bay and Western Sydney, with participants from Jali, Armidale, Glen Innes, Tweed Byron, Graton Ngerrie, Coffs Harbour, Ngulingah, Casino, Ashford, Birpai, Anaiwan/Inverall, Kempsey, Dorrigo, Forster and Moombahlene. A total of 26 participants commenced the course and are scheduled to complete it in November 2001.

[PHOTO]

Model Rules Workshops

Throughout the reporting year, several Model Rules workshops were held within the regions at the following locations, Armidale, Broken Hill, Wellington, Coonamble, Tingah, Quirindi, Gosford, Port Kembla, Ivanhoe, Moama, Lismore, Condobolin, Murrin Bridge, Kempsey, Dubbo, Leeton, Coonamble, Wilcannia, Metropolitan & Glenn Innes.

A total of two hundred & eighty six (286) participants attended the Model Rules workshops.

Partners In Training Award

[PHOTO]

The Partners in Training Award is a result of the establishment of a formal training alliance between the New South Wales Aboriginal Land Council (NSWALC) and the NSW TAFE Commission through TAFE NSW Western Sydney Institute.

This award acknowledges the achievements by NSWALC and LALC participants in training and development and also encourages participants who have commenced but not completed previous training programs.

The successful nominees for the awards in 2000/2001 were:

Ken Baker (Dorrigo Plateau LALC)
Certificate II in Aboriginal Cultural Site Conservation

Kim Dundas (Coonabarabran LALC)
Certificate II in Property Management

Liza Duncan (Anaiwan LALC)
Certificate II in Aboriginal Cultural Site Conservation

Norman Parsons (Cobowra LALC)
Certificate II in Property Management

[PHOTO]

Robert Yettica (Forster LALC)
Certificate II in Aboriginal Cultural Site Conservation

Stephen Oxley (Forster LALC)
Statement of Attainment in Community Management

Living In Harmony Project

The NSW Aboriginal Land Council (NSWALC) was successful in its submission to the Department of Immigration and Multicultural Affairs under the Living In Harmony (LIH) project. Funding was provided for the development of an Aboriginal Cultural Awareness Program and information kits to positively promote Aboriginal Land Councils in NSW.

The NSWALC through Western Sydney Institute of TAFE (WSIT) requested the Community Services Unit from the Nirimba College of TAFE to develop the information kits. The project team included teachers and students from both Aboriginal and non-Aboriginal backgrounds and was guided by the steering committee.

The kits are in a paper format for distribution to community organisations and educational institutions and also to Aboriginal Land Councils for promoting their activities at a local level. The kits include thirteen facts sheets, outlining:

- An overview of the NSW Aboriginal Land Council
- Myth & fact sheet about Aboriginal people & their relationship to the land
- An overview of the NSW Aboriginal Land Rights Act 1983
- An overview of Native Title.

The kits include a child's story about the meaning of land to Aboriginal Australians. The story was written by an Aboriginal student with the assistance of non-Aboriginal students, and has been illustrated by local Aboriginal artists. These kits are presently being added to the NSWALC website.

The project provided an opportunity for students from a range of cultural backgrounds to work in a team comprising both Aboriginal and non-Aboriginal students and teachers. It also enabled students enrolled in the **Diploma - Community Services** to complete activities and study modules in Research, Information Systems, Indigenous Issues, Community Education and Vocational Education 2. This gave them full credit in these modules.

The project has targeted all people in NSW regardless of age, gender and ethnicity. It promotes harmony through education on the true meaning and importance of the on-going struggle for land rights for Aboriginal people. The kit encourages tolerance, understanding and recognition of Aboriginal people in NSW and the benefits to all Australians supporting Aboriginal Land Rights.

Living In Harmony Presentation

[PHOTO]

A presentation was held on 30 November 2000, at NSWALC Parramatta to acknowledge the excellent work done by the students and the team leaders from Community Service Unit at Nirimba College of TAFE. Students were presented with Certificates of Appreciation and NSWALC caps by Councillor Robert Lester. The presentation included a review of the LIH project to date.

The NSW Aboriginal Land Council would like to acknowledge, thank and congratulate the following students, TAFE teachers and artists of the Living in Harmony Project, for their great efforts and contributions.

- THE STUDENTS:

Barbara Mangan, Belinda Jenkins, Jamie Mack, Kelly Pinder, Kylee White, Lex Harding, Mary Labbad, Rebekah Noble, Sal Rogers, Simon Grealy & Toli Stewart

- TAFE FACILITATORS (WSIT):

Clare Stapleton & Jenny Khan

- ARTISTS:

Sigrid Herring, Holly Herring & Dean Bell

The Living in Harmony Project consisted of both a steering and a working committee. The following people are to be acknowledged for their time, effort and contribution towards the project.

- STEERING COMMITTEE

| | | |
|--------------------|--|---------|
| Elaine Telford | <i>Australians for Reconciliation</i> | |
| Gil Maher | <i>Dep Immigration & Multicultural Affairs</i> | |
| Heather Porter | <i>Nirimba College of TAFE</i> | [PHOTO] |
| Peter Lalor | <i>NSW Aboriginal Land Council</i> | |
| Tamara Constantine | <i>Department Fair Trading</i> | |

- WORKING COMMITTEE

| | |
|-----------------|--|
| Anne Sattler | <i>Forster Local Aboriginal Land Council</i> |
| Clare Stapleton | <i>Nirimba College of TAFE</i> |
| Jenny Khan | <i>Nirimba College of TAFE</i> |
| Sue Knox Davis | <i>Nirimba College of TAFE</i> |
| Paul Newman | <i>Paul Newman Consulting</i> |
| Lorensz Herft | <i>NSW Aboriginal Land Council</i> |
| Marlene Nasr | <i>NSW Aboriginal Land Council</i> |

Cultural Awareness Training Package

As part of the Living in Harmony project, Paul Newman Consulting was engaged to develop an Aboriginal Cultural Awareness Training Program to complement the information kits. The addition of this cultural awareness training program provides a comprehensive learning and teaching resource for schools and community organisations.

The Cultural Awareness training program consists of a one-day theory session delivered in a workshop environment and a one-day field visit of local sites and Aboriginal organisations.

Aboriginal Cultural Awareness Pilot Programs

The Aboriginal Cultural Awareness Training Program was piloted in Taree, Quirindi and Parramatta this year as part of the Living in Harmony program.

Pilot Programs were held in Taree on 29 November 2000, in Quirindi on 4 April 2001 and in Parramatta on 29 May 2001, promoting the Aboriginal Cultural Awareness Program and the ALC information kits. The main aim was to bring together the local business and community groups to discuss issues which concern the Aboriginal Community in an effort to build links and create cultural awareness. The program also focussed on cross-cultural employment issues and included representatives from Public, Private and Community organisations including: employees from TAFE, RSL, Local Government, K Mart, Coles Woolworths, Clints Crazy Bargains, Mission Employment, Spotlight, BiLo, GoLo, the Police Service and NSWALC.

The aim of the workshop was to facilitate communication between local businesses and the Aboriginal Community with a view to increasing the employment of Aboriginal people in Taree. The program was a success with both local business people and members of the Aboriginal community agreeing that the program was of great benefit to them and created a greater awareness of current issues.

At the end of the pilot program in Quirindi, the group was satisfied and successful in gaining further understanding of the issues affecting Indigenous people and after discussing local strategies for the local area, they hoped to form an inter-agency committee.

The Living in Harmony project is still in progress with the Aboriginal Cultural Awareness manual in its final stages of review and amendment. The Training Unit is anticipating launching the Aboriginal Cultural Awareness manual and information kits on Aboriginal Land Councils during 2002.

Mapping of ALC students.

The Training & Development unit together with the Western Sydney Institute of TAFE conducted a comprehensive "mapping" of students' results from various Office Skills training courses conducted over recent years. Participants were from Parramatta, Dubbo, Taree, Macksville, and Quirindi. The Office Administration mapping project for ALC training participants in the Workplace English Language Literacy (WELL) supported program is now completed, and the project achieved the following:

- Identified which Office Administration modules individual training participants have completed
- Identified which Office Administration modules individual training participants need to complete in order to achieve course completion.
- Identified where individual training participants have completed modules in other course, relevant to the areas NSWALC offers training..

