



The 2011 NSW Aboriginal Land Council Conference

Debate on hot topics

By KIRSTIE PARKER



THE spectre of possible local Aboriginal land council (LALC) amalgamations, reforms around the management of LALC-owned social housing, and the value of participation in international forums were amongst hot topics at the 2011 New South Wales Aboriginal Land Council (NSWALC) Conference earlier this month.

The state-wide gathering held at Lovedale in the Hunter Valley from 5-7 April attracted representatives of more than 100 LALCs, NSWALC councillors and staff, and high-profile guest speakers.

The new State Aboriginal Affairs Minister Victor Dominello sent his apologies but Federal Shadow Minister for Indigenous Affairs Senator Nigel Scullion attended.

A welcome to country opened the conference, followed by the screening

of a moving DVD called *Reflection on Land Rights Defenders*, which honoured early land rights campaigners nominated by land councils.

Introducing keynote speaker Professor James Anaya, the United Nations (UN) Special Rapporteur on the rights of Indigenous People, NSWALC Chairperson Bev Manton declared the UN 'one of the most powerful ways to look after our human rights'.

Last year, Prof Anaya issued a report critical of Australia's treatment of Aboriginal and Torres Strait Islander peoples' human rights. While he praised Australia for the national apology to the Stolen Generations, its belated support for the UN Declaration on the Rights of Indigenous Peoples and some Close the Gap initiatives, he expressed serious concerns about core elements of the Northern Territory Intervention, the failure of many government programs to advance Indigenous self-determination, and a lack of support for Indigenous people in securing land and heritage sites.

During his conference speech, Prof Anaya spoke of challenges in ensuring

that the UN Declaration was now implemented in domestic policy and processes. And he urged conference delegates to look beyond their own jurisdictions and take an interest in the rights of Indigenous peoples around the globe.

Considerable discussion at the conference related to the sustainability of the land rights network, especially in light of growing demands for improved governance and training, under-performance by some LALCs, and pressure on NSWALC's state investment account, which currently stands at \$551 million – about \$10 million less than in the midst the global financial crisis.

Underpinning this was a NSWALC discussion paper 'The Sustainability of the NSW Aboriginal Land Rights Network', distributed at the end of last year.

Prior to the NSW State Election, then Shadow Aboriginal Affairs Minister Kevin Humphries flagged a shakeup of the Act and land council network. It is not known if Mr Dominello shares Mr Humphries' view but NSWALC has acted to head off any review of the network earlier than that already planned for February next year. Last month, it distributed a policy document 'Our Land, Our Rights' to background members of the new O'Farrell Government and other MPs.

The NSWALC discussion paper on sustainability advances seven options including a possible new funding formula for LALCs that takes account of need and rewards better performance (rather than allocating \$130,000 annually to each LALC); insisting that government pay for the costs of its extra demands on the network; encouraging LALCs to share resources with each other and consider voluntary amalgamations; and limiting approval of community benefit schemes to those that have been business plan feasibility tested.

Ms Manton told delegates that she and her fellow councillors 'could have taken the easy option and done nothing, like a lot of mainstream politicians'.

● Continued next page



JAMES ANAYA



Jean Pasfield (Aboriginal Housing Office), Ricky Lyons (Metropolitan LALC Chairperson), Leon Apostle (PARS team, Aboriginal Housing Office), Stanley Tsol, and Janice Dennis (AHO, Sydney south-eastern region).



NSWALC Chairperson Bev Manton, (third from right) with the *Tracker* team Brian Johnson Shyamla Eswaran, Chris Munro, Amy McQuire and Chris Graham.



Paulette Whitton during a Koori Radio broadcast from the conference.



Senator Nigel Scullion, Lois Towney and NSWALC councillor William Murray.



Bessie Malcolm and Marie Johnson with Wagga Wagga LALC's Recognition of Sound Governance award.



NSWALC CEO Geoff Scott



Joanna Carr, from Wellington.



NSWALC council support officers Melissa Bolt from Lismore, Priscilla Mason from Karuah and Ruth Dane from Nowra.

Delegates speak out

● From previous page

"But we've put the issues on the table and want some direction from you," she said. "We're not asking you to rush this but we need to move this debate forward... The future of the sustainable network is in our hands and I'm sure that is appreciated by everyone (here)."