The project has been gathering information on ALC participants in NSWALC/TAFE training programs since 1993. This covers all ALC students trained across the state by NSWALC/TAFE. Students' previous studies have been accredited into current courses and their studies across various areas have been co-ordinated where possible into a single course.

As a result of this process, 288 students will receive awards as follows:

213 students will receive a Statement in Business Services
52 students will receive a Statement of Attainment Computing Skills for the Office
10 students will receive a Certificate I Business (Office Skills)
12 students will receive a Certificate II Business (Office Administration)
1 student will receive a Statement of Attainment in Reception skills.

Development Of Microsoft Access Data Base For Training Records And Results

The development of Microsoft Access Data Base project conducted during the reporting period has achieved the following outcomes:

1. The database will hold a record of all currently identified individual NSWALC training participants who have completed TAFE training courses through the NSWALC Training and Development Unit.
2. The database records all relevant information regarding the nature of training in which each trainee has been engaged:
3. The database will be able to provide a number of management reports, including:
 - Individual participant record of completed training, for example all training completed by an individual training participant.
 - Completed training by region represented , for example the number of NSWALC participants in the Wiradjuri are who have undertaken training.
 - Completed training by course area, for example, the number of training participants in the NSWALC network who have completed Property Management training.

In this way, the Training Unit hopes to work toward continuous improvement in the development and recording of skills acquired by ALC staff and volunteers across the State.

Achievements of the Land Rights Unit

The passage of the Aboriginal Land Rights Act (NSW) 1983 by the Wran Government marked a watershed in recent Aboriginal history. Quoting from the Preamble, we see the essential intent of the Act:

"Whereas:

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

Defining the Aboriginal Land Rights Act

The right to claim land under the Aboriginal Land Rights Act (NSW) is based on the most fundamental rights of the Aboriginal community - the right to ownership of their own land in Australia, from which they were dispossessed by white settlement. Aboriginal people have been able to make land claims since the commencement of the Act in 1983. Land councils lodge land claims over NSW Crown land, which are then determined by the relevant Minister or on appeal through the NSW legal system.

Under the Act, claimable Crown land is defined as:

- (a) Land able to be lawfully sold or leased, or reserved or dedicated for any purpose under the Crown Lands Consolidation Act 1913 or the Western Lands Act 1901
- (b) Land that is not lawfully used or occupied
- (c) Lands which are not, in the opinion of the Minister administering the Crown Lands Act, needed or likely to be needed as residential lands.
- (d) Lands which are not needed or likely to be needed for an essential public purpose.
- (e) Lands that are not subject of an application for a determination of Native Title or subject of an approved determination of Native Title.

If land satisfies the above tests, it is granted to the claimant land council. Land councils have a right of appeal against the Minister's decision if a claim is refused. The appeal is heard by the NSW Land and Environment Court.

The Function and Purpose of Land Claims

The making of a claim and the granting of land is now the sole remaining form of compensation for dispossession of land available under the Act. This follows the sunset of a provision of the Act which for 15 years made available to NSWALC an amount equivalent to 7.5% of land tax collected in NSW, of which half has been invested on behalf of the Aboriginal peoples of this state to help secure our economic, social and cultural future.

Claims Progress

Over the period 1983 to end September 2001 there have been 1964 claims land granted out of a total lodgement of 6620, with more than 3,200 declined. The total area of these granted properties comprises 76,120 hectares with an estimated value of \$636,724,216. Even though the preamble of the Aboriginal Land Rights Act 1983 states that land in New South Wales was traditionally owned and occupied by Aborigines and that land set aside for Aborigines has been progressively reduced without compensation, there is still only a 30 per cent success rate in reclaiming Crown land from the Government. In the year 2000/2001, statistics show that a total of 106 claims were lodged. As at 30 September 2001, 942 claims were still outstanding (down from just over 1,000 last year) but with 75 of these outstanding claims having been lodged with the Minister before June 1990.

Functions and Responsibilities of the Land Rights Unit

The statutory responsibilities carried out by the LRU under the Act are:

- (a) Land Claims;
- (b) Disposal, leasing, purchasing and changing the use of LALC land pursuant to S40D, S40B, Reg 24 & S40B of the ALR Act, respectively;
- (c) NSWALC Policy relating to property matters within the ALRA regarding LALC's, RALC's and NSWALC;
- (d) Management & disposal of NSWALC properties including transfers to LALCs and investment properties;
- (e) Safekeeping of the Common Seal;
- (f) Rates policy including exemptions and S44A debts;
- (g) Policy matters relating to interaction with Federal, State, and Local Government;
- (h) Interaction between Land Rights and Native Title issues;
- (i) Monitoring & advising the Council on legislative change;
- (j) Planning law issues on LALC properties and where proposed development affects Aboriginal people;
- (k) Protection of Aboriginal Cultural Heritage matters and policy;
- (l) Areas of NSW not constituted by LALCS;
- (m) Policy and representation regarding Government advisory committees;
- (n) Briefing external professionals such as Solicitors and ensuring co-ordination with LALCs;
- (o) Natural resource issues such as mining, hunting & gathering agreements, fishing rights and policy regarding forestry issues;
- (p) NSWALC housing policy (including the Housing disposal Project) and involvement with the Aboriginal Housing Office;
- (q) Assistance with negotiations under the Aboriginal Ownership of National Park provisions of the National Park & Wildlife Act;
- (r) Applying for external grants for specific projects including ILC, Regional Forest Agreement process, Indigenous protected areas and Landcare;
- (s) Providing advice to LALCs on all of the above areas as well as general inquiries including legal.

Legal Matters on hand

The major current legal matter is the review of the ALR Act, which is detailed at page [42] under the heading "Legal Changes". There are, however, also a number of significant legal appeals which were pursued during the reporting period. At the time of writing, the Land Rights Unit was assisting over thirty (30) Local Aboriginal Land Councils with internal and external legal advice.

Review of the Aboriginal Land Rights Act 1983 (NSW)

Proposed amendments are currently awaiting Cabinet's approval and are expected to be tabled in Parliament before the end of 2001. Details are at Legal Changes on page [44].

Land Claim Appeals

The Land Rights Unit has a limited budget for legal expenses which may be used to provide financial support for Local Aboriginal Land Councils wishing to appeal against the refusal of land claims.

The cost of appealing a land claim generally ranges from \$20,000 to \$40,000, particularly if it proceeds to full hearing. Financing these appeals requires a resolution of NSWALC and an agreement being entered into between the Local Aboriginal Land Council and NSWALC governing the conduct of the appeal. The Local Aboriginal Land Council will also be required to make a contribution to the costs of running the appeal.

In making a decision to finance the appeal, NSWALC will consider its available resources, the legal merit of the appeal, any legal precedent that may arise from the appeal and why the Local Aboriginal Land Council wishes to appeal. The following appeals have been progressed during the reporting period.

LALC: Wanaruah Local Aboriginal Land Council land claim

PPTY: Muswellbrook Common Land Claim

- Wanaruah LALC lodged a claim over the Muswellbrook Common. Part of the claim was granted and part was refused by the Crown Lands Minister for several reasons. The Minister alleged that some of the land was needed for residential purposes, for an electricity transmission line, for a trigonometric station and access road, etc.
- With the assistance of NSWALC, Wanaruah LALC appealed against parts of the Minister's decision. The appeal focused on the land the Minister said was needed for residential purposes. The Wanaruah LALC said the land was not needed for residential purposes and should therefore be granted to the LALC.
- The LALC was successful on this point: the Land and Environment Court found that the land was not needed for residential purposes.
- The matters outstanding:
 - * Wanaruah LALC has to choose its preferred route for access to the trigonometric station as agreed to in the court orders.
 - * NSWALC needs to consider whether it wants Minter Ellison (the solicitors) to consider the likelihood of success in NSWALC obtaining some or all of its costs in these proceedings.

LALC: Deerubbin Local Aboriginal Land Council

PPTY: Maroota Forest Nature conservation appeal

- In 1996, NSWALC Lodged appeals in the Land and Environment Court against the refusal of the Land Claims. The Minister provided a number of reasons for opposing the land claims including that the land was "likely to be needed for an essential public purpose".
- The matter was lost in the Land and Environment Court and again in the Supreme Court of NSW. This matter went on appeal to the Court of Appeal in NSW and was won resulting in the majority of the land claimed being transferred to the LALC in 2001.
- Some important points of law were decided and won on behalf of Deerubbin LALC in the Court of Appeal. Importantly, the Court raised the level for the government to assert that the land was "likely to be needed for an essential public purpose". It needs to be more probable than not that the government needs the land, it needs to be documented with the government

Rates Exemption

Rates exemption applications for vacant land owned by Local Aboriginal Land Councils are now being accepted by the Minister for Aboriginal Affairs, Dr Andrew Refshauge. The Minister has announced a new set of guidelines for Section 43, *NSW Aboriginal Land Rights Act, (1983)*, in order to apply for rates exemption on vacant land. These guidelines assist in the determination of applications by Local Aboriginal Land Councils for vacant land claimed through the NSW Aboriginal Land Rights Act.

The Department of Aboriginal Affairs has written to all Local Aboriginal Land Councils advising of the new guidelines and the process for making a determination [REFER TO XYZ FOR A COPY OF THAT LETTER]

Fifty one (51) Local Aboriginal Land Councils have applied for rates exemption under the new guidelines in the past twelve months. Four hundred (400) determinations have been made by the Minister to date granting rates exemption to the value of approximately \$430,000 per year. Exemptions may only be claimed for a maximum period of five years at this stage.

The NSW Aboriginal Land Council strongly encourages all Local Aboriginal Land Councils to make application for rates exemption on all vacant land to assist in relieving at least some of the unfair burden of Local Government rates. As Crown Land, Local Governments were unable to charge rates, yet once title passes to a LALC, many Local Government Authorities have opportunistically invoiced for rates even though the land is unserviced and non-income producing.

The NSW Aboriginal Land Council will also continue to seek further relief from rates for various other forms of land use including residential rates on former reserves, community facilities (e.g. Schools), etc. The NSW Aboriginal Land Council will continue to lobby for these changes and is hopeful of being able to bring news of favourable outcomes with respect to these negotiations in a future annual report.

Involvement with various committees and forums on behalf of the NSW Aboriginal Land Council

The Land Rights Unit, on behalf of the NSW Aboriginal Land Council, is invited to participate on many varied committees, to represent Indigenous concerns.

The following is a list of Committees and forums in which the Land Rights Unit staff are involved:

- ❖ Great Artesian Basin Advisory Committee
- ❖ Resource and Conservation Advisory Committee
- ❖ Various Local Shire Council Aboriginal Advisory Committees
- ❖ Local Government Aboriginal Network Conference
- ❖ Local Government Annual Conference
- ❖ Paroo Wetlands Committee formed by the World Wide Fund For Nature
- ❖ Geographical Names Board
- ❖ Native Vegetation Advisory Council
- ❖ Water Advisory Committee
- ❖ National Indigenous Working Group
- ❖ Sydney Wetland Action Committee
- ❖ Natural Heritage Trust Assessment Panel
- ❖ State of the Environment (2003 Report) Advisory Committee

The Land Rights Unit also carries the responsibility to organise endorsement of Local Indigenous participants to a wide variety of forums and State Government committees including native vegetation, water, river, ground-water and forests committees.

Native Vegetation

The NSW Aboriginal Land Council (NSWALC), through the Land Rights Unit, is represented on the State Native Vegetation Advisory Committee. This committee was formed as an outcome of the Native Vegetation Conservation Act (NVC Act) 1997. The objects of the NVC Act are :

- a) to provide for conservation and management of native vegetation on a regional basis.*
- b) To encourage and promote native vegetation management in the social, economic and environmental interests of the State.*
- c) To protect native vegetation areas of high conservation value.*
- d) To improve the condition of existing native vegetation.*
- e) To encourage the re-vegetation of land and rehabilitation of the land with appropriate native vegetation.*
- f) To prevent inappropriate clearing of native vegetation.*
- g) To promote the significance of native vegetation, according to principles of ecological sustainable development.*

The NVC Act established 8 Regional Native Vegetation committees throughout NSW. A requirement within the NVC Act was that the State Advisory Committee include 2 Aboriginal representatives nominated by the NSWALC (Tom Smith and Jolanda Nayutah during the reporting period).

[PHOTO PHOTO PHOTO]

The Regional Native Vegetation Committees are also required to include 2 Aboriginal representatives nominated or endorsed by the NSWALC. Support for any nominations is first sought through the Local Aboriginal Land Council or by the Regional Aboriginal Land Council. The nominations are then formally endorsed by NSWALC.

The main business of the State Native Vegetation Advisory Committee has been to develop a Strategic Plan on Native Vegetation Conservation. At the time of writing, this report was at Draft stage and due for endorsement by all stakeholders by December 2001.

In conjunction with the strategy, each Region is also to prepare a Regional Management Plan for Native Vegetation. The Strategic Plan (Draft) Native Vegetation Conservation Strategy contains a number of issues for Aboriginal communities to be aware of, including:

- Our right as people indigenous to this land to be involved and participate in decision making processes and management of Native Vegetation Conservation and our intellectual property rights of the knowledge of Native Vegetation and its role within the social, cultural and economic aspects for Aboriginal people
- Cross-cultural awareness programs for non-Aboriginal involved in native vegetation planning
- Aboriginal participation in revegetation programs and monitoring of clearing rates
- Aboriginal input into Aboriginal cultural practices with caring for country practices
- Aboriginal participation in combating the salinity problem
- Aboriginal participation in education and public awareness programs on native vegetation conservation
- Inspection for sites of significance for proposed land clearing applications
- Appraisals of properties on native vegetation assets before purchase of or acquiring of lands

- Consideration of intellectual property rights to native vegetation production and management.

Land Owners making application to the Dept Land & Water Conservation (DLWC) for clearing native vegetation must provide the following information for a development consent:

- reasons for clearing the area
- Trade-offs for re-vegetation or declaring high conservation areas
- Provide a report from the Aboriginal Land Council on sites of significance within the proposed area
- Description of flora and fauna habitat in the proposed area.

The process of site inspections for significant or cultural important places is a concern to the DLWC. Guidelines for processes and procedures need to be set in place. This would include:

- initial request for a site inspection should be through the Local Aboriginal Land Council
- a recommended fee on an hourly basis needs to be set
- the persons doing the inspection need to have appropriate expertise and qualifications
- an appropriate reporting on the inspection needs to be required.

The DLWC suggests that guidelines be implemented for the inspection of proposed lands to be cleared for inspections on significant areas or items of cultural significance. The guidelines should include:

- the local Aboriginal land council is the contact to arrange for a site inspection,
- the person doing the inspection needs to have accreditation or expertise in assessment of areas or items of cultural significance,
- a reasonable base for fees needs to be established.

The problem remains as to who is responsible for the endorsement of these guidelines. The National Parks and Wildlife Service have the legal responsibility for culture & heritage but also give consent to destroy.

The DLWC has released a precise date record on the type of vegetation existing by computer mapping. This is available on the DLWC website, VegNet.

To December 2000, 323 breaches of the NVC Act were reported, 3 stop work orders were given, 5 directions for remedial work and 58 warning notices were given. At the time this report was compiled, a number of alleged breaches were under investigation by the Crown Solicitors.

Attached is a FACT sheet from the NCC which highlights the concerns of land clearing within NSW. []

The Land Rights Unit is planning to conduct a workshop with all Aboriginal representatives on the Native Vegetation and Water Catchment Committees for each region. The workshops are to assist and support the role of the representatives and encourage feed back to the Aboriginal community on the issues which may affect the local Aboriginal interests.

Salinity Strategy

Following on from a State Government summit conducted at Dubbo in May 2000 on the subject of Salinity, NSWALC prepared a submission to the Parliamentary Select Committee on behalf of the Aboriginal stakeholders. The basis of the submission indicated opportunities for the ongoing participation of Aboriginal people in the Salinity Strategy. This included:

- expansion of the existing nursery projects operated through land councils or CDEPs, and
- Aboriginal partnerships with other land care groups in the re-vegetation programs.