Nevertheless, there was considerable debate on some of the reforms mooted.

South coast stalwart Pastor Ossie Cruse described the discussion paper as 'excellent' but said the fundamental problem was that the *Aboriginal Land Rights Act (NSW) 1983* had never properly compensated Aboriginal people.

He said a sunset clause, which saw the State stop contributing to NSWALC's coffers in 1998, was neither just nor fair and the state body should renegotiate it.

Pastor Cruse's comments were echoed by Nathan Moran, of Birpai LALC, who ventured that Aboriginal people had fewer rights now than 20 years ago when NSWALC began attending UN forums.

"If you want to keep our network alive, why don't you go

back to government and get a fairer deal – with a bigger percentage of GDP – not keep us fighting over crumbs?" Mr Moran said. "Call it rent money."

"Why are LALCs the problem?" asked another delegate. "Relying on cutbacks, as the discussion paper does, is only short-term."

"NSWALC spent more than half a million dollars on financial advice last year. For what benefit? Why don't we look at economic development for NSWALC?"

Another delegate asked where NSWALC was trying to reduce its own costs.

And there was strong resistance to the suggestion of LALC amalgamations.

"That idea has got to be stopped," said Alan Lamb, of Goodooga LALC. "The network should be strengthening our remote communities."

"...Sometimes the only opportunities they get is through their LALC. If you move the LALC out of the community... why break the heart of a community of people?"

Andrew Smith, from Worimi LALC at Port Stephens, pleaded for an end to apparent division between coastal LALCs and those



Magistrate Pat O'Shane spoke at the conference dinner.

Photo courtesy NSWALC

in the bush. And he queried NSWALC's role as either an advocate for or a regulator of land councils. "You need to pick a side," he said.

NSWALC CEO Geoff Scott, however, was unapologetic. It was better that NSWALC lead tough discussions than government or bureaucrats, he said.

"NSWALC performs both roles (as a regulator and an advocate)," Mr Scott said. "We have to be mature enough to accept that



Pastor Ossie Cruse, from Eden, with NSWALC councillor Stephen Ryan.



because, if NSWALC doesn't do it, someone else will. Why do people have issues with us being a regulator? People always seem to want to defer to the white master... If you don't provide the advice or the solutions, the bureaucrat must. That's his job."

There was also discussion on how LALC social housing could remain affordable in the new legislative and policy environment. The land council network collectively owns and manages more than 2500 houses across NSW, many of them overcrowded and in disrepair. LALCs continuing to operate social housing schemes are required to demonstrate financial capacity and that their schemes are fair, equitable and properly administered.

They're being encouraged to

consider handing management of their housing stock to the Aboriginal Housing Office (AHO). Under a head lease arrangement, LALCs would retain ownership of their houses but AHO would be responsible for repairs and maintenance. This suggestion, too, generated debate.

One delegate asked what would happen if LALCs decided not to sign management of their

houses over to AHO.

"We've got the noose around our neck again because one way or another, we're going to lose what was given to us by the lands trust: land and housing," she said.

NSWALC's Elder and youth advisory committees also met during the conference. Other sessions included a think-tank on economic development, the official launch of the NSWALC

council elections to be held later this year, and discussions on finances/financial literacy, culture and heritage reform, NSWALC audits, community benefit schemes, and land dealings.

The conference dinner at the end of day two gave delegates an opportunity to relax. It featured a strong speech by outspoken Aboriginal magistrate Pat O'Shane, and the official launch of *Tracker*, a NSWALC magazine which Cr Roy Ah See described as 'a modern day message stick'.

The team behind *Tracker* includes the former core editorial staff of the *National Indigenous Times*. The 'rights-based publication' will explore issues affecting Aboriginal people in NSW, and will be distributed free to the land council network.



Enid Clarke (Young LALC), Courtney Davy (Leeton and District LALC) and Bev Johnson (Griffith LALC) at the dinner



Chantal Tanna (Mindaribba LALC) was there with daughter Kiata Griffiths, aged eight weeks.



Neville Simpson, from Eden, Christine Stewart, from Nowra, and Annalise Mumbler, from Bodalla, at the conference dinner.