Water Catchment Board

The NSWALC is represented on the Water Advisory Council of NSW. The Council is Chaired by Mr John Kerin. The NSWALC member is Councillor Rod Towney. There are 8 regional Water Catchment Committees. This also includes Aboriginal representation on the Groundwater - Regulated Committees and the Unregulated Committees

In January 2001, the NSW Water management Legislation became effective. The Act provides for the protection, conservation and ecological sustainable development of the water sources of the State and for other purposes. The legislation is designed to give priority to domestic consumption, substitute basic landholder rights for riparian rights and establish fully tradeable access licences for the commercial use of water.

NSWALC made a submission to the proposed Bill. The outcomes for the Aboriginal community were:

- geographical and other features of indigenous significance should be protected (s.5(2)(e))
- at least 2 Aboriginal persons appointed to represent the Aboriginal interests on the Water management Committees at the regional level
- at least 2 Aboriginal persons appointed to the State water Advisory Council to represent the interests of Aboriginal people
- Native Title rights and interests are able to be exercised by native title holders without the need for an access licence. But this only includes non-exclusive rights to take and use water for personal, domestic and non-commercial purposes (including drinking, food preparation, washing, manufacturing artefacts, watering domestic gardens, hunting, fishing and gathering and recreation, cultural and ceremonial purposes.

There are a number of considerations for the Aboriginal community:

- Those communities which hold water access licences should regard them as a major asset. If they expire it may be difficult to renew.
- Remember they are tradeable or able to be leased to another landholder for periods.
- Our rights to economic use of water through native title will need to be assessed from a full determination of native title for claimants. As the legislation is considered a future act in regard to the Native Title Act.
- The Minister has the power to grant an access licence. Aboriginal groups/individuals may also apply to the Minister for a licence. The cost for a licence would be in the range of \$20,000 to \$50,000 for 1 hectare of irrigation agriculture.
- Our representatives on the water catchment boards will need technical training and infrastructure support to be effective on the committees.
- The NSWALC is to maintain with information and community education concerning the new legislation.

The Land Rights Unit has been planning for some time to bring together all of those Aboriginal groups , including land councils, individuals or other Aboriginal groups which hold water extraction licences for a workshop to further explain the outcomes of the water management reforms and implications. A problem has been setting a suitable date, venue and costs. However, the LRU is confident of holding such a forum in the coming year.

The Land Rights Unit is convening a meeting among all Aboriginal representatives on the Water Catchment and Ground water committees within each region .

Great Artesian Basin Advisory Committee

This committee was established over growing concerns for the sustainability of water being wasted from the Artesian Basin.

A major activity of the committee is to educate people about the need for conservation and management of this rich water resource which affects Queensland, NSW, South Australia, Western Australia and Northern Territory.

A major initiative is the encouragement for landholders with bores to recap or regulate the flow of artesian water from the outlets. The NSWALC representative on the committee is Mr Gerald Brennan, member of the Narrabri Local Aboriginal Land Council.

Lake Victoria Advisory Committee

[PHOTOS]

The burial ground at Lake Victoria is the largest known Aboriginal burial ground in Australia. Throughout the Lake Victoria region there exists a large number of burials, middens, campsites, heaths and scarred trees. The region is also linked to the massacre of a large number of Barkinji people at the Rufus River, which runs into the lake.

Since the 1920s, these significant sites have been subject to destruction by erosion, wind and water. The water storage is owned by South Australia Water and is managed by the Murray Darling Basin Commission (MDBC). In 1994, NSWALC began legal proceedings in the land & Environment Court against the MDBC to prevent the raising of the water level of the lake which damaged the skeletal remains.

In 1995 the MDBC began negotiations with the NSWALC and the Barkinji people from Dareton. In 1996 the National Parks & Wildlife Service informed the MDBC that it needed a consent under s. 90 of the NPWA before raising the water level of the lake above 23.6 metres.

In 1998, the NP&WS directed that the MDBC may vary the water level with the approval of the NP&WS. The levels are only for a period of 6 weeks between 24 metres to 27 metres.

The Barkinji Elders and the Lake Victoria Advisory Committee have worked through to resolve the following:

- an operational plan for regulating the water levels is in place
- a cultural landscape management plan is near completion
- when the lake level is at its lowest, then maintenance work and monitoring of the protection of the sites is conducted
- an Aboriginal environment and cultural officer is employed
- Barkinji Elders are involved in monitoring and maintenance work
- Barkinji people have access for camping
- Discussions are being held for the Aboriginal community to be involved in the re-vegetation program around the lake
- The Barkinji people are involved in the planning for water troughs around the properties bordering the lake to keep stock from the lake edge
- The Environmental Defenders Office is involved in the monitoring process of the Consent Conditions.

In all the involvement of the NSWALC in the Lake Victoria matter has proven to be beneficial in that it supported the voice of the Barkinji people in the protection of the burials at the lake. It also proved a good outcome for all parties through co-operative negotiations and consultations processes which are essential in dealings between Aboriginal, government agencies and land holders.

Regional Forestry Agreements

In 1999, NSWALC received funding from the State Government through the Resource and Conservation Division (RACD) of the Dept. Of Urban Affairs and Planning. The assessments were being done through the NP&WS, NSW Forests, DL&WC, DAA NSWALC and the NSW Heritage Office.

The project co-ordinator conducted community workshops to provide input to the state wide Comprehensive Regional Assessment (CRA), which is the scoping process for developing the NSW Regional Forests Agreement between the Commonwealth and the NSW Government.

NSWALC co-ordinated Aboriginal Management Committees for the Upper North east region, the Lower North East region, the South Coast region and the Tumut region.

The Regional Forestry Agreements were to define how forests and their natural resources will be managed for the next 20 years. This will include:

- what land tenures will need to be changed to protect certain environmental values,
- what lands will be available for economic development, eg; forestry, mining, ecotourism,
- monitoring of natural resources,
- how cultural resources (Aboriginal and non-Aboriginal) will be managed and monitored, how Aboriginal values will be managed,
- what government agency will be responsible for management and monitoring of resources,
- how Aboriginal people will be involved in management of land, natural and cultural resources.

[PHOTO – PHOTO]

Each Aboriginal Management Committee submitted reports on the outcomes from the workshops and the requirements and considerations for Aboriginal participation in the Regional Forestry Agreements.

The Regional Forestry Agreement for the Southern region is now available for public comment. The outcomes for the Aboriginal communities are:

- NSW agrees to develop guidelines and a package of measures that will be implemented to ensure appropriate management of Aboriginal heritage including the maintenance of traditional historic uses and values and to facilitate ongoing involvement in the management of the Southern region.
- This Agreement is not intended to influence either current or future Native Title claims in any way . The parties acknowledge that if any implementation of the Agreement affects Native Title rights and interests such implementation must be in accordance with the Native Title Act 1993 (Cwealth).
- The NP&WS will fund the employment of 91 positions for conservation and Aboriginal heritage management of the Southern reserves. Four of these positions will be as Aboriginal Cultural Heritage officers.
- Assessments are to be done on Aboriginal cultural heritage on State Forests in the Southern region.
- Two Cultural Heritage Officers employed by State Forests will foster close working partnerships between the Aboriginal community and the NSW government forestry program.

Meetings are being convened at Tumut, the South Coast, Upper North East and the Lower North East areas, to make comment on the stated outcomes of the RFA. The NSWALC is concerned that there is no

indication from NP&WS or Forestry as to how Aboriginal issues from the outcomes will be implemented. The initial process will be to formalise area working committees involving the Aboriginal community, NP&WS and the NSW Forestry to develop and implement the strategies.

Aboriginal Ownership of National Parks
(Part 4A of the National Parks and Wildlife Act)

In 1996 the NSW Government passed amendments to the *National Parks and Wildlife Act 1974* and the *Aboriginal Land Rights Act 1983* setting out a process for:

- Registering people as Aboriginal Owners; and
- Allowing culturally significant national parks, nature and historic reserves and state recreation reserves to be “returned to Aboriginal ownership”.

1. Register of Aboriginal Owners

To be placed on the Register of Aboriginal Owners, a person must apply to the Registrar of the Aboriginal Land Rights Act and be able to satisfy a test set out in the Aboriginal Land Rights Act. The “test” is in section 49C(2) of the Land Rights Act and says an Aboriginal person must not be entered in the register unless the person:

- (a) is directly descended from the original Aboriginal inhabitants of the cultural area in which the land is situated, and
- (b) has a cultural association with the land that derives from the traditions, observances, customs, beliefs or history of the original Aboriginal inhabitants of the land, and
- (c) has consented to the entry of the Aboriginal's name in the register.

Section 49D deals with requests for entry of names in the Register and says:

- Any Aboriginal person may make a written request to the Registrar to enter the name of an Aboriginal in the register.
- A request must specify the cultural area with which the Aboriginal nominated for inclusion in the register has a cultural association.
- A request must not be made without the written consent of the Aboriginal nominated for inclusion in the register.

The attached information sheet from the Registrar’s office sets out more information about the Registrar’s process [NOT ATTACHED TO THIS DOCUMENT – PLS PROVIDE OR REMOVE REFERENCE].

2. Returning Culturally Significant National Parks to Aboriginal Ownership]

When the amendments to the National Parks and Wildlife Act were made in 1996 five (5) parks were identified as being culturally significant. These parks are listed on **Schedule 14** of the National Parks and Wildlife Act and include:

- Mount Grenfell Historic Site near Cobar in the North West Region
- Mutawintji National Park in the Western Region
- Jervis Bay in the Illawarra Region

- Mount Yarrowyck Historic Site near Armidale in the Northern Tablelands Region and
- Mungo National Park in the Western Region

In 1998 Biamanga and Gulaga National Parks near Bega in the Far South Coast Region were added to the list. Mutawintji National Park is the only park to be handed back so far. It was returned to its Aboriginal owners in September 1998. The Registrar has commenced research projects for Mount Grenfell and Biamanga and Gulaga National Parks to identify Aboriginal owners for these areas.

The Aboriginal National Parks Steering Committee, involving the NSW Department of Aboriginal Affairs, the Registrar's Office, National Parks & Wildlife Service and the NSW Aboriginal Land Council, has been formed to coordinate community and government negotiations to process applications for Aboriginal ownership of National Parks which have been listed. Negotiations have progressed throughout the year for the hand back of Mt Grenfell historic site.

The land is leased back to the NPWS, but managed by a Board of Management which has a majority of Aboriginal owners. The relevant LALC also gets a seat on the Board of Management. The Aboriginal owners essentially control the decision making about how the park is run, within the parameters established by the *National Parks and Wildlife Act*.

Ancestral Remains Project

Consent

During the reporting period, the Ancestral Remains Project (ARP) received authority to act on behalf of five (5) new Local Aboriginal Land Councils (LALCs) and one Direct Descendants group. These groups were: Dubbo LALC, Narromine LALC, Trangie LALC, Windradyne LALC, Ivanhoe LALC and Werrimbah Direct Descendants Aboriginal Corporation. The addition of the five new groups brought the number of Aboriginal Community Groups represented by the ARP during the reporting period to twenty-two.

With the consent of the groups, the ARP conducted a search of Australian museums in order to locate any ancestral remains from the respective areas. All Groups were provided with the results of the ARP search, indicating where ancestral remains, if any, were currently held. Of the six new Groups, the ARP found that ancestral remains from three, are currently held in Australian museums. After receiving the results of the ARP search, all Groups were contacted to discuss the future management of the remains and whether repatriation was sought as an option. At this stage all Groups were again informed about the assistance the Project provides to Communities seeking to repatriate their ancestral remains.

Repatriation & reburial activities

In the reporting period, the ARP provided assistance to several NSW Aboriginal Communities seeking the return of their ancestral remains, from Australian museums, to Country for reburial. These Communities included Moree, Walgett and Windradyne LALCs.

In the case of Moree LALC, the ARP provided financial assistance to facilitate the return and reburial of ancestral remains originally collected from Myall Creek Station in northwestern NSW. The remains, thought to be those of a young woman, were removed to the University of Edinburgh's Anatomical Museum sometime around 1888. The remains were only returned to Australia in 1991 (with 'Part One' of the Edinburgh Collection), after intense political pressure from ATSIC and other Aboriginal organisations. Renewed political lobbying saw 'Part Two' of the Edinburgh Collection returned to Australia in June 2000. The Collection is currently being housed in the National Museum of Australia in Canberra, awaiting repatriation.

The return of the remains to Country occurred in February 2001. Reburial occurred at the Myall Creek Memorial on Myall Creek Station, and was timed to coincide with the unveiling of the most recent addition

to the Memorial. The ceremony occurred at dawn, in accordance with local protocol, with Kamilaroi man, Billy Priestly overseeing the reburial of the remains. The lead-up to, and subsequent reburial of the Myall Creek remains was closely followed and respectfully documented by local and regional print media.

Also to occur during the period was the repatriation of a number of ancestral remains to Walgett LALC. Shortly after their discovery in 1975, the Walgett remains were sent to the NSW Institute for Forensic Medicine in Sydney. The Institute identified the remains as Aboriginal which meant (under the NSW National Parks & Wildlife Act 1974) that they became the custody of the Crown and were accordingly transferred to their official repository under the Act, the Australian Museum in Sydney.

The return of these remains to the Walgett Community marked the culmination of almost two years of negotiations involving Walgett LALC, the ARP and the NSW National Parks & Wildlife Service (NPWS). The formal handover of the remains took place in late September 2000 at the NPWS head office in Sydney. Two representatives of the Walgett LALC travelled to Sydney to take custody of the remains, which were handed over in a ceremony officiated by the Minister assisting the NSW Minister for the Environment, Ms Carmel Tebbitt.

Shortly after the handover, the remains were returned to Walgett where they were reburied in a ceremony attended by a significant section of the Walgett Aboriginal Community. According to the wishes of Walgett Elders, the remains were reburied in a ceremony at a culturally significant property outside Walgett.

The ARP also provided financial assistance during the reporting period to Windradyne LALC to support the return and reburial of ancestral remains from the Bathurst area. The remains were found during January 2001, in the backyard of a residential property at Newport on Sydney's northern beaches. Through an investigation involving the Police and the NPWS, it was discovered that the remains were Aboriginal and had originated from the Bathurst area. The former owner of the property had apparently collected the remains during a trip to the Bathurst area many years ago. The remains were souvenired and taken back to the Newport residence where they remained until the recent death of the property owner, when they were subsequently 're-discovered' and handed to the NPWS.

Due to the absence of information about the origin of the remains, Windradyne LALC decided to rebury the remains on nature reserve estate near Bathurst. The reburial occurred in April 2001 and was attended by members of Windradyne LALC and Bathurst Aboriginal Community.

Meetings

During the reporting period, the Ancestral Remains Project organised a program of meetings in the western region of New South Wales, in accordance with activities outlined in the Project's operational plan for the 2000/2001 financial year. These meetings occurred with Ivanhoe LALC, Menindee LALC, the Barkindji Elders Committee/Dareton LALC, and Deniliquin LALC and Community. While ARP meetings in the western region were organised in response to specific requests for assistance, the organisation of follow-up meetings to facilitate further discussion about repatriation proved difficult. While the ARP will prioritise assistance to far north coast Communities during the coming financial year, further meetings will also be sought with several western region Communities.

Other ARP Community meetings during the period included meetings with Dubbo LALC and the Snowy Mountains Elders Group. The latter occurred in Tumut and was attended by the ARP Coordinator at the request of the Snowy Mountains Elders Group and regional Cultural Heritage staff working for the NPWS. The meeting, organised by the NPWS, was arranged to discuss the repatriation of ancestral remains from the area held under the NPW Act 1974 (held in the Australian Museum). The ARP Coordinator was invited to attend the meeting to discuss the work of the Project and the financial assistance provided to facilitate repatriation. While certain repatriation will occur, the Elders are yet to decide how the process will proceed and whether it will include *all* ancestral remains from their area held in Australian museums. Further meetings will be required to clarify these and other issues.

Land Rights Unit Council Reports

A Report from the Land Rights Unit is presented to every Council Meeting. Inclusions in these reports during the 2000/2001 reporting period consisted of:

- ◇ 24 x Section 40B Submissions (to do with lease back and use of land owned by LALCs)
- ◇ 36 x Section 40D Submissions (to do with disposal of land by LALCs)
- ◇ 27 x Environmental issues reports
- ◇ 25 x Information only reports
- ◇ 69 Other Matters, including
 - Internal & External legal advice
 - Amendments to Acts
 - Other property matters (conveyancing, maintenance, acquisitions, disposals & valuations)
 - Joint Ventures
 - Feasibility studies of proposed commercial activities
 - Rate matters.

Achievements of the Native Title Unit

The Commonwealth Native Title Act 1993 defines Native Title as “the communal, group or individual rights and interests of Aboriginal people or Torres Strait Islanders in relation to land or waters where:

- the rights and interests are possessed under the traditional laws and customs observed, by the Aboriginal people or Torres Strait Islanders
- the Aboriginal people or Torres Strait Islanders, by those laws and customs, have a connection with the land and waters, and
- the rights and interests are recognised by the common law of Australia."

The Native Title Amendment Act 1998 (NTAA).

After the High Court Wik decision and a change in government, amendments to the Native Title Act were inevitable. NSWALC played an active role in lobbying the government for positive changes and took part in the public debate. On the 30 September 1998, the Native Title Amendment Act (NTAA) came into effect, introducing significant changes to the native title regime.

The major changes to the Act were:

- Recognises native title rights and sets down some basic principles in relation to native title in Australia
- All native title proceedings now commence and are primarily dealt with in the Federal Court
- Establishes a series of procedural rights for native title claimants including the 'right to negotiate', 'right to be consulted', and the 'opportunity to comment'
- Establishes a higher threshold of evidence to establish the connection of traditional owners to land. The new "registration test" was applied retrospectively to most existing claims and to all future claims within a period of 12 months by the National Native Title Tribunal
- Requires the National Native Title Tribunal to establish registers of native title claims, native title determinations and native title agreements
- Provides for the validation of 'past acts' and 'intermediate period acts' which may have been invalid because of the existence of native title, and confirms the extinguishment of native title over a significant number of land titles
- Provides for a 'future act' regime which protects native title rights and imposes conditions and procedures on acts affecting native title lands and waters
- Establishes processes to settle native title through negotiation of agreements known as Indigenous Land Use Agreements (ILUAs)
- Establishes a process where the Commonwealth Minister re-determines which organisations can become Native Title Representative Bodies (NTRBs) and what areas of land these NTRBs are to be responsible for
- Numerous other technical and procedural amendments.

NSWALC and Native Title

In 1994 NSWALC was confirmed as the sole "representative Aboriginal/Torres Strait Islander representative body" gazetted under the Native Title Act for New South Wales. NSWALC has retained its status as the Native Title Representative Body (NTRB) since that time, although it must be noted that the recognition of all NTRBs was withdrawn in early 2000. NSWALC re-applied and was eventually successful in gaining re-recognition under the new requirements.

The Strategic Plan

The Native Title Unit has now settled upon a Strategic Plan for the next three years. The Strategic Plan was prepared in consultation with ATSIC and has been approved by the Minister.

The Strategic Plan sets broad goals for progressing native title matters and seeks to ensure community representation and involvement in those matters. The Plan grapples with the difficult issue of how to provide the very wide range of functions of an NTRB with the clearly inadequate level of funding received from the Commonwealth. Accordingly, difficult decisions have had to be made on a number of fronts and it will be an important task for the Native Title Unit to ensure the reasons for those decisions are adequately explained to our affected constituents.

The Claim Prioritisation Process

Previously funding support for many of the native title claims has been supplied in an atmosphere of crisis management which has led to inconsistent approaches to different matters. In the last year, the Native Title Unit has, under the auspices of the Change Manager, undertaken a comprehensive State-wide review of all native title applications and assessed each claim against specified criteria to decide what priority should be accorded to each claim.

Some of those criteria included:-

- whether the claim was affected by any over-lapping claims;
- whether the land was affected by any historical acts that might have extinguished native title;
- whether there were any disputes within the claimant group; and
- whether the outcome of the claim was likely to significantly progress native title law in NSW;

As a result of this lengthy process, four claims have presently been identified of being high priority such that significant resources are now being devoted to preparing those claims for trial.

There are limited resources available for other claims which have not been accorded high priority. These claims will be dealt with on a case by case basis and limited assistance may be provided by internal staff of the Native Title Unit in the mediation of such claims that have merit. However, given the tight financial constraints, it will only be in very exceptional circumstances that expenditure on external consultants (such as lawyers, anthropologists, historian etc) would be provided to support these claims.

In summary, this prioritisation process has been very successful and has now enabled all claimants to know where they stand in relation to the types of assistance that the Native Title Unit can provide to their claims. While understandably this has not met with universal approval for those claimants whose claims have not been accorded high priority, at least claimants have an appreciation of the difficulties ahead and can make more informed decisions about how best to approach these issues.

Streamlining of Claims

Since the passing of the *Native Title Act* in 1993, literally hundreds of native title claims have been lodged throughout the country. Many of those claims were ill-conceived, without merit or lodged without proper consultation. The result has been a confusing overlay of claims and a degree of consternation within the community, both indigenous and non-indigenous. A very substantial effort has gone into resolving these issues and a large measure of that success has been the considerable decrease in the number of claims. NSW has had considerable success in this regard.

As at 30 September 1998 there were well over a hundred claims in NSW. That figure has now been reduced to just over 70 (as at 30 September 2001) and the Native Title Unit is still working to further streamline the claims on hand and liaise with those persons whose claims are ill-conceived or without merit. This important work will ensure that those claims which are well grounded will have a considerably higher chance of meeting successful outcomes.

Western Land Leases

The Native Title Unit has been funding a test case that is now before the High Court of Australia. The outcome of this case will be very important both for the development of native title law generally but more particularly for claimants whose lands may have been affected by the issuing of leases under the *Western Lands Act 1901*. The State of NSW has argued that such leases extinguished native title while the Aboriginal parties have been arguing that native title continues to exist in accordance with the principles laid down by the High Court in the *Wik* case.

Mining

Negotiations have been proceeding on a variety of specific mining projects that may have an impact upon native title rights and interests. An important document was signed that may assist such negotiations in the future. The document was signed between NSWALC and the NSW Minerals Council and is entitled *Protocol for the Negotiation of Agreements for Exploration and Mining for New South Wales*. The document does not bind native title claimants to commit to any specific mining proposal as only the native title holders themselves have that power. However, the document sets out broad principles about how each party will conduct themselves in exploration and mining negotiations and provides important statements of principle by which miners recognise Aboriginal people as important stakeholders in mining developments and NSWALC recognizes the legitimate rights of miners under the laws of NSW. It is hoped that this document will lead to the building of a better and fruitful relationship between the mining industry and Aboriginal custodians of the land.

Funds Granted to Community Organisations

There are two major categories of funds, the first and by far the largest category is the annual allocation of funds to Regional and Local Aboriginal Land Councils, totalling some \$12.31m in 2000/2001 (\$0.45m to RALCs and \$11.86m to LALCs). These allocations are used as a contribution toward the annual operational expenses of the Councils.

The second category is other grants to community organisations and individuals in several categories, totalling some \$2.17m in 2000/2001 (up from \$786,984 in 1999/2000 but including some "one-off" bad debt write-offs. Aggregated details of grants less than \$5,000 are provided below, as well as a listing of individual grants of \$5,000 or more and a brief description of the purpose of each of these grants.

Note that a number of difficult decisions regarding bad debts were made during this financial year, including the unanimous agreement by Council to forgive some long-standing debts by treating previously outstanding loan amounts as one-off grants, rather than repayable loans. This move will ensure that NSWALC and the community organisations involved can both move forward without the burden of a substantial debt over their heads.

| MINOR GRANTS (< \$5000) 2000/2001 | | |
|---|------------------------------|-----------------------------|
| Category of Grant | Number of Grants Made | Total Amount Paid \$ |
| Hardship | 45 | 45,783 |
| Sports | 44 | 34,932 |
| Travel | 7 | 5,157 |
| Education | 12 | 17,207 |
| Medical | 2 | 2273 |
| Council Approved Projects & Grants* | 97 | 90,939 |
| Councillor - Discretionary # | 81 | 24,663 |
| Funeral | 464 | 491,339 |
| Total | 752 | 712,292 |

Explanatory Notes:

* = Written proposals submitted to Council seeking specific amounts for one-off purposes.

+ = Small grants made at Regional level in response to local emergency requests.

| MAJOR GRANTS (\$5000 AND ABOVE) | | |
|--|--|----------------------|
| 2000/2001 | | |
| Payee | Purpose | Amount \$ |
| Hardship | | |
| Shane Joe Hurst | Monument to E Coffey | 15,000 |
| Kempsey LALC | Refurnish Flood Damage | 12,072 |
| Education | | |
| Goobah Goobah | Support Bunjalong Gathering | 5,000 |
| Ulladulla LALC | Upgrade Cultural Trail | 5,000 |
| H Hudson | Law Degree | 5,700 |
| Sport | | |
| Nambucca Rams | Support for running costs of sporting event | 19,131 |
| NAIRLAA | Forgiven outstanding debt | 190,739 |
| NARLA | Forgiven outstanding debt | 33,318 |
| AIRLAC | Forgiven outstanding debt | 127,116 |
| NSWARLA | Sporting Costs | 25,346 |
| Shannon Anderson | Softball | 5,493 |
| Gunbooka Aboriginal Corp | Dubbo NARLA | 5,040 |
| Lloyd McDermott Development Team | Assisting Aboriginal participants in South Africa Rugby League | 5,000 |
| Medical | | |
| Beverly & Errol Saunders | Modify House | 6,000 |
| Royal Far West Children's Health Service | Grant to assist with running costs | 10,000 |
| Council Approved Projects | | |
| Northern Tablelands Youth Program | Running Costs | 17,981 |
| Dorrigo Plateau | Purchase of Vehicle | 31,947 |
| Council Approved Grants | | |
| Bathurst LALC | Purchase of Office | 187,850 |
| Nambucca Shire Council | Transfer of Dwellings | 119,667 |
| Birpai LALC | Removal of 3 Houses | 49,091 |
| Ngulingah LALC | Feasibility Studies on two properties | 25,000 |
| Deniliquin LALC | Preserve & Occupy Dwelling | 6,000 |

| | | |
|------------------------------|-----------------------------------|------------------|
| Anne Gillin | Purchase Office NHALC | 220,000 |
| Young LALC | Purchase of Office | 125,500 |
| Coonamble LALC | Purchase of Vehicle | 8,500 |
| NAIDOC Day Celebration | Running costs | 7,070 |
| Bahtabah LALC | Repair to Roof | 14,249 |
| Eden LALC | Keeping Place | 176,000 |
| Dubbo LALC | Repair to homes from Storm Damage | 8,493 |
| Total of Major Grants | | |
| | 29 | 1,458,305 |

| SUMMARY TOTAL OF ALL GRANTS (Major & Minor) 2000/2001 | | |
|--|---------------|----------------------|
| Category | Number | Amount \$ |
| Hardship | 47 | 72,855 |
| Sports | 53 | 446,116 |
| Travel | 7 | 5,157 |
| Education | 15 | 32,907 |
| Council Approved Projects & Grants | 111 | 1,079,288 |
| Councillor – Discretionary | 81 | 24,663 |
| Medical | 4 | 18,272 |
| Funeral | 464 | 491,339 |
| Total | 488 | 2,170,597 |

Legal Changes

Review of the Aboriginal Land Rights Act 1983 (NSW)

The NSW Minister for Aboriginal affairs, Dr Andrew Refshauge MP, announced the review of the Aboriginal Land Rights Act 1983 (NSW) in February 1997.

The terms of reference for the review focus on amendments to increase the accountability of office-bearers and Councillors to their members as a response from recommendations of the Independent Commission Against Corruption Inquiry into the NSW Aboriginal Land Council

NSWALC has approached the Minister to include extra amendments to the ALRA that may allow NSWALC to establish a Funeral Fund for members of the land council network and also amendments relating to subsections 36 (1) (d) and 40AA.

The amendments were derived from the consultation workshops conducted by the NSW Department of Aboriginal Affairs (DAA) in June and July 2000 and subsequent discussions between DAA and NSWALC. At the workshops, members commented on the reform options raised in DAA's Discussion Paper for the Review of the ALRA. Transcripts of these meetings can be obtained through the Land Rights Unit.

The proposed amendments are currently awaiting Cabinet's approval and are expected to be tabled in Parliament before the end of 2001.

Economic Factors

The major influence on NSWALC investments was the terrorist attack on the twin World Trade centre buildings in New York, the ramifications of which were felt in share market falls across the globe. Fortunately, NSWALC has a diverse portfolio and early signs in the new reporting year are that losses sustained in the immediate wake of the attack will be recovered in the short term. Care will continue to be required to ensure recovery is maintained and radical changes to the Investment Strategy are avoided.

Management and Activities

The 2000/2001 reporting year saw the successful recruitment of a new Chief Executive Officer, Mr Jeffrey Bradford, who took up the position in June 2001. He immediately set about establishing a review of the organisation's operations and at the time of writing, had completed a staffing structures review, examined the corporate finances, and moved to encourage the Council to take some hard decisions in relation to bad debt write-off. The impact of the latter is apparent in the attached financial statements which reflect the one-off impact of removal of lingering debt from the bottom line.

Plans for an organisational restructure will be progressed in consultation with line managers and staff with a view to ensuring the maintenance of services to NSWALC's core client group at all times.

Research & Development

A major part of NSWALC's effort in relation to research and development concerns one of three main areas:

- the investigation and preparation of claims for Native title and applications for compensation for acts affecting native title,
- the examination of proposed legislation and proposed amendments wherever it may impact on land rights, and
- the location, identification and negotiation for repatriation of ancestral remains and return of cultural artifacts to their rightful owners.

All three aspects of this work are addressed under the Review of Operations above.

Human Resources

Apart from the appointment of a new CEO, NSWALC also engaged consultants to examine the appropriateness of the current staffing structure and delegation arrangements. A substantial report was received containing a series of recommendations relating to moves over the previous two years to devolve a number of NSWALC core activities. As a result of the acceptance of these recommendations, management determined to discontinue moves to devolve some of the aspects of NSWALC's core functions to Branches as it was felt economies of scale and the increased risk of diffusing scarce expertise outweighed the advantages of having some functions performed at a Branch level.

In 2002, work will continue with a skills audit, gap analysis (based on the new job descriptions) and lead to the re-profiling of some positions and the provision of additional support staff in others.

Industrial Relations developments

NSWALC Conditions of Employment Award

Ongoing and extensive negotiations with Union representatives have resulted in the NSWALC Conditions of Employment Award progressing to the final stages of ratification. It is anticipated that the Award will be operational by the end of 2001.

Hearing Before the Industrial Relations Commission

NSWALC was joined in an action by the PSA concerned about the direct negotiation by Council with a staff member of a separate set of employment conditions which could not be accessed by the remaining staff. Although it was acknowledged that the circumstances were unusual, NSWALC resolved not to engage in any further such negotiations outside of the provisions of the draft new Award, and in return for that undertaking, the PSA withdrew its complaint.

List of Consultants

During 2000/2001, NSWALC engaged consultants on a total of 41 projects at a total value of \$946,518. The major areas of work in general terms were anthropological research and financial advice. The following breakdown is supplied in accordance with the requirements of the Annual Reports (Statutory Bodies) Act 1984, as amended.

| Name of Consultant (Projects \$30,000 & above) | Title of Project | Amount Paid \$ |
|---|---|---------------------------|
| Tom Rees | Financial Advice to North west Branch | 60,915 |
| Cal Davis | Advice on Distribution of Head Office functions to Branches | 41,818 |
| Boulevard Connection P/L | Financial Advice to Treasurer | 64,486 |
| Ferrier Hodgson | Staff/Financial Review | 80,782 |
| Price Waterhouse Coopers | Review of Mortgage Loan Practices | 123,820 |
| Smith Hancock | Receiver's Fees | 92,761 |
| The One Umbrella | Operational General | 50,764 |
| McKeown YGOA & Assoc | Tweed River Historical Society Museum | 50,634 |
| Sue Rosen & Associates | Legals -Gamilaroi NC 96/26 & NC 97/11 | 110,193 |
| Michael Niblet | Preparing Twofold Bay NT Report | <u>36,195</u> |
| Total Amounts Paid \$30,000 & above | 10 | 712,368 |

| Consultancies < \$30,000 | Number of Consultancies | Total Paid \$ |
|------------------------------------|--------------------------------|--------------------------|
| | 31 | 234,150 |

| Total All Consultancies | Number of Consultancies | Total Paid \$ |
|--------------------------------|--------------------------------|--------------------------|
| | 41 | 946,518 |

EEO

NSWALC continued to be successful in promoting the participation of women and Aboriginal people in senior management positions and more generally within the organisation during 2000/2001

| Year | 1997/98 | 1998/99 | 1999/2000 | 2000/2001 |
|--|----------------|----------------|------------------|------------------|
| <u>Executive & Senior Management</u> | | | | |
| Male | 16 | 13 | 13 | 15 |
| Female | 2 | 5 | 5 | 7 |
| Total Senior Management | 18 | 18 | 18 | 22 |
| Aboriginal | 13 | 16 | 15 | 17 |
| | | | | |
| <u>Administrative Staff</u> | | | | |
| Male | 51 | 48 | 43 | 45 |
| Female | 53 | 47 | 48 | 43 |
| Total Administrative | 104 | 95 | 91 | 88 |
| Aboriginal | 56 | 56 | 47 | 46 |
| | | | | |
| <u>All Staff</u> | | | | |
| Male | 67 | 61 | 56 | 60 |
| Female | 55 | 52 | 53 | 50 |
| Total Staff | 122 | 113 | 109 | 110 |
| Aboriginal | 69 | 72 | 62 | 63 |
| NESB | 5 | 5 | 4 | 4 |
| Disability | 6 | 5 | 5 | 4 |

Land Disposal

No land valued at more than \$5m was disposed of by means other than public auction during the reporting period.

Promotion

With the creation of the Media Unit in April 2001, NSWALC was better equipped to conduct an appropriately mounted promotional campaign designed to ensure that NSWALC's constituency and the general community were made better aware of NSWALC activities and achievements during the year. As mentioned earlier, the role of the unit includes disseminating information to Aboriginal people, educating the broader community about indigenous issues through media liaison, speech writing and the organising of public forums and community events. The Unit furthers NSWALC's aim of giving Aboriginal people a voice on matters that affect them including justice, welfare and issues pertaining to human rights.

The Media Unit has commenced development of a number of new communications initiatives including an official website, a quarterly magazine and community information packs.

The objective of the **website**, which will go live early in 2002, is to supply accurate and up-to-date information to NSWALC members and the broader community of media, educators and students. The website will detail NSWALC's objectives, resources and contact details, will keep indigenous people abreast of LALC activities and supply community service information such as consumer and legal advice and upcoming grants and courses specifically targeted at indigenous people.

A quarterly **magazine** (Pen -Wurru) is also being created for distribution to LALC members. The magazine will provide human interest stories, promote the work and achievements of NSWALC and serve to reach those people and communities who may not be comfortable with or have ready access to the Internet. The first issue is scheduled for distribution in mid December, 2001.

The **NSWALC information packs** will be ready for distribution by the end of the year. The information packs aim to teach the broader community - especially students and educators - about the Land Council Network and the people it represents. They will detail the history, reveal the facts and dispel myths about Aboriginal culture and life in NSW.

Service Standards

In September 2000, partly in response to recommendations flowing from the ICAC's work on potential corrupt practices, NSWALC management agreed to develop a set of service standards for both internal and external clients so as to ensure that matters such as complaints, general correspondence and requests for information, for example, were dealt with in a consistent and more timely manner. Following the completion of the staffing and structures review in late 2001, further work on service standards will be undertaken.

Accounts Payment Policy & Practice

During the previous reporting period, a number of measures were adopted to improve the timeliness of payment of accounts. As a result, it is now Unit policy to process all accounts received within 14 days of receipt so as to ensure receipt of payment within 30 days by at least 90 per cent of creditors.

During the current reporting period, NSWALC has taken a number of further steps to expedite payments. The most notable of these has been encouragement of regular service providers to register for EFT payment of their accounts, making prompt payment more readily achievable for our most regular suppliers and service providers.

Risk Management/Insurance

NSWALC holds the following insurance:

| Name of Insurer | Type of Policy | Sum Insured \$ '000 |
|------------------------|---------------------------------------|----------------------------|
| Elders | Umbrella (anything not covered below) | 20,000 |
| | Industrial Special Risks | 24,500 |
| | Motor Vehicle (80 vehicles) | Replacement |

| | | |
|--|---------------------------------------|--------|
| | | Value |
| | Professional Indemnity, D&O liability | 20,000 |
| | Personal Accident | 200 |
| | Machinery Breakdown | 50 |

Occupational Health & Safety

Since joining the Human Resources Section as the Occupational Health, Safety & Rehabilitation Co-ordinator in August 1999, Mr Laurie Coleman has continued to work through a series of improvements to OH&S policy and practice within NSWALC.

The adoption of all of the various recommendations made by Mr Coleman in his report to Council has resulted in a far higher level of compliance with relevant legislation. All 28 of the recommendations were put into practice during the current reporting period and the results are measurable improvements to the number of claims and far improved handling of claims, resulting in more positive outcomes.

All documentation required under relevant legislation is now current and its existence well known to both management and staff. The key documents produced in support of the NSWALC OH&S policy are:

- Occupational Health, Safety and Rehabilitation Policy
- Accident/Injury Reporting System
- Accident Investigation Procedure
- Workers Compensation Claims Procedure
- Return to Work Program for Injured Workers

In 2000/2001, there was no increase in the number of Work Related Injuries/Illnesses (15) reported, compared with the previous year. However, there was a 40 per cent decline in the number of workers' compensation claims arising out of the reported injuries/illnesses compared to the previous year, indicating a decline in the seriousness of injuries reported. Completed cases which involved rehabilitation and/or return to work plans were on par with the previous reporting period. Refer to Tables 1 - 3 below.

| Table 1 | |
|---|----------------------|
| <u>WORK RELATED INJURY & ILLNESS</u> | <u>Number</u> |
| Number Reported | 15 |
| <u>Nature of Accidents</u> | |
| Slips, Trips & Falls | 4 |
| Striking Object | 5 |
| Motor Vehicle Accident | 3 |
| Mental Health (Depression/Anxiety) | 1 |
| Spills (Hot Liquid) | 1 |
| Occupational Overuse | 1 |
| Total | 15 |
| <u>Where Injuries Occurred</u> | |
| At the workplace | 6 |
| At recess away from the workplace | 2 |
| On the journey to/from work | 2 |

| | |
|---------------------------------|-----------|
| At work on a break | 1 |
| At work away from the workplace | <u>4</u> |
| Total | 15 |

The Human Resources section manages all aspects of workers compensation claims, rehabilitation/return to work plans and has established an ongoing working relationship with GIO, the workers' compensation insurer for NSWALC.

| Table 2 | |
|---|----------------------|
| <u>WORKERS COMPENSATION CLAIMS</u> | <u>Number</u> |
| Claims brought forward from 1999/00 | 6 |
| New Claims this reporting period | <u>6</u> |
| Total | 12 |
| Claims status at 30.9.01 | |
| Claims finalised | 2 |
| Claims declined/under investigation | 3 |
| Claims accepted & continuing | <u>7</u> |
| Total | 12 |
| Open claims carried forward to 2001/2002 | 10 |

| Table 3 | |
|---|----------------------|
| <u>REHABILITATION & RETURN TO WORK PLANS</u> | <u>Number</u> |
| Cases brought forward from 1999/00 | 5 |
| New cases this reporting period | <u>2</u> |
| Total | 7 |
| Cases completed | 5 |
| Cases continuing & carried forward | <u>2</u> |
| Total | 7 |

Financial Statements

[Available in printed Annual Report]

Access

[List of LALCs]